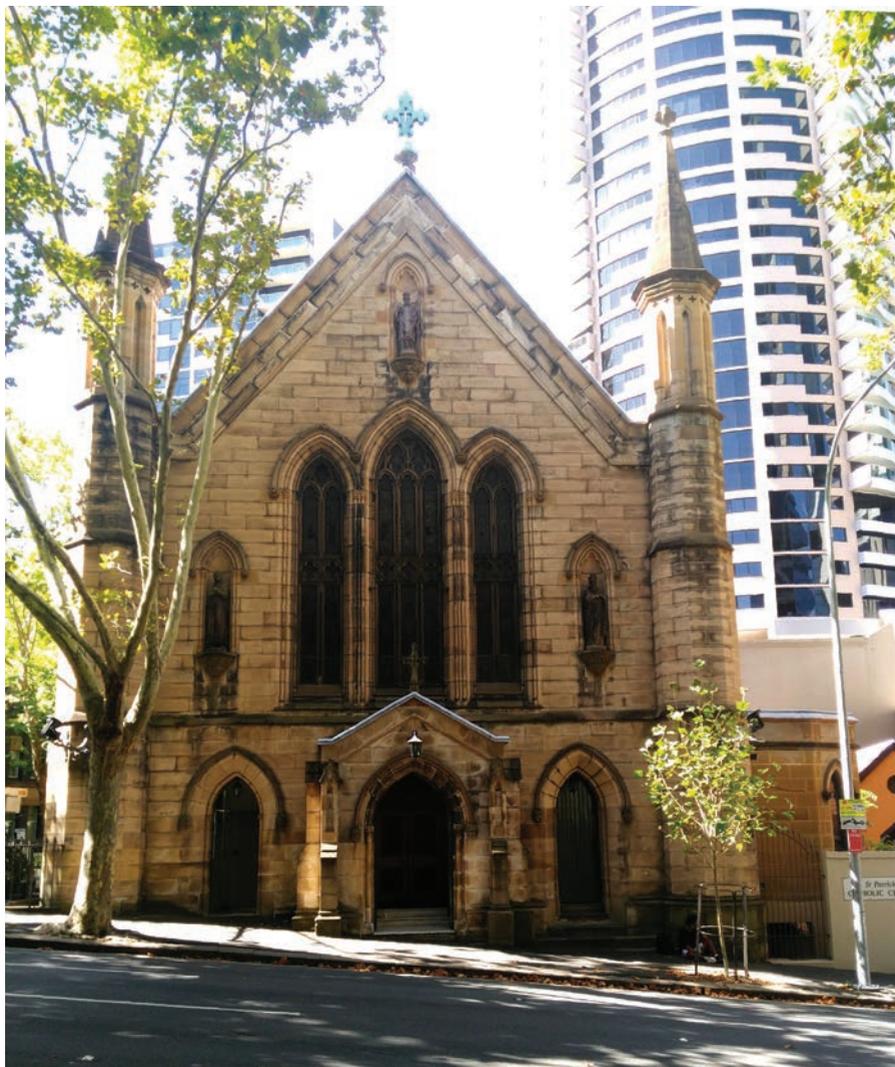


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SYDNEY, CENTRAL AUSTRALIA AND THE WEST: FIELDS OF CATHOLIC ENDEAVOUR



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St Patrick's Church Hill. Sydney

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See article page 93

The ACHS meets monthly in the crypt of St Patrick's

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ARCHDEACON JOHN McENCROE: AN ARCHITECT OF THE AUSTRALIAN CHURCH

Edmund Campion*

All the oppressed, those in distress, all those in debt, anyone who had a grievance, gathered round him and he became their leader.

(Sam. 22.2)

Fellow students of history,

I want to start with a reading from my friend Tony Doherty's recent book *The Attachment*, a collection of emails between Tony and the actor Ailsa Piper. He tells of his visit to the village of Derryveagh in Co. Donegal (Ireland), where his paternal grandparents had been evicted by their landlord in the Famine years, and he praises the man who helped them survive. Tony writes:

... 'His name was John McEncroe, an Irish priest regarded as a hero by Sydney's Catholic community. He set up the Donegal Relief Fund, enabling James and Mary [Tony's grandparents] to escape the Letterkenny workhouse (where they would surely have died), and travel to Australia.

More than a century later, I was appointed Dean of Sydney's St Mary's Cathedral, only to discover that McEncroe's grave lies in its crypt.'

John McEncroe came to Sydney in 1832, aged 37. Who was he? He was a son of Tipperary land holders whose father died when he was two. His mother married again, one of his half-sisters later becoming a Sister of Charity in Sydney. John was ordained from Maynooth College and then spent seven years in the diocese of Charleston, South Carolina (USA) returning to Ireland for health reasons. There, he was recruited by John Hubert Plunkett to go with him to New South Wales as government chaplain. Plunkett was a member of Daniel O'Connell's Catholic Association that had won Catholic Emancipation in 1829, and so as a Catholic he was now able to be appointed Solicitor-General of New South Wales and then Attorney-General.

* Edmund Campion is a Sydney priest, and emeritus professor of history at the Catholic Institute of Sydney. This is the text of his address to the Australian Catholic Historical Society on 18 Feb 2018.

His prosecution of the murderers of Aborigines at Myall Creek would be his finest hour. For his part, McEncroe had been close to the Bishop of Charleston, John England, and could speak of the bishop's ideas about what we would call inculturation, such as his democratic diocesan constitution that gave the laity a say in church decision-making.

So when he came to Sydney, McEncroe was already a seasoned pastoral priest with experience of what was needed in a fluid missionary church. He took stock of the situation and a few weeks later wrote a letter to the Archbishop of Dublin: 'The Holy See should provide this place with a bishop.'



Archdeacon John McEncroe

Which is what happened three years later, with the arrival of Bishop John Bede Polding, an English Benedictine, then aged 40. Polding had a dream of an all-Benedictine church – the whole continent being missionised by monks travelling the land with sacramental necessities in a pack on their backs, as in Dark Ages Europe.

In those years, a black cloud of convictism hung over Sydney—as chaplain, McEncroe attended in his first three years 75 hangings. No wonder he drank! When the thirst came on him, you couldn't stop him; he would climb out the window and go in search of a drink. Polding, who lived with him at St Mary's Cathedral, could see shipwreck ahead. Years later, McEncroe acknowledged that it was the bishop who had shown him how to master his addiction. Thereafter, he refused all stimulating drinks: alcohol, coffee, tea... Water only. He became a temperance advocate and a friend to any priest similarly addicted.

The recovered alcoholic volunteered to care for recidivist convicts on Norfolk Island. McEncroe was there for four years, finding his friends among the convicts and gaining a close knowledge of the convict system, which enabled him to write about changes to the system.

On Norfolk Island he also wrote a work of apologetics, *The Wanderings*

of the Human Mind in 'Searching the Scriptures'... (short title). One after the other he examined the lives, rather than the theology of some forty men whom some call reformers but the Catholic Church calls heretics. These are unflattering portraits, *ad hominem* attacks, as he quotes reformers against each other. A footnote to the chapter on Martin Luther gives the tone:

I regret the necessity of being obliged to copy the coarse, vituperative and unchristian language which these reformers used towards each other.

Read today – there are copies in the Veech Library at Strathfield but not in the State Library – the book feels like a collection of newspaper columns by a writer who saw little that was good in his subjects.

Well, John McEncroe was a newspaper man. Bishop England in Charleston (USA) had seen, at the beginning of the age of public opinion, that a Catholic newspaper was needed if the Catholic voice were to be heard in the national conversation; and he founded *The United States Miscellany*, the first Catholic paper in the United States. When McEncroe joined him, he made the young Irishman the editor of his paper. McEncroe learned to write by writing.

So in Sydney, when some laymen spoke of the need for a Catholic paper, he joined them, putting his money into their venture and, for a time, his skills as an editor. Thus he was led to begin, in 1850, *The Freeman's Journal*, a paper that would last until 1942 and which will come back into this story. Starting it, McEncroe said,

My sole object as a priest and as an Irishman is to establish a paper which will be soundly Catholic and at the same time liberal in its general views and Irish in its sympathies.

It was widely read all over Australia. Here's an example: Growing up in Warrnambool on the southern Victorian coast, a young man with a Catholic background used to read it at the local presbytery. He was J F Archibald, founder of *The Bulletin* (which for over a century was a central part of our weekly journalism) and benefactor of the Archibald Prize for portraits and the Archibald Fountain in Hyde Park, Sydney. In his memoirs, written at the end of his life, he recalled his visits to the Warrnambool presbytery and his discovery of McEncroe's *Freeman's Journal* there. Archibald called *The Freeman's* 'that cradle of Australian literature'. It is no surprise that when *The Bulletin* started it was printed at *The Freeman's Journal*.

In *The Freeman's Journal* McEncroe was happy to address public questions. As well, like his mentor Bishop John England, he would speak at public meetings, where audiences liked his Irish wit, swashbuckling style and passion for social justice. When transportation of convicts to New South Wales ceased, in 1840, the squattocracy continued to argue for the re-introduction of this cheap labour. McEncroe became a main speaker against this. He knew what being a convict meant.

These were busy days for McEncroe for, apart from his pastoral duties, he was director of education in the archdiocese, which meant meetings, interviews and correspondence. He continued to seek Irish pastors for the largely Irish flock and in 1851 - by now Archdeacon - wrote to the Pope saying that English bishops could not attract Irish priests. Irish people in Australia wanted Irish priests and Irish bishops, as McEncroe kept saying in his letters.

As time went by, an increasing number of talented laymen arrived in Sydney, loving the church and hoping for a say in its direction. *The Freeman's Journal* became the organ of their discontent but Polding and his brother bishops in Melbourne and Hobart disliked its cheeky tone. They issued a warning, a *Monitum Pastorale*: such men they wrote, were 'following in the footsteps of Luther and other authors of heresy ... they hold Bishops in honour and condemn Episcopal rule'. There were gatherings of the clergy and gatherings of the laity. They said they wanted a fair go for the Irish secular clergy and religious orders for the schools .

Their discontent fastened on Henry Gregory OSB, a brash, some would say bumptious, young man whom Polding had brought out with him from England and whom he soon made his Vicar-General. Gregory enforced Polding's pastoral plan with enthusiasm, careless of the consequences. People loved Archbishop Polding, they recognised his holiness and named their sons Bede after him; but Gregory paid the price for the holes in his pastoral plan. Polding and Gregory were overseas in the mid-fifties, leaving an auxiliary bishop in charge. Alas, within weeks, he died. What to do? The clergy elected McEncroe to run the diocese, which he did for 18 months. But when Gregory returned, he reversed many of McEncroe's decisions. This became known.

One example will suffice of growing hostility to Benedictine rule. At the new University of Sydney, founded in 1850, the government offered

the Church land to build a Catholic college, called St John's. Subscribers to the college building fund would elect the college fellows. Polding let it be known that he would choose the fellows; but in that democratic age subscribers refused to be told who to vote for. Five hundred of them met and elected a council of fellows, clerical and lay with McEncroe heading the clergy list. The Archbishop would be named 'Visitor' but the direction of St John's College would remain in the hands of the elected lay fellows, as it remained until just the other day.

The fellows of St John's sent McEncroe overseas to find a rector for their new college. He would be away for some sixteen months and his absence meant that the dissident laity went ahead without his steadying hand. As with John Henry Newman in England when Acton and Simpson were under episcopal attack for *The Rambler* at this time, McEncroe deplored the bad manners of *The Freeman's Journal* set but he refused to abandon them because he thought that at heart their Catholicism was sound. His absence overseas meant that, in John Hosie's phrase, the year 1859 would be a 'Year of Crisis' in Sydney. (John Hosie's paper on this offended senior members of the Australian Catholic Historical Society who organized a day of rebuttal against it. His book *Challenge: The Marists in Colonial Australia* is a fine work of history, worthy to stand alongside Mary Shanahan's *Life of Gregory*, and Frances O'Donoghue's *Life of Polding*. In 1954–56 the *Australasian Catholic Record* published ten chapters of a biography of Archdeacon McEncroe by Father Roger Wynne which is valuable as a record of an oral tradition of Australia's Irish clergy.

The year 1859 had opened with Vicar-General Gregory's appointment of Dr Bassett, a Protestant, to the board of the Catholic orphan school in place of Attorney-General Plunkett, who was retiring. What! trumpeted *The Freeman's*, was no Catholic man found to fill this place? Had Gregory lost his senses? Was he really sane? This was treason to the Catholic community, it headlined. Three days later, a rowdy meeting at the Victoria Theatre passed a vote of no-confidence in the Benedictine administration, asking for a committee of 'dignitaries of the Church' to advise the government on Catholic affairs. (Daniel Deniehy's fiery speech at this meeting, targeting Gregory by name, can be read in the first volume of Patrick O'Farrell's documents.)

Gregory's response was sudden: he had Polding threaten the instigators

of the protest with excommunication; whereupon, with the exception of Deniehy, they withdrew. They went ahead, however, with an appeal to Rome, to which Cardinal Barnabò of Propaganda Fide in Rome replied with his customary suavity, saying that as yet their remonstrance could not be considered because it was lacking the correct canonical form but, to show his sympathy, he sent them three papal documents for their better instruction. Have no doubt about it, Barnabò's eye was now on Sydney. Soon he would have McEncroe in Rome, to answer any questions; although Bishop Goold of Melbourne, an Augustinian, would be there too, to counter him. Meanwhile, Polding began to write a letter to Cardinal Barnabò and his pen ran away with him. Polding's draft letter, which is in the Sydney Catholic archives, can be read in Delia Birchley's *Life of McEncroe*. The word 'schism' appears three times in his draft to describe the mentality of *The Freeman's* set and he badmouths the editor, J K Heydon, as 'a man of some talent, but illiterate, of low origin and social position'. Elsewhere, he would call Heydon 'a Catholic in name only ... an infidel ... a disciple of Voltaire'. Polding requested Barnabò to take action against McEncroe. But the archdeacon had already sold his shares in *Freeman's* on instructions from Rome. Happily, by the time the archbishop sent his letter to Rome, his draft, while still very angry, had been sanitised. The unsanitised version, however, shows how the affair had destabilised him.

While the Archbishop was writing his letter to Rome, another storm blew up to threaten his equanimity. One day an Irish priest, visiting the new St Vincent's Hospital, noticed some Protestant books in the ward. Judging them out of place in a Catholic hospital, he removed them. Another row. It led to Sister de Lacy, rectress of the hospital and the last of the original band of Sisters of Charity, going back to Ireland, where she was listened to. In Sydney, the Sisters of Charity and their hospital were treasured by Irish Catholics, so this was another cause of complaint against the English Benedictines, especially Gregory.

By this time people, even bishops, were murmuring that Gregory had to go. Power, we have been told by Lord Acton, tends to corrupt; and a Vicar-General is a powerful man. Being Vicar-General seemed to go to Gregory's head—corrupted him, if you like. He pushed people around, so that they blamed him for the defects in Polding's Benedictines-first pastoral policy. In this circumstance, Rome turned to William Bernard Ullathorne, Bishop

of Birmingham, formerly Polding's first Vicar-General. Would he go back to Sydney on a canonical visitation Rome asked? No, but he would write a report, which Bill Wright, now the Bishop of Maitland-Newcastle, discussed in Neil Brown's collection *Faith and Culture*, no 13. Ullathorne's remedy for the mess in Sydney was simple: sack Gregory; and if that did not work, sack Polding. So it was done. Gregory left Sydney early in 1861. Polding blamed the Irish; he blamed the French Marist Fathers at Hunters Hill; he blamed McEncroe. Although he had his suspicions, he never knew that his fellow Benedictine and former novice, Ullathorne, had fashioned the stiletto that cut his heart out. Ahead of him lay a lonely old age and he seemed at times to be close to a nervous breakdown.

Let us return to McEncroe.

In his long year away from Sydney, McEncroe would be busy talking up his pastoral plan of missionising Australia with Irish secular priests and bishops. When Father Hand had started All Hallows seminary, in 1842, both McEncroe and Father Therry had each pledged to pay the annual pension of six Irish students for the Australian mission. English Benedictines were unwilling to go to Australia, but Irish secular priests were eager to go there. By the end of the century, All Hallows had sent some 450 priests to Australia. In Dublin, McEncroe spent many evenings telling the students what lay ahead of them in the antipodes. He also told priests they should bring their landless people south – one of these was Father Lanigan, of Clonmel in Tipperary, who did this. He became the second bishop of Goulburn. Of course McEncroe made contact with Cardinal Cullen of Dublin, overlord of the farflung Irish ecclesiastical empire and a master of church politics. In Rome, McEncroe recruited Cullen's nephew, Patrick Francis Moran of the Irish College, to alert curial officials to the true state of the Australian Church.

Half a century later, in his gargantuan history, Moran, now Cardinal Archbishop of Sydney, would write a cruel sentence about the first Archbishop of Sydney and his pastoral plans.

His seminary failed, his college failed, his religious community failed, his Monastic Cathedral failed, his long cherished scheme of setting the seal of the Benedictine Order on the whole Australian Church melted away like an ideal dream.

This is a dazzling sentence, brutal in its Irish triumphalism, a summing up

of the case for the prosecution. Dom Birt of Downside would reply for the defence in his *Benedictine Pioneers in Australia*.

Now, when bishops were selected for new dioceses – James Quinn, Brisbane (1859), Bonaventure Geoghegan OFM, Goulburn (1864), Matthew Quinn, Bathurst (1865), James Murray, Maitland (1865), the Quinn brothers and Murray being proteges of Cardinal Cullen – Rome did not bother to consult the Archbishop of Sydney, he was yesterday's man.

In his year away, McEncroe did other things. He contacted the Sisters of Mercy to invite them to Sydney and when, some years later, they arrived, he looked after them. (He would look after them too in his will, and the Sisters of Charity, and St John's College. Not the Benedictines.) In Dublin too he brought out a second edition of his *Wanderings* book, dedicating it to the seminarians of Maynooth and All Hallows – perhaps that was meant to keep the needs of the Australian Church before their eyes.

When McEncroe returned home from overseas, he found the atmosphere at St Mary's somewhat chilly; so he moved out to St Patrick's Church Hill. This was still part of the cathedral parish and he was not the Parish Priest, as the Archbishop told him. At St Pat's, however, he was living among his own people who recognised him as the leader of their tribe, the 'Chief Druid' as impertinent Australian priests used to call senior Irishmen. I've mentioned the Donegal Relief Fund, as an instance of his charitable nature. He was a soft touch, whether you were in need of a few bob or were a wayward priest. One example of his ready generosity from his early days will suffice.

Angelo Confalonieri was a young North Italian priest whom the madcap Bishop of Perth, John Brady, had recruited. The bishop sent him via Sydney to open a mission in the far north of the Perth diocese, giving him what he said was a cheque to buy agricultural tools – it was no more than a scrap of paper which no bank in Sydney would recognise. So the missionary went to see McEncroe, who staked him to one hundred pounds. (The agricultural tools and Father Angelo's missionary companions were lost in a shipwreck in the Torres Strait; but that is another story.)

As an old man, McEncroe liked to reminisce about the day, in 1838, he was saying Mass in the cathedral when a coterie of Irish secular priests walked in from their ship in the harbour – the men of '38, as historians call them, fathers of the future Australian church. If Benedictines would not come here, to realise Polding's dream, then secular priests and bishops after

them must be sought in Ireland or the faith would be lost. John McEncroe was an architect of this future church.

So we come to the archdeacon's death – 22 August 1868. Many of the bishops were in town, planning a synod. They joined Polding at McEncroe's deathbed. Mother McQuoin of the Mercy Sisters was there too, and Scholastica Gibbons of the Sisters of Charity. Behind them were rows and rows of his people, Catholic and non-Catholic, who had been coming there all week to farewell their *soggarth aroon*, their own dear priest. Before he went, he had one last request of Archbishop Polding – would the archbishop place at St Patrick's Church Hill the Marist Fathers? The archbishop said yes. It was the final touch to McEncroe's plans for the Australian church.

And so we salute this architect of that church, in this his sesquicentennial year.

**LEWIS HARDING, CATECHIST AT NORFOLK ISLAND PENAL
SETTLEMENT 1838–1842**

Colin Fowler*

On 25 July 1840, the feast of St James the Great, foundation stones were laid for the building of the first churches, Anglican and Roman Catholic, at the convict settlement of Norfolk Island, 1000 kilometres north-east of Sydney. The day was chosen to honour the patron saint of the Anglican chapel; the Catholic chapel was dedicated to the Blessed Virgin Mary and St Vincent de Paul, patron saint of prisoners because of his ministry among convicts sentenced to service on the French galleys. Sydney's Catholic newspaper, the *Australasian Chronicle*, gave an extensive report of the event, including an English translation of the Latin text inscribed on the copper plate attached to the foundation stone of the Catholic chapel:

The Foundation Stone
of this edifice,
in honour of the Most Holy Trinity,
and dedicated to the Blessed Virgin Mary and
St. Vincent of Paul,
was laid by Alexander Maconochie, R. N.,
Knight of the Guelphic Order of Hanover,
Superintendent of Norfolk Island,
the sacred rites
having been performed by the Rev. John McEncroe,
assisted by the Rev. P. Farrelly and J.A.H.I. Harding,
under the authority of
the Right Reverend John Bede, Bishop
and Vicar Apostolic
of New Holland and Van Diemen's Land,
Sir George Gipps, Knight,
being Governor,
and Vicegerent of her Majesty,
Victoria, Queen of Great Britain,
whom may God long preserve.
25th July,
1840.¹

* Colin Fowler was parish priest of Pymont. His book *150 Years on Pymont Peninsula: The Catholic Community of Saint Bede 1867–2017*, was reviewed in *JACHS* 37 (2).

The only name in the text not accompanied by a title is that of 'J.A.H.I. Harding'. The first two initials stand for 'Johannes Aloysius', the 'H.I.' remains a mystery.

John Aloysius Harding, known in the family as Lewis, the English form of Aloysius, was the first son of John Cooke Harding and his wife Mary Trelawny. He was born on 13 April 1807 in London and baptised at the Catholic chapel of St. Aloysius in Somers Town. Both parents were Catholic converts. Mary, daughter of the Reverend Sir Harry Trelawny, seventh baronet Trelawne, had converted at an early age through the influence of an émigré French priest sheltered at Trelawny House near Polperro, Cornwall. The baron, an Anglican priest, would convert and be ordained at Rome in 1830 at the age of 64.

After his conversion, Sir Harry established a Catholic Mission at Trelawny and engaged an Irish Dominican, James Vincent Corcoran, as chaplain in 1831. In 1834 the Dominican friar volunteered to join a group of Benedictine monks from Downside Priory in Somerset, who were preparing to sail to New Holland. Heading the group was John Bede Polding, recently appointed Vicar-Apostolic of New Holland, Van Diemen's Land and the adjoining islands, and consecrated bishop of Hiero-Caesarea *in partibus infidelium*. On 20 February 1835 the Earl of Aberdeen, Secretary for the Colonies, wrote to the Governor of New South Wales, Sir Richard Bourke, informing him that 'the following priests have been selected, and will shortly take their departure for the Colony, viz.:- Revd. Dr. Polding; Revd. Mr. Cotham; Revd. Mr. Corcoran; Revd. Mr. Sumner ... Dr Polding will be accompanied by Three Students, Messrs. Gregory, Spencer and Kenny, who are in course of preparation for Holy Orders, but who are intended to act for the present as Catechists.'² When the missionaries embarked from Merseyside on 27 March 1835, the group had increased to include Revd. Mr. Clement Fisher, John Lewis Harding and a boy, John Gorman. Harding and Gorman were described as 'ecclesiastical students' by fellow passenger John Kenny in his 1886 history of Australian Catholicism.³

Harding kept a journal of the voyage, 'unaccountably missing' from Downside Archives.⁴ However, historian Dom Henry Norbert Birt in 1911 had gathered from the diary 'a few interesting details out of a mass of trivialities'.⁵ In the extracts can be sensed Lewis' excitement at being part of Bishop Polding's monastery-at-sea:

On Sundays, prayers in the Bishop's cabin, read out of *Garden of the Soul*, the *Venite Exultemus* sung and played on the piano, terminating with a meditation and an instruction by the Bishop, always 'veramente bella e propria alla nostra situazione'. In the evening the Compline and Litany of B.V.M. were sung with accompaniment. Also the Blessed Sacrament was kept in Mr. Fisher's cabin as long as he lived (about two months), where we met for night prayers, and afterwards in the Oratory that was made up.⁶

It was not all 'bells and smells' on board the *Oriental*; the ship was turned into a floating theological college, as described by Polding five weeks into the journey: 'I have commenced a course of Moral Theology with the young men; and the priests and myself hold a conference on the Sacraments three times each week.'⁷ The *Oriental* sailed through Sydney Heads on 13 September 1835. Harding concluded his journal: 'Anchored at 20 past 1 pm ... Mr Plunkett sent his carriage for Dr. Polding. At 3pm all went ashore. Dr. Polding was cheered by the sailors who were ordered to have their extra glass.'⁸

Life in Sydney for the ecclesiastical students involved continuation of theological studies as well as teaching in the school, which Polding established at his Woolloomooloo residence, and participation in the instruction of incoming convicts, which Governor Bourke had approved at the request of the bishop. Bernard Ullathorne outlined the process:

The catholic prisoners, who are about one third of those who arrive ... remain ten days in Sydney before they are assigned, for the purpose of obtaining religious and other instruction ... Our ecclesiastical students act as catechists ... and after they [convicts] have gone through a series of religious exercises and through a series of individual converse with the clergy, they then ... go through another series of instruction as regards their condition as prisoners ... After this they proceed to their assignment.⁹

Harding also assisted the Bishop in his administrative tasks, especially during Ullathorne's absence in Europe in 1837 and 1838. Nor did Lewis neglect his filial duties - on 30 April 1837, he shipped two cases of Australian butterfly and insect specimens to his father, addressed to 'J. C. Harding Esq., Trelawny, Polperro, Cornwall, care of Dr. Couch, forward by Capt. Rowett, per *Statesman*.'¹⁰

On 15 March 1838, Harding was mentioned in a letter from the Bishop to the Colonial Secretary, Edward Deas Thomson, 'in reference to the appointment of the Reverend Mr. Harding to be Catechist of the Roman Catholic Prisoners at Norfolk Island'. After requesting that Governor Gipps approve an annual salary of one hundred pounds, Polding stated that 'in the course of three or four months I shall be enabled to send a Priest to remain permanently at Norfolk Island'.¹¹

By this time the failure of the Catholics to provide a chaplain for the distant penal colony had become a source of great irritation to the Government. Within a few months after Governor Richard Bourke's arrival in December 1831, he had raised with Viscount Goderick the problem of the absence of any clergy on Norfolk Island.¹² Two years later it was Lord Stanley whom Bourke addressed:

I take the liberty of again bringing under the notice of H. M. Government a matter of the greatest importance to this Penal Settlement, namely, the absolute necessity, as solicited in former despatches, both of a Protestant and a Roman Catholic Chaplain for Norfolk Island, where there is now no minister of Religion. I have felt continued regret at my inability to supply this deficiency.¹³

Four years later there was still no resident Catholic chaplain. Two Catholic priests had been prisoners at the first Norfolk Island penal settlement, having been banished from Ireland following the 1798 rising: Peter O'Neil, 1801-1803 and James Harold, 1801-1808. Both were recruited as teachers while prisoners on the island, and they engaged in unofficial ministry among their fellow Catholic prisoners. The second penal establishment, begun in 1825 after a gap of 11 years, received only a few passing visits from Catholic clergy sent to assist condemned prisoners to prepare for their executions. In September 1833 Father John Joseph Therry, still under formal Government suspension, joined Judge James Dowling in sailing to the island for the trial of prisoners accused of capital offences. Following the sentence of death Therry was present at the execution of two prisoners, as reported in the *Sydney Gazette*: 'On Monday morning, at the hour of nine, the whole of the prisoners on the island were placed in front of the scaffold, about two hundred yards from it; at right angles with them the soldiers were all drawn out; Connor looked very frightened, they knelt down, the priest between them, and sang a long hymn, and then prayed some time.'¹⁴ On two separate

occasions Father Bernard Ullathorne performed a similarly grim task, in September 1834 and again in November 1835. It was the impact of these experiences that led him to write so alarmingly of the horrors of Norfolk Island and witness so effectively at the Molesworth Commission of the House of Commons in 1838. Ullathorne's major concern, shared by clergy, Secretaries for the colonies and governors, was with 'the great evil', his oblique reference to sodomy. In his autobiography he recalled:

Soon after my return to Sydney I placed the state of the convicts at Norfolk Island before Sir Richard Bourke, and strongly represented the great evil of their being locked up at night in the dark, without any division between the men and any watchman to control their conduct. I earnestly pointed out the necessity of partitions, lights, and watchmen under proper superintendence. But that was not effected until long afterwards, when the representations of Bishop Willson prevailed. But I put my attempt on record in my evidence before Sir William Molesworth's Committee in 1838.¹⁵

Ullathorne's principal reason for sailing to Europe in 1837 was the recruitment of clergy for the Vicariate of New Holland. He especially set himself the task of enlisting a chaplain for Norfolk Island. He engaged Father John Brady, an experienced missionary, and proposed his appointment to Lord Glenelg, who wrote to Governor Bourke with the good news: 'As Mr. Brady is intended to officiate at Norfolk Island, his salary of £150 per annum will be paid out of the Convict Fund.'¹⁶ In April 1838, the new Governor, Sir George Gipps, had disappointing news for His Lordship in London - Brady, who had arrived on the same ship as Gipps, casually informed His Excellency 'that the Roman Catholic Archbishop, instead of sending him to Norfolk Island, had appointed him to the do duty at Windsor'¹⁷. On demanding an explanation from Polding, Gipps was told that Mr. Brady 'was not aware, till he arrived in the Colony, of the confined range of Duty on Norfolk Island'. Polding tried to appease the affronted Governor by claiming he had another priest, who 'has long desired to retire to a situation less arduous than that which circumstances required him to occupy' and who would proceed to Norfolk Island 'in the course of a short time'.¹⁸ This priest was the Dominican Christopher Vincent Dowling, whose only desire was to stay put at Newcastle, where indeed he completed his days in 1873, dying at the age of 84.

It was in this awkward situation that Polding turned to Harding as an

interim solution for Norfolk Island, as Gipps reported to Glenelg in his April despatch: '[T]he want of a Roman Catholic Clergyman will be in the meantime the less felt, as Mr. Harding, a Catechist of the Roman Catholic Church, has been very recently despatched to Norfolk Island from Sydney.'¹⁹ Lord Glenelg was later informed by Gipps that two priests had sailed to Norfolk Island in August:

I have the honor to report to your Lordship that two Roman Catholic Clergymen, the Revd. Mr. McEncroe and the Revd. Mr. Gregory, were sent by their Bishop (Dr. Polding) to Norfolk Island in the Government Vessel, which sailed from Sydney on the 19th August last. I have sanctioned the issue of rations to both Clergymen, as well as to Mr. Harding the Catechist ... but it is distinctly understood that they are to have among them no more than the Salary of £150 authorised by your Lordship's despatch of the 2nd Oct, 1837.²⁰

Polding had asked for a stipend of £200 for the priests, 'which Stipend I believe the Revd. Sharp receives'. He based his application for the increase on the need to support two priests, there being a reluctance on the part of his clergy to be alone on the island, 'inasmuch as by reason of his distant situation he will there be deprived of the ministrations and Consolations of a Brother Clergyman'. Perhaps it was because of Gipps' refusal to grant the higher stipend, that the chaplains did not depart in August, as Gipps had informed London, but were kept back until 17 October: 'The brig Governor Phillip, for Norfolk Island. Passengers — The Rev. Messrs M'Encroe and Gregory, R. C. C., Mr Stewart, one officer, a detachment of soldiers, and seventy prisoners of the crown.'²¹

The prominence given to the name of Alexander Maconochie in the inscription of the chapel foundation stone was an expression of the honour in which he was held by the Catholic chaplains. He had been welcomed as a reforming superintendent of the penal colony of Norfolk Island, which over the past fifteen years had the reputation of being 'Hell in Paradise'.²² In a footnote to the *Chronicle* article, its scholarly editor, William Augustine Duncan, compared pre-Maconochie Norfolk Island to the Aegean island of Patmos, 'the penal settlement of ancient Imperial Rome, about twenty miles in circumference, just the size of its modern rival'.²³ The more usual comparison was with Gomorrah of the Old Testament.

The provision of the island's first places of worship was an early sign of

the changes Maconochie would bring. Governor George Gipps, not uncritical of the new superintendent's penal system, in his report to Lord Stanley following his much-delayed visit to Norfolk Island in March 1843, noted with approval the two chapels built by Captain Maconochie; he commented: 'though the erection of them without authority was made a matter of charge against him, I cannot but speak in terms of commendation of them, and bear witness to the humanising effect, which attendance at them seems to be producing in the minds of the Prisoners.'²⁴

In 1837 Captain Maconochie had accompanied Lieutenant-Governor Sir John Franklin to Van Diemen's land as his private secretary. Before sailing, he had been commissioned by the Society for the Improvement of Prison Discipline to report on the treatment of convicts. His report was published in London as a parliamentary paper and tabled at the Molesworth committee in 1838. His harsh criticism of official policy led to his dismissal by Franklin. However, the Select Committee was impressed with his proposed 'new system' and recommended that it be trialled. The Marquess of Normanby, Secretary for the Colonies in the new Whig ministry, proposed to Governor George Gipps that Maconochie be appointed as superintendent of Norfolk Island. Though doubtful of the new system producing any great results among the island's convicts, Gipps expressed 'great faith in the principles on which his experiments are to be founded'.²⁵

Those principles were succinctly expressed in Maconochie's address to the group of 199 Irish convicts who landed at the island with him and his family on 6 March 1840. In April the text was forwarded to the editor of the *Australasian Chronicle* by 'Nautilus', 'your obedient servant'. This was the first of many letters and documents sent to William Augustine Duncan during Maconochie's term of office from March 1840 to February 1844. The covering letter began and ended enthusiastically:

I enclose for you a copy of the 'Exposition', given by Captain Maconochie to the prisoners at Norfolk Island, of the practical working of his system. It explains in a few pages the end and object of his views on prison discipline. No reflecting man can doubt of its ultimate success ... A new era has certainly commenced where "no order, but perpetual horror, used to dwell" - one proof at least of the utility of trying 'the social system'.²⁶

Maconochie's 'exposition' set forth the object of the new system to improve

and reform the prisoners. There were to be two stages in this process – punishment for the past and probation or training for the future. Good conduct at each stage would be rewarded by the granting of ‘marks’, the accumulation of which would lead eventually to freedom; bad conduct would lead to loss of marks. The ‘mark system’ served both as a form of wages for labour and a fine for misbehaviour. The system provided hope and incentive for advancing from punishment to probation to ultimate release. The new system placed the fate of the prisoner ‘entirely in his own hands’. A final element led to the plan initially being called the ‘social system’ - the probation stage would involve forming prisoners into groups of six, who would be held ‘severally responsible for each other’s conduct and will gain or lose marks according to the behaviour of each’: ‘The superintendent trusts that, among all, it will restrain the evil-disposed, and give influence and authority to the well-disposed, beyond any other means that he can devise.’

He concluded his address with confidence in transforming Norfolk Island: ‘In conclusion, the object and purport of the whole system will thus be seen to be the conversion of this whole penal settlement from a scene of prolonged suffering, too often degenerating into a scene of aggravated and continued misconduct, into a field of moral reform and probation, for an early return to society.’ He also had a message of hope for the ‘old hands’ on the island, the doubly or triply convicted – he intended ‘at the earliest possible period’ to bring them under the new system.²⁷ He quickly pressed ahead with this commitment, despite not receiving government permission; it was a decision that led to his eventual dismissal and abandonment of the ‘Merits System of Penal Discipline’.

The Catholic newspaper the *Australasian Chronicle* was forthright in its support for the new system. The editor regularly published letters from ‘our Norfolk Island correspondent’ during Maconochie’s administration. Fr John McEncroe was the most obvious source of this regular reporting. Letters from the island sometimes carried a pseudonym: ‘Nautilus’ (5 March 1840, p 2; 3 April 1840, p 2); ‘An Eyewitness’ (17 March 1840, p 2); ‘Vivat Victoria’ (23 June 1840, p 2); ‘Vindex Junior’ (27 June 1840, p 2). ‘Nautilus’ was most likely the pseudonym of the deputy-surgeon, James Aquinas Reid, recruited by Maconochie more for his musical skills than for his medical prowess, and who arrived at the island aboard the ship *Nautilus* in company with the superintendent.²⁸ ‘Vindex Junior’ was possibly Lewis Harding, the

junior member of the Catholic chaplaincy team. McEncroe, the ‘esteemed correspondent’, also kept the *Chronicle*’s editor supplied with copies of Captain Maconochie’s regular addresses and ‘orders’ to prisoners. Within a period of three weeks, beginning on 29 August 1840, six such documents were published in the *Chronicle*.²⁹ Even though most Sydney newspapers abandoned support for Maconochie after his ‘indulgences’ to the convicts at the celebration of Queen Victoria’s birthday on 25 May 1840, the *Chronicle* and its Norfolk Island correspondents remained supportive.³⁰

However, the attitude of W. A. Duncan’s newspaper to the reforming superintendent underwent a dramatic change in 1842. Reports of the seizure of the brig *Governor Philip* by convicts in June 1842, during which one soldier and five convict-pirates were killed, led to an intensification of hostility in Sydney to the Maconochie experiment, and to a change of heart of his few remaining supporters. Even Duncan now expressed doubts about the new system:

We regret to state that the accounts of the relapsed state of this settlement recently published are but too well confirmed by the intelligence just received by the ‘Governor Phillip’ ... Indeed, from all we can learn, Captain Maconochie’s philanthropic effort is destined to terminate in a manner very different from that which every good man must have wished. For our own part, we can truly say our disappointment is great in the extreme.³¹

Duncan’s misgivings about Maconochie’s system had first been revealed in April:

NORFOLK ISLAND -We regret to learn, by communications from this settlement, that Captain Maconochie’s indulgence has been entirely lost on many of the hardened wretches there confined, and that robberies, violence, and unnatural crimes are now nearly as prevalent as they were under the old regime. It is thought even by those who were most friendly to the Captain, and the warmest supporters of his system, that he has pushed indulgence beyond the bounds of discretion.³²

In May Duncan repeated his growing concern in response to a correspondent, ‘Humanidad’, who defended Maconochie against the increasing criticism:

We are as anxious as Captain Maconochie himself can be to see the triumph of his humane system, which we believe to be the best ever

yet tried, but we cannot consent to a suppression of facts; and we are assured by a gentleman residing on the island, who is incapable of deceiving us, that on no occasion since the formation of the settlement 'have there been so many daring robberies as within the last few weeks'.³³

The 'gentleman residing on the island' was Father McEncroe, initially 'most friendly to the Captain'. In March 1842 McEncroe had written to Governor Gipps with misgivings, especially regarding the 'great evil'.³⁴ Duncan's disillusionment was compounded by a letter received from Lewis Harding and published in the *Chronicle* three days after the report of the attempted seizure of the brig 'Governor Phillip'. Harding concluded his saga of the mutiny: 'The game is up, if it be acknowledged there is any mischief in the atrocities daily perpetrated here, besides the present instance.'³⁵ The letter was published anonymously; its provenance was later explained by Duncan and Harding himself. Duncan stated that the letter had been sent by 'a resident on the island, to a gentleman in Sydney, who presented it to us for publication, requesting us at the same time to strike out the writer's name'.³⁶ Harding explained that he had sent it to a friend, 'who had been for some time in an official capacity' on Norfolk Island.³⁷ A likely recipient of the private letter was Dr Patrick Harnett, the Catholic surgeon on Norfolk Island at the time of Harding's arrival there in March 1838.³⁸

The impact of the publication of Harding's letter was summarised by Dr James Reid in a letter to a colleague in Sydney:

You must have seen the papers teeming with articles on the subject of the late attempt to seize the Governor Philip here. One of these was by its bombastic style supposed to be the production of the R. Catholic catechist of this place, who is remarkable for his flowery and absurd language. He admitted it partly and was instantly suspended and ordered off the island by Captain Maconochie. The Revd. Mr. McEncroe, R. C. Clergyman, was not a little indignant, and determined to proceed himself to Sydney to lay the case before Sir G. G. [Governor Sir George Gipps].³⁹

A week after the arrival of McEncroe and Harding back in Sydney in October 1842, it was the Vicar-General, Father Francis Murphy, who wrote to the Colonial Secretary in defence of Harding.⁴⁰

Father Richard Walsh, the assistant chaplain on the island, gave his

version of the affair in a letter to Father Patrick Geoghegan in Melbourne: Norfolk Island at present is in a very unsettled state. Captain Maconochie is sending Mr. Harding off the Island for writing an article in the *Chronicle* about the taking of the Brig. He has endeavoured to injure him in every way and even exposed his life to the fury of prisoners by circulating among them that Mr. Harding was their enemy and that he was writing against them. I hope he will pay for this, as Mr. Harding is to take an action against him. Rev. Mr. McEncroe is returning to Sydney by the same Barque and I fear he will not come back as he is disgusted with the old Captain's management of the prisoners, so that I am left alone to do the best I can.⁴¹

Harding did not take legal action, but he did continue a 'bombastic' exchange of letters with Maconochie in the *Australasian Chronicle*.⁴²

Back in Sydney, Lewis resumed his teaching at St Mary's Seminary, as recollected by Dr Frederick Milford in his memoirs. Reminiscing about his school days at St Mary's, he recalled that he and his brothers were 'principally instructed' by 'a Mr. Harding who had taken deacon's orders but could not be prevailed upon to become a priest'; 'he paid us every attention holding catechism classes and giving us good advice of all kinds'; 'Mr. Hardinge was a great favourite with all the family'.⁴³ It seems that Harding assisted at the Ipswich mission at some time between his return from Norfolk Island and departure from Australia in February 1846. In his 1846 shipboard journal he reported a table conversation in which one of the passengers spoke in praise of the splendid horsemanship of Father James Hanley, first missionary at Ipswich from 1844; Lewis added his personal memories of the young priest falling from a horse into a waterhole.⁴⁴

Sickness was a theme of Lewis Harding's life, and was perhaps the reason he did not persevere in his ecclesiastical vocation. Chronic illness seems to have set in after his return from Norfolk Island. Frederick Milford, who at the time of writing his memoirs was a renowned Sydney surgeon, recalled that it was about twelve months after the arrival of the Milford family in January 1843 that Lewis contracted rheumatic fever and that 'he was laid up during three months and after the fever left him he was crippled by heart affection having had a bad attack of pericarditis during the progress of his illness'.

His condition was noted in his own words during his brief role as

chronicler at St Mary's Monastery. His entry, dated 8 October 1845, began: 'Br Lewis, who commences this day to write this book is weak and sickly, recommends himself to the prayers of the reader'. Written vertically was the heading 'Sickness', and the whole entry took up the gloomy theme:

Revd. Mr. Hallinan taken ill and confined to bed.

Revd. Mr. Geoghegan at present dangerously ill from an inflammation of the lungs, occasioned by the heavy ministerial duties imposed upon him in consequence of the recent departure of the Revd. Mr. Walsh.

Lewis Duncan, 10 yrs old, formerly of the Seminary, son of W. A. Duncan, formerly editor of the Chronicle, died this morning of palpitations.

Bishop Pompallier who arrived here from New Zealand is beginning to recover from a dangerous attack of pleuresy [sic] which was thought very dangerous a few days ago.

The Revd. Young likewise has just escaped the jaws of death.

Dr. Gregory is also sickly and fainted last Sunday while making his speech at St Patrick's Meeting.

The next entry in the journal, dated 12 October 1845, was in another hand - Lewis' crabbed writing was replaced by a more florid style. On Monday, 16 February 1846, the chronicler recorded: 'The Archbishop and the Rev. Mr. Harding sailed for Europe in the *Ratcliffe*'.⁴⁵

There was speculation in newspapers about the reason for Polding's return to Europe so soon after his last visit. The Reverend John Dunmore Lang repeated one rumour in a ranting letter against papal ambitions in Australia and the Pacific: 'He has since been in Europe about five years ago and was made an Archbishop. He is now on his way thither again, for a Cardinal's or "scarlet coloured" hat, it is said, but certainly to strengthen and extend Romish influence with a view to Romish domination in these uttermost parts of the earth.'⁴⁶

The *Ratcliffe*'s departure from Sydney was announced early in January: 'FOR LONDON THE FINE SHIP RATCLIFF: James Gilbert, commander, has one stern and two side cabins disengaged, and carries an experienced Surgeon. For freight of wool, or passage, apply to the Captain, on board.'⁴⁷ Archbishop Polding booked the stern cabin for himself and Lewis.⁴⁸ The ship finally sailed on 16 February with five passengers, including Dr Dobie.

The cargo consisted of 2336 bales of wool, 1000 hides, 80 bags of bark, 36 casks of tallow, 2 tons of coconut oil, and 40 tons of bones and horns.⁴⁹

Two days before embarkation, advertisements appeared offering places on steamers which would accompany the *Ratcliff* to the Heads. One offer included onboard dancing:

DEPARTURE OF HIS GRACE THE ARCHBISHOP OF SYDNEY.

EDWARD BERMINGHAM begs to inform his friends and the public generally that he has engaged the fine steamer COMET, for the purpose of accompanying His Lordship outside the Heads, on Monday next. To leave the Circular Wharf at ten o'clock A.M.

Refreshments can be had on board on reasonable terms.

Double tickets 5s. 0d. Single tickets 2s. 6d. Children half-price.

A first-rate Quadrille Band will be in attendance.⁵⁰

Harding had begun writing his journal at St Mary's monastery the day prior to sailing.

On his arrival in England via Cape Horn in June 1846, Lewis was reported by the family doctor as having 'returned from a distant climate to Trelawny in a very imperfect state of health'. Dr Jonathan Couch, himself a renowned naturalist, devised a novel therapeutic regime for the invalid – observing and recording the habits and activities of the local rooks. Lewis undertook this programme over a period of twelve months, beginning in August 1847, making daily observations.⁵¹ The therapy resulted in his 'Life in a Rookery collected for Jonathan Couch' which the doctor had bound and treasured in his library. In a preface to the volume Dr Couch explained its origins as a prescription of 'a degree of occupation which should lay him under the necessity of constant attention, without inconvenience or anxiety'.⁵² Some years later Lewis turned to photography as a means of 'amusement', and perhaps as an extension of Dr Couch's therapy. He developed his hobby into a major occupation, producing a vast array of portrait and landscape collodion photographs at the Cornwall village of Polperro; he became celebrated as 'Cornwall's pioneer photographer'.⁵³

Lewis' health remained fragile; in 1870, Dr Couch's son, Dr Thomas Quiller Couch, described him as 'a great invalid'. However, he lived to the age of 86, dying in 1893; he was buried in the grounds of Sclerder Abbey, near Polperro, a convent founded by his family in 1843.

Endnotes:

- 1 *Australasian Chronicle*, 29 August 1840, page 4.
- 2 Earl of Aberdeen to Sir Richard Bourke, 20 February 1835 (*Historical Records of Australia*, [HRA] XVII.682-683).
- 3 John Kenny, *A History of the Commencement and Progress of Catholicity in Australia up to the Year 1840*, Sydney 1886, p. 68.
- 4 Philip Correll, 'Lewis Harding: photographer of Polperro', typed document, 1996 (Mitchell Library MLMSS 6119), p. 97. A recent email exchange with the Downside Director of Heritage, Dr Simon P Johnson, reveals the good news that the 125-page journal is not missing and is in fine condition, bearing the title: *Journal of the Passage from England to New South Wales in the Ship Oriental, Capt. Allen, in 1835*. A digitised copy has been provided to the author.
- 5 Henry Norbert Birt, *Benedictine Pioneers in Australia*. 2 vols, London, 1911, vol. 1, p. 253. Harding also kept a diary on his return journey to England in 1846: J. Lewis Harding, *Journal kept on board Ship Ratcliff from Sydney to London round Cape Horn*. This 130-page document is held in the archives of the Archdiocese of Sydney (SAA) and is currently being transcribed and edited by the author of this article.
- 6 Birt, op. cit., vol. 1, p. 255. Fisher died at sea; Corcoran died in a gig accident two years after arriving in Sydney.
- 7 Polding to Dom Luke Barber, 3 May 1835, 21 deg. W. Long., 5 deg. N. Lat. (M. Xavier Compton et al [eds], *The Letters of John Bede Polding OSB [Polding Letters]*. 3 vols, Sydney 1994, vol I, pp 53-54).
- 8 Birt, op. cit., vol. 1, p. 257.
- 9 Quoted in Kenny op. cit., p. 75.
- 10 Correll 1996, op. cit., p. 58.
- 11 Polding to Colonial Secretary, 15 March 1838 (*Polding Letters* I.100).
- 12 Bourke to Goderick, 28 February 1832 (HRA XVI, 542).
- 13 Bourke to Stanley, 15 January 1834 (HRA XVII, 327-328).
- 14 *Sydney Gazette*, 29 October 1833.
- 15 William Bernard Ullathorne, *Autobiography*, London 1891, pp. 108-109.
- 16 Glenelg to Bourke, 2 October 1837 (HRA XIX, 110).
- 17 Gipps to Glenelg, 7 April 1838 (HRA XIX, 362).
- 18 Polding to Gipps, 15 March 1838 (HRA XIX, 362).
- 19 Gipps to Glenelg, 7 April 1838 (HRA XIX, 362).
- 20 Gipps to Glenelg, 28 November 1838 (HRA XIX, 686). McEncroe and Gregory left Sydney aboard the Government brig, *Governor Phillip*, on 17 October 1838 (*Australian*, 18 October 1838, p2).
- 21 *Australian*, 18 October 1838, p2.
- 22 On Maconochie's reforms see J. V. Barry, *Alexander Maconochie of Norfolk Island – a study of a pioneer in penal reform*, OUP, Melbourne, 1958.
- 23 A less classical reference to Norfolk Island in newspapers was taken from the Old Testament: 'Gomorrah Island' (*Monitor*, 6 April 1827 p 4).
- 24 Sir George Gipps to Lord Stanley, 1 April 1843 (HRA, XXII, 632). A detailed description of the Catholic chapel was sent to the *Chronicle* from 'Alumnus' and published in two articles (10 & 12 August 1841, p 2). Joseph Spruson, in a summary of the history of Norfolk Island prepared for Governor Loftus in 1885, noted that the chapels 'have long since fallen into decay'. (*Norfolk Island : outline of its history from 1788 to 1884*, Sydney 1885, p 24). In undated notes by Fr. Harry Moore on events and clergy on the island, the following comments are found against the year 1870: 'pulpit from St Vincent de Paul chapel to Lifou Is, New Caledonia'; 'dark marble holy water font moved to St Barnabas Melanesian Chapel' (Norfolk Island file, SAA).
- 25 Gipps to Normanby, 33 November 1839 (HRA XX, 403).
- 26 *Australasian Chronicle*, 17 April 1840, p 2.

- 27 *Australasian Chronicle*, 17 April 1840, page 2.
- 28 Maconochie, Reid and Duncan were Scots; Reid and Duncan were Catholics. For the importance of music in Maconochie's 'System' see Alan Maddox, 'On the machinery of moral improvement: music and prison reform in the penal colony of Norfolk Island', *Musicology Australia*, 34(2012), 185-205.
- 29 *Australasian Chronicle*, 29 August, 1840; 3, 5, 10, 12, 15 September 1840.
- 30 Sydney's *Commercial Journal and Advertiser* (4 July 1840) also remained supportive. The *Herald* listed the Queen's birthday 'indulgences': 'delectable climate and fruits, cricket matches, Hogsheads of Lemonade with libations of Rum, plays, idleness, speeches, bands of music' (*Herald*, Supplement, 1 July 1840, p. 1).
- 31 *Australasian Chronicle*, 16 July 1842 page 2.
- 32 *Australasian Chronicle*, 28 April 1842, page 2. The communications from Norfolk Island included McEncroe's draft of a pamphlet for publication severely critical of Maconochie, but never printed. See author's article, 'The Chaplain and the Superintendent: letters of John McEncroe to Alexander Maconochie' in forthcoming number of *Australasian Catholic Record*.
- 33 *Australasian Chronicle*, 7 May 1842, page 2. The letter of 'Humanidad' carried the Latin heading, *Audi alteram partem* ('Let the other side be heard'). On McEncroe's disillusionment with Maconochie's 'system', see author's transcription of three unpublished letters in forthcoming ACR article.
- 34 McEncroe to Sir George Gipps, 31 March 1842 (R.A.Daly, 'Archdeacon McEncroe on Norfolk Island, 1838-42', *Australasian Catholic Record*, 36(1959), postscript, p 304.
- 35 *Australasian Chronicle*, 19 July 1842, page 2.
- 36 *Australasian Chronicle*, 6 October 1842 page 2.
- 37 L. Harding to the Editor, *Australasian Chronicle*, 8 October 1842, page 1.
- 38 Patrick Harnett had arrived on the island in October 1836 as assistant-surgeon; he returned to Sydney as Colonial Surgeon with his wife and child in December 1838 (*Sydney Gazette and New South Wales Advertiser*, 4 December 1838, p 2). He died suddenly in September 1844; the jury at the inquest returned a verdict of 'Died by the Visitation of God' (*Morning Chronicle*, 18 September 1844, page 2).
- 39 James Aquinas Reid (Norfolk Island) to Henry Curzon Allport (Kissing Point), 27 September 1842; State Library of New South Wales, ML, MS Ar26/3 (Document 3 in Dr Graeme Skinner's website 'Australharmony': <http://sydney.edu.au/paradisec/australharmony/reid-james-aquinas.php> [accessed 30 July 2018]).
- 40 Murphy to Colonial Secretary, 10 October 1842 (SAA, P71, Letter 374)
- 41 Rev Richard Walsh to Geoghegan 21/9/1842 (Brian Condon, *Letters and Documents in 19th Century Australian Catholic History* [<http://www.library.unisa.edu.au/condon/CatholicLetters>]; accessed 30 January 2018).
- 42 *Australasian Chronicle*, pp. 6 & 8 October, 20 & 22 December 1842.
- 43 *Reminiscences of Frederick Milford* (V3051/31), University of New England & Regional Archives, n.d. Frederick's mother, Eliza Milford, was among a group of wives of prominent Sydney Catholic who came to the monastery the day before embarkation with provisions for the Archbishop and Lewis. (see J. Lewis Harding, *Journal kept on board Ship Ratcliff from Sydney to London round Cape Horn. Duration from 16th February 1846 to 25th of June 1846* [manuscript, Sydney Archdiocesan Archives], p. 4.)
- 44 Harding, *Journal*, pp. 14-15.
- 45 There has been speculation about Harding's ecclesiastical status. The fact that he acted as monastery chronicler, even though ever so briefly, indicates that he was a member of the Benedictine community, as is also confirmed by his styling himself 'B. Lewis' (Brother Lewis). He was often given the title 'Reverend', as in the Benedictine Journal entry, suggesting that he had received some form of Holy Orders, either minor or diaconal. It is significant also that he joined with the Archbishop in reciting the Divine Office on the return voyage.
- 46 Letter to editor, *Sydney Morning Herald*, 14 March 1846, p. 3; also *The Sentinel*, 19 February 1846, p. 2.

- 47 *Sydney Morning Herald*, 6 January 1846.
- 48 Polding regretted the choice of the stern cabin: 'The Archbishop remarks about his stern cabin that he would advise no one to take that cabin from experience. His Grace says it is the most uncomfortable part of the ship, being the furthest removed from the centre of motion, it consequently rises up and down through the greatest space; the noise of the chains at the wheel is incessant' (Harding, Journal, p. 23).
- 49 *Sydney Morning Herald*, 31 January 1846.
- 50 *Sydney Morning Herald*, 14 February 1846.
- 51 Lewis' shipboard journal of 1846 already revealed his interest in birds, with detailed observations recorded, especially of the albatross, and with references to the work of George Robert Gray (1808-1872).
- 52 See Andrew Lanyon, *The Rooks of Trelawne*, London 1976; R. D. Penhallurick (ed), *Jonathan Couch's Cornish Birds*, Polperro Heritage Press, Clifton-upon-Teme, 2003, pp 44-45.
- 53 See Correll, *Lewis Harding: Cornwall's pioneer photographer*, op. cit. I am grateful to Jeremy Rowett Johns, publisher of Polperro Heritage Press, for his assistance.

THE LIFE AND CONTRIBUTION OF BISHOP CHARLES HENRY DAVIS OSB (1815-1854) TO THE CATHOLIC CHURCH IN AUSTRALIA

by Graeme Pender*

Davis' early education at St. Gregory's

This paper attempts to focus on Bishop Charles Henry Davis' significant contribution to the early colonial Catholic Church in Sydney from 1848 to 1854. This includes his administrative abilities within the Benedictine community and the diocese; his pastoral care both inside and outside St. Mary's monastery; his enormous contribution to the field of Catholic education and higher education in the Colony and his talent as a musician. Whilst he was an effective peacemaker, he did not significantly change anything that was in place under Polding. Because most histories have focussed more on Polding during this particular period between 1848 to 1854, a period of general disorder and confusion at St. Mary's, Davis has always 'lived in the shadow' of Polding. Consequently, his notable contribution to the early Catholic Church in Australia has generally been overlooked.

Davis was born in Usk, Wales on 18 May 1815 and was the son of Michael and Jane Davis; high-profile Catholics who were members of the Catholic recusancy. His older brother, Michael Davis, was influential in the building of St. Francis Xavier's Catholic Church in Usk. Davis' father planned and built 12 alms-houses in Usk for the care of the poor and underprivileged. His father's association with the alms-houses may have inclined Davis to minister to, and speak out against the immoral treatment of the convicts on Cockatoo Island in Sydney.

Davis was sent to St. Gregory's Downside on 15 August 1826 at the age of eleven where he completed his education in 1833.¹ Two of his other brothers were ordained priest at Downside Abbey. A year after Davis arrived at St. Gregory's, John Bede Polding, the Subprior and Novice Master wrote, "Downside is going on remarkably well." He also stressed there were no "complaints & every application made by Parents is prefaced by many complimentary expressions."²

Despite the satisfaction expressed by Polding and parents of the students,

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school life at St. Gregory's was hectic and demanding. No doubt Davis would have found the timetable challenging; particularly at his age. An average day comprised about nine hours of learning with five hours for recreation and meals. On Sunday's and Thursday's the boys were allowed an extra hour of sleep and on Tuesday's and Thursday's they were given a "half-holiday."³

Education at Downside was predominantly classical.⁴ Sources such as William Ullathorne's autobiography and Henry Norbert Birt's treatise on the history of Downside provide some insight into the curriculum. A pre-1818 Prospectus indicated English, French, Latin, and Greek, History (Ancient and Modern), Geography, Mathematics, and Theology. Presumably, Davis studied these subjects at St. Gregory's.

Whilst neither the Prospectus nor Ullathorne included music or rhetoric as common areas of study, these subjects were a significant part of the curriculum. Proficiency in music was one of Davis' achievements at Downside and Sydney.

The performance of dramatic plays at "The Theatre Royal, Downside" was considered a "real and solid adjunct to education"⁵ and Davis was one who helped form a "histrionic tradition" in drama at Downside.⁶ He was described as an orator in "the highest of terms" who received "training in elocution from one of the leading English tragedians" and worked as the stage-manager of the Christmas plays.⁷

The Teachers of St. Gregory's

The curriculum during Davis' time was taught by the nine or ten monks who staffed St. Gregory's; all less than thirty years of age who had "almost without exception passed through the school."⁸ The community itself seldom numbered more than fifteen professed monks, again, mostly under the age of thirty years.⁹ Ullathorne conceded an "absence of worldly knowledge and experience" amongst his educators, but was nonetheless inspired by "their quiet dignity, their piety and their kindness."¹⁰

Since the average age of monks at St. Gregory's was less than thirty years and because there was only a dozen or so in the community at any one time during the 1820's to 1840's, one might begin to understand why inconsistencies in academic rigor emerged. The governmental structures of the English Benedictine Congregation (EBC) during Davis' time may have had some influence on the teaching standards at Downside. For instance,

there was an uncertainty as to how long any of the monks would remain at Downside before being transferred to a parish or mission. This would have restricted one's ability to develop a confident teaching practice. The systematic transfer of monks to various English missions must have placed great demands on the teaching staff who remained at Downside.¹¹

Davis was professed as a Benedictine monk on 24 June 1834,¹² and received the Tonsure and Minor Orders from Polding in the chapel at Downside on 20 September 1834 and was ordained sub-deacon on 28 May 1836. He was ordained deacon at Prior Park on 23 February 1839 and priest at the Downside Chapel on 8 November 1840.¹³

As a monk, Davis was charged with numerous responsibilities at Downside: 'Cellarer' (1841 - December 1847), 'Prefect of Students' (August 1839 - December 1847), 'Infirmarian' (1840 - December 1847), 'Organist' (June 1834 - December 1847), and 'Parish Priest' of St. Benedict's at Downside (1844 - 1848).¹⁴ Since Davis was an accomplished musician and composer, he was also the 'Cantor' and 'Organist' of the monastery.

Davis was appointed to St. Benedict's in 1844 as the parish priest and remained there until 1848. During his appointment, he "built the Poor school and schoolhouse" and "provided the cemetery and cross" for the local community.¹⁵ Davis was a man of vision, especially in relation to promoting education amongst local children.

Meanwhile, Polding had been appointed to the colony of New South Wales as the first Catholic Bishop of Sydney. In February 1842 he presented a list of prospective candidates to the Propaganda Fide Cardinals with the view to obtaining either an assistant or a Coadjutor. Polding wanted episcopal help so he could pursue lengthy missionary journeys to various Catholics in remote districts in outback Australia. Polding proposed Davis as his desired Coadjutor. He wrote:

I would like to nominate the Rev. Fr. Charles Davis, a priest of the same monastery who is 33 years old. He has been involved as Superior for more than eight years in various charges in the course of which he has given proof of great prudence and zeal. Moved by charity he has acted as a Missionary for some years among the poor in the neighbourhood of the Monastery. The time of his profession is around that of Father Gregory. For 14 years he has had a strong and constant desire to be associated with me in the labours of the Mission, he has even written

and proposed this and in the past week he warmly begged me to obtain from his Superiors the permission allowing him to accompany me. This permission would not be granted, I fear, if he were to remain a simple priest, but if he can be raised to the episcopate, there would not, it seems to me, be any such difficulty. I am sure at least that he would not be the cause of any further delay in this matter...I would prefer to have Father Davis who will also be more acceptable to Father Gregory and to the Clergy.¹⁶

After prolonged negotiations, Davis was eventually chosen as Polding's Coadjutor. Davis sailed from England on 20 August 1848.¹⁷ The voyage to Sydney took about four-months and "on the whole [was] most favourable."¹⁸ He disembarked in Sydney Harbour at two o'clock on 8 December 1848¹⁹ and "within 20 minutes [he] reached St. Mary's...[and] was received most cordially by the deacon and charge of the Cathedral as well as by the Sub-Prior."²⁰

He took his role as Polding's Coadjutor very seriously, managing the Sydney Archdiocese for an aggregate of nearly three years during Polding's frequent missionary journeys into country New South Wales. This included his daily administrative responsibilities of the Archdiocese; rehearsal of the choir at St. Mary's; organ playing at the Cathedral; chaplaincy to the Benedictine nuns at Subiaco; his role on the Senate of Sydney University; his daily supervision and management of St. Mary's Seminary and Lyndhurst College; his examination of students and postulants; his role as Prior of St. Mary's monastery during the many absences of Polding and Gregory; as well as his spiritual and pastoral duties in the Archdiocese of Sydney.

Given he was appointed to the Diocese of Maitland,²¹ it is surprising that he never once visited Maitland. His spasmodic health and heavy workload kept him fully occupied in Sydney.²²

Davis: the musician

Davis was recognised as an outstanding musician amongst the public and his peers. He was an accomplished organist, multi-instrumentalist, choir-master and vocalist. Furthermore, he was a gifted composer who wrote hundreds of sacred works and brass band marches. A fundamental aspect of his musicianship was his ability to improvise; which became his deep expression of public prayer.

Whilst Davis was at Downside Abbey, he formed a brass band comprising fellow monks. His band was described as being “small at first” and consisted of six players performing a variety of instruments including a cornet, trombone and a “big and little drum among them.”²³ Davis was an accomplished multi-instrumentalist,²⁴ and probably ‘filled-in’ on whatever instrument was needed at the time. Whilst Davis’ principal instrument was the small Eb clarinet, he played the tenor trombone and produced some “difficult solos.”²⁵ He “arranged and composed hundreds of pieces for the band, including four or five brilliant and very effective marches, which he also played on the organ.”²⁶

Davis was appointed Downside’s resident organist in 1834. It was in fulfilling this position that his musical reputation excelled. He enjoyed the status as an inventive organ virtuoso who could play the “noble instrument in a style that some of our best organists would envy.”²⁷

By the time he arrived at St Mary’s Cathedral, Sydney in December 1848, he described the organ as “being in a deplorable state [with] every position out of order,” even though “it appear[ed] to be a grand instrument.” Despite complimenting the aesthetics of its design, he wrote “the materials were not well seasoned, and the Bellows intended to supply the pedal organ [was] much too small, consequently this apparently firm position of the organ is altogether lost.”²⁸ The wood was described as “unsuited to the Australian climate,”²⁹ causing it to become “woefully out of condition within a few years.”³⁰ During its repairs, Davis decided the organ was to be relocated to a new location in the south gallery of the Cathedral.

Fairly elaborate improvised ornamentation in church organ music became a prominent feature of church services at St. Mary’s whenever Davis played. He was regarded by his contemporaries as a master of the organ and was one who could introduce “many effects not in the organ score, [who] rarely ever played it twice alike.”³¹ The following text is an example of Davis’ musical virtuosity and spontaneous ability to depart from the score:

It was a veritable treat to hear him pedalling the scale passages in the Creed of Mozart’s Twelfth Mass. He always used to play that Mass from the full orchestral score, instead of the organ score, and did so many a time in St. Mary’s Cathedral, Sydney, where the present writer had the honour of turning the pages for him, which took him all his time, as the edition was in octavo, and contained only a few bars in

each page. He introduced many effects not in the organ score, and rarely ever played it twice alike. His playing of the psalms at Vespers was really unsurpassable, and almost unapproachable. Every verse received a different treatment according to its meaning, and the pedal runs were often something marvellous.³²

Following his arrival, the Cathedral choir was reformed under his musical direction. Davis did not want people in the choir who did not have a reverential sensitivity for the sacred words being sung. After dismissing the choir, he reinstated a choral group made up of monks and the unbroken voices of young postulants to sing the soprano line.³³ He dismissed the organist (a Protestant) and engaged Br. Anselm Curtis as his pupil.³⁴ Edmund Moore described Davis' choral changes, thus: "Already even whilst His Grace is here great changes have been effected by Dr Davis in the choir...The singing is under Dr Davis' care."³⁵

Benedictine nuns

The Benedictine convent at Subiaco was founded by Polding following his purchase of 'Subiaco,' in Parramatta in 1848 in a further effort to establish Benedictinism in Australia.³⁶ The focus of the Sisters would be on the education of young women from the local Catholic community.³⁷ Polding undertook the maintenance of the convent until the school could suitably provide the monetary returns to support itself.

Whilst tradition holds that Davis was appointed Chaplain, it was difficult to locate any extant material from Polding or Davis directly relating to this position. In all probability, he served as their Chaplain 'ex-officio' by virtue of his position as bishop. Davis was already one who was valued and respected by the nuns, as the following comment from Le Clerc in 1849 attests. His appointment as Chaplain, therefore, seemed appropriate given Polding and Gregory's frequent absences from Sydney:

Dr Davis is, I understand, much liked, and I believe he will here be esteemed according to his due worth; dear Downside has made a very great sacrifice and you, dear Father, in parting with him. At present he is everything at St. Mary's Monastery, his Grace and Dr Gregory being absent on a long missionary excursion. His Grace talks of spending the next four or five years in going over his vast diocese,

only paying visits now and then to Sydney; so you see Dr Davis is really necessary here.³⁸

Davis made regular visits to the convent, assisted in the administration of the school, wrote the curriculum, prepared and led retreats, cared for Sr Scholastica Gregory spiritually during her terminal illness, celebrated Mass as often as time would allow, administered the Sacraments to the children and blessed the newly built school buildings. Moreover, he was nursed back to health by the nuns after two life-threatening illnesses, and was eventually buried in the convent graveyard following his death in 1854.

Davis' spiritual guidance of the nuns and students was gentle and caring. The following statement attests to the affection shown by Davis at Subiaco: Dame Magdalen was personally happy under [Davis'] spiritual guidance and in his friendship...Subiaco was happiest from 1850-54 when Davis exercised an overall supervision of nuns and children by whom he was greatly loved.³⁹

As a musician, he fostered in the nuns a "love for music and the liturgy." As a guest at their school concerts, he always expressed his appreciation at the children's "little concerts" which inspired Le Clerc to do more in the area of the arts, since it seemed the children were "not very fond of study."⁴⁰ Davis likewise stimulated the study of drama at Subiaco; a subject that became a popular feature of the school.⁴¹ Again, we see time-honoured aspects of Downside - music and drama - becoming transplanted into the emerging community of Subiaco by Davis. In a letter to Lady Abbess at Stanbrook, Sr. M. Walburge described Davis' personality:

Everyone, Catholic, Protestant, revered him; whatever he said and did was right. He was constant amiability, and his sweet and gentle manners, to all the same, endeared him to all; no distinction, no preference, he seemed to breathe for God, denying his body the slightest recreation; never going anywhere for his mere personal gratification, or unless he had a prospect of benefiting others.⁴²

Early Ministry

Three significant ministries during the early years of his appointment to Sydney were: Cockatoo Island, the Roman Catholic Orphan School, and the Irish Orphan girls at Hyde Park. In this article, I will only focus on his ministry with the convicts at Cockatoo Island. Suffice to say that Davis'

continued to petition the Government concerning the fundamental human rights of orphaned Catholic children, knowing the Church could only provide a temporary solution for their care. His spiritual involvement with the Irish orphan girls from Hyde Park Immigration Barracks was perennial. He led at least one Retreat with them and sometimes personally prepared the children for Eucharist and Confirmation, followed by administering the Sacrament of Eucharist and Confirmation regularly.

His early ministry in Sydney focused on the prisoners at Cockatoo Island. It was a prison built “for the reception of prisoners withdrawn from Norfolk Island”.⁴³

The prison population consisted of men from diverse backgrounds such as invalids, the mentally ill, the lame, the blind and those of ‘doubtful character.’⁴⁴ The problem with sentencing convicts from various backgrounds to the one compound, required they live together. Moreover, they were “compelled to eat and sleep with individuals of the most abandoned description, who [had] been sentenced to spend the remainder of their existence at Norfolk Island, for the most atrocious crimes.” All received “the same treatment” and were considered “the most daring desperadoes.”⁴⁵

Only a few weeks after his arrival in Australia, Davis travelled to Cockatoo Island with other members of the Benedictine Community and attended to the spiritual needs of the Roman Catholic prisoners.⁴⁶ The barracks were overcrowded and disease became a recurrent aspect of prison life. Sometimes, up to 500 convicts were crammed into the barracks at night.⁴⁷ To add misery to their punishment was the fact “they [were] constantly in view of civilized life and tantalized with the sight of the blessings of freedom, yet [found] themselves shut out from the one and denied the other.”⁴⁸ It is in this context Davis ministered to the men, and it was these conditions which caused him to later complain to the Colonial Secretary in mid-1850’s regarding the “insuperable difficulties which we at present experience in effecting any moral or Religious good among the R.C. Prisoners on Cockatoo Island.”⁴⁹ He led retreats, catechised, heard confessions, and celebrated Mass for the prisoners. Polding claimed a general development emerged in the prisoners’ character throughout the colony as well as a reduction in the number of public executions.⁵⁰

The convict population had increased substantially over the years and they had little separation from each other during “the hours of Rest.”

Although the spiritual dimension of the convicts may have improved under the influence of Polding and the Benedictines, Davis questioned the moral practice of some of the prisoners. He wrote:

[T]he due separation of the Prisoners from each other... is indispensably necessary, not merely to reform vicious habits already acquired but also to prevent contamination of the grossest and most fearful description.⁵¹

As an advocate of the separate system, Davis' criticisms reveal the moral concerns prevalent on Cockatoo Island among various authorities. He observed the accommodation was defective, and noted that, there was a lack of proper religious guidance and suggested that prisoners be separated. He recommended the construction of a large building "with a plain open roof" to serve as an ecumenical Church with folding walls to separate the Protestants from the Roman Catholics. He further suggested the Church be used as a school which taught reading, writing, spelling and mathematics "to the exclusion of anything of a Religious or controversial nature." Davis argued that Bishop Willson had witnessed positive results from a similar "school system" instituted in Tasmania and Norfolk Island. The convicts in Tasmania and on Norfolk Island felt "great pleasure in attending, and thus two hours usually ill spent in any evening under the old system [was] now passed in a profitable manner."⁵² There is no evidence his building proposals were followed, although in 1851 the mess house was converted into another dormitory in an attempt to accommodate the population of prisoners that had increased to nearly 500 by 1852.⁵³

Education

Davis' contribution to Catholic education was immense. He was frequently acting Abbot of St Mary's Monastery, President of Lyndhurst College, and he represented the Catholic Church on the Senate of the University of Sydney. He was placed in charge of St. Mary's Seminary and was given the task of reviewing and rewriting the curriculum. He instituted two major strands of learning; "classical" and "mercantile." Later, he expanded the curriculum to include a third strand of subjects. Davis was responsible for the day-to-day running of Lyndhurst College, a school that provided a classical and literary education designed by Davis, enabling its students to matriculate for entry to the University of Sydney.

Polding appointed Davis to “take under his immediate superintendence the general direction of [St Mary’s] Seminary” in April 1850.⁵⁴ Davis made immediate changes to the curriculum. With Davis as principal, students woke at 4.30am each day and began studying Latin before breakfast. After breakfast, the boys were lectured on spirituality. Latin was the core subject at St. Mary’s Seminary timetabled for eighteen hours and thirty minutes per week. On Mondays, Wednesdays and Saturdays the boys studied Elocution and Singing.

The core subjects studied under Davis’ curriculum were Latin, Spirituality, English, French, Elocution, Singing, Mathematics, Writing, History, Geography and the Catechism. The boys likewise attended Mass, prayed and meditated each morning, examined their consciences, visited the Blessed Sacrament, and prayed at night.

Religious education was compulsory and the boys were “carefully trained in the knowledge and practice of their religious duties.” The additional strand of Business studies devised by Davis, suggests a recognition that not all students in the Colony were suited to the rigors of a Classical education. Davis included a 3rd Division of learning by 1853.⁵⁵

He regularly examined students from St. Mary’s Seminary and the results of the annual examination included the distribution of prizes.

Even though Polding regarded education as a means of social advancement and saw it as beneficial to children from economically disadvantaged Catholic families, it was not until 1852 that the monks themselves came to regard school-teaching an important focus of their ministry in Sydney.⁵⁶

In the early 1850’s, Polding proposed another Benedictine school to prepare students for both the church, university and the civil service. This facility was to be made available to the wealthier Catholics of Sydney so their sons might be able to share “in the inheritance of the cultural riches of the Church which was theirs by right.”⁵⁷ This school became St. Mary’s Lyndhurst and was opened in 1852 and Davis placed in charge. With the establishment of Lyndhurst, St. Mary’s Seminary lost Davis as its President.

Charles Davis: Presidency at Lyndhurst

Lyndhurst was opened on 10 February 1852, with Davis as its President with a total of nine students enrolled.⁵⁸ It was to be a school for the boys of the more affluent colonists of New South Wales. From 1852 – 1861, Lyndhurst

catered only for boarders. After 1861, however, the school began admitting day-pupils and weekly boarders.

It aimed to “produce the results of a sound and liberal education, but...also to create amongst [their] people the taste and power to appreciate them.”⁵⁹ If these outcomes were to transpire, Lyndhurst needed to offer some kind of higher education “to transcend the mere bread-and-butter preoccupations of the masses and prepare an elite from among whom the offices of the Church and State could be adequately filled.”⁶⁰

One of Davis’ first duties at Lyndhurst was to devise a curriculum. Education at Lyndhurst was demanding and fundamentally Classical and Literary in content. Students attended about fifty-three hours a week Monday to Sunday with around eighteen hours of recreation. Recreation also included extended meal breaks.⁶¹ Lyndhurst under Davis emerged as an institution that closed the gap between elementary and higher education in Sydney.

Twelve months after the opening of Lyndhurst, Davis wrote to the Provincial at Downside and described the College as one that was “going on very flourishingly,” but also revealed the need for additional accommodation. Enrolments had increased to thirty-five students. Davis was confident that if there had been more accommodation, “we might have doubled that number.”

It seems Davis’ ability to read the real estate market in Sydney and negotiate deals in substantially reduced building supplies overseas was outstanding. To assist in building extensions, for example, he requested “a quantity of slate.” He wrote: “I think I mentioned that we could find ready use for at least 100,000, or 200,000...By getting the slates from England we shall save, I think, 50 per cent.”⁶²

By the end of the 1860’s, the remaining Benedictine schools – Lyndhurst and Subiaco – were in trouble. Davis had died prematurely in 1854; enrolments were fading; and it was difficult to attract new students. St. Mary’s Seminary had already closed. Polding attributed the fall in students’ numbers to his own perceived wane in popularity with the Sydney public. He confided in his Vicar General, Henry Gregory: “Subiaco and Lyndhurst have great difficulty in holding on. I cannot but attribute the cause to myself, or to prejudice somehow connected with myself.”⁶³

Polding’s next Coadjutor, John Bede Vaughan reflected on declining Benedictine favour “in the estimation of the public” and considered “how much they [were] disliked.”⁶⁴

Despite Lyndhurst's success in the early 1850's under Davis' leadership, it never became truly successful in the Australian environment. The general lack of support for Lyndhurst mixed with its financial problems and its rivalry with regional schools and seminaries caused Archbishop Roger Vaughan to question the practicality of keeping it open. He closed the school on 21 June 1877, a little over three months after the death of Polding.⁶⁵ On 27 October 1877, Vaughan wrote a report to Cardinal Franchi of *Propaganda Fide* about the Benedictine monks in Sydney and recommended their suppression.⁶⁶

Charles Davis – Church Leader

Davis demonstrated strength and competence as a church leader, especially while in charge of the Sydney Diocese and St. Mary's Monastery. In the six years Davis was in Sydney, he led the Catholic Church for an aggregate of three years during Polding's numerous missionary absences.

Davis' negotiation skills were seen in his effort to settle a land dispute between Bishop Willson and Fr. John Therry in Hobart, as well as the Fr. Patrick Serenus Farrelly affair and his handling of rebellious monks at St. Mary's. Likewise, he instigated some significant reforms at St. Mary's monastery during Polding and Gregory's extended absences.

Davis grew into his role as Polding's Coadjutor. A number of important aspects of Davis' capacity as a leader appear to have been overlooked by church historians. He was tremendously pragmatic in his duties as a bishop, particularly whilst Polding was away from St. Mary's. One example was when Davis invited the entire congregation at the end of Mass to join the clergy in the procession through St. Mary's into the monastery gardens on the Feast of Corpus Christi. Another was his ability to care for and 'calm the waters' in the monastery whenever the Abbot, Henry Gregory left on extended periods of travel either alone or in the company of Polding.

Davis asserted his authority fairly when needed, and this occurred particularly in the dispute between Farrelly and Polding. We see Davis' involvement in the Farrelly dispute, and in particular we see how he worked with Polding and co-signed a letter to Pope Pius IX affirming Farrelly was unfit to be a priest, and his accusations towards Polding were fabricated and defamatory. His loyalty to Polding was obvious, even though he may have disagreed with him on occasions.

At the heart of the Farrelly affair was a growing discontent amongst other

monks regarding Polding's 'Benedictine Dream.' Even Davis did not think this vision would endure. Firstly, the monastery with its lack of numbers was not in a position to satisfy the growing Catholic demands of the colony,⁶⁷ but his allegiance to Polding obligated him to the existing order. Secondly, Davis was powerless to resolve the instability and melancholy that had engulfed the monastery by the early 1850s.

Some final reflections

What is remarkable about Davis was his ability to communicate with the ordinary person. He was a refined and educated man who helped the acceptance of Catholics among Sydney's establishment and among the Government officials with whom he had dealings, both administratively and personally. He was able to 'speak both languages.'

Davis was a person of vision, especially in the area of music and liturgy and recognised the importance of the laity and engaged them as much as he could in significant Cathedral liturgies. His many collegial appointments at St. Mary's, as well as his modifications to some of the customary practices in the monastery and Cathedral, during the absences of Polding were significant.

By the early 1850's, any hope that St. Mary's would remain the cathedral chapter of Sydney with episcopal succession reserved to the Benedictines; and the Archdiocese being officially and indefinitely under the government of the Benedictine Order was quickly fading. Davis believed it would be years before the Benedictines could meet the needs of Sydney's Catholic community. Even during his short time in Sydney, he was aware that much of the Australian population was fiercely Irish. Had Davis lived longer, most likely, he would have taken his typical pragmatic approach towards religious matters, by consulting and working with the various religious congregations, especially the Irish bishops, in the hope of recruiting additional priests to Australia as missionaries.

Davis was not a person of robust health; in fact, only after a short time at Sydney, he nearly died. Each time Davis recovered from his illnesses, he resumed his massive workload. Despite his often debilitating ill-health and crushing workload, Davis showed remarkable human and Christian qualities.

He was revered by the majority of Sydney's population both as a person

and as a bishop evidenced by the outpouring of grief and vast crowd who attended his funeral. His eventual interment with Polding, Therry, McEncroe, Vaughan and others in the crypt of St. Mary's Cathedral pays a final tribute to a man who supported Polding for nearly six years and whose most enduring work was in the domain of education, administrative and pastoral leadership and sacred music.

Endnotes

- 1 *Downside Abbey, List of boys at St Gregory's: Douay 1614-1793, Acton Burnell 1794-1814, Downside 1814-1972*, (Bath: Downside Abbey, 1972), 34; see Henry Norbert Birt, *Benedictine Pioneers in Australia*, II, (London: Herbert & Daniel, 1911), 133.
- 2 Polding to S.M. Phillips, OSB, 7/9/1827, Sydney Archdiocesan Archives (SAA) 216/25.
- 3 Birt, *Benedictine Pioneers in Australia*, (London: Herbert & Daniel, 1911), 210.
- 4 Hubert Van Zeller, *Downside By and Large*, (Sheed & Ward: London & New York, 1953), 46.
- 5 Henry Norbert Birt, *Downside: The history of St. Gregory's school from its commencement at Douay to the present time*, (London: Kegan Paul, Trench, Trubner & Co. Ltd., 1902), 268.
- 6 Birt, *Downside*, 273.
- 7 Birt, *Benedictine Pioneers in Australia*, II, 135.
- 8 David Knowles, *The Historian and Character*, (Cambridge: Cambridge University Press, 1964), 241.
- 9 D Lunn, 'The English Benedictines in the XIXth Century,' *Tjurunga*, No. 8 (1974), 25-34.
- 10 William Bernard Ullathorne, *The Devil is a Jackass*, (Herefordshire: Gracewing Publishing, 1995), 36.
- 11 The term 'English missions' refers to the missioning by the English Benedictine Congregation to the dispersed Catholic community in England. Many of the monks from Downside worked on the English missions, mainly in industrial areas such as Liverpool, Warrington, Whitehaven and South Wales. Many think of the missions as being directed to non-Christian countries. Of course, the EBC also travelled to far away mission lands such as Australia.
- 12 *Fasti Gregoriani* (Brief Notices) respecting the members of St. Gregory the Great, of the Anglo-Benedictine Congregation, from the time of its re-establishment in England, A.D. 1793, "Charles (alias Charles Henry) Davis," 95; see Henry Norbert Birt, *Obit book of the English Benedictines*, 1600-1912, (Edinburgh: J. C. Thomson at the Mercat Press, 1913), 150.
- 13 *Fasti Gregoriani*, "Charles (alias Charles Henry) Davis," 95; see Birt, *Obit book of the English Benedictines*, 150.
- 14 *Fasti Gregoriani*, Charles (alias Charles Henry) Davis, 95; see Birt, *Obit book of the English Benedictines*, 150. Birt's dates of Davis' appointment as Prefect of Students differ from the dates in the *Fasti Gregoriani*.
- 15 *Fasti Gregoriani*, "Charles (alias Charles Henry) Davis," 95. Construction on the Church of St. Benedict's began in 1854 under the guidance of Dom Alphonsus Morrall and was completed and opened in 1857.
- 16 Polding to Grant, 11/8/1847, Propaganda Fide Archives, Scrittura Referite nei Congressi Oceania, Vol. 3 ff. 780-1.
- 17 *Maitland Mercury*, 13/12/1848, 2.
- 18 Davis to Wilson, 9/12/1848, Downside Archives (DA) M113.
- 19 *Maitland Mercury*, 13/12/1848, 2; also see Davis to Wilson, 9/12/1848, M113.
- 20 Davis to Wilson, 9/12/1848, DA M113.
- 21 Alan Brown, 'Charles Henry Davis, OSB, 1815-1854: Sydney's First Coadjutor Bishop,' *Australasian Catholic Record* Vol. 59 1982 212-216.
- 22 Birt, *Benedictine Pioneers in Australia*, II, 131.

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- 23 W Barnewell, "Music & Musicians at St. Gregory's, II – 1838," *Downside Review*, 90.
- 24 Birt, *Benedictine Pioneers in Australia*, II, 208.
- 25 Birt, *Benedictine Pioneers in Australia*, II, 208.
- 26 Birt, *Benedictine Pioneers in Australia*, II, 208.
- 27 Birt, *Benedictine Pioneers in Australia*, II, 207.
- 28 Davis to Brown, 3/2/1849, DA M138.
- 29 Davis to Brown, 3/2/1849, DA M138.
- 30 Davis to Brown, 3/2/1849, DA M138.
- 31 Birt, *Benedictine Pioneers in Australia*, II, 209; see also J Brian Butler, "'Dear Little Charlie' A Memoir of Charles Henry Davis 1815-1854 Monk of Downside and First Bishop of Maitland," *Tjurunga* 73, (November 2007): 48.
- 32 Birt, *Benedictine Pioneers in Australia*, II, 207.
- 33 Davis to Heptonstall (?), 3/2/1849, DA M138. See also, Terence Kavanagh, "Polding Among the Germans," *Tjurunga* 69 (2005), 32.
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BEYOND MELBOURNE: *NINETEENTH-CENTURY CATHEDRAL BUILDING IN THE DIOCESE OF PERTH*

Odhran O'Brien*

Preface

The following paper was prepared as a blog article for the Australian Research Council Discovery Project: 'A Baroque Archbishop in Colonial Australia'. Hosted by the University of Melbourne and the University of Divinity, the project sets out to: 'investigate the cultural vision of the first Catholic Archbishop of Melbourne, James Alipius Goold OSA (1812 to 1886)', through an examination of Goold's collection and patronage in the fields of art and architecture.¹

In 1874 Vatican authorities transferred the Catholic Diocese of Perth from Sydney archdiocese to the newly-established Melbourne archdiocese.² The change placed Martin Griver (1814 to 1886), bishop of Perth, under the metropolitan authority of James Goold, archbishop of Melbourne, solidifying a spiritual connection between the two churchmen.³ The collegial relationship between these clergymen had developed in the 1860s. During this time Goold provided important spiritual services for Perth, including blessing its holy oils, while Griver was the diocesan administrator and unable to perform such



Bishop Martin Griver, during the 1880s
Courtesy Archives Office, Archdiocese of Perth, album number: ALB 18/74.

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duties.⁴ Later in 1869, Goold ordained Griver as bishop. From then on both men belonged to the Australian Catholic hierarchy, and remained connected through correspondence, attendance at provincial councils and interactions at major ecclesiastical events, including the First Vatican Council (1869 to 1870).

This article will provide a broad context for James Goold's part in transmitting European culture to Australia by looking beyond Melbourne to Perth. Martin Griver's priestly formation, leadership and approach to building a cathedral for Perth diocese will be explored; highlighting the characteristics he shared with Goold. The ecclesiastical identity of the nineteenth-century Australian Catholic bishops will be briefly considered, using the artwork and sacred objects imported by Griver as a case study. Finally, some of the skills and resources associated with the artwork and architecture circulating within the Catholic jurisdictions of Perth and Melbourne during the colonial era will be discussed along with how they shaped the emerging Australian Catholic landscape.

Martin Griver

As a young man living in Spain, Martin Griver had a broad education prior to his ordination as a priest, which comprised studying philosophy, dogmatic and moral theology, sacred scripture, medicine and surgery.⁵ Like Goold, Griver's priestly formation was associated with a religious order. Whereas Goold entered the Augustinians in Ireland,⁶ Griver spent time living under the Rule of the Spanish Benedictines in Western Australia at New Norcia but never felt called to make his final profession.⁷

Once in Australia, the two young clergy administered to dispersed, and isolated, largely Irish, Catholic congregations.⁸ Both clerics gained a reputation for pastoral diligence that earmarked them for higher office. Goold was made bishop of Melbourne on 9 July 1847 and Griver was appointed administrator of Perth in 1862. Their administration and devotional practices reflected the 'Romanization' of the Australian Catholic Church in the nineteenth century. Goold and Griver were thoroughly Roman in outlook.⁹ Griver promoted devotion to the Immaculate Conception following his predecessor Bishop Joseph Serra OSB, apostolic administrator of Perth (1852 to 1862).¹⁰ They were both also staunch supporters of papal infallibility at the Vatican Council.¹¹

Rome and the Australian Bishops

The ‘Romanization’ of the Australian Church was linked to Cardinal Paul Cullen, archbishop of Dublin (1852 to 1878). Between 1830 and 1850, Cullen was Rector of the Irish College in Rome and developed influential Vatican connections while acting as an intermediary between the Irish bishops and Church officials. His cordial relationships with Cardinal Alessandro Barnabò, prefect of the Congregation of Propaganda Fide, the Vatican office for missionary affairs, Pope Gregory XVI (1831 to 1846) and Pius IX (1846 to 1878) were particularly important.¹²

Cullen’s influence in Rome gave him the opportunity to recommend the appointment of bishops and division of territories, especially in missionary jurisdictions. Cullen put forward Irishmen with a similar ultramontane outlook for vacant bishoprics. He therefore contributed

to the development and expansion of an Irish ‘spiritual empire’, which extended to America, Canada, Australia and New Zealand.¹³

When consulted about the choice of a new bishop for Perth in 1865, Cullen nominated his private secretary Father James Murray, who refused the position because he felt the Spanish influence in Perth was too great.¹⁴ As Murray declined to become bishop of Perth, Rome requested that Griver continue as temporary administrator and he was eventually made a bishop in 1869.¹⁵ In the Church of Sant’Agata dei Goti, which belonged to the Irish College in Rome, Griver was consecrated bishop of the titular See of Tlos. Cullen was appointed the principal consecrator and Griver invited Goold to be co-consecrator.¹⁶



Bishop James Goold, c. 1853.

Courtesy Melbourne Diocesan Historical Commission, identification number: 5/04/7/30.

The fact that Griver was consecrated by Cullen, demonstrates the cardinal's interest and influence within the Australian Church. Griver had opted to be consecrated as a bishop in Rome, at the centre of the Catholic Church, rather than in Australia. He wished to show his loyalty and obedience to the papacy.¹⁷ While Griver would bring his own style to Catholic leadership in Western Australia, he followed the lead of the Australian episcopate and its distinctly Roman mould. His orientation towards Rome was clearly evident in the artwork and interior detailing he selected for St Mary's Cathedral, the construction of which he supervised between 1862 and 1865.

Building St Mary's Cathedral

After being appointed interim administrator in 1862, Griver's first major task was to construct a new purpose-built cathedral to replace the dilapidated church built by the first missionaries in Western Australia during 1843.¹⁸ Before resigning in favour of Griver, Bishop Joseph Serra applied for land on Victoria Square in Perth to build a cathedral and opened a subscription list. The project was a challenge from the outset due to Perth's meagre resources.

Perth diocese was vastly different from Melbourne. When Griver began the construction of St Mary's in 1862 the population of Western Australia was 15,593 and the number of Catholics was 3,786.¹⁹ The colony had slow economic and population growth from its foundation in 1829, continuing through the 1850s and 1860s. There was much reliance on the transportation of convicts from Britain for labour and imperial investment to stimulate the economy.²⁰ By contrast, the Gold Rush in Victoria, beginning in 1851, ensured economic prosperity and population growth in that colony. The Victorian population had grown to 533,928 by 1861 with 109,829 Catholics.²¹ The Catholic community was substantially larger than that of Western Australia, placing significant resources at Goold's disposal to build churches and other religious buildings. A pupil of English Gothic Revival architect Augustus Pugin, William Wardell designed the magnificent medieval Gothic style St Patrick's Cathedral in Melbourne at the cost of £50,000.²²

The relatively impoverished Diocese of Perth, which spanned the length and breadth of the vast Colony of Western Australia, struggled financially for most of the nineteenth century and was barely able to raise £4,000 for its cathedral.²³ The congregation mainly consisted of artisans, servants and other working-class settlers.²⁴ The circumstances of the faithful played a part in the



Victoria Square, Perth, c. 1865. Buildings: Bishop's Place (left) and St Mary's Cathedral (right). People: Left to right is: Mary Hampton, wife of Governor John Hampton, Miss Emma Helms, Maria Stone and Eleanor and Victoria Hardey
Courtesy Mrs Dorothy Croft, accession number: slwa_b3983304_1.

type of churches and other ecclesiastical architecture that were constructed in the diocese. At the beginning of the cathedral project, Griver formed a committee consisting of prominent Catholics who considered the style of church that should be built as the seat of their bishop. A senior member of the group, Bernard Smith, an imperial bureaucrat and municipal councillor, suggested that Griver consider plans designed by Augustus Pugin that were brought across from England by Bishop Rosendo Salvado OSB, co-founder of the Monastery of New Norcia in Western Australia.²⁵

There is little other remaining detail about the discussion that took place within the building committee. After a short period of consideration, however, Griver dismissed the Pugin design as it required 'good quality stone and a lot of money', neither of which Perth possessed.²⁶ Instead, Brother Joseph Ascione, a lay Benedictine monk, was appointed the master mason and architect. Ascione was a Neapolitan, from the town of Torre del Greco, who had completed his training before immigrating to Australia. Ascione began training as a mason during his youth in Italy but few other details are known

regarding his work before he came to the colony.²⁷ In Western Australia, Ascione worked on a series of significant local Catholic buildings during the 1850s, including the Bishop's Palace at Perth (1856) and the Benedictine monastery at Subiaco (1859).²⁸

There remain few records of the instructions that Griver and the cathedral building committee issued Ascione when he commenced construction of St Mary's in 1862. Most of Griver's correspondence from the period is consumed with monetary concerns and the impact of the building on the finances of the diocese. He confided regularly in Bishop Salvado, who was more experienced as a leader. The letters between the two make it evident that Griver desired to create a church like those he was familiar with in Europe, in particular like the Italian cathedrals. On 4 July 1862, Griver wrote to Salvado:

It will be difficult to decide upon a design that pleases everyone, not least those who have no concept of our European churches, never having had the chance to lay eyes upon one. Here they consider only the beauty of the exterior, caring little even if the interior is a dreary affair. Some of them prefer the Gothic style whilst others the Romanesque. I will consider all points of view and then we shall select a design.²⁹

In the end, the exterior of the church was constructed in a simple Gothic style, common throughout the British world, and known now as Victorian Free Gothic.³⁰ Although Griver had conceded to this less ornate external style, he remained adamant that the interior would be more decorative and European in design, which was important because this is where the liturgy would take place. The decision by clergy to commission churches with a simple exterior and more ornate interior was not an uncommon approach in Australia.³¹

During his stay in Perth in the early 1870s, Anthony Trollope, the acclaimed English novelist of the Victorian era, described both the Protestant and Roman Catholic cathedrals as 'churches', possibly drawing attention to their relatively simple design when compared with English cathedrals. Trollope did, however, acknowledge the buildings were large.³²

A Roman Interior

While Salvado was visiting Rome during 1864, Griver sent him a detailed list of artwork and other ecclesiastical items to procure for the completion of St Mary's.³³ The list included paintings and statues made from Italian marble. These items were intended for the cathedral's sanctuary and in describing the style of the furnishings and artwork, Griver asked a Benedictine monk, posted at his residence, to let Salvado know that they should resemble those seen in Italian cathedrals and also requested an altar rail and baptismal font made of marble.³⁴

Salvado also received detailed instructions from Griver in which he meticulously outlined the subject of two paintings he required for the cathedral. They were to depict the Annunciation and Visitation. The Annunciation is the moment when the angel Gabriel announces to Mary that she will be the mother of God. Subsequent to the Annunciation, Mary visited her cousin Elizabeth. Both were pregnant, Mary with Jesus and Elizabeth with John the Baptist. During the Visitation, Elizabeth's unborn son, John, leapt in her womb heralding the presence of Christ.³⁵

Both artworks were intended to demonstrate the dignity of Mary as an instruction to visitors. The choice reflected the Marian devotion common in Europe, particularly in Southern Italy and Spain, which Griver would have been exposed to as a young man. It also reflected the cult surrounding Mary following the proclamation of the dogma of the Immaculate Conception in 1854. Bishop Serra subsequently rededicated the original cathedral under the title of the Cathedral of the Immaculate Conception of the Blessed Virgin Mary in 1855.³⁶

The artwork selected by Griver reflected both the theology of the Church



Interior of St Mary's Cathedral in the late nineteenth/ early twentieth century. Courtesy Archives Office, Archdiocese of Perth, album number: ALB 29 79.

and ethnicity of the local clergy and congregation. It was a similar case for the statues selected for St Mary's, which were of St Patrick and St Augustine, Apostles of Ireland and England. A large portion of the local Catholics were from these two countries. Other furnishings included candelabras and tapestries from Catalonia, in Spain, where the administrator had spent his childhood and formational years.³⁷ Many of the other missionaries in the diocese at that time were also from Spain.

Before resigning from the administration of Perth diocese in 1862, in favour of Griver, Bishop Serra set the tone for the interior decoration of the cathedral. Through his extensive network in Europe, Serra was able to convince King Francis II of Naples to make a large donation towards the cathedral and the Benedictines at the monastery of St Paul's Outside the Walls to contribute a marble high altar.³⁸ The King of Naples also ordered the production of an iron fence (2,000 feet long) to be made for the enclosure of the cathedral grounds in the royal iron foundry in Petrarca. Serra certainly made full use of his European network as a foundation for the cathedral project and Griver continued to build on that legacy of connecting local Catholicism with its European heritage during the construction of the diocese's mother church. Serra and Griver looked well beyond Perth and Australia for inspiration.

Perth's Heritage and its Intercolonial Links

Following the completion of St Mary's, Ascione decided to leave the Benedictine Order and Western Australia. Pleased with the work Ascione had undertaken, Griver sent Goold a letter of recommendation outlining the importance of the mason's role in the development of Perth's first purpose-built cathedral. Griver recommended Ascione to Goold because he had been an important contributor to the diocese and assisted with the establishment of major Church buildings.

It is uncertain whether or not Ascione went to Melbourne, but it is known that he travelled to Adelaide where he was given work enlarging a chapel for Father Frederick Byrne, formerly a Benedictine aspirant from Subiaco Monastery in Western Australia.³⁹ Genealogical research suggests Ascione settled in Kapunda and married a woman called Mary Doyle with whom he had six children.⁴⁰ Ascione is known to have helped build school rooms opened in March 1885, near St Rose's Church in Kapunda, but little is known

about other ecclesiastical projects in which he was involved and further research into his life is warranted.⁴¹

St Mary's was one of the most significant churches built in the Diocese of Perth during the nineteenth century. It is recognised as one of Ascione's major achievements, and reflects the European attitude to art and sacred objects that missionaries brought with them from Europe to Western Australia during the colonial period. The paintings and materials used for the interior of St Mary's are clear evidence of the connection between Australia and Europe. The collaboration between Serra, Griver and Salvado demonstrate the exchange of ideas relating to the Catholic Church's cultural patrimony that took place among the nineteenth-century Australian hierarchy. The fact that Ascione was able to gain employment in Adelaide constructing Catholic buildings indicates that the clergy there placed a similar value on European craftsmanship. From 1874, Rome made Perth part of the province of Melbourne but Ascione's story suggests that the network and transfer of ideas between bishops was imbued within the episcopal and clerical culture and not governed by territorial boundaries.

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FAITH IN THE WEST: WORLD HERITAGE DAY CONFERENCE 2018

Odhran O'Brien*

On 18 April 2018 at St Mary's Cathedral in Perth, the first annual lecture series was held in recognition of World Heritage Day, an event organised by the International Council on Monuments and Sites (ICOMOS). Established in 1983, the aim of World Heritage Day is to encourage local communities and individuals around the world to consider the importance of cultural heritage to their lives, identities and communities, and to promote the conservation of these places.

Dr Marco Ceccarelli, Director of the Centre for Faith Enrichment in the Archdiocese of Perth, and I developed the idea to promote an awareness of the Archdiocese's cultural heritage by hosting a lecture series about our Christian past, and its link to the contemporary age, within the setting of one of our most significant cultural sites – St Mary's Cathedral.

St Mary's is listed on the State Register of Heritage Places and was first completed in 1865 with the assistance of Benedictine monks from New Norcia and Subiaco. Additions were made in 1905, 1930 and 2009. The Cathedral is situated within the central business district of the City of Perth on a hill named Victoria Square. The site is also listed on the Register of Aboriginal Sites as a place of significance to the Nyungar people and is known as Wid'dogootogup.

The theme 'Faith in the West' was selected for the 2018 lecture series, to allow the scholars participating in the event as much academic freedom as possible. Scholars were encouraged to access the rich archival collection belonging to the Archdiocese, which includes the papers of past bishops, clergy and religious dating back to the 1840s.

The conference opened with an address from Professor Celia Hammond, Vice Chancellor of the University of Notre Dame Australia. Professor Hammond spoke about her leadership of the State's only Catholic university and Catholic leadership in a contemporary age. It was an inspiring presentation that can best be summarised by Professor Hammond's statement: 'To be a "Catholic leader" – just as to be a Catholic School, a Catholic University, a Catholic hospital – does not diminish the definition of leader, of school, of

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university or of hospital ... It adds to it: MORE is required – but more is also – beautifully – allowed.’

After Professor Hammond’s address three papers were presented; Michael Quinlan’s presentation, ‘Law and Religion: cooperation or conflict?’ was followed by Dr Angeline O’Neill, speaking on ‘Archbishop Clune and Archbishop Mannix: responses to the Easter Rising 1916’. Associate Professor John Kinder presented the final paper: ‘Missionaries from many lands: the nineteenth-century foundations of the Catholic Church in Western Australia’. The presentations were followed by Dr Angela McCarthy’s introduction and exhibition of the illuminated St John Bible, which has been recently acquired by the University of Notre Dame Australia. This significant new bible was produced under the guidance of Donald Jackson as a collaborative project between St John’s Abbey and St John’s University in Minnesota in the United States of America.

The papers of Professors Quinlan and Kinder have been peer-reviewed and are included in this edition of the *Journal of the Australian Catholic Historical Society* (JACHS). We are sincerely grateful to the Society for allowing us to partner with them in this publication.

As for 2019, the conference organising committee have selected the theme ‘Catholicism on the Margins’ and the speakers include: Dr Catherine Kovesi presenting on the Sisters of Notre Dame of Kalocsa; Dr Christine Choo presenting on the first order of Aboriginal women in Western Australia; and Professor Jeff Kildea presenting on sectarianism in twentieth-century Western Australia and Australia. We hope that the conference continues to attract the same calibre of scholars and provide research for a continued partnership with the *JACHS*.

MISSIONARIES FROM MANY LANDS: THE NINETEENTH-CENTURY FOUNDATIONS OF THE CATHOLIC CHURCH IN WESTERN AUSTRALIA

John Kinder*

One of the conspicuous characteristics of the population of the Catholic archdiocese of Perth in the early twenty-first century is its ethnic diversity.

This is part of an established nation-wide trend. Since the 1940s, the Catholic church has had a higher percentage of migrants than the national average: “the Church has in fact taken up a greater multi-ethnic, multi-lingual and multi-cultural character than Australia as a whole”.¹ The National Church Life Survey 2016 found that just over half (51 per cent) of all Australian Catholic parishes can be described as “multicultural”. The Survey notes that culturally diverse parishes are significantly more common in the Catholic Church compared with other Christian denominations. It is worth remembering also that those who attend Christian churches are a more diverse group than the population generally, with 36 per cent born overseas. They also speak more languages: whereas 22 per cent of the general Australian population were born in a non-English speaking country, the figure for Christian church attendees is 27 per cent.²

As Catholic congregations are becoming more diverse, so are the clergy. The Catholic clergy today are far more multicultural than they were through the twentieth century. Among the priests working in mainstream Catholic parishes today are men from Korea, the Philippines, Vietnam, Malaysia, Indonesia, Singapore, India, Sri Lanka, Burma, Mauritius, Nigeria, Kenya, Ireland, Italy, Slovakia, Germany, Poland, USA and New Zealand. The Redemptoris Mater Archdiocesan Missionary Seminary ordains for parish work students from several countries, especially from South America – at present Brazil, Colombia, Dominican Republic, El Salvador, Guatemala. Religious Orders in Perth are also becoming more diverse.³

It is easy to see these recent developments as a change from a past where everything was familiar and comfortably homogeneous. Just a few decades ago, it seemed that the mainstream clergy was pretty much cut from the same cloth and the only accent you heard from the pulpit apart from an Australian one was Irish.

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Throughout the twentieth century there were many priests in Australian dioceses from multilingual backgrounds, but usually they served linguistic minorities, not mainstream parishes. For example, in the decades between the two World Wars, increasing Italian migration presented a challenge to the Australian Church that had become ethnically Irish and linguistically English. At first Irish priests who had learned Italian while studying in Rome were assigned to Italian communities, and then Italian priests began to be sent to Australia.⁴ To minister to the populations of migrants who came after the Second World War, clergy came to Australia from many different countries, but they were defined as “migrant chaplains” and their pastoral responsibility was towards particular groups who came from the same ethnic or linguistic background. The Church was slow to accept the increasing diversity of its members, if in 1988 Pittarello felt obliged to remind his readers “migrants are no longer an addition to the Church: they are the Catholic Church in Australia”.⁵

This article argues that the twentieth century, when the church took on a particular and cohesive identity within Australian society, was actually a particular and finite moment of evolution in an on-going story. Pastoral approaches to cultural diversity in the Church of the twenty-first century would do well to remember the beginnings of the Church in Australia. The picture of the Catholic population and clergy that emerges in the early decades of colonial Western Australia looks remarkably like today’s dynamic diversity.

This article will focus on Western Australia and describe the earliest decades of the presence of the Catholic faith there. The study takes its cue from a brief and provocative observation in Geoffrey Bolton’s history of Western Australia, that sectarianism – Catholic-Protestant, Irish-English – was less evident in nineteenth-century Western Australia than in the eastern States. This was because the leaders of the early Church in the West were foreigners, Europeans not personally invested in Ireland’s grievances.⁶ This claim needs to be evaluated in the context of the “consensus” view of Western Australia history, which lies beyond the scope of the present article.⁷ This article makes no claims about how strongly Catholics or Protestants felt about each other or about issues in the role of religion in the civil society, but focusses on the Catholic clergy in nineteenth century Western Australia and

documents the contribution of ethnically diverse, especially non-English-speaking, clergy.

The bishops, priests, nuns and brothers who came from continental Europe were not British subjects (although many did swear allegiance to the Crown for pragmatic reasons) and therefore did not see themselves as part of the British colonial project. Though they became part of the invasive colonial presence, their relationship to the British State and the colonial authorities was different from their non-Catholic confreres. They did not come to Australia to build “God’s Empire”, nor were they “evangelists of Empire”, to use the evocative language of two histories of British missions.⁸ Moreover the institutional context of the Catholic missionaries was different. The Catholic Church was the most international organisation in existence and its missionary work was conceived in universalising terms. The Sacred Congregation for the Spreading of the Faith (*Propaganda Fide*), established in 1622, had long operated on all continents. The Catholic missionary lived an international dimension and defined their identity in terms of their faith and their religious order, rather than ethnicity or nationality. As Irish nun Fanny Cronin, of the French order of the Society of the Sacred Heart put it, “I am neither French nor Irish; I have no nationality; I am cosmopolitan, a religious of the Sacred Heart”.⁹

The Bishops

It took over forty years for Perth to have a bishop who was a native speaker of English. After Bishop Brady, who was born in Ireland but had all his education in France, the diocese was administered by three Spaniards, Bishops Serra, Salvado and Griver. It was not until 1886 that Irish-born Matthew Gibney was appointed to lead the diocese.¹⁰

The first two Catholic clergymen to set foot in Western Australia were Bishop John Brady and Fr John Joostens, who was from the Low Countries and is described by some sources as Belgian and as Dutch by others. They were accompanied by an Irish catechist, Patrick O’Reilly.¹¹ Fr Ullathorne in Sydney was surprised when Brady was appointed Bishop of Perth. He thought he was a good missionary priest and interested in the Aborigines, but under a very serious handicap of language. He was unable to express himself well in English and made frequent grammatical blunders.¹²

The story of the ‘ecclesiastical civil war’¹³ of 1850-1852 is well known.

It centres on Bishop Brady, who refused to accept that Rome had relieved him of his authority, and Bishop Serra, appointed by the Vatican to replace Brady as Apostolic Administrator. The conflict was not essentially an ethnic one: the town's Catholics divided into two camps, the Serra-ites and the Brady-ites, but there were plenty of Irish supporters for Serra as well as for Brady. The clash was really about personalities. However, Fr Bourke, in his *History of the Catholic Church in Western Australia*, suggests that language did become an issue in key flashpoints. Bishop Brady's malicious Vicar-General, Englishman Dominic Urquhart, was encouraged in his harassment of the Spaniards when he discovered that Bishop Serra was not yet fluent in English or well acquainted with the processes of English law. And when Brady stormed into the small church in Fremantle where Father Martin Griver was celebrating Christmas Day Mass, it was Griver's poor command of English that allowed Brady to take control of the situation and launch into a rambling and confused attack on the Spaniards.¹⁴

After Brady left, the diocese was administered by the two Benedictine bishops, Serra and Salvado, and then Martin Griver guided the fortunes of the diocese for a quarter of a century. These three Spanish prelates made an enormous and fundamental contribution to the preaching of the Gospel in the colony and to the establishment of ecclesiastical infrastructure, those structures and institutions and buildings that allowed the development of a Catholic culture.

The benefits of appointing bishops from the Continent were not lost on Australia's first archbishop, John Bede Polding. When in 1847 he recommended that a new diocese be created at Port Essington and that José Serra, recently arrived in the West, should be made its bishop, one of the reasons he gave to Propaganda Fide was that the English would not be ill-disposed to a Spaniard, in such a strategically sensitive location.¹⁵

José Maria Benito Serra inherited a diocese with very few resources at a time of rapid population growth, due mostly to Western Australia's late embrace of convictism. His pastoral leadership of over a decade is not remembered particularly well in Western Australia. In his native Spain he is remembered differently. On his return there, he helped found an order of nuns – the Oblate Sisters of the Most Holy Redeemer – which is still flourishing in fifteen countries, working with young women who have been victims of sexual abuse. In Perth he was often at loggerheads, with the Governor, with

the prison authorities, with the Sisters of Mercy, with his own clergy. If he had been Irish or English, things would have been even more difficult.

Rosendo Salvado, like Serra, never wanted the responsibility of running a diocese. He came to Australia to ‘convert and civilise’ the Aborigines. However, when Serra took over the administration of the diocese, he found the financial worries so overwhelming that he decided to abandon the fledgling mission at New Norcia and to use it as a source of income for the diocese of the city. He ordered Salvado to join him in Perth. During Serra’s visits to Rome, Salvado was left in charge. Between the two of them, they established churches, schools, presbyteries and convents in Perth, Guildford and Fremantle, and also in many rural centres – in Dardanup, the first church outside Perth, and then in Albany, Bunbury, Toodyay, Northam, York.

Serra may have given up on New Norcia but he still longed to establish a Benedictine monastery in Perth, which would be a centre of its religious life, in much the same way as Archbishop Polding was trying to do in Sydney. He chose a hilltop site in present day Wembley which he called New Subiaco because its location close to Lake Monger reminded him of the town of Subiaco in Italy, the town near Rome where St Benedict established his first monastic community. The monastery died when Serra left the colony in 1859 but its name lives on in the city that has grown up in the area.

Salvado administered the diocese, as requested, from 1853 to 1855. He remained in Perth, at Serra’s bidding, until Rome granted him permission to return to New Norcia in 1857. There he returned to the work of establishing a mission at New Norcia and integrating a monastery and a self-sufficient village where Noongar and Europeans would work together in mutual dependence. Following his death in 1900, the priorities of the New Norcia settlement, and its relationship with the broader community, have changed a number of times. It remains Australia’s only monastic town. The extraordinary contribution made by this towering and complex personality to the colony of Western Australia during the more than half-century that he led the New Norcia community is now the object of fresh study, following the bicentenary of his birth in 2014 and an increasing body of publications on the “Salvado era” in the history of New Norcia.¹⁶

Martin Griver was Serra’s Vicar-General, then Apostolic Administrator of the diocese and finally bishop for 16 years.¹⁷ His was a steady hand. He restored good relations between the Catholic community and the

overwhelmingly Protestant establishment. His consecration as bishop coincided with the appointment of Frederick Weld, the English Catholic gentleman who served as Governor from 1869 to 1874. The Spaniard and the Englishman worked well together and by gentle diplomacy and dogged persistence Griver made great progress in establishing a Catholic system of churches, schools and charitable institutions. It was during his time that the New Norcia mission was declared an Abbey Nullius, which deprived the diocese of the services of many of the Benedictine priests. Griver was proactive in recruiting priests, especially Spanish and Irish.

The last nineteenth-century bishop was Matthew Gibney. He had been Griver's Vicar General and in 1886 became the first bishop of Perth who spoke English as a native language. He would be the first of Perth's three Irish bishops. During his fifteen years as bishop, the number of Catholic schools in the diocese doubled. Perth gained an asylum for single mothers, a new hospital (St John of God's), the Redemptorist Monastery and many other important structures. Gibney saw into the future and divided the diocese, creating the diocese of Geraldton. Like Brady and Salvado before him, Gibney was horrified at the mistreatment of Indigenous people by white settlers, especially in the North-West. He was ultimately successful in establishing the mission at Beagle Bay and, in the early years of the twentieth century, the one at Drysdale River.¹⁸

The Priests

The men and women who toiled as clergy or religious in the colony of Western Australia were an even more diverse bunch. When Bishop Brady arrived in Fremantle in 1846 to begin his mission plan for the colony, he brought with him nine Irish men, seven Irish nuns, six Frenchmen, two Spaniards, two Italians and one Englishmen.¹⁹ Both Serra and Salvado would soon return to Europe to recruit large number of priests and religious, from a variety of countries.

Spanish and Italian priests

Some of the Spaniards were secular, diocesan priests who had come to Western Australia to serve the diocese. Others were Benedictines who came to work at New Norcia. However, when Serra brought the Benedictines to Perth and his monastery at New Subiaco, the Benedictine priests were also

at the disposal of the diocese. The diocese would not have survived without the Spanish priests.

They gave great service in establishing the first parishes and building the first churches in and around Perth. The Benedictines, especially, stood out since they tended to “wear the beard”. They are remembered with great affection in the histories of Fremantle, of Northam, Toodyay and York, of Dardanup, Australind and Bunbury, and Albany.

Some of them spoke little English when they arrived and really struggled. Since liturgies were celebrated in an international language – Latin –, knowledge of English was less an issue for Catholic missionaries than for Protestant preachers, who in any case were mostly native speakers of English or another Germanic language. Preaching however was a terrible and regular cause of stress. The Italian Canon Martelli told Salvado that he was worried about the health of the Spaniard Fr Ribaya: “He is overheated all day. Sometimes I hear him coughing: [...]. Furthermore, he is so taciturn and melancholy, but I cannot see the reason why. Perhaps it is due to the effort and anxiety that is caused by preaching.”²⁰

It cannot have been easy for the congregations either. But J.T. Reilly puts things into perspective in his warm reminiscences about the Spanish priests: “Not being familiar with the English language, of course, placed them at a great disadvantage, but their zeal and devotion in the ministrations of the Church were beyond praise. Devoted to their sacred calling, they were perfectly indifferent to their own personal wants and comforts and were ever busily employed in the discharge of duty. Their example was better than the most eloquent sermon.”²¹

Canon Raphael (Raffaele) Martelli, referred to above, was an outstanding priest. He was an Italian, who came to Western Australia in 1853 and worked here for 27 years until his death in 1880. Though not a Benedictine, he was a close personal friend of Bishop Salvado and was counted as a member of the New Norcia community. His many letters, faithfully conserved in New Norcia, offer a rich picture of his long years of service.²²

He records the new pastoral challenges which he and the other priests from Catholic countries faced, with little experience to draw on. In Italy Martelli had had experience of religious difference since in his home city of Ancona Jews made up 10 per cent of the city’s population. But mixed marriages between Catholics and Protestants were a different matter altogether – even

Bishop Serra sought advice from Archbishop Polding on the topic. Martelli differed on the matter with the Irish priest Timothy Donovan, with whom he shared a house in Fremantle. Whereas Donovan seemed happy to allow people to approach the sacraments without being over fancy about the letter of the law, Martelli needed the reassurance of authority and canon law. For example, a woman came to Martelli for confession. When he found out she had married a Protestant – in front of a Protestant minister – before leaving Dublin and without fulfilling the conditions required of a Catholic in such a situation, Martelli withheld absolution but Donovan accused him of being too strict. In the end, the Protestant husband agreed to the marriage being legalized or renewed in front of Martelli.²³

But even the legalistic Martelli demurred before certain pastoral practices he encountered. He wrote to Salvado, “Do you believe, Monsignor, that it is too strict to deny absolution in confession to parents who send their children to a Protestant school? I saw in the *Tablet* that in England, in London, they are even stricter than this, in similar cases.”²⁴ Refusing the sacraments to Catholic parents who sent their children to other schools when there was a Catholic school available continued to be the policy of many Australian bishops up to the 1870s.²⁵ Martelli knew his canon law but also appreciated the complex realities in which his parishioners lived.

Martelli is a good example of another aspect of how the clergy built up the early Church: by their international networks of religious confreres, friends and family. Bishop Salvado in particular kept up a prodigious amount of correspondence with superiors, confreres and friends in all parts of the world.²⁶ This was a rich source of benefaction and produced many remarkable outcomes, connecting Australia and Europe in a variety of ways. For example, when Martelli put Salvado in touch with an old school friend, Pietro Regnoli, in Rome, Regnoli and his family became firm friends of Salvado and generous benefactors of the mission, and introduced Salvado to their friends in Rome, including two leading Italian archaeologists, Luigi Pigorini and Gaetano Chierici. They were interested in the new theories of human evolution and Martelli and Salvado sent them three consignments of Aboriginal artefacts, the first such objects to be sent from Western Australia to Italy. They are still on display in their museums today, in the “Gaetano Chierici” Museum in Reggio Emilia and in the Museo Etnografico Preistorico “Luigi Pigorini” in Rome.²⁷

Irish priests

The number of Irish-born people living in Western Australia remained remarkably constant during the second half of the century. There were as many Irish-born at the end of the century as there were when Martin Griver became Administrator in 1861.²⁸ Among the Catholics the Irish were the largest ethnic group and the Irish character of the diocese emerged early. When the *Western Australian Catholic Record* began publication in 1874 – under the Spanish Bishop Griver –, its front page carried the double emblem, under the title, of the Cross and the Shamrock.²⁹

Both Griver and Gibney invited Irish priests to come to Western Australia to minister to the predominantly Irish population.

Others

There were other priests from distant parts who are remembered around the State.

The Belgian priest, Fr Adolphus Lecaille, came in 1858 and spent 50 years working in the South-West and in Geraldton. He was famous for his “Christmas horse rides”: he would set off after Midnight Mass at Northampton to celebrate Mass at Geraldton and ride on for a third Mass at Greenough, a 75 kilometre journey completed before he could break his twelve-hour fast which started at midnight and excluded even water. The horse ride was re-enacted during the diocesan centenary celebrations of 1998 and Fr Lecaille is commemorated in a stained-glass window in St Francis Xavier Cathedral.³⁰

There was a second Fr Martelli in WA in the later years of the century.³¹ Fr Luiz, or Luigi, or Aloysius, Martelli was born in India, of a Portuguese mother and perhaps Italian father. Leaving India for health reasons, he arrived in Perth in 1881, a year after Raphael Martelli had died, and worked at the Cathedral in Perth, then in Fremantle, and in Bunbury where he was appointed Dean of the South-Western districts. He is remembered for accompanying Daisy Bates and Bishop Gibney on a trip to the north-west. It was commonly believed that he was a relative of Raphael Martelli, but this is unlikely.³²

Fr Frederick Chmelíček, from Moravia in the modern-day Czech Republic, also served in the South-West.³³ Like many early priests, he was an educated and urbane man who volunteered for missionary work in his forties. He was sent to Kojonup, which had previously been served by the

priest at Albany. Albany had been staffed by Spaniards – Martin Griver, Emilian Coll, then the Irishman Bernard Delaney and another Spaniard Facundo Matheu. Fr Matheu worked in the South-West for twenty-six years and, though “unmistakeably foreign in dress and speech”,³⁴ left such a mark on the Albany area that St Joseph’s College named a new building wing after him.³⁵ Fr Chmelíček was the first priest appointed to Kojonup and served the town for fifteen years until he retired there, much loved by Catholics and Protestants alike.

The French priests who came with Brady in 1846 were heroic in the South West but, in a hopeless situation, they only lasted a short time and sailed to Mauritius. At the end of the century, when Bishop Gibney established the mission at Beagle Bay, he first sent French Trappists. They operated a bilingual school there, in the 1890s, with lessons alternating between French and the local language Nyulnyul, with occasional English and hymns in Latin. They were succeeded by German Pallottines, who built the famous mother of pearl church, and by St John of God nuns from Ireland, who operated Sacred Heart school until the 1970s when the mission closed and the Community Council asked the Church to continue to administer the school, at first through a number of religious orders and now under lay leadership.³⁶

The Nuns

All the early women religious came from the new French and Irish orders. The Irish Sisters of Mercy, led by Ursula Frayne, came with Bishop Brady in 1846 and established what was the first secondary school in Western Australia and the first secondary school for girls in Australia, and what is now Mercedes College.³⁷ They worked for the good of young Indigenous girls in Perth.³⁸

In 1855, Bishop Serra returned from Europe with French nuns of the order of St Joseph of the Apparition. They built schools in many localities, including a girls’ school in Perth that later became part of the amalgamated Seton Catholic College, and a school in Albany that grew into St Joseph’s, which named one of its centres after the leader of the sisters, Julie Cabagniol.³⁹

Bishop Gibney invited other Irish religious communities to the West, some of which were established from Melbourne: the Presentation Sisters (1891),⁴⁰ Sisters of St John of God (1895),⁴¹ Loreto Sisters (1897),⁴² Good Shepherd Sisters (1902).⁴³ He also invited the Christian Brothers (1894)⁴⁴ and

two congregations of priests, the Oblates of Mary Immaculate (1894)⁴⁵ and the Redemptorists, including the future Archbishop Patrick Clune (1899).⁴⁶

The Monks

The majority of the missionaries Salvado and Serra brought to Western Australia were not priests but monks, actually ‘lay brothers’ or ‘mason monks’ who came to work at New Norcia but under Serra’s authority were brought to Perth and Fremantle. They were Spaniards, with a few Italians. They worked as stonemasons, bricklayers, carpenters, cabinet makers, blacksmiths, wheelwrights, millers, horse breakers, gardeners, bakers, shepherds, pastry cooks, butchers, infirmarians, cooks, gardeners. One of the Italians is described as a macaroni maker. Another Italian, Mauro Rignasco, helped Salvado introduce homeopathy into Western Australia.⁴⁷ They built the presbytery in Fremantle and the monastery in Subiaco. From Subiaco they would walk the five kilometres, through sand and scrub, to Victoria Square, to help extend the pro-cathedral and then build the bishop’s palace for Bishop Serra. They set out before dawn, and on arriving one of them would bang two trowels together as their Angelus bell, and then work until the toll of the evening trowels, when they would walk the five kilometres back to Subiaco.⁴⁸ They did exquisite iron work on the Bishop’s official residence.⁴⁹

Among the Italians the most famous was Giuseppe, or Joseph, Ascione from Naples: the “master mason”. Involved in many of Bishop Serra’s building projects around Perth – the church in Guildford, the church and presbytery in Fremantle and the bishop’s residence in Victoria Square – his greatest legacy is St Mary’s Cathedral which he designed and built.⁵⁰

The foundation stone of the Cathedral was laid by Salvado. The building was consecrated in 1865, in a multicultural ceremony, by the Spanish Administrator Martin Griver assisted by the Italian Raphael Martelli serving as deacon, the Belgian Adolphus Lecaille as sub-deacon and the Irishman Matthew Gibney who acted as Master of Ceremonies and preached the homily.⁵¹

The impact of a culturally diverse clergy

The diversity of the Catholic clergy impacted on the Church’s attitude and commitment to Indigenous Australians in nineteenth-century Western Australia.

When Bishop Brady sent the first French priests to Albany in 1846, he had promised their Congregation that they would be responsible for the Albany mission. However, he changed his mind and left Fr Joostens to run the mission to the white population. The new French arrivals were to evangelise the Aboriginal population.⁵² This may have been because the French priests, as members of a religious order, were responsible to their religious superior whereas Joostens, a secular priest, owed obedience only to the Bishop. But it may also have been an early sign of a pastoral attitude that emerged among Australia's bishops during the century.

The nineteenth-century hierarchy came more and more to see the Church as an embattled religious minority and, in the case of the Irish bishops, an ethnic minority. Their priority was to maintain the faith of those who were already Catholic and to reach out to the white population in general. When resources were scarce, Indigenous Australians were definitely a lower priority. The two shining exceptions were Salvado in Perth and Polding in Sydney: the other bishops around Australia expressed the same commitment to the Aborigines, but in practice did little about it. "What missions there were – and there were few – were staffed by non-English speaking European monks who could not be used elsewhere."⁵³ This attitude emerged clearly in the 1885 Plenary Council held in Sydney, where the Bishops asked Propaganda Fide to send extra religious orders to work with the Indigenous people and limited their own efforts to organising an annual collection in favour of the Aborigines.⁵⁴

Western Australia always had the Spanish mission at New Norcia as a model and an incentive for more missionary engagement with Indigenous Australians. It was often cited by bishops elsewhere. Many other priests went beyond the call of duty to reach out in friendship to the Indigenous groups they encountered around the State. The Italian Raphael Martelli would catch a boat over to the prison island of Wadjemup/Rottneest whenever he could, simply to spend time with those held in captivity there. The Scottish priest Duncan McNab had worked in Queensland lobbying in vain on behalf of Aborigines there. Bishop Griver invited him to the West to establish a mission on Dampier Peninsula. The failure of his attempt convinced Bishop Gibney to try harder and to dedicate more resources to the North-West. This he did in sending first the French and then the Germans who succeeded in establishing the mission at Beagle Bay.

In terms of the European population in Western Australia, the most important characteristic of the continental European priests – the Spanish, the Italians, the French, the Belgians – was that they never saw themselves as part of the British colonial project. It is true that they became British subjects, but this was for pragmatic reasons of convenience. Salvado swore allegiance to the Crown as early as 1849 since this allowed him to purchase land. Raphael Martelli became a British subject so he could be paid for his work as prison chaplain in Fremantle. Their relationship to the British State and the colonial authorities was always different from their non-Catholic confreres. This explains the most important outcome for Western Australia of having such a diverse and non-British clergy. In the eastern States, sectarian conflict began to emerge as early as the 1830s. The entanglement of politics, ethnicity and religion, seemed to grow inevitably in the hothouse of colonial society.⁵⁵ In the West, the ethnic backgrounds of the bishops, priests and religious produced a different religious landscape altogether. We may conclude with the words of Geoffrey Bolton, with which we opened this essay: “Brady’s successors were first Serra, then the ascetic Martin Griver, both Spaniards. Consequently, while sectarianism was never absent from nineteenth-century Western Australia, Catholicism was not as inflamed by Ireland’s grievances as in many parts of eastern Australia. It proved to encourage the practical tolerance desirable among the small population of a remote colony.”⁵⁶

This is the legacy of our founding forebears in the faith. A living memory of this might allow us to see ourselves as “graced by migration”.⁵⁷ Let us all, in these times that Pope Francis calls “not an epoch of change but a change of epoch”,⁵⁸ work to keep that legacy alive for the good of all in our now not so remote colony.

Endnotes

- 1 Adrian Pittarello, “Migrants and the Catholic Church in Australia,” *The Australasian Catholic Record* 65, no. 2 (1988) 141-59, at p. 144.
- 2 NCLS Research, “Catholic parishes lead the way as multicultural communities”. Media Release Cultural Diversity – Catholic results, 27 March 2018. <http://ncls.org.au/news/media-release-cultural-diversity-catholic>.
- 3 Information kindly provided by the Archdiocese of Perth Communications Office, June 2018.
- 4 Pittarello, “Migrants and the Catholic Church in Australia”. Monica Tolevay, “Community and Church: the Italian ‘problem’ in Australia during the inter-war years,” *FULGOR* 3, no. 2 (2007) <http://ehlt.flinders.edu.au/deptlang/fulgor/>.
- 5 Pittarello, “Migrants and the Catholic Church in Australia”, 145-146.
- 6 Geoffrey Bolton, *Land of Vision and Mirage: Western Australia since 1826* (Perth: University of Western Australia Press, 2008), 29-30.

- 7 A useful overview of the historiographical debate is Jenny Gregory, “Western Australia between the wars: the consensus myth,” *Studies in Western Australia History* 11 (1990) 1-16. An early formulation of Tom Stannage’s critique of the consensus view, of particular relevance to this essay, is his “New Norcia in history,” *Studies in Western Australia History* 29 (2015) 125-30.
- 8 Hilary M. Carey, *God’s Empire: Religion and Colonialism in the British World, c.1801–1908* (Leiden: Cambridge University Press, 2011); Amanda Barry et al., eds., *Evangelists of Empire?: Missionaries in Colonial History* (Melbourne: University of Melbourne eScholarship Research Centre, 2008).
- 9 Deirdre Raftery, “‘Je suis d’aucune Nation’: the recruitment and identity of Irish women religious in the international mission field, c. 1840–1940,” *Paedagogica Historica* 49, no. 4 (2013) 513-30, at 514.
- 10 Brady was suspended of his functions *motu proprio* in October 1851 by Pope Pius IX and José Maria Benito Serra appointed as coadjutor bishop of Perth, reporting to the Archbishop of Sydney. Brady retained the title of Bishop of Perth, although living in exile from his Diocese, until his death. Serra served as Coadjutor Bishop and Temporal Administrator of Perth from 1849 to 1851 and as Apostolic Administrator from 1851 to 1862. Rosendo Salvado was appointed Coadjutor Bishop of Perth for three years from 1853 while Serra was absent in Europe. Fr Martin Griver was appointed Apostolic Administrator in 1862 and then Bishop in 1870, a ministry he performed until his death until 1886.
- 11 D F Bourke, *The History of the Catholic Church in Western Australia* (Perth: Archdiocese of Perth, 1979), 8-9.
- 12 Bourke, 10. For a new assessment of Brady’s administration, see Odhran O’Brien, “The curious case of Bishop Brady: a new perspective,” *Journal of the Australian Catholic Historical Society* 33 (2012) 10-22.
- 13 Christopher Dowd, *Rome and Australia: The Papacy and Conflict in the Australian Catholic Missions 1834-1884* (Leiden: Brill, 2008), 125-62.
- 14 Bourke, 38.
- 15 Polding to Propaganda Fide, 22 February 1847, cit. in Frances O’Donoghue, *The Bishop of Botany Bay: the life of John Bede Polding, Australia’s first Catholic Archbishop* (London & Sydney: Angus & Robertson, 1982), 90.
- 16 The only full-length biography is still George Russo, *Lord Abbot of the Wilderness: The Life and Times of Bishop Salvado* (Melbourne: Polding Press, 1980). But see also “Ways of Telling”, vol. 22 (2015) of *New Norcia Studies*. One looks forward eagerly to the imminent publication of his translated diaries.
- 17 Odhran O’Brien, *Martin Griver unearthed: the life of a Spanish missionary priest who became a bishop in colonial Western Australia, 1814-1886* (Strathfield: NSW: St Pauls Publications, 2014).
- 18 Daniel O’Donovan, “Attempts that failed: Beagle Bay,” *Tjurunga* 8 (1974) 103-16.
- 19 Rosendo Salvado, *The Salvado Memoirs*, trans. and ed. E. J. Stormon (Nedlands, WA: University of Western Australia Press, 1977), 22.
- 20 Raffaele Martelli to Rosendo Salvado, 15 January 1855, in John J Kinder and Joshua Brown, *Canon Raffaele Martelli in Western Australia, 1853-1864: life and letters* (Melbourne: Abbey Press, 2014), Letter 39.
- 21 Joseph Thomas Reilly, *Reminiscences of Fifty Years’ Residence in Western Australia* (Perth: Sands & McDougall, 1903), 69-70.
- 22 Kinder and Brown; see also John J. Kinder, “Rosendo Salvado and Raffaele Martelli: friendship and vocation,” *New Norcia Studies* 22 (2015) 1-11.
- 23 Martelli to Salvado, 11 May 1854, in Kinder & Brown, *Canon Raffaele Martelli*, Letter 16.
- 24 Martelli to Salvado, 8 August 1854, in Kinder & Brown, *Canon Raffaele Martelli*, Letter 31.
- 25 Patrick O’Farrell, *The Catholic Church and Community in Australia: a History* (Melbourne: Thomas Nelson, 1977), 174.
- 26 Useful descriptions of the correspondence of the Salvado years are in the publications by Teresa De Castro, in various issues of *New Norcia Studies*: 12 (2004), 13 (2005), 14 (2006), 16 (2008), 17 (2009). First attempts to describe the epistolary networks sustained by this correspondence

- (focussing mainly on material written in Italian), are Francesco De Toni, “Constructing friendships with letters: some observations on friendship and its linguistic expression in the correspondence of Rosendo Salvado’s epistolary network,” *New Norcia Studies* 23 (2016) 93-108; Federica Verdina, “Voicing a language. Italian and Italians in the New Norcia Archives,” *New Norcia Studies* 23 (2016) 25-37.
- 27 The story of the first two consignments is told in John J. Kinder, “Letters and other gifts: on a nineteenth-century Italian-Australian epistolary network,” *Life Writing* 12, no. 3 (2015) 325-38, the third in Lucy Davidson and John J. Kinder, “‘A most useful contribution to science’: Salvado’s third consignment of Noongar objects and Italian prehistoric archaeology,” *New Norcia Studies* 23 (2016) 62-74.
- 28 Australian Bureau of Statistics. 3105.0.65.001 *Australian Historical Population Statistics, 2008*. Table 9.5 Population, sex and country of birth, WA, census years, 1859-1891.
- 29 Bourke, 95.
- 30 Tanya Moffat, “The galloping priest and his legacy,” *The Record*, 20 August 2008.
- 31 See the obituary, “Death of Very Rev. Dean Martelli: Great priest – a notable personality,” *The Record*, 3 November 1923.
- 32 Bishop Salvado thought Luigi was a nephew of Raffaele, and this idea has been repeated in several histories. When Salvado met Luigi in December 1881, he wrote to his Prior in New Norcia that Luigi’s father was Raffaele’s brother and his mother a Portuguese woman from Lisbon (NNA 2234A-36-191). Raffaele’s dearest friend in Rome, Pietro Regnoli, was very surprised and made enquires among Raffaele’s family in Rome and Ancona, who also asked the two unrelated Martelli families in Ancona (NNA 2234A-37-287). No one had ever heard of Luigi or of any member of the family named Antonio Ciriaco (the name of Luigi’s father). Neither Luigi nor Raffaele ever recorded any reference to each other, in any of their correspondence. It may be best to put it all down to an uncanny coincidence, until some definitive evidence settles the question either way.
- 33 Martin Newbold, “Frederick Chmelicek, a tragic missionary,” *The Record*, 31 January 1874.
- 34 Father Fitzsimmons (= Noel Fitzsimons?), “Story of the Catholic Church in Albany 1844 - 1860,” (Typescript, Albany Public Library).
- 35 Mercè Masjuan i Matheu, “La vida de Facundo Mateu i Cassà / Facundo Mateu’s life,” (edicionsmasjuan@gmail.com2013).
- 36 Remi Balagai, (et al.), *This is your place: Beagle Bay Mission, 1890-1990: birthplace and cradle of Catholic presence in the Kimberley* (Rossmoyne, W.A.: Pallottine Centre, 2001).
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- 41 John Scally, *To Speed on Angels’ Wings: the Story of the Sisters of St John of God* (Dublin: The Columba Press, 1995); Pat Jacobs, “Free Women on a Savage Frontier: St John of God Sisters on the Kimberley Pearling Coast of Western Australia,” *Australian Journal of Irish Studies* 4 (2004) 159-267.
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- 43 Catherine Kovesi, *Pitch Your Tents on Distant Shores: a History of the Sisters of the Good Shepherd in Australia, Aotearoa/New Zealand and Tahiti* (Carringbah, NSW: Playright, 2006).
- 44 Barry Coldrey, *The Scheme: the Christian Brothers and Childcare in Western Australia* (Perth: Argyle-Pacific, 1993).
- 45 Austin Cooper, *A Little by Ourselves: Oblates of Mary Immaculate Australia, 1894-1994* (Melbourne: Mazenod Press, 1994).
- 46 Samuel J Boland, *One Hundred Years On: The Redemptorists in Western Australia 1899-1999* (Perth: Metro, 1999).
- 47 Lawrence Rhoads, "A flood of reflections: Mauro Rignasco's life through his letters," *New Norcia Studies* 24 (2017) 15-26.
- 48 Stefano Girola, ed. *Report of Rosendo Salvado to Propaganda Fide in 1883* (Melbourne: Abbey Press, 2015), 54.
- 49 John Kagi, "The square scroll: blacksmithing at the Benedictine Abbey of New Norcia," *New Norcia Studies* 24 (2017) 27-44.
- 50 Frances Stibi, "Profile of an early church architect," *Australian Catholic Historical Society Newsletter* 19, no. 3 (2009) 4.
- 51 Raffaele Martelli to Rosendo Salvado, 17 February 1865. NNA 2234A-20-947. An extract can be found in John A. Winship, *Our Cathedral. A History of St Mary's Cathedral, Perth, Western Australia* (Perth: Archdiocese of Perth, 2010), 82-83.
- 52 Bourke, 16.
- 53 O'Farrell, 120. See also Stefano Girola, "Rhetoric and Action: the policies and attitudes of the Catholic Church with Regard to Australia's Indigenous Peoples, 1885-1967" (PhD, University of Queensland, 2007).
- 54 Stefano Girola, "The Italian Connection: New Historical Sources on European-Aboriginal Relationships," *The Australasian Catholic Record* 87, no. 1 (2010) 92-106.
- 55 O'Farrell, 54.
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- 57 Patricia Madigan, "Graced by Migration: An Australian perspective," in Padilla E. and Phan P.C., eds., *Christianities in Migration*, (New York: Palgrave Macmillan, 2016), 135-52.
- 58 This oft-quoted definition – "we are living not so much in an epoch of change, as in a change of epoch" – was first heard, I believe, in Pope Francis' speech to the Meeting with the Participants in the Fifth Convention of the Italian Church, Cathedral of Santa Maria del Fiore, Florence, Tuesday 10 November 2015: http://w2.vatican.va/content/francesco/en/speeches/2015/november/documents/papa-francesco_20151110_firenze-convegno-chiesa-italiana.html

LAW AND RELIGION IN WESTERN AUSTRALIA: COOPERATION OR CONFLICT?

Michael Quinlan*

I urge then, first of all that petitions, prayers, intercessions and thanksgiving should be offered for everyone, for kings and others in authority, so that we may be able to live peaceful and quiet lives with all devotion and propriety.¹

Given the multi-faith, multi-cultural and pluralist nature of Western Australian society, since the arrival of the European population, the relationship between law and religion and the extent to which they operate co-operatively or in conflict have always been significant issues. The changing nature of Australian society and the increasing collision between law and religion make these issues particularly important today. This paper examines the relationship between law and religion in Western Australia. In common with the rest of Australia there are many religious, customary and faith traditions present in Western Australia.² As Australia's common law and legal system have lengthy and deep Christian roots and, until very recently, the majority of Western Australians have identified as Christians, the paper focusses on Christianity. Whilst there have been sectarian tensions, the historical dominance of Christian faith among the population, led to a basic agreement on many areas of morality and behaviour. The paper recognises that the cooperation between law and religion in Australia is under severe strain and considers the causes of this tension. It argues that, as conflict between law and religion is increasing, religious freedom now requires greater protection in law.

As Newton has observed:

[Australian] [s]ociety is turning against the very fabric of our [Catholic] faith – society's moves to control or redefine birth, marriage and death are before us every day in the form of abortion, marriage equality and euthanasia legislation.³

This paper uses those three areas as keystones in examining the relationship between law and religion. To understand the present relationship between law and religion it is necessary to have some understanding of that relationship

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at the formation of Western Australia. Section One briefly considers the Christian roots of the common law and the legal system that was brought by the colonists with them on their arrival in Western Australia. Section Two looks at the relationship between law and religion in the foundation years of the colony. Section Three considers the make-up of contemporary Australia and contemporary attitudes to religion. Section Four considers the relationship between law and religion in Australia. Section Five argues that, given the state of the relationship between law and religion today, which is better characterised as a relationship of conflict than of cooperation, there is now a need for greater protection of religious freedom in law.

1. The Christian roots of the common law and the legal system

When Lieutenant-Governor James Stirling RN proclaimed the colony of Swan River on 17 June 1829 it joined the vast British Empire which had developed as a partnership between the Church of England and the State.⁴ The new colony inherited the Western legal tradition which was deeply influenced by Christianity.⁵ It also received the common law and all English laws in place as at 1 June 1829 so far as they were applicable.⁶ These laws were also saturated by Christianity.⁷ The fingerprints of Christianity are to be found, for example, in the need to prove intention (*mens rea*) in criminal law, in the idea of equality before the law, in human rights law, in the sanctity of promises,⁸ in the principles of equity⁹ and negligence¹⁰ and in the choice of 12 as the standard number of jurors.¹¹ Showing an understanding repeated into the early twentieth century by many other jurists,¹² as Sir Matthew Hale put it in 1676, “Christianity is parcel of the laws of England.”¹³ The influence of Christianity was particularly evident in the laws relating to marriage, abortion and euthanasia.

Marriage

Six years after the foundation of the Swan River Colony Lord Brougham delivered a judgment in the House of Lords, which confirmed that marriage under the common law meant “Christian marriage.” By this he meant marriage between one man and one woman. Christianity was, and had always been, so much a part of the law that a mere reference to it was sufficient explanation of the meaning of marriage.¹⁴

Abortion

When the Swan River Colony was founded in 1829 unlawful abortion was a felony in England.¹⁵ Criminal proscription of abortion reflected Anglican and Catholic teaching.¹⁶ The phrase “unlawful abortion” probably originally meant that “the unborn child in the womb must not be destroyed unless the destruction of that child is for the purpose of preserving the yet more precious life of the mother.”¹⁷

Euthanasia

Reflecting Christian ideas of the value of human life¹⁸ euthanasia has always been a criminal offence in England.¹⁹

2. Law and religion in the Swan River colony

The Swan River Colony was established at a pivotal period in the relationship between the Church of England and the State. Stirling arrived under instruction to support religion.²⁰ At that time there was no doubt that “religion” meant the Church of England²¹ however the imperial hegemony of the Church of England started to unravel in the 1830s.²² Britain moved toward a policy of State neutrality towards Churches.²³ There is debate as to the extent to which the Church of England enjoyed favoured status in the fledgling Swan River Colony.²⁴ Stirling appointed an Anglican clergyman as Justice of the Peace and magistrate.²⁵ In 1840 the Legislative Council of the Swan River Colony passed an Act which provided for the subsidised building of clergy houses and churches and for grants for clergy stipends.²⁶ On its face the Act was non-denominational but as funding was proportional the small Catholic and Wesleyan populations complained of unfavourable treatment.²⁷ Providing grants in proportion to funds raised by a congregation in effect favoured the Church of England as Anglicans vastly outnumbered adherents to other traditions, in the colony. As a consequence the Church of England received the great majority of financial support from the government.²⁸ Whilst the residents of the new colony brought with them centuries of religious and theological antagonisms²⁹ this does not mean that there was no co-operation or friendliness between colonists from different faith traditions.³⁰ There was both tensions and cooperation between those of different religious, predominantly Christian, traditions in the colony.

Western Australia joined other Australian colonies to federate in

1901 “humbly relying on the blessing of Almighty God.”³¹ The new Commonwealth’s *Constitution* recognised the multi-faith nature of the nation by specifically eschewing an establishment religion, religious tests for public servants, the imposition of religious observances and by precluding the new Commonwealth from making laws “for prohibiting the free exercise of any religion.”³² As Australia has always been a multi-faith, multi-racial and pluralist nation its history has not been exempted since Federation from relationship breakdowns between its various constituent parts. As Heydon has observed:

Until about the 1960s Australian society was marked by sectarianism. It took several forms. For example, particularly in country towns, Catholics were derisively referred to in non-Catholic circles; perhaps the opposite position also prevailed. Professional firms were to some extent organised along sectarian lines: Catholic firms employed Catholics and no-one else, Presbyterian firms employed Presbyterians and no-one else, and Catholics were not easily employable in other non-Catholic firms. In due course, all that changed.³³

Over time, issues between the differing Christian denominations have largely been resolved peaceably in Australia.³⁴ The challenges to religion today arise instead in the form of, what D.A. Carson describes as “[t]he intolerance of tolerance.”³⁵ This might be considered as a new sectarianism in which religious believers – and Catholics in particular - find themselves in conflict with the moral zeitgeist, the intellectuals and increasingly the laws of the State. As Heydon observed in the same speech:

[N]ow there may be a new anti-Catholic movement, particularly among the intellectuals, if that is the correct word for journalists... anti-Catholicism in Australia now might be called the racism of the intellectuals.³⁶

The changing nature of Australia’s population, considered in Section Three below, forms part of the background to this phenomenon as it provides the climate in which negative attitudes towards religion and to those of religious faith can spread.

3. The religious make-up of contemporary Australia and contemporary attitudes to religion

Like the rest of Australia, whilst Western Australia was from the time it

was founded as a colony of the British Empire, a predominantly Christian colony, it was nevertheless a multi-faith, multi-cultural and pluralist society. Salvado records that just 19 years after Lieutenant-Governor Stirling's arrival 83.6 per cent of the small non-indigenous population of the colony of 4622 identified with a Christian denomination. The population consisted of 3,063 Anglicans (67 per cent), 337 Catholics (7.3 per cent), 276 Methodists (6 per cent) and 187 Independent Protestants (4 per cent) and 759 "Chinese and others unspecified" (16 per cent).³⁷

From the first national census in 1911, the majority of Australians included in the census (which at that time excluded Australia's indigenous population) have identified as Christians.³⁸ The percentage of Australians who identify as Christian has been steadily declining since that time from 96 per cent in 1911, to 88.2 per cent in 1966, 74 per cent in 1991, 68 per cent in 2001, 61 per cent in 2011 and 52.1 per cent in 2016.³⁹ This trend has also been evident in Catholicism and Anglicanism. In 2001, 27 per cent of the Australia population reported an affiliation to Catholicism. This fell to 25 per cent of the population in 2011 and to 22.6 per cent in 2016.⁴⁰ In 2001, 21 per cent of Australians identified as Anglican, declining to 17 per cent in 2011 and to 13.3 per cent in 2016.⁴¹ Some smaller Christian denominations increased over this period. The number of Pentecostals increased by one-fifth from 1.0% of the Australian population in 2001 to 1.1 per cent in 2011 and 2016.⁴²

At the same time the numbers of adherents of other faiths and of 'No Religion'⁴³ have been increasing. Between 2001 and 2016 the number of people reporting a non-Christian faith increased⁴⁴ from 4.9 per cent in 2001 to 7.2 per cent in 2011 to 7.8 per cent of the Australian population in 2016.⁴⁵ Islam was the most popular,⁴⁶ followed by Buddhism⁴⁷ and Hinduism.⁴⁸ The numbers of 'No Religion' respondents also increased substantially, from 0.8 per cent of the population in 1966, to 15 per cent in 2001, to 29.6 per cent in 2011⁴⁹ and to 30.1 per cent in 2016.⁵⁰ By 2011 the "No religion" category had become the most popular selection for Australians in Western Australia (32.5 per cent).⁵¹ The growth in no religious affiliation was strongest among the young, with 28 per cent of those aged 15-34 responding as "No religion" in 2011 rising to 39 percent in 2016.⁵² In Western Australia in the latest census, 56.7 per cent identified as religious with less than half the population⁵³ identifying as Christian and 6.9 per cent identifying with

another religious tradition.⁵⁴ This put the State more the 2 percentage points below the national average in both categories. With 33 per cent of Western Australians identifying with ‘No Religion’ the State was nearly 3 percentage points above the national average.⁵⁵

Whilst not all religions are theist, belief in a Creator or a Supreme Being is a hallmark of the three Abrahamic religions and of many other religious traditions. This means that belief in God is something of a bellringer for the health of religion in a country. By this standard religious belief is declining in Australia. Whilst the majority of Australians over 70 continue to believe in God,⁵⁶ only slightly more than half of the Baby Boomers – those between 50 and 69 – believe in God.⁵⁷ For those in their late thirties and in their forties – the Gen Xers – less than half⁵⁸ report belief in God and among teenagers and those in their twenties only 31 per cent report belief in God.⁵⁹ The differences in religiosity among different age groups is also reflected in religious affiliation. In 2016 whilst 70.3 per cent of Australians over 65 affiliated with Christianity only 39.4 per cent of Australians in the 18 to 34 age bracket so affiliated.⁶⁰ Whilst only 16.1 per cent of Australians over 65 identified as having no religious affiliation among under 18’s 34.2 per cent so identified.⁶¹

Whilst Church attendance can be a simplistic measure of religiosity⁶² it has the benefit of being objectively measurable. Over the last few generations regular church attendance in Australia has been in decline.⁶³ In 1972, 36 per cent of Australians were regular church goers but by 2011 this had fallen to 15 per cent.⁶⁴ Continued acceptance of traditional teachings may be another means of measuring religiosity. In the 2017 postal poll 61.6 per cent of Australians supported a change in the law to allow same-sex couples to marry.⁶⁵ Every federal electorate in Western Australia voted in favour of change⁶⁶ and Western Australians voted for change at a rate significantly above the national average.⁶⁷

The changing proportion of Australians who identify as Christian reflects or has caused other changes in Australian society. One is “the growing religious illiteracy of the West.”⁶⁸ As Brugger has observed:

[I]n Australia there is an astonishing level of religious ignorance and oblivion. Religion is simply not in the daily categories of thinking, and Catholicism, in general, has a negative connotation on the streets here.⁶⁹

Almost 18 per cent of Australians know nothing about the Christian Church in Australia.⁷⁰ Whilst nearly 80 per cent of Australians know at least two Christians, a significant number of Australians (8 per cent) do not know any Christians. Hempton considers religious illiteracy to be “a dangerous reality.”⁷¹ The lack of knowledge of Christianity in Australia is no doubt a significant cause of the fact that more than a quarter of Australians have a negative view of it.⁷² Six per cent of Australians have strong reservations about Christianity with 7 per cent being passionately opposed to it.⁷³ Many Australians associate Christians with negative stereotypes. Some non-Christian Australians consider Christians to be judgmental and greedy, with outdated beliefs which they seek to impose on others⁷⁴ Whilst the attributes that Australians, who know Christians, most identify them with are positive traits such as caring,⁷⁵ loving,⁷⁶ kindness⁷⁷ and honesty,⁷⁸ a significant proportion of Australians, who know Christians, associate them with negative characteristics.⁷⁹ These include being judgmental,⁸⁰ opinionated,⁸¹ hypocritical,⁸² intolerant,⁸³ insensitive,⁸⁴ and rude.⁸⁵ Among Generation X Christianity is considered to be “unaccepting of people who don’t follow the rules”⁸⁶ and to be a religion in whose name “a lot of bad things have been done.”⁸⁷

They [the Church] just cover up, they’re very corrupt and not transparent. Those who’ve been convicted [of child sexual abuse] should be sent to prison and they’re not, they’re protected.⁸⁸

Views of Christians of those in Generation Y include that they try to protect child abusers,⁸⁹ hold beliefs which are rigid and outdated including the “demonization of normal human emotions and acts such as sexuality.”⁹⁰

The failure of Christian institutions to deal quickly and appropriately with the scourge of child sexual assault, as exposed in the hearings and the findings of the Royal Commission into Institutional Child Sexual Assault, has had a significant adverse impact on attitudes towards Christianity – and in particular Catholicism. Child sexual abuse and the involvement of church leaders in scandals are the largest negative perception of Christianity in Australia for 73 per cent of Australians.⁹¹ Those failures are at least an important element in the factors which have contributed to the decline of self-identification with Christian faith traditions by Australians. Christianity is also associated with intellectual and mental feebleness by a substantial proportion of the Australian population. Twenty –two per cent of Australian

men and 13 per cent of Australian women (that is 18 per cent of Australians) consider that religion is a crutch for the weak to lean on.⁹² It should come as no surprise then, that an association with a traditional Christian moral position is often considered to be a negative in public discourse in Australia on issues such as marriage, abortion or euthanasia for example. As Hempton has observed:

We live in a world, indeed in a nation where religious ideas have been taken up by out-of-tune instruments, and many in the West, especially under the age of thirty, now believe the melody itself is detestable.⁹³

4. The relationship between law and religion in Australia – and in particular in Western Australia - today.

With this background, the paper now considers three examples of the law – whether enacted by Parliament or as a consequence of Court rulings – departing from traditional Christian moral positions and impacting on religious freedom in Australia.

Marriage

Changes to the meaning of marriage and the intersection of new understandings of marriage with anti-discrimination law both warrant consideration. As discussed in Section One, in the nineteenth century, Christianity was such a ubiquitous aspect of British society that cases dealing with marriage in that century unashamedly used phrases such as “Christian marriage” as a sufficient description of the concept. This was no longer the case in 2013 when the High Court observed that:

[T]he nineteenth century use of terms of approval, like “marriages throughout Christendom” or marriages according to the law of “Christian states”, or terms of disapproval, like “marriages among infidel nations” served only to obscure circularity of reasoning. Each was a term which sought to mask the adoption of a premise which begged the question of what “marriage” means.⁹⁴

The High Court departed substantially from “Christian marriage” in giving the term “marriage” when used in the *Constitution* the following new meaning:

“[M]arriage’ is to be understood in s 51(xxi) of the Constitution as referring to a consensual union formed between natural persons in

accordance with legally prescribed requirements which is not only a union the law recognises as intended to endure and be terminable only in accordance with law but also a union to which the law accords a status affecting and defining mutual rights and obligations.⁹⁵

In doing so the High Court found that the Commonwealth had power to legislate to redefine marriage within these broad parameters should it choose so to do. This power was later used by the Commonwealth to redefine marriage to mean “the union of 2 people to the exclusion of all others, voluntarily entered into for life”⁹⁶ following the 2017 postal poll.⁹⁷ As a result civil celebrants at all Australian civil marriages now must use those words or words to the same effect in every marriage ceremony⁹⁸ and Commonwealth grants are now available to provide education about this new understanding of marriage.⁹⁹

A particular issue which has arisen following the redefinition of marriage in jurisdictions, such as the United States and the United Kingdom, is the intersection between anti-discrimination laws and religious freedom. Some of the many examples include devout Christian service providers who assert that their religious faith precludes their participation in a same sex marriage by renting their property,¹⁰⁰ providing floral arrangements,¹⁰¹ designing and producing a wedding cake,¹⁰² using their photographic and artistic skills to record such a ceremony¹⁰³ or taking steps to authorise or record such a relationship as a civil servant.¹⁰⁴ As Lester has recognised “[r]econciling equality and religious freedom is particularly difficult”¹⁰⁵ because “[r]eligious beliefs are often at odds with other concepts of equality.”¹⁰⁶ He argues that “[i]n a plural democratic society, cultural differences should be accorded equality of respect unless they are abusive or oppressive. What to one group is praiseworthy to another may seem anti-social.”¹⁰⁷ After observing that anti-discrimination laws in the United Kingdom provide no exemptions for conscientious religious believers in the provision of accommodation or services in such circumstances, Lester accurately observes that:

Some traditional followers of the three Abrahamic religions – Judaism, Christianity and Islam – feel undervalued and even persecuted when their objections to gay marriage are rejected.¹⁰⁸

When marriage was redefined in Australia these experiences overseas did not result in any legislative amendments to deal with these sorts of conflicts. This left Commonwealth, State and Territory laws, all of which were enacted

before the redefinition of marriage was envisaged, potentially operating against people who continue to hold a religious understanding of marriage consistent with “Christian marriage” as understood by the common law.

The inability of the legislative arrangements in Australia to deal with conflicts between religious understandings of sexuality and marriage have been evident for some time. Prior to the redefinition of marriage in Australia, in 2014, the Victorian Court of Appeal determined that a company owned and operated by the Christian Brethren had engaged in unlawful discrimination. It did so, according to that Court, by declining a booking by a group promoting views on sexual morality of same sex sexual activity to young people which were contrary to those of that tradition.¹⁰⁹ Also prior to the redefinition of marriage, the Catholic Archbishop of Hobart, Julian Porteous, was referred to the Tasmanian Anti-Discrimination Commission for circulating a booklet called “Don’t Mess with Marriage” to the parents of students at Catholic Schools and in Catholic parishes. The booklet explained Catholic teaching on marriage which an Archbishop might be expected to seek to educate his parishioners about. There the Commission found that the complainant had identified a potential breach of the Tasmanian *Anti-Discrimination Act*.¹¹⁰ This triggered obligations to mediate before a case could be heard. The case could not be resolved by mediation and the complainant ultimately dropped the case. These two cases demonstrate some of the present limits on religious freedom in Australia. The chilling impact of the threat and reality of such litigation pose a live threat to religious liberty in Australia.

The prospects of conflict between religious faith and the new meaning of marriage have increased since the redefinition of marriage. Those who are unable to participate in a same sex marriage in Western Australia, in the same circumstances and for the same reasons as those mentioned above, are likely to be found in breach of both Commonwealth and State anti-discrimination law. The *Sex Discrimination Act, 1984* (Cth) prohibits discrimination on the ground of sex, sexual orientation, gender identify, intersex status, marital or relationship status, pregnancy, breastfeeding and family responsibility. The prohibitions on discrimination in the Act extend to refusing to provide goods or services¹¹¹ or accommodation.¹¹² Whilst that Act does provide some exemptions for “a body established for religious purposes” these are not likely to be available to individual religious believers or businesses.¹¹³ Western Australian law also makes it unlawful to discriminate against

a person in the provision of goods and services including on the ground of the person's sex, marital status and sexual orientation.¹¹⁴ Like the Commonwealth legislation whilst the Western Australian Act does provide some exemptions for "a body established for religious purposes" these are not likely to be available to individual religious believers or businesses.¹¹⁵ Whilst the Western Australian legislation does provide protection from discrimination on the ground of religious belief these protections would not apply to protect religious believers who are unable to supply goods, services or property because of their religious beliefs.¹¹⁶

Abortion

The *Criminal Code Act, 1902* (WA) proscribed "unlawful abortion".¹¹⁷ The original intention "was to enact provisions which would hold persons criminally responsible for unlawful acts towards a foetus causing either a miscarriage or an abortion to occur. In essence, protection of a foetus from the time of conception through all stages of pregnancy to the point of birth."¹¹⁸ On its face the legislation provided for serious penalties for procuring or assisting in an unlawful abortion.¹¹⁹ Although the meaning of "unlawful abortion" had not been judicially considered in Western Australia, liberal judicial statements on similar legislation elsewhere¹²⁰ led to such widespread access to abortion in Western Australia from the 1970s that the law could aptly be described as "a joke having been ignored for 30 years."¹²¹ Following legislative reform in 1998, abortion has been lawful in Western Australia up to 20 weeks gestation.¹²² After 20 weeks two doctors who are members of a special panel must certify that the mother or the child has 'a severe medical condition' for the abortion to be lawful.¹²³

Western Australia currently protects the freedom of conscience and religion of health practitioners in relation to the provision of elective abortion.¹²⁴ This is not the case in Victoria, New South Wales (NSW), Queensland or the Northern Territory. In Victoria, Queensland and the Northern Territory medical practitioners with a conscientious objection to abortion, are required to refer patients seeking that procedure to another medical practitioner who does not share that objection.¹²⁵ In this way the law seeks to compel doctors with a conscientious objection to abortion to be complicit in that procedure. Some years ago disciplinary proceedings were brought against, Dr Mark Hobart, in Victoria for refusing to refer a

couple seeking to terminate their pregnancy on sex-selection grounds to a doctor who he knew did not share his objection to abortion.¹²⁶ In July 2014 the NSW Ministry of Health (NSW Health) issued a policy¹²⁷ which largely replicates the Victorian and Northern Territory position. Compliance with this Policy is mandatory for NSW Health and a condition of subsidy for public health organisations.

In Tasmania, Victoria, the Northern Territory, New South Wales, Queensland and the Australian Capital Territory (ACT) it is a criminal offence to protest or engage in a range of other proscribed activities within a designated radius of an abortion clinic.¹²⁸ Criminal prosecutions for breaching these exclusion zones have taken place in Tasmania, Victoria and the ACT to date. The Tasmanian and Victorian cases are on appeal to the High Court. In Tasmania, Graham Preston and Mr and Mrs Stallard were arrested and successfully prosecuted.¹²⁹ As, uniquely, the *Tasmanian Constitution* protects religious freedom¹³⁰ the religious motivations of the accused were relevant in the case and their Christian motivations were clearly expressed.¹³¹ Although they presented no physical obstacle to entrance to the facility, badgered, harangued and attacked no one and posed no threat of violence or intimidation, the religious motivations of the accused did not prevent their conviction.¹³² The Magistrate rejected defences grounded on religious freedom and also on the implied freedom of political communication.

In the Victorian case, the arresting officer noted that the protesters “were law abiding people” and that he “didn’t want them coming before the Courts.”¹³³ Whilst in the exclusion zone the accused provided a pamphlet to a couple entering an abortion clinic. There was no evidence of the content of the pamphlet and “no evidence of duress or violence of any kind.”¹³⁴ Mrs Clubb was nevertheless found guilty of the offence. The Court rejected a defence grounded on the implied freedom of political communication on the basis that abortion was a “health” rather than a “political” issue.¹³⁵

In the ACT case, three Christians were charged with breaching the exclusion zone for silently praying whilst walking outside the office building in which an abortion clinic operated. One of the Christians sat on a bench and silently prayed the rosary.¹³⁶ The Court rejected the defence grounded on the implied freedom of political communication¹³⁷ The prosecution failed in this case because, after carefully reviewing the actions of the accused, the Court was not satisfied that they were engaged in any protest because

what they were doing seemed to be nothing out of the ordinary and the fact that they were praying would not have been evident to others. Although the presence of rosary beads gave the Magistrate some concern this finding was also made in relation to the accused who was sitting on the bench.¹³⁸ The judgment leaves open the possibility that acts of private prayer if sufficiently visible to others might be considered to offend the legislation.¹³⁹

In these cases, State and Territory legislation operates to prefer a person's ability to enter an abortion facility without seeing or hearing a protest – even if that be by way of silent prayer – over the right of religious believers to act in accordance with their seriously held beliefs. Whilst Western Australia does not have such legislation to date there have been calls for it to be enacted.¹⁴⁰

Euthanasia

Euthanasia has always been unlawful in Western Australia. In August 2017, the Western Australian parliament established a Joint Select Committee on End of Life Choices.¹⁴¹ The Committee was required to report back to the Western Australian Parliament within 12 months of its establishment.¹⁴² It has recommended the introduction of voluntary assisted dying in Western Australia. One of the issues of particular concern to health professionals and health care facilities, with a religious or conscientious objection to such practices, is the extent to which they may be compelled to act against their conscience or their religious faith. If euthanasia or voluntary assisted dying were introduced in Western Australia it may protect the conscience and religious beliefs of medical professionals if it follows the approach it takes in relation to abortion. Unlike Victoria, the Northern Territory, Queensland and NSW, Western Australian law currently protects the freedom of conscience and religion of health practitioners in relation to the provision of elective abortion services.¹⁴³ The recently enacted *Voluntary Assisted Dying Act 2017* (Vic) provides conscience protections for individuals¹⁴⁴ but not to health care facilities. This later omission is likely to become a major flashpoint in the future particularly for healthcare facilities owned and operated by religious traditions which consider voluntary assisted dying to be immoral.¹⁴⁵ If Western Australia legislates in this area by replicating the Victorian legislation this may also become an issue in that State.

5. The need for greater protection of religious freedom in law

By considering the Christian roots of the common law and the legal system brought by the colonists to Western Australia, this paper has shown the very close relationship between law and religion, particularly in the areas of marriage, abortion and euthanasia, at the formation of Western Australia. It has contrasted that historic relationship with contemporary Western Australia and shown that a relationship of cooperation has increasingly become a relationship of actual or potential conflict. The challenge that such a conflict presents is that, as Laycock and Berg have observed, for some religious believers their belief is so integral a part of them that they can flourish only if they are freely able to worship and live their faith:

[C]ommitted religious believers argue that some aspects of human identity are so fundamental that they should be left to each individual, free of all nonessential regulation, even when manifested in conduct. For religious believers, the conduct at issue is to live and act consistently with the demands of the Being that they believe made us all and holds the whole world together.¹⁴⁶

No religious believer can change his understanding of divine command by any act of will...Religious beliefs can change over time...But these things do not change because government says they must, or because the individual decides they should ... [T]he religious believer cannot change God's mind.¹⁴⁷

Western Australia has changed. To facilitate the flourishing of religious believers – particularly Catholic and Christian believers - there is now a need for greater protection of religious freedom in law.¹⁴⁸

Endnotes

- 1 Tim 2:1-2 New Jerusalem Bible (NJB). Unless otherwise specified all references to scripture in this paper will be to the NJB.
- 2 The traditions, customs and beliefs of Western Australia's Aboriginal and Torres Strait Islander peoples warrant particular mention and consideration but they are beyond the scope of this paper.
- 3 Stephen Newton, "Speech given on the occasion of the retirement from the Board of the University of Notre Dame Australia," Pioneer House, Broadway, 23 November 2017, 5 [a copy is in the possession of the author]
- 4 Rowan Strong, 'Church and State in Western Australia: Implementing Bew Imperial Paradigms in the Swan River Colony, 1827-1857' *Journal of Ecclesiastical History* 63, no. 3, (2010) 519
- 5 As Parkinson aptly put it 'Christianity was to the formation of the Western legal tradition as the womb is to human life' Patrick Parkinson, *Tradition and Change in Australian Law* 5th ed. (Pyrmont: Lawbook, 2013) 29 [2.70]); see also Roy Williams, *Post God Nations?* (Sydney:

- ABC Books, 2015)38-39,77-81.87-91, Harold J. Berman, *Law and Revolution The formation of the Western Legal Tradition* (Harvard: Harvard University Press, 1983) 558, Harold J. Berman, *Law and Revolution II The Impact of the Protestant Reformations on the Western Legal Tradition* (Harvard: Harvard University Press, 2003) 201-382, Augusto Zimmermann, *Christian Foundations of the Common Law, Volume I: England* (Sydney: Connor Court, 2018)
- 6 Alex C Castles, "The Reception and Status of English Law in Australia," *Adelaide Law Review* (1963), 2. For the purposes of determining the applicable English statutory law The *Interpretation Act*, 9 Geo.V, No XX s43 deemed Western Australia to have been established on 1 June 1829.
- 7 A detailed examination of the influence of Christianity is beyond this short paper but a good survey can be found in Williams, *Post God Nation?* 1-141
- 8 Robert S Pasley, "The Position of the Law school in the University," *Catholic University Law Review* 52,(1966) 50-51, Roger Trigg, *Equality, Freedom & Religion* (Oxford: Oxford University Press (2012)27-29
- 9 The Christian roots of the duty of care to one's neighbour are explicit in the latter case of *Donoghue v Stevenson* [1932] AC 562; [1932] All ER 1
- 10 Williams, *Post God Nation?* 92
- 11 Catriona Cook, Robin Creyke, Robert Geddes and David Hamer, *Laying Down the Law* 10th ed., (Chatswood: LexisNexis Butterworths, 2018), 25,[2.8]
- 12 Roy Williams, *God Actually*, (Sydney: ABC Books, 2008) 272
- 13 in his judgment in *Rex v Taylor* (1676) 1 Vent 293 as quoted by Williams, *God Actually*, 272
- 14 *Hyde v Hyde* (1866) LR 1 P & D 130, 133-134. See also *Harvey v Farnie* (1880) 6 PD 35, 53, *Bethell v Hildyard* (1888) 38 Ch D 220, 234, *Brinkley v Attorney General* (1890) XV PD 78, 79-80
- 15 *Lord Lansdowne's Act 1828* 9 Geo 4 c31
- 16 Barbara Brookes, *Abortion in England 1900-1967* (Abingdon: Routledge,1988) 26
- 17 *R v Bourne* [1938]3 All ER 615, 620 [G]-[H] a passage tellingly omitted by Justice Macnaughten in the authorised report of the judgment in [1939] 1 KB 687
- 18 Gen 1:27, 1 Cor 6:19-20; 1 Cor 3:16-17
- 19 House of Lords Select Committee on the Assisted Dying for the Terminally Ill Bill, Vol 1: Report (2005) [14]-[15]; Margaret Somerville, *Bird on an Ethics Wire* (Montreal: Mc-Gill Queen's University Press, 2015), 166.
- 20 Rowan Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857" *Journal of Ecclesiastical History* 63, no. 3, (2010)521. Lieutenant-Governor James Stirling's instructions, 30 Dec 1828 as quoted in Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857", 521 were that "You will bear in mind, that, in all locations of Territory, a due proportion must be reserved for the Crown, as well as for them maintenance of the Clergy, support of Establishments for the purposes of Religion, and the Education of youth, concerning which objects more particulars will be transmitted to you hereafter."
- 21 Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857", 521
- 22 With Catholic emancipation, the passing of the *Reform Bill* in 1832 and the abolition of the *Test and Corporations Act*, Protestant dissenters and Catholics could vote and enter the Westminster parliament
- 23 Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857", 519, 522; Rowan Strong, "The Reverend John Wollaston and Colonial Christianity in Western Australia, 1840-1863" *The Journal of Religious History* 25, no. 3, (2001), 274
- 24 Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857", 522-523
- 25 Archdeacon John Wittenoorn. see Lesley J Borowitzka, "The Reverend Dr Louis Giustiniani

- and Anglican Conflict in the Swan River Colony, Western Australia 1836-1838” *Journal of Religious History* 35, no. 3, (2011), 360
- 26 “An Act to promote the building of Churches & Chapels and to contribute towards the Maintenance of Ministers of Religion in Western Australia.’ see Strong, “Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857”, 525
- 27 Strong, “Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857” , 526
- 28 Strong, 525
- 29 Rowan Strong, “The Colonial Religion of the Anglican Clergy: Western Australia 1830 to c.1870” *Journal of Religious History* 38, no. 1, (2014), 109-110; Lesley J Borowitzka, “The Reverend Dr Louis Giustiniani and Anglican Conflict in the Swan River Colony, Western Australia 1836-1838” *Journal of Religious History* 35, no. 3, (2011), 361
- 30 For example, Salvado records a crowd of Catholics and Protestants farewelling the missionaries as they headed for New Norcia on 16 February 1846 and Protestants assisting these Catholic missionaries and those of the Southern Mission to Albany in February 1846: Dom Rosendi Salvado OSB, *The Salvado Memoirs*, trans. and ed. E. J. Stormon (Benedictine Community of New Norcia, 2007) 32-34
- 31 *Australian Constitution* Preamble. For a description of how those words came to be included see Williams, *Post God Nation?* 137-140
- 32 *Australian Constitution* s116. This provision has only been considered on a handful of occasions by the High Court but that Court has decided no free exercise case to date in favour of the religious observer. For a discussion of the application of the provision to date and arguments in support of the High Court adopting a different approach see Alex Deagon, “Defining the Interface of Freedom and Discrimination: Exercising Religion, Democracy and Same-Sex Marriage,” 20 *International Trade & Business Law Review* 239 (2017).
- 33 Hon. Dyson Heydon AC QC, “German Catholics Against the State: Ludwig Windhorst and Cardinal von Galen” Michael O’Dea Lecture delivered at The University of Notre Dame Australia, School of Law, Sydney Annual Prize Giving Ceremony, 4 September, 2013 http://www.nd.edu.au/_data/assets/pdf_file/0008/120788/Michael-ODEa-Oration-Lecture.pdf 15 – 16 accessed 13 April 2018
- 34 This is a major change. As Roy Williams writes in *In God They Trust*, (Sydney: Bible Society, 2013) 20 “[U]ntil the 1970s sectarianism was rife, and Catholics were a mistrusted minority. To be labelled a “tyke” or a “mick” or a “papist” was often a barrier to advancement in the professions, and in some government departments as well.”
- 35 DA Carson, *The Intolerance of Tolerance* (Grand Rapids: William B Eerdmann, 2012). For a discussion of this phenomenon in an Australian context see Steve Morrison, *Born This Way* (Waterloo: Matthias Media 2015)16-22
- 36 Hon Dyson Heydon AC QC, “German Catholics Against the State: Ludwig Windhorst and Cardinal von Galen” 1516
- 37 Salvado OSB, *The Salvado Memoirs* , 7. It is likely that this category included people who considered themselves Christians but who were not affiliated with one of the traditions included in the poll given the results of the first national census in 1911.
- 38 Australian Bureau of Statistics “2071.0 - Reflecting a Nation: Stories from the 2011 Census, 2012–2013 <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features902012-2013> accessed 13 April 2018
- 39 Australian Bureau of Statistics, “2016 Census: religion,” <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/7E65A144540551D7CA258148000E2B85?OpenDocument> accessed 13 April 2018
- 40 Australian Bureau of Statistics, “2016 Census: religion”
- 41 Australian Bureau of Statistics, “2016 Census: religion”
- 42 Australian Bureau of Statistics, “2016 Census: religion”

- 43 It should be noted that ‘No Religion’ does not necessarily equate to having no religious beliefs or faith/ the phrase “is equivalent to ‘Secular Beliefs and Other Spiritual Beliefs and No Religious Affiliation.’ Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.”
- 44 Australian Bureau of Statistics,”2016 Census: religion.”
- 45 Australian Bureau of Statistics,”2016 Census: religion.”
- 46 2.6 per cent of the population increasing from 1.7 per cent in 2006
- 47 2.4 per cent
- 48 1.9 per cent increasing from 0.7 per cent in 2016
- 49 Australian Bureau of Statistics, “2016 Census QuickStats” Western Australia” http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/5?opendocument accessed 13 April 2018
- 50 Australian Bureau of Statistics,”2016 Census: religion,”
- 51 Australian Bureau of Statistics, “2016 Census QuickStats” Western Australia”
- 52 Australian Bureau of Statistics,”2016 Census: religion
- 53 49.8 per cent: Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.” <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Religion%20Article~80> accessed 13 April 2018
- 54 Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.”
- 55 30.1 per cent: Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.”
- 56 61 per cent: McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia” *Social Analysis* <http://mccrindle.com.au/the-mccrindle-blog/faith-belief-and-churchgoing-in-australia> accessed 13 April 2018
- 57 53 per cent: McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia”
- 58 46 per cent: McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia”
- 59 McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia”
- 60 Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.”
- 61 Australian Bureau of Statistics, “2071.0 – Census of Population and Housing: reflecting Australia – Stories from the Census, 2016: RELIGION IN AUSTRALIA.”
- 62 Strong, “Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827-1857”, 525-524
- 63 McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia”
- 64 McCrindle Research Pty Ltd, “Faith, Belief & Churchgoing in Australia”
- 65 Australian Bureau of Statistics, “1800.0 Australian Marriage Law Postal Survey, 2017 RESULTS FOR WESTERN AUSTRALIA” <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1800.0~2017~Main%20Features~Western%20Australia~13> accessed 13 April 2018
- 66 Australian Bureau of Statistics, “1800.0 Australian Marriage Law Postal Survey, 2017 RESULTS FOR WESTERN AUSTRALIA”
- 67 63.7 per cent: Australian Bureau of Statistics, “1800.0 Australian Marriage Law Postal Survey, 2017 RESULTS FOR WESTERN AUSTRALIA”
- 68 David N Hempton, “Christianity and Human Flourishing: The Roles of law and Politics,” *Journal of Law & Religion* 12 (2017), 54
- 69 Professor Christian Brugger as quoted in Eddie O’Neill, “Lifting Up the Faith Down Under,” *National Catholic Register* 29 July , 2017 <http://www.ncregister.com/daily-news/lifting-up-the-faith-down-under> accessed 13 April 2018
- 70 McCrindle Research Pty Ltd, “Faith And Belief in Australia” (Baulkham Hills: McCrindle Research Pty Ltd, 2017) 10
- 71 Hempton, “Christianity and Human Flourishing: The Roles of law and Politics,” 54

- 72 26 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 9
73 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 31
74 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 30
75 41 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
76 35 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
77 35 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
78 32 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
79 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
80 20 per cent McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
81 18 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
82 17 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
83 12 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
84 5 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
85 4 per cent: McCrindle Research Pty Ltd “Faith And Belief in Australia”, 35
86 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 30
87 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 30
88 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 37
89 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 37
90 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 30
91 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 32-33
92 McCrindle Research Pty Ltd “Faith And Belief in Australia”, 14
93 Hempton, “Christianity and Human Flourishing: The Roles of law and Politics”, 58. Hempton here speaks of the US but his observations translate to an Australian context
94 *The Commonwealth v ACT* (2013) 250 CLR 441 [36].
95 *The Commonwealth v ACT* (2013) 250 CLR 441 [33]
96 *Marriage Act, 1961* (Cth) s5
97 *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth)
98 *Marriage Act, 1961* (Cth) s46(1)
99 *Marriage Act, 1961* (Cth) Pt 1A
100 *New York State Division of Human Rights on the Complaint of Melisa McCarthy and Jennifer McCarthy (Complainant) v Liberty Ridge Farm LLC, Cynthia Gifford and Robert Gifford (Respondent)* (Case numbers 10157952 and 10157963) (
101 *State of Washington v Arlene’s Flowers Inc*, Supreme Court of the State of Washington 91615-2
102 *Charlie Craig and David Mullins v Masterpiece Cakeshop, Inc* Colorado Court of Appeals No. 14CA1351
103 *Elane Photography LLC v Vanessa Willock*, Supreme Court of the State of New Mexico, Docket No.33,687
104 Anthony Lester, *Five Ideas To Fight For* (London: One World, 2016) 57
105 Lester, *Five Ideas To Fight For*, 56
106 Lester, *Five Ideas To Fight For*, 57
107 Lester, *Five Ideas To Fight For*, 56
108 Lester, *Five Ideas To Fight For*, 57
109 *Christian Youth Camps Ltd v Cobaw Community Health Service Ltd* [2014] VSCA 75 (16 April 2014)
110 See Dennis Shanahan, “Anti-discrimination test looms over church’s marriage booklet” *The Australian* 30 September, 2013 *The Nation* 3.
111 *Sex Discrimination Act, 1984* (Cth) s22
112 *Sex Discrimination Act, 1984* (Cth) s23
113 *Sex Discrimination Act, 1984* (Cth) s37
114 *Equal Opportunity Act, 1984* (WA) s20, s35Y, s35Z
115 *Equal Opportunity Act, 1984* (WA) s72
116 *Equal Opportunity Act, 1984* (WA) s53, ss62-632

- 117 *Criminal Code Act, 1902* (WA) ss199-201
- 118 *Director of Public Prosecutions (NSW) v Lasuladu* [2017] NSWLC 11 (5 July 2017). Local Court Magistrate Hiatt was here speaking of the NSW equivalent legislation in the *Crimes Act, 1900* (NSW) ss82-84 but both acts sprang from the same tree.
- 119 Fourteen years imprisonment for doctors procuring an abortion at any stage of gestation, seven years for woman and two years for those assisting. see Cheryl Davenport, “Against the odds: abortion law reform in Western Australia” in *Party Girls: Labor Women Now*, ed. Kate Deverall (London: Pluto Press, 2001) 97.
- 120 In England, NSW and Queensland where the key decisions were *R v Bourne* [1938] 3 All ER 615, *R v Davidson*[1969] VR 667, *R v Wald* (1971) 3 NSWDCR 25, *R v Bayliss and Cullen* (1985) 9 Qld Lawyer Repts 8, *Veivers v Connolly* [1995] 2 Qd R 326a and *CES v Superclinics Australia Pty Ltd* (1995) 38 NSWLR 47. for a good summary see The Hon Justice Murphy, “Abortion: A Legal Perspective” An edited version of a paper for the WA Society of Jewish Jurists and Lawyers (Medico-Legal Conference) 26 October 2014 http://www.supremecourt.wa.gov.au/_files/Abortion%20-%20A%20Legal%20Perspective%20Murphy%20JA%2026%20Oct%2014.pdf 20-26 accessed 13 April 2018
- 121 Davenport, “Against the odds: abortion law reform in Western Australia,”97.
- 122 *Criminal Code Act, 1902* (WA) s199, *Health Act 1911* (WA) s334 and see discussion in Lorne Skene, *Law and Medical Practice* 3rd ed. (Chatswood: Lexis Nexis Butterworths, 2008) [12.9]. To be lawful the abortion must be performed in good faith and with reasonable care by a medical practitioner if the woman has either provided informed consent or would suffer serious personnel, social or family consequences or serious danger to her physical or mental health
- 123 *Criminal Code Act, 1902* (WA) s199, *Health Act 1911* (WA) s334 and see discussion in Lorne Skene, *Law and Medical Practice*, [12.9]
- 124 *Health Act 1911* (WA) s 334(2) (“No person, hospital, health institution, other institution or service is under a duty, whether by contract or by statutory or other legal requirement, to participate in the performance of any abortion.”);
- 125 *Abortion Law Reform Act 2008* (Vic), *Pregnancy Law Reform Act 2017* (NT). Queensland recently enacted similar provisions.
- 126 Andrew Smith, “Doctors refused to refer couple for sex selection abortion faces possible loss of his licence” *Catch The Fire Ministries* 7 October 2013<http://catchthefire.com.au/2013/11/doctor-refused-to-refer-couple-for-sex-selective-abortion-faces-possible-loss-of-his-licence/> accessed 13 April 2018
- 127 *Policy Directive Pregnancy – Framework for Terminations in New South Wales Public Health Organisations* http://www.health.nsw.gov.au/policies/pd/2014/pdf/PD2014_022.pdf accessed 13 April 2018
- 128 *Reproductive (Acceptance to Terminations) Act 2014* (Tas) s 9, *The Public Health and Wellbeing Act of Victoria 2008* (Vic), s185A *Health Act 1993* (ACT) ss85-87, *Public Health Amendment (Safe Access To Reproductive Health Clinics) Act 2018* (NSW), *Pregnancy Law Reform Act 2017* (NT). Similar laws have been enacted in Queensland: see Law Reform Commission, “Review of termination of pregnancy laws” Report No 76 June 2018
- 129 Edith Bevin “Anti-abortion campaigner Graeme Preston arrested again for protesting outside clinic” *ABC News*, 14 April 2015 <http://www.abc.net.au/news/2015-04-14/anti-abortion-campaigner-graeme-preston-arrested/6392214>
- 130 *Constitution Act 1934* (Tas) s46(1) “Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen. “(2) No person shall be subject to any disability, or be required to take any oath on account of his religion or religious belief and no religious test shall be imposed in respect of the appointment to or holding of any public office.
- 131 *Police v Preston and Stallard* [2016] TASMC [65].
- 132 *Police v Preston and Stallard* [2016] TASMC [58]-[59], [64]-[65].
- 133 *Alyce Edwards v Kathleen Clubb* (2017) MCV (23 December 2017) 2
- 134 *Alyce Edwards v Kathleen Clubb* (2017) MCV (23 December 2017) 3

- 135 *Alyce Edwards v Kathleen Clubb* (2017) MCV (6 October 2017) 6-9
- 136 *Bluett v Popplewell* [2018] ACTMC 2 (9 March 2018) 4, [6(f)]-[6(9)]
- 137 *Bluett v Popplewell* [2018] ACTMC 2 (9 March 2018) 9 [43]
- 138 *Bluett v Popplewell* [2018] ACTMC 2 (9 March 2018) 15 [55]
- 139 *Bluett v Popplewell* [2018] ACTMC 2 (9 March 2018) 15 [80]-[82], [84]-[86]
- 140 The Greens, “Safe Zone Call For Abortion Clinics” February 15, 2017 <https://greens.org.au/news/wa/safe-zone-call-abortion-clinics> accessed 9 May 2018
- 141 Joint Select Committee on End of Life Choices - Joint Committee, “Functions and Powers of the Committee” http://www.parliament.wa.gov.au/Parliament/commit.nsf/WCurrentNameNew/023dfcf05e82695948258186001a2106?OpenDocument&ExpandSection=4#_Section4 accessed 13 April 2018
- 142 The role of the Committee was to: “[I]nquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should –
- (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;
 - (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian States and Territories and overseas jurisdictions;
 - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and
 - (d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.” Joint Select Committee on End of Life Choices - Joint Committee, “Functions and Powers of the Committee”
- 143 *Health Act 1911* (WA) s 334(2) (“No person, hospital, health institution, other institution or service is under a duty, whether by contract or by statutory or other legal requirement, to participate in the performance of any abortion.”);
- 144 Section 7 of the Voluntary Assisted Dying Act 2017 (Vic) provides that: “A registered health practitioner who has a conscientious objection to voluntary assisted dying has the right to refuse to do any of the following—
- (a) to provide information about voluntary assisted dying;
 - (b) to participate in the request and assessment process;
 - (c) to apply for a voluntary assisted dying permit;
 - (d) to supply, prescribe or administer a voluntary assisted dying substance;
 - (e) to be present at the time of administration of a voluntary assisted dying substance;
 - (f) to dispense a prescription for a voluntary assisted dying substance.”
- 145 see e.g. *Catechism of the Catholic Church* 2nd ed., (Strathfield: St Paul’s, 2000) 549—550 [2276]-[2279]
- 146 Douglas Laycock and Thomas Berg “Same-Sex Marriage and Religious Liberty” *Virginia Law Review* 99 (2013), 3.
- 147 Laycock & Berg, “Same-Sex Marriage and Religious Liberty,” 4.
- 148 The precise form that that protection might take is beyond the scope of this paper.

**THEIR EMINENCES, AN *ÉMINENCE GRISE*, AND RUFFLED FEATHERS:
THE SOMETIMES ROCKY VOYAGE OF ST PATRICK’S, CHURCH HILL,
WITHIN THE ARCHDIOCESE OF SYDNEY**

Peter McMurrich*

St Patrick’s Church and associated parish buildings occupy a site which has 200 years of Catholic history behind them. That history begins through the association of the site’s early owner, the Irish convict, William Davis, with the ministry of Fr Jeremiah O’Flynn in the colony in 1817-18. O’Flynn celebrated Mass in Davis’ house on this site during those years, and most likely the reserved sacrament was left for a period of time in the same house after O’Flynn was arrested and deported in May, 1818.¹

What I’d like to do this afternoon is to firstly give a very brief introductory outline to St Patrick’s church and parish, and then focus on episodes in both the 19th and 20th centuries, which saw significant tensions between the Marists at St Patrick’s, and several of the archbishops of Sydney. I should mention right at the start that these episodes and periods of tension with archdiocesan authorities were overwhelmingly atypical. For most of the time St Patrick’s and the archdiocese have got on fine, but the episodes and incidents are worth highlighting because they throw light on the pastoral and administrative styles of archbishop Polding, Cardinal Moran, and Cardinal Gilroy and are illustrative of themes and issues which have played out in the wider context of the history of the Catholic Church in Australia.

St Patrick’s took three and half years to build and it was officially opened on 18 March, 1844. For the first 10 years or so of its life St Patrick’s operated simply as a Sunday Mass centre, attended by the Benedictines from St Mary’s cathedral. But by the mid-1850s it had acquired its own resident clergy; in February, 1861, archdeacon John McEncroe became parish priest and spent his final years here until his death in St Patrick’s presbytery in August, 1868.²

Over the years McEncroe became friendly with a French order of priests, the Marist Fathers, who had arrived in Sydney in 1845, and who assisted McEncroe from time to time at St Patrick’s with Masses and confessions.

In the days leading up to his death McEncroe asked the Catholic archbishop of Sydney, John Bede Polding, to grant a dying man his final

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wish. Would the archbishop agree to put St Patrick's church and parish under the care of the Marist Fathers?³

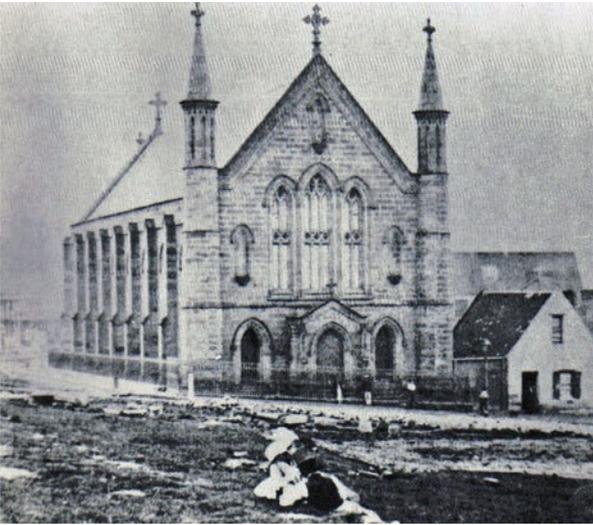
Polding agreed to McEncroe's deathbed wish, and made the offer; the Marists accepted it, and since 1868 St Patrick's has been looked after by the Marist Fathers. Initially it wasn't all smooth sailing. Most of the parishioners were Irish, and some didn't take too kindly to a bunch of French priests taking over the parish, and they petitioned the archbishop for a priest who was Irish like them.⁴

The first Marist parish priest appointed was Fr Joseph Monnier; very quickly he overcame any opposition to the appointment of French priests to the parish. He had a very good command of English, he was a very pastoral and kindly priest, and he quickly developed a reputation for being understanding and compassionate in the confessional.

During the 19th century and into the 20th century, St Patrick's was predominantly a residential parish, in the sense that most of the people who came to Mass and the sacraments here were local residents from The Rocks. A further point worth making about St Patrick's is that as well as being a Marist parish, it was also a French parish, in the sense that between 1868 and 1926, a period of almost 60 years, all the parish priests and most of the assistant priests, at St Patrick's were French. So it was very much an exception to the general order of things in the Catholic Church in Australia at this time when the clergy was overwhelmingly Irish.

From around 1900, developments occurred that would bring about a significant population decrease within the boundaries of St Patrick's parish, and challenge the parish's viability.

The first of these was the Government's resumption of The Rocks and Darling Harbour in 1901 associated with the outbreak of bubonic plague in Sydney. The resulting demolition of unfit dwellings, and street widening and straightening brought about a degree of population decrease in the area.⁵ More gradual was the intrusion into parts of The Rocks of the commercial life of Sydney. Year by year housing was starting to give way to warehouses and offices with the development of a Sydney Central Business District. Finally, and the real game breaker, was the decision to build a Sydney Harbour Bridge, which meant the demolition in the 1920s of whole streets and significant amounts of housing in The Rocks in order to build the approaches to the bridge.⁶



The earliest known photograph of St Patrick's, taken around 1868, when the Marist Fathers were given care of the parish

These developments coincided with a decision in 1925 of the Marist General Administration in Rome to take the control of Marist works in Australia away from the French Marists based at Hunters Hill, and to transfer control to the Marist Fathers' New Zealand Province, where the Marists were predominantly anglo-celtic. It was felt that the French Marists weren't sufficiently interested in developing the order

in Australia. So in 1926, St Patrick's became part of the Marist New Zealand Province, and received its first non-French Marist parish priest, when the New Zealander, Fr Daniel Hurley, was appointed.⁷

It was Hurley who had the vision to imagine a new future for St Patrick's – from dying residential parish to successful city-shrine church. Over the years the pattern which Hurley established from 1926, with its emphasis on the sacraments of eucharist and confession, developed until it reached its high-point in the 1960s: one or more priests available in the church for confession “all day–every day” from 7.00 in the morning until 8.00 at night, and eucharistic adoration right through the day.

In addition, changes to the rules for the Eucharistic fast in 1957 from 12 hours to 3 hours meant that Masses during the day became much more viable, and St Patrick's was soon running a Mass programme with 12 Masses on Sunday and six on weekdays.

Against that background, I want to move now to consider three episodes or periods of tension between the Marists at St Patrick's and archdiocesan authorities.

The first of these occurred only a couple of years after the Marist Fathers had been given care of the parish. As early as 1871, only two years after he had commenced as parish priest, Joseph Monnier was hearing rumours that archbishop Polding was regretting his decision to award St Patrick's to the Marists. In August, 1874, only a month before his death, Monnier was informed by parishioners that a priest had appeared in the Millers Point section of the parish, announcing that he was their new parish priest.⁸

When an official letter finally reached Monnier from the archdiocesan authorities, it brought the consoling news that he was not being replaced as parish priest, but the reality was only marginally more congenial. The parish was to be divided, and a separate parish created in the Millers Point area, effectively stripping St Patrick's of more than half of its residential parishioners.

The new parish was entrusted to a Fr William Riordan who appears to have had a serious drinking problem; he lasted only a few months in his new parish, experiencing the cold shoulder from most of his parishioners, who continued attending St Patrick's.⁹ His successor, Fr Eugene Luckie, was anything but, and fared even worse, withdrawing from the parish within weeks. Before the end of the year, the third pastor to be appointed within 4 months, Fr Peter Young, took up residence in the area. Early in 1875, the Marist Superior in Sydney, Claude Joly, requested a meeting with Polding's co-adjutor, Roger Vaughan; a straight talker, Joly wanted some straight answers, and in particular he wanted to know whether the Marists were still wanted at St Patrick's.

Vaughan's position was pragmatic and ultimately reassuring for Joly. He told Joly that many of the clergy were not in favour of the Marists remaining at St Patrick's, but that he didn't find their motives persuasive or edifying. He needed the Marists in Sydney, and he thought it best for him and for them if they remained at St Patrick's. The decision to divide the parish was Polding's, and speaking like a true coadjutor with the right of succession, he stated that he wasn't expecting Polding to live forever.¹⁰

Meanwhile, more resilient than his predecessors, Fr Peter Young battled on at Millers Point for four and a half years, finally capitulating in August, 1879. In June, 1880, the new parish was suppressed by archbishop Vaughan, who had succeeded to the See on the death of Polding, and the original parish boundaries were restored.

The sad and clumsy attempt to subdivide the parish does nothing to challenge Polding's reputation as an excellent pastoral bishop but a poor administrator. It also highlights behind-the-scenes tensions between religious and secular priests, where the Marist possession of St Patrick's was uncongenial to many secular clergy, who felt aggrieved by the granting of parishes to religious orders.

The 1880s and 1890s saw the Marist project at St Patrick's consolidate and develop under the guidance of Fr Peter Le Rennetel, who was parish priest from 1883 until his death in 1904. Smooth relations with the archdiocese were assured through Le Rennetel's rapport with Cardinal Moran, who appointed Le Rennetel a diocesan consultor, and regularly referred on to Le Rennetel any difficult moral cases that came across the Cardinal's desk.¹¹ Le Rennetel believed that his influence with the cardinal was a protection for the Marists against the ill-will of Moran's secretary, Dr Denis O'Haran:

His secretary does not like us very much (he does not like any of the religious) but if I do not deceive myself he is frightened of me, and for this reason he will not speak against us to the Cardinal ... He believes what is probably true, that I am the only priest who is able to do him damage in the mind of his Eminence.¹²



*Cardinal Moran's secretary,
Dr Denis O'Haran*

Three years after Le Rennetel's death in 1904, the *entente cordiale* was brutally shattered, and all hell broke loose.

Most of us would be familiar with Monsignor Denis O'Haran. O'Haran had come to Sydney with Patrick Francis Moran when Moran was appointed archbishop of Sydney in 1883. He was Moran's private secretary and administrator of St Mary's cathedral. He appears to have been an extremely competent private secretary and a brilliant organiser. O'Haran was the yang to Moran's yin. With Moran regularly absent at Manly during the week, engaged in writing lengthy sermons and pursuing other literary activities, it was O'Haran who was entrusted with the nuts and bolts of running the archdiocese.

It was O'Haran who climbed up and down ladders supervising the additions to the cathedral; who organised the fundraising fairs and the Catholic Congresses; edited the *Australasian Catholic Record* and cajoled bishops and other Church functionaries to provide the material for Moran's clunky but nevertheless impressive *History of the Catholic Church in Australasia*. O'Haran was an archetype *eminence grise*, a person who wields power and influence unofficially or behind the scenes. He is most famously remembered as the respondent in a divorce case when he was sued for allegedly committing adultery with the plaintiff's wife in the cathedral presbytery and cathedral precincts. He was exonerated after two trials, and up until recently most historians have assumed his innocence, though two recent authors think that he might have a case to answer.¹³

On 24 September, 1907, O'Haran wrote Moran a seven page closely written memo complaining about "outside clerical interference" by the Marist Fathers within the boundaries of St. Mary's cathedral parish. He was not, he insisted, writing through prejudice or impulse: the matter had been on his mind for some months. He had complained personally to the Marists at St Patrick's but without result; and finally the priests on the cathedral staff and many other priests in the archdiocese had urged him to put the facts before the cardinal.¹⁴

The object of O'Haran's memo was Fr Peter Piquet, who was an assistant



Fr Peter Piquet

priest at St Patrick's, where he had been working continuously since 1881. By 1907 Piquet had assumed celebrity status among Sydney Catholics. He was extraordinarily popular as a confessor, and it was not uncommon for long lines to form outside his confessional box and out into the street. He was called all over Sydney by people on their deathbeds wanting him to hear their last confession. He was the only one people wanted for marriages and baptisms; many Sydney Catholics regarded him as a living saint.¹⁵ The then Marist Superior in Sydney, Augustin Aubry, provided a striking pen portrait in a report back to France in 1899:

Fr Piquet. Health good; activity insatiable. Fr Piquet is the universal confessor in Sydney; he is called everywhere, and every day he is on the road from one end of town to the other. His zeal seems to me a little excessive and self-centred, but it is commonly thought that he is doing enormous good...No one can remember when he was last on time for a meal. Just at that time there is always a sick person to be visited..... [*Augustin Aubry Report, 12/11/1899*]¹⁶

O'Haran's complaint against Piquet was that he had administered the sacrament of extreme unction to dying Catholics on three occasions within St Mary's cathedral parish without seeking permission from the cathedral staff, or without informing them after the event.

O'Haran told Moran that the cathedral priests were threatening to resign and had urged him to do the same unless "punishment is metered out to flagrant offenders". He then moved to a bitter attack on Piquet, accusing him of attending the dying in order to benefit financially: Piquet indulged in "scandalous grab and grasp under the pretext of piety"; he was a "marauding priest [who] attempted to exploit all the parishes in the city and suburbs"; he was "constantly hanging on to the coat-tails of the rich in every instance, whilst we know the poor people of The Rocks are not cared for, nor even looked after".

Following a neat little disclaimer about "not wishing to press any of these views on your Eminence's better judgement", O'Haran came to his conclusion. He thought Moran should know that the cathedral priests were of the opinion that Piquet had, by his actions, automatically excommunicated himself from the Catholic Church, quoting a canon law text which stated that a priest belonging to a religious order who administered the last sacraments in a parish other than his own, without the permission of the appropriate pastor, was *ipso facto* excommunicated.¹⁷

O'Haran's complaints about Piquet's carelessness in failing to observe the conventions relating to the administration of the last sacraments may well have been justified. It was expected that if a priest administered extreme unction in another parish he obtained the consent of the appropriate parish priest or at least informed him afterwards. Piquet exhibited a compulsive zeal which seems to have made him oblivious at times to regulations or conventions.

But what of O'Haran's accusations that Piquet ministered to people

with the motive of benefiting financially, and that he neglected the poor of his own parish in order to go chasing after the rich? Despite O'Haran's assurance to Moran that he was motivated by "no sentiment of resentment", it is difficult to see O'Haran's memo as anything else but a vindictive, unfair and unwarranted attack on the integrity of a fellow priest.

Piquet's own confreres admitted his predilection for grandstanding and his casualness with regard to rules, but they would have been horrified and distressed by O'Haran's accusations. So would a great many Sydney Catholics had they known about them. In 1893 Peter Le Rennetel had commented on O'Haran's dislike for the Marists; in 1907 it appears that the bitterness and jealousy that had been welling up inside Denis O'Haran for many years was finally unleashed.

To Moran's discredit, he acted speedily and impulsively on O'Haran's complaints. The following day, without any attempt to discover Piquet's side of the story, he called a meeting of his diocesan consultors to discuss the matter, and afterwards wrote to Piquet:

I regret to learn from unquestionable sources that you have been administering the Holy Viaticum and Extreme Unction to patients not of your parish and without the approval or knowledge of the respective clergy. Under these circumstances I have to intimate to you that you have incurred Excommunication reserved to the Pope, and in consequence I suspend you from the exercise of any and all the faculties which you have hitherto enjoyed in the Diocese. Praying that God may grant you the grace to set all matters speedily aright.¹⁸

One of Moran's consultors was the elderly former Benedictine, Austin Sheehy, who left the meeting with a feeling of unease and a nagging doubt. A friend of the Marists, he had listened to Moran read the passage from O'Haran's canon law text, heard his fellow consultors agree that Piquet had indeed incurred excommunication, and looked on helplessly as Piquet's fate was decided. But somehow the whole business did not sit right. At 79, Sheehy's memory for canon law was perhaps not what it used to be; in any case, he needed to go home and look something up.

Later that night or early the next day a smile crossed Sheehy's face: O'Haran had got it wrong. The text he had quoted had no application whatsoever to Piquet's situation and there was absolutely no question of Piquet having incurred *ipso facto* excommunication.¹⁹ He wrote to Moran,

explaining why, and concluding with gentle understatement: “I thought it advisable to call attention to this lest what was decided at our meeting might be called in question”.²⁰

Moran moved immediately to rectify his mistake but without admitting it. On 28 September he wrote to the acting Marist provincial, Placid Huault: I daresay that my letter to Father Piquet has produced sufficient effect for the present. I will require him however to send me in writing a promise to observe in future the general law of the Church ... and further that he will be faithful in the observance of the Diocesan laws ... On his sending me such a document duly signed by him, you may allow him to resume all his former faculties on Tuesday the 1st of October next.²¹

Piquet sent his promise on 29 September, gave thanks that “on the third day, most unexpected, the two dreadful sentences were quashed by the very same hand that had written them”, and resumed his ministrations as before. But O’Haran, beaten once, decided to try again.

On 30 October that same year, Fr. Edward O’Brien of Mosman complained to O’Haran that Piquet had married one of his parishioners, Miss Annie Pigott, at St. Patrick’s on 11 September even though O’Brien had refused permission for the marriage two days before the ceremony. Quaintly, O’Brien had only got wind of the wedding because Piquet, displaying equal measures of magnanimity and naivete, had sent him the wedding stipend!

Armed with O’Brien’s letter, O’Haran penned another memo and saw Moran on 12 November.²² He also accused Piquet additionally of that very day administering the last sacraments without permission to a Miss Byrne within St. Mary’s parish boundaries: “Whether he is moved by bravado, or craze, or fatality I do not pretend to suggest - We are only acting for your Eminence and we will not offer advice”. Two days later, on 14 November, O’Haran wrote a further memo informing Moran that “another case of flagrant and stupid interference occurred at St. Kilda hospital in Cathedral street practically under your Eminence’s windows”.²³

Having been bitten once, Moran was inclined to act more circumspectly. After reading statements from Piquet and a cathedral priest, John Rohan, Moran concluded that it was by no means certain that Piquet had acted improperly in the cases most recently cited by O’Haran, and chose to take no action in relation to them.²⁴

But Moran did act with considerable severity on Fr Edward O'Brien's complaint of 30 October about Piquet marrying one of O'Brien's Mosman parishioners in apparent defiance of an explicit prohibition. After enquiring into the incident, Moran confronted Piquet at Manly on 11 December, charging him with a "grave dereliction of duty". On 20 December he wrote to Augustin Ginisty, Marist parish priest at St Patrick's, placing strict limits on the performing of marriages at St Patrick's:

In consequence of the many irregularities that have been reported to me, I deem it a duty to require that no marriages be solemnised in St. Patrick's parochial church except those in which at least one of the contracting parties may have a domicile in your parish.²⁵

The prohibition had a dramatic effect on the number of weddings performed at St. Patrick's. In 1905 there had been 150 weddings, 1906 brought 188, and in 1907 there were 149; the figure for 1908 was a mere 65, a drop to less than half the normal number. It remained similarly low - 66 in 1909, 68 in 1910 - until 1911, the year of Moran's death, when 93 weddings were performed.²⁶

Andrew Marion, who was Marist provincial superior from 1904-10, was absent in Europe when the above events occurred; he arrived back in Sydney in the last days of December, 1907, and interviewed Moran regarding the Piquet affair a fortnight later. He reported to the Marist superior general Jean-Claude Raffin that Moran "believed that Father was always more or less pushing himself", whereas he, Marion, was certain that Piquet "acted purely from zeal; I am quite convinced of this, he only lives for souls". He promised Moran that he would do his best to ensure that the Sydney Marists conformed to Moran's wishes. Marion was later to express a view to Louis Copere, Marist procurator to the Holy See, that the whole incident had been prompted by "jealousy".²⁷

The Piquet affair points to an over-reliance by Moran on the viewpoints fed to him by O'Haran, an intriguing and ambiguous individual with more than a few clerical enemies, who served Moran faithfully, but in a way often compromised by O'Haran's own agendas.

Jealousy may not have been the only factor at work: there is a strong likelihood that the Piquet affair also reflected a conflict between two different ways of ministering to the Catholic faithful: the first strict, legalistic, and in this context, Irish; the other, more broadly human, more tolerant of human

weakness, and expressed for Sydney Catholics in the French Marists at St. Patrick's.

St. Patrick's was a church that certainly attracted people from all parts of Sydney for baptisms, weddings, and especially confessions. It does not seem too far wide of the mark to speculate that part of the attraction lay in the pastoral approach of the French Marists.

In his first memo of 24 September against Piquet, O'Haran accused him of "abusing without even understanding the confessional", perhaps suggesting that Piquet's popularity as a confessor and the general popularity of the French Marists at St. Patrick's with penitents, was partly attributable to their willingness to adopt a more human, less severe approach.²⁸

Ultimately, there is no absolutely conclusive evidence for attributing some of O'Haran's anger at Piquet's alleged misdemeanours to a conflict of pastoral approaches, but it is a fact that the Marists did have a tradition of adopting a more merciful, flexible, tolerant approach to penitents, and this may well have been a significant contributor to the dispute.

The very gifted surgeon and writer, Dr Herbert Moran, seemed to have his finger on the pulse in *Beyond the Hill Lies China*, where he wrote of Piquet:

Shepherd of sinners; to him went the drunkard from near the Cut, the shamefaced man from a distant parish, afraid to face the fierce blackthorn morality of his local priest, the wife of a mixed marriage troubled in conscience, and some of those tired and distressed poor women who along lower George Street hold out the begging bowl of their flesh ... His colleagues thought his methods too quick and his penances too light. Clerical envy always finds its grounds. But the French priest induced more people to make amends, to restore and to repair, than all those who angrily rebuked the sinners. He loosed their sins and later went into their homes, as a friend, making things straight.²⁹

Let's move finally to another cardinal and to a more contemporary altercation, in the mid-1950s.

In 1955 the exuberant and theologically progressive Marist, Fr John Bettridge, had come to live at St Patrick's, while working Monday to Friday as a secretary to the apostolic delegate, archbishop Carboni, at North Sydney. John Luttrell, in his recent biography of Cardinal Gilroy, points to frosty



Fr John Bettridge

relations between Gilroy and Carboni.³⁰ In September, 1956, Bettridge established St Patrick's Information Centre, a lending library aimed at providing the Catholic laity with information on the latest developments in liturgy and theology. The books were housed in the room behind me. By 1959 he had 900 subscribers enrolled in the library. He also organised talks and lectures by prominent speakers, and early in 1959 he invited the poet, James McAuley, to come to St Patrick's and speak about his conversion to Catholicism. Several years earlier McAuley had been publicly critical of cardinal Gilroy for not supporting the fledgling Democratic Labour Party (DLP), which had developed out of the 1955 Labour Party Split. In

general, the NSW bishops adopted a policy of encouraging Catholics to remain within the Labour party, in contrast to their Victorian counterparts who supported the breakaway DLP.

Gilroy was outraged when he learnt that McAuley had been given a public platform at St Patrick's, and wrote to James Harcombe, the Marist provincial, complaining that an invitation had been extended to someone who had sought to "belittle and dishonour" the cardinal archbishop of Sydney. Harcombe's dramatic response, in an era when people still mostly travelled by ship, was to catch a plane to Rome where he convinced the Marist superior general, Alcime Cyr, to immediately transfer Bettridge to New Caledonia. Following further representations from Carboni pleading his need of Bettridge at the delegation, it was finally agreed that Bettridge would remain in Sydney until the end of October, 1959.³¹

It was McAuley who had the last laugh, dismissing Gilroy and his auxiliary bishop, James Carroll, in two savagely neat stanzas in his epic poem, *Captain Quiros* (1964). Most of us will have seen these before, but I have to admit that I find them almost sinfully attractive:

For Gilroy:

One was a churchman in the recent style,
Well suited to a failing age of drift,
A cold mean creature with placarded smile
Whom God to try the faithful had bereft
Of magnanimity and honour. He
Made baseness seem a mode of piety;
His right hand blessed the victims of his left

And for Carroll:

His close adviser was a canonist,
Well-practised in dissembling double thought
In double speech; skilful to wind and twist
All meanings till they cancelled in pure naught.
Holy detraction was his special flair,
And the light verbal web flung in the air
Entangling others for the ends he sought

The Bettridge incident is illustrative of the priority which the Marist Fathers and presumably other religious orders placed on being “onside” with Gilroy and in his good books, acutely sensitive to his perceived capacity to make or break them.

In September this year, St Patrick’s and the Marist Fathers celebrated being an item for 150 years. It hasn’t always been smooth sailing, but the church and the Marist priests who have worked here have made a unique contribution in many ways over many years to the life of the Church in Sydney.

Endnotes

AMPA Australian Marist Provincial Archives, Hunters Hill

APM Marist General Archives, Rome

SAA Sydney Archdiocesan Archives

- 1 See Anne-Maree Whitaker, “Ecce Homo: William Davis, James Dempsey and Father Jeremiah O’Flynn”, *Journal of the Australian Catholic Historical Society*, vol 17 (1996), pp.29-43; John Hosie, “Davis, Dempsey and the Leaving of the Blessed Sacrament – A Possible Solution”, *Australian Catholic Record*, vol 67(1990), pp.81-86;
- 2 See Peter McMurrich, *The Harmonising Influence of Religion: St Patrick’s Church Hill, 1840 to the Present*, Patrick Books, Sydney, 2017.
- 3 John Hosie, *Challenge: The Marists in Colonial Australia*, pp.208-209
- 4 Petition to archbishop Polding, 6 September, 1868, SAA; Hosie, *Challenge*, pp.212-213 & 218-219.

- 5 Report of the Chief Medical Officer, "Outbreak of Plague at Sydney, 1900", in *Votes and Proceedings of the NSW Legislative Assembly, 1900*, vol 2, 1901, pp.1235ff; See also *New South Wales Parliamentary Debates, 1900*, vol 103, pp.686ff
- 6 Transcript of interview, Daniel Hurley by John Worthington, February, 1971, AMPA D9.13/1
- 7 McMurrich, *Harmonising Influence of Religion*, pp.68-69; for Hurley see Peter McMurrich, *Heritage and Memories: Portraits of Australian Marists 1845-2001*, Sydney, 2001, pp.55-56.
- 8 Hosie, *Challenge*, pp.219ff.
- 9 While Riordan's demon was alcohol instead of sexual abuse, his frequent transfers are redolent of patterns which have emerged in our own time in relation to the sexual abuse crisis: 1876 Araleun; 1880 Berrima; 1882 -86 Kiama; 1887 absent on leave; 1889 Leichhardt; 1890 on sick leave; 1891 Balmain West; 1892 Newtown; 1893 Parramatta; 1894 absent on leave; 1895 Auckland (NZ); 1896 not listed; 1897 Norseman (WA); 1898-1900 Perth; 1901 Geraldton (WA). See *Australian Catholic Directories, 1841-1899*, SAA.
- 10 Hosie, *Challenge*, pp.237ff; Joly to Poupinel, 22 January, 1875 & Joly to Poupinel, 18 February, 1875, copies in AMPA, B120.
- 11 For Le Rennetel, see McMurrich, *Heritage & Memories*, pp.54-55; John Hosie, "Pierre Francis Le Rennetel", ADB, vol 10 (1986), pp.76-77.
- 12 Le Rennetel to (?), 11 December, 1893, APM S61.418.2.
- 13 For O'Haran see Anthony D'Arcy, "O'Haran, Denis Francis (1854-1931)" in ADB, vol.11, 1988; Philip Ayres, *Prince of the Church*, Melbourne, 2007; Anne E. Cunningham: *The Price of a Wife: The Priest and the Divorce Trial*, Sydney, 2013.
- 14 O'Haran to Moran, 24 September, 1907, SAA Marist box.
- 15 For Piquet see McMurrich, *Heritage & Memories*, pp.57-58; Peter McMurrich, "Piquet, Jean Pierre (1853-1936)", ADB, vol.11, 1988.
- 16 Aubry to Martin, 12 November, 1899, AMPA B130.
- 17 O'Haran's authority appears to have been P.Gury, *Compendium Theologiae Moralis*, Ratisbon, 1874, a standard commentary. Gury opines that if a clerical religious administered the sacrament of extreme unction without the permission of the appropriate parish priest, he was *ipso facto* excommunicated.
- 18 Moran to Piquet, 25 September, 1907, SAA Marist box.
- 19 Sheehy established that the word "religious" was meant to be interpreted strictly, ie. a clerical religious belonging to an institute whose members took solemn vows. The Marists, in common with other religious institutes founded in the 19th century, took simple vows.
- 20 Sheehy to Moran, 16 September, 1907, SAA Marist box.
- 21 Moran to Huault, 28 September, 1907, SAA Marist box.
- 22 O'Haran to Moran, 12 November, 1907, SAA Moran papers.
- 23 O'Haran to Moran, 14 November, 1907, SAA Moran papers.
- 24 Piquet to Moran, 12 November, 1907, SAA Marist box; John Rohan, "Statement of Facts", 14 November, 1907, SAA Marist box.
- 25 Moran to Ginisty, 20 December, 1907, SAA Marist box.
- 26 See St Patrick's Marriage Registers, 1908-1911.
- 27 Marion to Raffin, 13 January, 1908, AMPA B140/1; Marion to Copere, 15 November, 1908, AMPA B140/1.
- 28 O'Haran to Moran, 24 September, 1907, SAA Marist box.
- 29 Herbert Moran, *Beyond the Hill Lies China*, Sydney, 1945, pp.212-213.
- 30 See John Luttrell, *Norman Thomas Gilroy: An Obedient Life*, Sydney, 2018.
- 31 Gilroy to Harcombe, 11 April, 1959, SAA Marist correspondence; Cyr to Harcombe, 18 October, 1957, AMPA B315.50; Harcombe(London) to Gilroy, 12 May, 1959, SAA Marist correspondence; Cyr to Harcombe, 12 June, 1959, AMPA B315.50.

FRANCIS MCGARRY AND THE ‘LITTLE FLOWER BLACK MISSION’: ENCOUNTERS OF A CATHOLIC LAY MISSIONARY WITH INDIGENOUS PEOPLE OF CENTRAL AUSTRALIA 1935–1944

Charmaine Robson*

Introduction

The Little Flower Black Mission was the first Catholic mission in Central Australia. It was established in 1935 among the Eastern Arrernte people who were living in and around the township of Alice Springs. The Mission relocated twice – first to Arltunga in 1942 and then, in 1957, to a site 85 km south-east of Alice Springs, when its name changed to Santa Teresa. Officially, the Mission was founded by Catholic priest Father Patrick J. Moloney of the order, the Missionaries of the Sacred Heart (MSC). But it is Moloney’s assistant, layman Francis McGarry who is the focus of this paper. McGarry’s pivotal role in the establishment and day-to-day management of the Mission during its first nine years was unusual, if not unique, for a lay worker on a Catholic mission in pre-World War 2 Australia. This article begins by considering the factors that led Frank on this path – his background, faith and the Church’s position on the evangelisation of Indigenous Australians – and then traces the foundation and development of the Little Flower Mission, including McGarry’s interactions with the Aboriginal mission people, and concludes with his departure from mission life.

The archival research for this article is based mainly on correspondence written by McGarry from the Mission to his adult siblings and mother living in the Sydney.¹ The letters were in the form of a diary in which he entered his daily activities, plans and thoughts. They perhaps served as an outlet for McGarry to share his new and often confronting experiences as he exchanged his relatively comfortable life in seaside suburbia for a missionary vocation in the Australian desert. They also give valuable insights into the factors that impelled and sustained his mission work, and

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for tracing mission developments. To bring some balance to the perspective on the history presented in the letters and to provide context, the article will draw on relevant scholarly histories.

The mission project undertaken by McGarry was based on his assumption that Aboriginal people would be better off with his assistance, be it material or spiritual. To contend fully with this question is beyond the scope of this article. But it is possible to provide some historical context to McGarry's continual representation of the Eastern Arrernte people he encountered in the 1930s as "in such a deplorable condition" and with "practically no food."² Studies by researchers including Diane Austin-Broos show that incursions by white settlers into the Alice Springs region in the late nineteenth-century led to the alienation of Eastern Arrernte people from their traditional land and food sources and their increased susceptibility to infectious diseases. The arrival of cattle in 1872 led to the depletion of essential water sources and the denuding of native vegetation which had made up more than half of the Aboriginal diet. Marsupials and rodents, which were important protein sources, also decreased. By the 1930s, many had adopted a sedentary existence and relied either on government rations, consisting of flour, tea and sugar, or the food affordable on low wages.³ Neither system allowed them sufficient nutrition. The scarcity of food is confirmed in the memories of the late Wenten Rubuntja, who attended first the Lutheran and then the Little Flower Mission school as a child in the 1930s. He remembered running away from the former to scrounge in the rubbish tip for food or to find birds to eat. At other times, he and his friends went around to the Lutherans, Anglicans, Catholics and Muslims – as "all of the priests used to feed people" and "all those churches were all right – they were all holy."⁴ So hunger was a reality for the Arrernte but also a crucial factor in their attraction to the churches.

Francis McGarry: his background

Francis (Frank) McGarry was one of twins born in 1897 to Catherine and John, in the New South Wales town of Wagga. In 1903, John, a butcher, died after a long illness, leaving a family of eight children: Jack, Molly, Minnie, Kathleen, the twins (Dot and Frank), Thelma and Fred, a baby. Two years later, fourteen-year-old Minnie died, and it was around this time that Catherine sold the butcher's shop and took her family to live in the suburb of Manly in Sydney. The reason for their relocation is not clear, however

Michael McGarry, the children's uncle, lived in Manly with his family, while continuing his business interests in Wagga. Catherine may have looked to them for familial support while seeking the greater employment opportunities in the city for her growing brood. After they had left school, the three McGarry brothers took jobs in Sydney department stores, an easy commute on the Manly ferry, while two of their sisters became typists.

On arrival in Manly, the younger children, including Frank, attended St Mary Immaculate primary school, a ten-minute stroll from their house. Frank went on to Marist Brothers in Darlinghurst for his secondary education, after which he became a warehouseman at Paterson Laing and Bruce in Sydney. When he turned eighteen, he joined the 17th Infantry Militia and, three years later in 1917, as a member of the AIF's 45th Battalion, he left for Europe to serve in the Great War. In northern France, his main role was truck driver for the troops.⁵ At war's end, he returned home, uninjured, and resumed his previous occupation and interests. He remained living at home with his mother, as did most of his siblings. The only ones to leave were Jack, Kathleen and Thelma, who all married in the 1920s.

St Mary's parish figured prominently in the daily life of the McGarrys. As well as regular attendance at Mass, they were involved in church activities and associated organisations, and were part of the local Catholic community. Frank and Fred joined the Manly conference of the St Vincent de Paul (SVDP), which met at St Mary's, and they gave much of their spare time to charitable work. Long serving parish priest Father John McDonald was a close family friend, and mentor to Frank. The McGarrys extended the practice of their faith into their home, where they regularly prayed and read inspirational texts together. When Frank moved to Alice Springs, he reminisced about those times. One evening during prayers, he felt his mother's presence and wondered if "you were all saying the rosary at home and your thoughts and mine were united with the one glorious object of thanking God for being so good..."⁶ The spiritual intimacy and collective devoutness of the close-knit McGarry family aligns with what historian Katharine Massam has called "devotional Catholicism", the form of worship encouraged by the Australian Church in the first half of the twentieth century.⁷

Massam further states, "The model of God presented to Catholics through the devotional strand of spirituality was a delicate mix of sentiment and encouragement to action, to which Catholic people could legitimately respond

in a variety of ways.”⁸ Frank’s devotion to God can be therefore understood as an impetus for his diligent SVDP work in the 1920s and 1930s, and his later mission venture. With the onset of the Great Depression, the Brothers’ assistance with accommodation, funds, food and clothing to the poor of Sydney was critical. The SVDP emphasised the value of these services for the salvation of the Brothers’ own souls. To further earn the grace of God for both themselves and those they assisted, they were encouraged also to proselytise.⁹ Much of Frank’s SVDP work was performed on Sundays when he visited the lazaret at Little Bay to give pastoral care and to deliver the inmates requested items such as books and newspapers. This work came under the SVDP category of ‘special works’.

Relevant to Frank’s trajectory as a religious worker was the promotion of Catholic Action by the Church in the decades prior to the Second World War. Michael Hogan argues that this was an ambiguous term, its interpretation in the Sydney Archdiocese varying to that promulgated in Melbourne. In its simplest definition, Catholic Action entailed the participation of lay Catholics in work traditionally performed by the clergy. Catholics, especially young men, were urged to become active proponents of their faith rather than passive adherents of the Church.¹⁰ If, as a hard-working SVDP member, Frank exemplified this ideal, towards the middle of the 1930s, he reevaluated his commitment and considered how he might give more of himself to this task, possibly as a result of the increasing stridency of the Church’s call for Catholic Action at this time.

At the National Eucharistic Congress in Melbourne in December 1934, speaker Father Martindale, explained Catholic Action as “The Christianising of each man and woman...Every Catholic, then, is called to regard it as his duty to work in coordination with the Hierarchy and under their guidance at something that is meant to change the world.”¹¹ The SVDP took part in the congresses therefore it is reasonable to assume Frank was familiar with this speech or its gist. To ‘change the world’ under his present circumstances, as a full-time storeman, hardly seemed possible.

By the time of the Congress, Frank was already aware of another appeal by the Church which offered him the possibility of real self-abnegation in the service of God. The previous April, St Mary Immaculate had hosted the SVDP’s annual festival meeting with guest speaker, Father Francis Xavier Gsell of the Missionaries of the Sacred Heart (MSC), founder and

head of the Bathurst Island Catholic mission in the Northern Territory. Gsell informed the meeting of instructions he'd received from the Vatican to open two new mission stations, at distances of 500 and 1000 miles from Port Darwin. "The Aborigines of Australia have a first right to our attention and sympathetic help, since by coming into contact with our civilisation they have generally lost their tribal laws and superstitious fears, which were their guides and their control. These laws and guides must be replaced by the laws and the love of God, not only for their eternal, but also for their temporal salvation...a mission station...is the best and perhaps the only way of saving the native race."¹²

Gsell's speech was part of a vigorous campaign in the 1930s by sections of the Australian Church to shake Catholics out of their apparent indifference and to step up missionary outreach to Indigenous people.¹³ After a twenty-year hiatus, this campaign achieved six new Catholic mission stations within the decade and a significant influx of Catholic missionary personnel to the remote parts of the country.¹⁴ In 1935, in accordance with Gsell's request, the MSC Sydney province sent Father Patrick Moloney to Alice Springs to open a mission station in Central Australia. Frank joined him shortly afterwards as a lay assistant. His exact steps in pursuit of this new vocation are unknown, but Gsell's speech was no doubt influential. Frank's letters repudiate any suggestion of his volunteering for the work; the decision, he implied, was God's: "I did not come up here of my own will as when Father Perkins [MSC Provincial Superior] asked me if I would go to Alice Springs, I asked for three days to think it over. On revisiting him I remarked that I had not made up my mind but if he thought it God's will, then I would willingly go".¹⁵

Looking for Mission

In March 1935, Frank arrived in Alice Springs to take up residence with parish priest, Father Moloney, at the Catholic presbytery. In his history of the Australian province of the MSC, Father Antony Caruana explains that Moloney was a major force in shifting the Order's priorities from overseas mission work towards the Aboriginal apostolate from the late 1920s. Moloney's enthusiasm ultimately outweighed his superiors' reluctance to expose their men to the harsh living conditions and isolation of remote Australia.¹⁶ Furthermore, like Gsell, Moloney believed Catholics had a responsibility to redress the wrongs inflicted on Aboriginal people through

colonisation.¹⁷ For him, evangelisation was part of the solution.

Prior to Alice Springs, Moloney established missions at Palm Island (1931) and Menindee (1933). He was fifty-eight and walked with a cane, and, by his own admission, was neither strong nor in good health. Nonetheless, he was resolute and excited about starting this third mission. Frank, twenty years his junior and physically fit, could do the manual jobs, domestic chores and drive the car. Both men also clearly expected that Frank would also play a part in the main work of the mission: Christianising and giving material aid to the Aboriginal people.

Moloney's original plan for the mission was to seek Aboriginal people who'd had little contact with Europeans.¹⁸ In his view, they had the best chance of becoming successful Catholic converts, having avoided the vices and immorality he associated with the undesirable Australian way of life. He and Frank made two long, hazardous expeditions by car into the desert to this end, but returned each time, their hopes dashed. On 3rd October 1935, Moloney proposed that they "go out and look for blacks" in closer proximity to the town.¹⁹ In a camp on the edge of town they met a group of Eastern Arrernte people, including Brandy McMillan and his family. Frank's letters state they were amenable to the prospect of a mission for their children, and that some asked Moloney to baptise them immediately, to which he agreed.²⁰

Moloney and Frank ascribed particular significance to the founding date of the mission, since it was the Feast Day of St Therese of Lisieux, known also as 'Little Flower'. St Therese had been canonised only a decade earlier and enjoyed immense popularity in this period, notably among the Catholics of Adelaide, Moloney's home city. As a pious woman whose short life consisted simply of prayer and work, she became a symbol of enduring faith in an increasingly secular society, and was known for her generous bestowal of miracles.²¹ Moloney and Frank believed her intercession had brought about their mission, and they named it Little Flower, accordingly. Furthermore, Moloney believed that St Therese had meant the Mission to be Frank's, not his, as officially it had to be. In early 1936, he informed Frank, "She got me to baptise then only because it was not your office to baptise. But the mission is yours and will remain yours for many a long day I hope."²²

At first Frank visited the camp to instruct the children, always bringing treats and helping with any ailments when possible. But after a few weeks, he stopped his visits, as the children began making the six-kilometre walk

to the presbytery every day. Frank gave them breakfast, made sure they washed and changed their clothes, and checked and attended to their sores and ailments. He then taught them school and catechism in the church. Gradually, he became known to the families, not only as someone who would teach their children, but who would provide them with food, warm clothes and medical attention. The adults from the camp began visiting the church, some requesting this kind of assistance, while some women were anxious to see how their children passed their time up at the Catholic church. Frank explains in his letters that some older people asked if they could be instructed in the catechism, and so he began adult classes. They became regular churchgoers and, when Frank decided they were sufficiently instructed, Moloney baptised them. Thus, while the children remained the focus of the Mission, members of their families and wider social groupings also became part of the Mission community. Frank announced to his family in early 1936, "now our home is a school and hospital and we are anxious to help all."²³

The Mission Station

Frank's plan to make the Little Flower Mission more inclusive of families was facilitated when it was granted a site in December 1936. The Chief Protector of Aboriginals (Northern Territory), Dr Cecil Cook, approved Moloney's application to build a school and staff quarters at Charles Creek, on part of an Aboriginal reserve a little under one kilometre north of the Alice Springs township.²⁴ By this time, Brother Ed Bennett MSC had joined the Mission and, along with some of the Aboriginal men, erected the infrastructure. In addition to the buildings, Frank established a nearby camp to accommodate the children and their families. He favoured keeping them together, perhaps reflecting his own high regard for close family life. Frank formed an advisory council of eight senior Aboriginal men and together they pegged out plots on the mission site for each family. The men built new wurlies made of wooden framework and covered with old iron, bags and grass. Frank required the new homes to be arranged in 'streets', and for residents to plant a small tree outside each of their homes. He also expected the residents of 'Camp IV', as it became officially known, to keep their wurlies clean, streets swept, and to utilise the new sanitary system. Archival records show no evidence of government permission for Camp IV. It was only when white

townspeople started to complain about the proximity of the camp to their homes and businesses that departmental officers wondered how it had come to be there, particularly since it was located within the two-mile radius of the town subject to a nightly curfew for Aboriginal people (and during the day except for those with jobs in town).²⁵ Moloney was probably stretching the truth when he insisted that Dr Cook had given permission for “a school and camp.”²⁶

Several men and women in the Mission camp worked for townspeople or had seasonal work on pastoral properties, but Frank referred often to others who did not have adequate means of subsistence, including some of the children and the aged, sick and immobile, to whom he provided food and care. The government rations to which the elderly and infirm were entitled were not nutritious or plentiful, consisting of flour, tobacco, sugar and tea. Furthermore, the walk to the ration depot in the heat or wet was not easy. As Frank received no financial support for this purpose, he relied on whatever resources he could find locally. He procured meat offcuts from the local butcher; stale bread from the baker; fresh vegetables and fruit from the market gardener; and old clothes from his sister Molly’s friends. Frank was particular about helping only the ‘deserving cases’; he would only assist the fit unemployed if they worked for him in exchange.

Hospital visitation was another aspect of Frank’s missionary endeavour, echoing his former SVDP work. He described conditions in the Alice Springs ‘Black Hospital’ as “appalling and an absolute disgrace to all concerned”.²⁷ Aboriginal people, Frank claimed, avoided the hospital or absconded if forcibly admitted, as they associated it with death. The only other hospital, run by the Australian Inland Mission, refused to treat Aboriginal people. So Frank encouraged the sick or injured to stay in the Mission camp where he tended them personally with his rudimentary nursing care, deferring to the local doctor for serious cases. Often, those with diseases such as tuberculosis and pneumonia, could not be saved. In these instances, Frank’s last task was to ask the dying if they agreed to be baptised and then hastily summon Moloney from the presbytery for the purpose.

Throughout his dealings with Mission people, Frank attempted to learn and understand their culture and law using his own observations and by asking the elders. He admired the Arrernte people’s deep spirituality and strict observance of traditional law, qualities he thought befitting for strong

Christian converts. But he showed little tolerance for many of their beliefs and practices, particularly those that directly violated Christian teachings. For example, men and women found to be in polygamous relationships were expelled from the Mission camp. Frank was particularly perturbed by some aspects of the boys' initiation rites. He judged them to be excessively brutal and, by introducing the boys to tribal law, made it more difficult for them to accept Christianity. On inquiry, he learnt that other Catholic missionaries in Australia were not worried as "corroborees contrary to the Church will die out in time. However...I am trying to make it a quick process."²⁸ However, although the elders agreed to Frank's plea to desist from such practices, they nevertheless continued them. When Frank found out, he was surprised and deeply disappointed. He had underestimated the importance of the ceremonies to the Arrernte and miscalculated his own influence on their lives.

Frank continued to teach school for about three hours each day at the new purpose-built classroom on the Mission site. Full-descent Aboriginal children in the Alice Springs area had few other opportunities to access education, as they were not accepted by white parents at the local schools, and Hermannsburg Mission school was more than a hundred kilometres away. But Frank had no teaching qualifications and, as he knew, he would eventually have to give up this work. In April 1938, sister teachers of the Sisters of Our Lady of the Sacred Heart took over the school. Frank found the handover difficult, and tried to maintain his influence over the running of the school, causing considerable tension with the Sisters and the other missionaries.

In 1942, after the bombing of Darwin, the Alice Springs township became an army base, and large numbers of soldiers began occupation. As the Aboriginal reserve, including Charles Creek, was to be resumed for their accommodation, the Mission was ordered to relocate north to Arltunga, a former mining town. Frank's job was to escort the Mission people to the new site and remain in charge while looking for water and building a road. In 1944, when all was ready, the other missionaries arrived and Frank was told his services were no longer required. His letters do not reveal the reason, but later correspondence by Bishop Gsell suggests it lay with Frank's fraught relations with the Sisters.

With Frank's vocation as a missionary at an end, he took up an earlier

offer to join the Native Affairs Branch as a patrol officer. In 1946, he was posted to the newly-established Yuendumu settlement as superintendent. His main job was the distribution of rations to up to four hundred Warlpiri people gathered there after their displacement from their homeland and traditional food sources.²⁹ Frank found the work onerous due to shortages of government supplies, and frequent sickness and injuries among the people. In 1948, the Department informed Frank that he would have to vacate his position but could apply for the role of assistant. This may have been due to the more rigid enforcement of the official policy stipulating that only married men were to be employed as superintendents, or it may have been that with the arrival of Baptist missionaries at Yuendumu, Frank's authority became problematic. Frank's reaction is recorded in his letter home: "They will put no one over me, so ... I soon may be cutting your lawn."³⁰ Characteristically, he interpreted the news as a sign from God that his work was finished in the Territory. Arriving back in Sydney in July, he returned to the family home and took a job as a night watchman. During the day he worked at the SVDP opportunity shop in Manly. In 1955, Frank became seriously ill and died, aged 58.

Conclusion

Francis McGarry seemed to embody the ideal put forward by the Church when it urged Australian Catholics to divert their energies to the evangelisation of Aboriginal people. His spiritual fervour and the autonomy accorded him by Moloney on the mission field gave him the opportunity for a new and rich vocation as a missionary. Frank conscientiously assisted hungry, frail and ill Aboriginal people, taught the children school, and introduced many Eastern Arrernte to the Catholic faith. Yet, as we have seen, his assertive attempts to eliminate cultural practices were largely unsuccessful. Aboriginal men and women on the mission continued their ceremonial lives while also practising some aspects of Catholicism. Not all of them needed his material support, but they chose some of what he and his mission offered, just as they did with the Lutherans and other missionaries they encountered.

Frank's position as a layman permitted him certain freedoms, such as his continued closeness to his family, but it also rendered him highly vulnerable. While the Mission was in its infancy, his transition from priest's assistant to mission 'boss' was much lauded and supported by his mentors, including

Moloney and Gsell. But, as the Little Flower Mission consolidated, it became a cause of friction with other mission staff. Had Frank formally committed himself to the religious life, the MSCs may have had an obligation to retain him in the work of their order, but their priorities were their own men and the mission itself with its requirements for Sister teachers. This implicit instability of Frank's position as a lay missionary was clear when his vocation was brought abruptly to a stop in 1944.

Endnotes

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IN SEARCH OF CARDINAL GILROY

John Luttrell*

Why revisit the life of Norman Gilroy? For many older Australians Cardinal Gilroy is a key face and image of the Catholic Church of their youth. For three decades after 1945 a mention of ‘the Cardinal’ would have immediately meant Norman Thomas Gilroy. Many have met him personally or attended ceremonies where he presided. They remember the broad smile, his formal language and they might imitate his intonation. But these memories would likely be of the 1960s only. His actual career and influence as a church leader spans nearly four decades from his appointment as Bishop of Port Augusta in 1935 to his retirement as Archbishop of Sydney in 1971. Only John Bede Polding had a longer term as Archbishop of Sydney.



Figure 1 ‘Uncle Norman as a young man’, courtesy Elizabeth Gilroy lcm

In thirty-one years as Archbishop, Gilroy oversaw the life of the largest diocese in Australia. In those decades it more than doubled in population, to over 700,000 Catholics by 1971 - this is 100,000 more than its Catholic population today.¹ He responded to the growth by creating over seventy new parishes in the archdiocese. This meant new churches and schools to be built and paid for by the local community, and almost weekly blessings of foundations stones and new buildings. Recent archbishops have struggled to maintain these individual parishes as the number of clergy and active church attenders has plummeted.

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The large central administration of today's Catholic Church in Sydney owes much to Gilroy. When he became Archbishop much of Catholic life was directed by parish priests or religious congregations. The archdiocesan bureaucracy consisted of a few clerical secretaries at St Mary's Cathedral. Today the multi-storeyed Polding Centre in Sydney houses such major offices as the Chancery, the Catholic Development Fund, the *Catholic Weekly* newspaper, the Confraternity for Christian Doctrine, Catholic Youth Services and the Catholic Immigration Office. The Catholic Education Office with its central office at Leichhardt and three regional offices employs thousands of teachers and other staff. These and other central organisations began in Gilroy's time, although they were comparatively small when he retired. Nor were they unique to Sydney. His significance lies more in persuading and leading the Catholics of Sydney to accept this increased centralisation, coordination and extension of services at the expense of some autonomy held by parishes and other groups.

From the 1840s most Australian priests had been Irish-born, while Irish bishops led the Archdiocese of Sydney and most other dioceses from the 1880s. Gilroy, as the first Australian-born Archbishop of Sydney was a central figure in the Vatican-promoted 'Australianisation' of the archdiocese and the Australian Church. In 1937 Delegate Giovanni Panico pressured the Irish-born Michael Sheehan to resign as Coadjutor Archbishop of Sydney and Gilroy was quickly installed as Coadjutor to the aged Archbishop Michael Kelly.² After Kelly died in 1940 and the number of Irish clergy declined, Gilroy gradually appointed Australians to leadership positions in the diocesan administration, seminaries and parishes.

Indeed, his office at St Mary's Cathedral seemed almost a school for continuing Australianisation, as nine of his former priest secretaries and aides were ordained bishops: Eris O'Brien to Canberra, John Toohey to Maitland, Henry Kennedy to Armidale, James Carroll and Thomas Muldoon as his auxiliaries in Sydney, John Cullinane to Goulburn, Albert Thomas to Bathurst, Edward Kelly to Darwin and James Freeman to Armidale and then as his successor in Sydney. All were Australian-born.

In the international Church before 1945 Australia had been a backwater, especially in the isolation caused by World War II. Immediately after the war Gilroy featured as one of thirty-two new cardinals created by Pope Pius XII. In Catholic understanding of the time cardinals were styled as 'princes'

under the papal monarch. They took precedence over bishops. Only cardinals could elect a pope. They could also act as delegate for the pope in a period when popes themselves did not travel outside Italy. Gilroy helped to give Australia a higher profile within the international Church by his many travels as cardinal and papal legate, by his role as leader of the Australian bishops in Vatican II and as a president of its 1962 session, and by his extensive contacts with



Figure 2: At Melbourne Archdiocesan Centenary celebrations 1948. From left: Cardinal Spellman of New York, Archbishop Mannix, Cardinal Gilroy, Archbishop Panico (Apostolic Delegate) - © MDHC Catholic Archdiocese of Melbourne

other leaders reaching back to his days in Rome as a student. He could even bring his cardinal peers to see Australia for themselves – Agagianian from Rome, Gracias from India, Spellman and O’Hara from America, McQuaid from Dublin, Heenan from England, and, finally, Paul VI. One could argue that his international status during his career was at least as high as that of any other Australian church leader before or since. His ‘elevation’ also meant that from 1946 he presided over meetings of the Australian bishops (including senior Archbishops Mannix and Duhig).

Gilroy embraced the elevated concept of ‘cardinal’. He accepted that the Catholic Church had a hierarchy of pope, cardinals, bishops, and clergy with religious authority over the lay faithful. In his first decade as cardinal he was lauded as ‘prince of the Church’ as he visited other dioceses in Australia and Asia, often wearing the ‘cappa magna’ (scarlet cloak with metres of train) and holding out his hand for kneeling Catholics to kiss the cardinalial ring. He also used his status as cardinal to good effect in dealing with church bureaucracy. A prime example was in having Vatican officials locate a document which proved crucial for the cause of canonisation of Mary MacKillop – a document which his predecessor, Archbishop Kelly, had been unable to obtain.

Whether he was seduced into enjoying the trappings of hierarchical authority, I cannot say. My general belief is that he did not seek status and authority. In retirement he reflected that 'All I ever wanted was to be a priest'.³ It was not just rhetoric because, when newly ordained as a priest in 1924 and asked to be secretary to the papal delegation in Australia, he wrote to his bishop in Lismore that he would much rather be a priest in the diocese. Ten years later when Apostolic Delegate Bernardini informed him that Pope Pius XI had chosen him to be Bishop of Port Augusta in South Australia he wrote in reply:

'Your terrifying ltr of the 19th has filled me with awe. My ambition was a complete annihilation in the Society of Jesus by the superiors of which I was accepted. It was my ambition to be a Jesuit because I thought that was God's will in my regard. My ambition is still to do His will. If the Holy Father indicates Pt Augusta as God's will for me I submit with my whole heart...

Yr Obed Serv.⁴

Ever after he was scrupulously loyal and obedient to the four popes of his career as bishop and cardinal.

All the above suggests that he did not pursue high office, but rather accepted it when invited. My biography of Gilroy is subtitled 'An obedient life' – obedient to a sense of call to the priesthood and then to the invitations and demands that followed. When it was all over he did not flaunt his status as cardinal. He retired to live with other retired priests and lay people in the nursing home run by the Little Sisters of the Poor at Randwick. A main interest then was to accompany Sisters of the Brown Nurses congregation in visiting poor people in Sydney.

All the above should demonstrate Gilroy's importance as an Australian churchman and perhaps indicate a more complex personality behind the public persona. It took me some time to come to this appreciation.

Some background to the biography

For doctoral studies in the 1990s I chose Norman Gilroy's role as Archbishop of Sydney. As a thesis topic this had the advantages of being largely unexplored in Australian religious history and hopefully could be researched through local primary sources. In the beginning it was primarily an examination of his administration of the Archdiocese.

Inevitably, the life of Gilroy and its broader context took my attention. Even if one were to accept a fairly common view that Norman Gilroy was a competent but conventional and unattractive churchman, his life was interesting and varied. There was young Norman in a poor, struggling family in Glebe in 1900, a decade later at Gallipoli for the Anzac landings, in 1922 studying in Rome as Mussolini took over Italy, a brief period as a priest in Lismore, then parachuted into the Apostolic Delegation at North Sydney (where he first became involved in the movement for canonising Mary MacKillop). Next he is a young bishop in depressed rural South Australia in the mid 1930s. Finally, his three decades in Sydney gave great insight into how the Australian Church reacted to World War II, the Cold War, the Labor Split, Vatican II, and upheavals of the 1960s. And then there was the company he mixed with: five popes and many religious leaders of various faiths, King George VI, Queen Elizabeth II, Emperor Hirohito, President Diem of Vietnam, Australian prime ministers and other political leaders. Even his retirement was in company with Bea Miles, colourful Sydney identity and scourge of taxi drivers, at the Little Sisters of the Poor home in Randwick. He lived in interesting times and dealt with interesting people.

Consequently, post-thesis I contemplated a biography and researched some biographical gaps, such as Gilroy's student years in Rome and his time as Bishop of Port Augusta. Surprisingly, sources were a problem. Gilroy himself showed little interest in having his life recorded; his few writings and his speeches were very formal, even laboured, and lacked the wit and sharpness of leaders like Archbishop Mannix. Most problematic was the policy of Cardinal Edward Clancy, Archbishop of Sydney 1983-2001, that personal papers of a deceased Archbishop of Sydney would not be available for research until fifty years after his death – in Gilroy's case it would be 2027. The biography seemed to be out of the question.

After Archbishop Pell arrived in Sydney I noted that his biography was written by Tess Livingstone in 2002. So, in 2011 I informed him that I wished to embark on a biography of Gilroy and would like his support. He readily agreed and provided me with a letter of recommendation. That letter led to extensive access to the Sydney Archdiocesan Archives and was helpful in my approaching other archivists.

I was most anxious that the biography not be characterised as hagiography or a propaganda piece commissioned by the Catholic Church. It was a

personal initiative intended as contributing to Australian religious history. It was not commissioned or financed by either the Catholic Church or by the Gilroy family, although I had approval and cooperation from both groups. Nor did Cardinal Pell or his successor Archbishop Fisher see the text before it was published. I did send individual chapters to people or groups who may have featured in a chapter, asking for their comments. None of those consulted asked for substantial revision. The great blessing was that I could research and write independently with no undue constraints.

End of story?

The biography is there to be read. Hopefully, it will encourage new interest in Gilroy and his times. And it certainly doesn't close off the study. Readers' comments and my own further reflection suggest that there are still puzzle points and gaps in the story. Here are a few post-biography reflections.

The first reflection point concerns his public persona and style. Prevailing understandings of Gilroy have been limited, partial and superficial. People remember his formal public image and style of leadership. Most writing about him has focused on a few issues: his roles in the State Aid debate, his clashes with B. A. Santamaria and Daniel Mannix over the Movement, his welcoming Pope Paul VI to Sydney.

Critics have handed down stories of harshness and inflexibility and thrift – particularly in his dealings with diocesan clergy and religious congregations.

Edmund Campion once touched on this issue of the extreme formality and frequent aloofness of Gilroy as a bishop. He wondered what had happened to the young man whose 1915 diary recounts his climbing the Sphinx in Egypt



Figure 3: *Cardinal Gilroy farewelling Pope Paul VI at Sydney Airport, 3 December 1970 - from the Archives of the Catholic Archdiocese of Sydney*

and avidly attending plays and music halls in London. Campion answered his own question in the title of his article – ‘A Necessary Isolation’ – implying that Gilroy consciously chose this aloof detachment as being appropriate to his roles as priest and bishop.⁵ His seminary diaries suggest to me that seminary formation may have led him to this choice of behaviour. A few stories of his retirement years indicate that he was later able to shed some of the formality.

Gilroy’s application to enter the Jesuit order in 1933 raises tantalising questions which I have not managed to explore. Was he disillusioned with the bureaucratic roles he had been given in his first decade as priest? Was he trying to avoid becoming a bishop? He most likely knew that in 1931 he had been considered for the role of Bishop of Rockhampton and so would likely be an appointee in the future. Did he tell his bishop, John Carroll, about his ‘ambition’ to seek ‘annihilation in the Society of Jesus’? One would presume so, but I haven’t seen documentation.

There are also questions about his appointment as Coadjutor Archbishop of Sydney in 1937 and his elevation to the cardinalate in 1946. Brenda Niall, in her recent biography of Archbishop Mannix, elaborates a ‘Vatican Chess Game’ whereby Propaganda Fide officials in Rome and the new Apostolic Delegate Panico in Australia sought to replace Irish bishops with Australian-born clergy and particularly to undermine the influence of Archbishop Mannix in the Australian Church.⁶ Patrick Morgan took a similar view in a paper presented to the Australian Catholic Historical Society in 2017, which includes a sub-section entitled ‘Panico’s Plan’.⁷ Their view is confirmed by the documents relating to the resignation of Archbishop Sheehan and the speedy appointment of Gilroy to Sydney.⁸ Niall, however, further implies that Gilroy had been cultivating Panico. In 1936 all the bishops and Panico were in Adelaide for an education conference. After the conference Gilroy invited Panico to his Diocese of Port Augusta and drove him on a road tour of the vast rural diocese. Niall’s description of Gilroy’s invitation as ‘a shrewd diplomatic move’ is plausible but could hardly apply to his appointment to Sydney because in 1936 Archbishop Sheehan was the designated successor to Archbishop Kelly.

Gilroy’s elevation to be cardinal in 1946 is characterised by Morgan and Niall as a ‘last move’ by Panico in the chess game and a final snub to Mannix, widely seen in Australia as having a greater claim to be cardinal.

Again this is plausible, but difficult to substantiate. The final decision was with the Vatican rather than Panico, and it could be counter argued that the status of Sydney as the foundational archdiocese in Australia influenced the Roman choice (as it has done for the appointment of most Australian cardinals after Gilroy).⁹ The same might be said of the simultaneous elevation in 1946 of Archbishop Bernard Griffin of Westminster in England. Roger Pryke, who was Panico's secretary in 1945-46, maintained that Panico had no prior knowledge of the appointment.¹⁰ John O'Brien examined Panico's involvement in an article entitled 'The Australianisation of the Australian Catholic Church: Panico – Culprit or Victim?'. He concluded that 'until the Vatican Archives are opened, one can only speculate'.¹¹

In recent times there has been widespread discussion and criticism of clericalism in the Catholic Church, including by Pope Francis. It is a pejorative term which has various degrees and nuances. Clericalism presupposes a hierarchical model of the Church in which ordained clergy assert control over lay Catholics in regard to beliefs, public worship and religious practice.¹² It has been seen as part of the culture which facilitated child sexual abuse by clergy and religious and the covering-up of that abuse. A recent book, *Where Did All the Young Men Go?*, contains life stories of twenty-three men who were seminarians at Springwood and/or Manly seminaries in Sydney in the 1960s. The editor, Paul Casey, comments that half of the group reflected on clericalism as a problem affecting the Church then and now.¹³

Where was Gilroy on the clericalist spectrum? In 1940, his first year as Archbishop of Sydney, he told a large crowd of laity at Sydney Town Hall that

Without your cooperation, loyal and wholehearted, my mission must fail...

A bishop works principally through his priests. They are the captains of the army of which he is the general. The bishop rules the diocese, the priest rules the parish. You live in a parish, you are subjects of your parish priests. Be exact, scrupulously exact, in fulfilling your obligations as parishioners.¹⁴

This was wartime and a period when authority, obedience to authority and loyalty to organisations were very much accepted as important in society.

By the 1960s such views were being questioned, especially in the four years of reflection and debate during the Second Vatican Council. In *Lumen*

Gentium, the Dogmatic Constitution on the Church, the Council Fathers affirmed the Church as a community, ahead of its being a hierarchy, and gave new emphasis to the lay faithful as all called to holiness, and all sharing in the priesthood of Christ and the 'salvific mission of the Church'. How this would be developed in institutional terms was still to be worked out, but it promised broader and more responsible roles for lay Catholics and modified the earlier emphasis on clerical hierarchy and authority.

Gilroy was a participant in the Council and he began some implementation of its recommendations in the Archdiocese of Sydney. Most obvious was his acceptance of liturgical change (as sanctioned by the Australian bishops) and of ecumenical relations with other Christian denominations. Nevertheless, authority and power in religious matters remained with the Archbishop and clergy. In 1967 he appointed an Archdiocesan Pastoral Council with lay and clergy members to advise him on important issues affecting the Archdiocese, but his interest in the council was apparently very limited, because in 1971 the council wrote to him, regretting his inability to attend meetings and reminding him that 'The Council meets on the 3rd Tuesday of each month at 7.30 p.m'.¹⁵ His behaviour in this time indicates that he was not enthusiastic about broad institutional change. Interestingly, very few of the twenty-three seminarians mentioned earlier singled him out for criticism as an example of that clericalism.¹⁶

Clearly, Gilroy was a theological conservative and many see this as his overall approach to life. However, a final impression not covered in my biography is that in his administrative role as a bishop he was prepared to utilise the means of the period, particularly in the earlier decades and in regard to mass media. When appointed bishop he undertook a course in accountancy and thereafter was a careful supervisor of church finances. As Archbishop of Sydney he utilised the Catholic radio station 2SM, established his own newspaper *The Catholic Weekly*, and applied for a television licence for the Archdiocese of Sydney in 1952 when television was in its formative stage in Australia.

Biographers can easily become cheer-leaders for their subjects. My biography takes quite a favourable view of Gilroy, although I hope it is not taken as hagiography. I am aware of his many critics, particularly clergy and members of religious congregations. Let me just repeat the conclusion in the biography:

[There is] a kaleidoscope of views about Gilroy: from aristocratic, patriarchal, sarcastic, remote and rigidly conservative to humble, spiritual, caring, pastoral, whimsical, wise and efficient. There is probably truth in all these memories, but they are generally limited and partial. It is to be hoped that this and further biographical study will provide a more complete understanding of a man who did not seek the major roles he was given, but undertook them in obedience and loyalty and to the best of his ability.¹⁷

Endnotes:

- 1 *Australian Catholic Directory*, 1940, 1972, 2016.
- 2 Panico to Cardinal Fumasoni-Biondi, 6 June 1937, Archivio Storico di Propaganda Fide, vol. 1329 (Sydney file, 1937), 467-70.
- 3 In TV documentary 'Cardinal Gilroy' (1974), National Film and Sound Archive, Item 14856.
- 4 Gilroy to Bernardini, 20 December 1934, Sydney Archdiocesan Archives, Series 43/11.
- 5 Edmund Campion, *Great Australian Catholics* (Melbourne: Viking, 1987), 69.
- 6 Brenda Niall, *Mamix* (Melbourne: Text Publishing, 2015), 226-40.
- 7 Patrick Morgan, 'The parallel careers of Arthur Calwell and Archbishop Simonds', *Journal of the Australian Catholic Historical Society*, vol. 38 (2017), 76-78.
- 8 Panico to Cardinal Fumasoni-Biondi, 6 June 1937, Archivio Storico di Propaganda Fide, vol. 1329 (Sydney file, 1937), 467-70.
- 9 Cardinal James Knox is the only other Australian residential archbishop to be made cardinal. He had been a Vatican diplomat and Apostolic Delegate with close ties to Monsignor Montini in the Vatican Secretariat of State. Montini, as Paul VI, appointed him Archbishop of Melbourne in 1967 and elevated him to cardinal in March 1973. Within a year he had recalled him to Rome to be Prefect of the Congregation of the Sacraments and Divine Worship. See <http://adb.anu.edu.au/biography/knox-james-robert-12752> accessed 13 June 2018.
- 10 Roger Pryke interviewed by the author, 23 April 1997. Also, see profile on Gilroy in *Woman's Day*, 15 June 1970.
- 11 John O'Brien, 'The Australianisation of the Australian Catholic Church: Panico – Culprit or Victim?', in Philip Bull and others, ed., *Ireland and Australia, 1798-1998* (Sydney: Crossing Press, 2000), 183.
- 12 See discussion in Andrew Hamilton, 'Why Clericalism Matters', *Eureka Street*, 27 February 2018 at <https://www.eurekastreet.com.au/article.aspx?aeid=54708>, accessed 21 May 2018.
- 13 Paul Casey, ed., *Where Did All the Young Men Go?* (FeedARead.com Publishing, 2015), 561
- 14 *Freeman's Journal*, 14 November 1940, p.25. The occasion was a 'conversazione', attended by several thousand guests at Sydney Town Hall, to give a formal welcome to Gilroy as the new Archbishop.
- 15 Archdiocesan Pastoral Council Minutes, 1 April 1971, in file D2422, Sydney Archdiocesan Archives.
- 16 Tom Moore was disappointed that 'Gilroy, alarmed by reports from Madden and religious superiors, sacked Roger [Pryke] both from the university and the theology and formation courses [at Manly]'. Casey, *Where Did All the Young Men Go?*, 281.
- 17 Luttrell, *Norman Thomas Gilroy*, 401.

THE DEVELOPMENT OF A SYSTEM OF CATHOLIC SCHOOLS IN GREATER SYDNEY AND THE EMERGENCE OF CATHOLIC EDUCATION OFFICES

Kelvin Canavan*

This is an edited version of a talk given to the Australian Catholic Historical Society on 18 March 2018. The occasion was the 50th anniversary of the reintroduction of direct government funding to Catholic schools in NSW. The 1968 grants were the first since 1882.

While the coming of ‘State Aid’ in the 1960s has been thoroughly researched and publicised, this talk adopted a broad brush approach to what Kelvin Canavan witnessed, initially as a young teacher, then as an Inspector of Schools, as Director of Primary Education and Deputy Director of Schools in the Archdiocese of Sydney.

The NSW Colonial government paid the salaries of approved teachers in Catholic and other Church schools until the Public Instruction Act of 1880 sponsored by Sir Henry Parkes, ceased funding for all Church schools, effective 31 December 1882. Most of the teachers in Catholic schools were subsequently reassigned to public schools.

To continue Catholic schooling, Religious Sisters, Brothers and Priests were “found” in Europe (Ireland and France in particular) and Australia and for the next eighty years Catholic schools continued with these pioneering Religious women and men with support from a small band of lay teachers including Marjory Cantwell, my mother.

Let me jump ahead to the 1960s. Catholic schools, parish primary and regional secondary, were stand alone, relatively independent, with zero government funding.

In Sydney WWII immigration resulted in large (and some very large) classes. Still demands exceeded supply and between 1965 and 1971 there was a significant decline in the proportion of students attending Catholic schools. Accelerating retention rates in secondary schools exacerbated the problem. Increased school fees and parish assessments helped a little.

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Table 1
Students in Catholic Schools
% of all students enrolled in Australian schools

1961	1965	1971	2017
19.6%	19.5%	17.6%	20%

ABS Schools, Australia

These were precarious times and questions being canvassed included:

- are Catholic schools justifying themselves?
- should we focus on primary OR secondary schools?
- should we think more about Catholic children in State schools?

The Wyndham scheme extended secondary schooling from five to six years and required among other things, enhanced knowledge and laboratories for the teaching of a Science Curriculum. Principals of all Catholic schools were Religious. Payment of lay teachers' salaries was a continuing struggle as principals and parish priests negotiated salaries or in-kind payments with individual teachers. A \$1 million overdraft with the Commonwealth Bank was another concern.

As an individual, I was involved in Catholic schooling in Sydney, so let me take a personal tone. After completing a one-year teacher training program at the Marist Scholasticate, I was appointed in 1960 to Parramatta Marist to teach sixty boys in fourth class. The training program was recognized by the Council of Public Instruction of Victoria. In my second year I began a BA degree as an evening student at the University of Sydney. At Parramatta, I was also responsible for the school canteen, (staffed by the mothers of the students) the profits from which helped pay salaries for three lay teachers. The annual fete and various concerts were also important fund raisers as were the raffles and bottle drives. With the help of parents, the 18 classrooms were repainted during Saturday working bees. Each year many students were turned away as class sizes at Parramatta were limited to 60. Subsequently, I also taught at Marist Brothers Dundas and Eastwood and then came a very different kind of involvement.

In 1968 Cardinal Gilroy approved my appointment as Inspector of Schools, at the age of only 31 and I was to spend the next 40 years in the management and leadership of Catholic schools in this Archdiocese.

1965 – 1975

During my very early years in the Sydney Catholic Education Office (CEO) I witnessed four developments that permanently changed the structure, organisation and face of Catholic schooling, but not the mission. Namely:

- Financial control of schools by the Archdiocese.
- Employment of lay principals by the Archdiocese.
- Government financial assistance for Catholic Schools.
- Establishment of administrative and accountability structures to utilise government funding for systemic schools.

Each, in turn, contributed to the emerging central administration of the Greater Sydney Catholic school system, which as early as 1975 was beginning to exhibit characteristics of a bureaucracy.

Let me explain each of these four developments.

Financial Control of Schools by the Archdiocese

In response to a desperate situation and serious questioning about the survival of Catholic schools in the Archdiocese of Sydney, Cardinal Gilroy established the Catholic Building and Finance Commission (CBFC) early in 1965. This body took immediate financial control of income and expenditure of all Parish primary and Regional secondary schools in the Archdiocese. The Cardinal chaired the meetings which lasted one hour! At the fifth meeting of the CBFC held on 26 May, 1965, Cardinal Gilroy is reported in the Minutes as saying:

“It is my intention that all decisions on matters relating to education which result in financial demands on parishes, and/or in the construction of new buildings, shall be made by the Commission, and recommended to me, so that I may give the required authority”.

(Minutes of Meeting, 1965-1968.)

Parishes, schools and Religious Congregations were informed of this decision to centralise income and expenditure. There was no consultation. Twenty five years later a dissertation on these changes was entitled: *You've Taken Our Schools*.¹ Another early decision of the CBFC was to establish a scale of tuition fees for Parish and Regional schools from the start of 1966. Fees collected by schools were to be remitted to the CBFC where they were banked in a common account from which salaries for lay teachers and

stipends for Religious were paid. Principals were pleased to be relieved of the responsibility of ensuring sufficient cash was available for the weekly pay envelopes for teachers.

Procedures for Capital Works and Building Loan repayments were put in place. Expenditure was tightly controlled and proposals for additional buildings were submitted to the CBFC and parish priests and principals could not proceed without formal authorisation from the CBFC.

Geoffrey Davey, a retired engineer was Executive Commissioner until June 1967 when he stepped down to begin studies for the priesthood. He was replaced by Bernie McBride who served as Executive Secretary of the CBFC from 1967 until 1986. An annual budget for the school system was approved by the CBFC and the Diocesan Director of Schools, Fr John Slowey would be informed as to the number of teachers to be employed. Subsequently, the Sydney CEO began establishing staffing levels for each school. The new authority, the CBFC was separate from the CEO and eventually located on a different site. Each Director reported independently to the Archbishop and communication between the two was minimal and confusion about responsibilities soon characterised the emerging school system. I was appointed to the CBFC in 1977. By that time the financial urgency had passed and meetings were less frequent. I am not aware of any evidence that Cardinal Gilroy and his advisors foresaw the inevitable consequences of the implementation of this policy decision to centralise the finances of the System. Their immediate priority was the very survival of the schools. The first seeds for the development of a System of schools in Greater Sydney had been sown.

Employment of Lay Principals by the Archdiocese

Traditionally principals were appointed to Catholic schools by the relevant Religious Congregation which would also notify the Archbishop of Sydney. For many decades all principals were Religious Sisters, Brothers and Priests. In 1972 the Provincial of the De La Salle Brothers informed the parish priest at St Vincent's, Ashfield that the Congregation was no longer in a position to appoint a Brother as principal. This took both parish and Archdiocese by surprise. There were no established procedures to engage a lay principal. It was not on our radar. In 1973 a similar situation arose at St Bernadette's primary, Dundas Valley and more were to follow. Two obvious questions

were “Where will we find a lay principal?” and “Who will be the employer?”

While some preliminary discussions considered School Boards, the Sydney CEO soon emerged as the employer of lay principals and subsequently of teachers and support staff. Salary scales and conditions of employment were progressively developed for lay principals and teachers. The first Award for male teachers in Catholic schools in NSW (effective 1 January 1970) set salaries at 80% of that for NSW government school teachers, with full parity to be phased in over four years. The Award for female teachers was 70% of that paid to government school teachers. Equal pay for female teachers was to be phased in over the same four year period. From 1 January 1974 male and female salary differences ceased and salaries for Catholic school teachers were similar to those paid to government school teachers. ² A Superannuation scheme was established a decade later. Ambrose Roddy and Tom Daly were central to the development of this Award. Fortnightly teacher pay cheques were delivered to selected schools by couriers on motor bikes and school secretaries would collect their satchels. Concurrently, stipends for religious were regularised, with significant increases phased in over three years, including the equalisation of stipends for female and male religious. Cost of living was the underlying principle. Gerry Gleeson, a member of the NSW Public Service Board, played the dominant role in the systemisation of stipends.

For the 1976 school year 22 new lay primary principals had to be found. At this stage the demand for lay principals was clearly ahead of supply. Within the decade 102 lay principals had been appointed in the Sydney Archdiocese. Leadership development programs were quickly implemented, assisted by an innovations program grant from the new Australian Schools Commission. Communication to parents that a lay principal was to be appointed to replace Sister was challenging. Initially parents were slow to accept the concept of lay leadership in their schools. “This is unthinkable ... it will never work!” To help smooth the transition at the Parish level I would attend a meeting of parents to explain the change – sometimes with the relevant Congregational Leader, generally in the Parish Church on Sunday evenings. There were some fiery exchanges. History, however, shows the transition to lay leadership was quickly accepted by parents and had nil impact on school enrolments. Seeds for a future school System continued to be sown.

Government Financial Assistance for Catholic Schools

The NSW Budget 1967-1968 contained a modest allocation for a direct payment to non-government primary schools based on enrolments. The Expenditure allocation was listed as \$900,000 for the Financial Year and initial per capita grants of \$6 per student were made in the first half of 1968.³ This was the first financial support Catholic schools had received from a NSW Government since 1882 (excluding “Free milk”, access to Government Stores and modest assistance with interest payments on approved building projects). After decades of waiting, a little State Aid had arrived and suddenly the future looked brighter.

Primary student grants for 1968-1969 were \$24 and for the 1969-1970 financial year were \$30 and for 1970-1971 the grant was \$36 rising to \$75 for 1973-1974. Further grants for primary students in non-government schools had been foreshadowed by Premier Askin. “Reasonable aid to independent schools is now a generally accepted principle ... The burden on the taxpayer as children leave the independent schools and enrol at State schools is immeasurably heavier than if they had been assisted to stay at the independent schools. ... Our view on State Aid, briefly, is that parents who elect to send their children to independent schools must be prepared to pay a reasonable share of the cost, but under today’s conditions it is too much to expect them to pay all the costs.”⁴

Table 2
NSW Government Student Grants to Non-Government Schools
1967 – 1974*

	Primary	Secondary **	
1967-1968	\$12	\$18	Financial Statement, RW Askin 25 Sept. 1968 p.11
1968-1969	24	28	Financial Statement, RW Askin 25 Sept. 1968 p.11
1969-1970	30	34	NSW Hansard, 30 September 1969, p.1385
1970-1971	36	42	NSW Hansard, 17 September 1970 p.6075
1971-1972	50	59	NSW Hansard, 29 September 1971, p.1641
1972-1973	61	71	NSW Hansard, 27 September 1972, p.1111
1973-1974	75	88	NSW Hansard, 25 September 1973, p.1221

* Slight variations in published amounts explained by financial/calendar differences.

** Means-tested secondary student allowances initially paid to parents. Students in senior classes attracted higher allowances.

At the secondary school level initial grants (scholarships/allowances) were paid to parents of eligible students in non-government schools in 1963-1964. These were means-tested and restricted to those in the third and subsequent years. The program was extended in 1964-1965 to include eligible students in all secondary classes. In 1968 these allowances were increased from \$18 to \$28 a year.⁵ The means-test for secondary school allowances to parents was progressively phased out as a prelude to paying allowances direct to the schools. When this occurred all systemic schools in the Archdiocese of Sydney were directed to forward the government cheques to the CBFC which had responsibility for paying salaries and stipends. This procedure continued until August 1983 when Premier Wran, following a request from Archbishop Clancy, the recently appointed Archbishop of Sydney, instructed NSW Treasury to stop sending cheques to schools and to send a consolidated payment direct to the appropriate systemic authority.

The gradually increasing per capita grants could be seen, in part, as a response of the major political parties to the relentless campaign conducted by Catholic parents. In Sydney the Federation of Parents and Friends' Associations employed a variety of strategies culminating in a series of public meetings. For example, on 7 August 1968 some 700 parents with children in Catholic schools in Sydney gathered in the Lewisham area. This was the first of eight public meetings called to demand government financial assistance for Catholic schools. The Lewisham meeting was successful and more meetings followed at Manly, Rockdale, Miranda, St Marys (near Penrith), Lane Cove and Eastwood. Most of the venues were packed to overflowing and parents put considerable pressure on political leaders, who had little option but to attend. Parents were very specific in their questions. They demanded justice and they wanted it immediately. Patience had long gone.

I well remember the meeting in the Odeon Theatre, Rowe Street, Eastwood on Sunday evening, 20 April 1969. Some 2,000 packed the venue and those unable to get in were asked to remain on the footpath until all ten Members of Parliament had arrived. The function was brilliantly stage-managed and the State and Federal MPs faced a passionate and well informed audience calling for specific commitments to future funding: "How much and when?" MPs had nowhere to hide. Preselected parents were given prepared questions and sat in designated seats. When the MC invited questions they

immediately queued at the two microphones effectively excluding all others. After the function most MPs accepted the invitation to join the organisers for supper in the Catholic Presbytery in Hillview Avenue. More politicking occurred until midnight. I came away believing that the major parties were heading down the road of accepting the legitimacy of the demands by parents for some direct financial support for their schools. There was an increasing confidence among Catholic parents that their demands for financial assistance were being heard. The Sydney Town Hall meeting six weeks later confirmed this belief.

Gough Whitlam, Leader of the Federal Opposition, spoke at 7 of the 8 public meetings. His message was always the same:

“If a Labor Government is elected we will establish immediately an Interim Australian Schools Commission to examine the need of all Australian schools and if elected a Labor Government will fund all schools “according to need”.

The eighth and final Sydney meeting was held 1 June 1969, a wet Sunday evening, when 5,000 crowded into the Sydney Town Hall and the lower hall (days before Health and Safety Regulations for public buildings). Proceedings were broadcast live on Radio 2SM. There was extensive coverage on television and in the press, including some scuffles with anti State Aid protestors. The meeting concluded with a motion asking Commonwealth and State governments to each provide \$50 to every student in a non-government primary and secondary school and that this amount be increased progressively. While these amounts were modest they certainly consolidated recent gains and were not likely to be opposed. Central to the motion was ‘that this amount be increased progressively’.

At the Federal level the secondary Science facilities program began in 1964 to be followed in 1969 by secondary school Library grants. Direct per capita grants commenced in 1970.⁶

Table 3
Commonwealth Government Student Grants to Non-Government Schools
1970 – 1973

	Primary	Secondary
1970	\$35	\$50
1971	35	50
1972	50	68
1973	62	104

The campaign for school funding had had a long history. In 1962, for example, parents in Goulburn had drawn attention to their needs, when protesting against the financial impossibility of the upgrading of toilets demanded by Inspectors, they sought to enrol their children in local government schools. Catholic bishops, various parent organisations, clergy and parishioners, with the support of Religious Congregations, kept the needs of their schools before politicians. It was a long struggle, with countless magnificent campaigners. And I recall the particular contributions of Mrs Monica Turner (Federation of Sydney Parents and Friends' Associations), Mrs Margaret Slattery (Australian Parents' Council) and Archbishop James Carroll. Sadly but gratefully, I had the opportunity to attend the funerals of these great campaigners. By 1970, major political parties had agreed in principle to financial assistance to non-government schools. There was disagreement however as to the method of distribution (ie "*per capita*" or "*according to need*").

The Liberal/Country Party policy was to fund schools on a "per capita" basis with all students attracting the same level of support. For the electorate these two terms differentiated the policies of the major parties. Following the election of a Labor government on 2 December 1972 an Interim Committee of the Australian Schools Commission was established and immediately asked to "examine the position of government and non-government primary and secondary schools throughout Australia, to make recommendations on the immediate financial needs of these schools" and report by end of May 1973. The report, *Schools in Australia*, May 1973, identified a difficulty for Catholic systemic schools "which cannot be said to have governing bodies in the accepted sense". "The Committee suggests the establishment by Catholic education authorities in each State of a Board of Trustees for Catholic systemic schools" to which the Australian government would pay the grants. This body would be legally responsible for ensuring government monies "were used for the purposes intended". ⁷

The Whitlam government lost no time implementing the directions of the *Schools in Australia* report (*Karmel Report*) and immediately National, State and Diocesan structures needed to be established as a prerequisite for Catholic systemic schools to access forthcoming grants. Catholic authorities were well placed to establish the required administrative and accountability structures in order to access the new *Schools in Australia* programs. Following

the historic Conference on the Administration of Catholic Education, held in Armidale in August 1972, an expert committee was convened and reported in August 1973. In essence the committee recommended the establishment of a National Catholic Education Commission, State Commissions and appropriate Diocesan Catholic Education Offices. That these recommendations closely paralleled the *Schools in Australia* report could be explained by common membership – Fr Frank Martin, Director CEO Melbourne and Dr Peter Tannock, Dean, Faculty of Education, University of Western Australia who served on both bodies.

While recommending increased funding the Report was explicit ‘the (Schools) Commission should not be involved in the detailed operation of schools or school systems’ (14.9). The Catholic Education Commissions in each State readily accepted a request to distribute Federal recurrent grants to Catholic systemic schools “according to need”. This was a game changer, the equivalent of delegating key responsibilities from a government department in Canberra to Catholic education authorities across Australia.⁸ The Federal budget allocation for Catholic systemic schools for 1973-1974 was \$63m! The Allocation for 1974-1975 remained at \$63m. For 1975-1976 supplementation was introduced to assist with wage and other cost increases.⁹ These new arrangements, while restricting the direct involvement of the Commonwealth government in Catholic schools, increased significantly in a permanent manner, the responsibilities and spheres of influence of the NSW CEC, the Sydney CEO and CBFC.

The early 1970s in some ways, marked the end of the State Aid campaign, apart from the Defence of Government Schools, (D.O.G.S) challenge in the High Court. Perhaps it would be more correct to say, phase one of the campaign. In the decades ahead the campaign in Greater Sydney continued. An ongoing challenge was the education and support of the electorate on the justice issue of financial assistance to non-government schools and the rights of parents to choose the schools for their children. And we needed to nullify the continuing campaigns of the NSW Teachers’ Federation, the NSW Parents and Citizens’ Association and from the early 1990s, the Greens political party. In some ways these three organisations gave the Catholic Education Commission and the Catholic Education Office a ready platform to explain the “true facts” of government financial assistance. Messages were clear and concise, professionally printed and widely distributed. Effective use

was made of the print and electronic media and prior to Federal and State elections, the distribution of a statement comparing policies of the major parties was a priority.

Much use was made of school functions, in particular at the blessing and opening of new facilities, to explain to parents and MPs some particular aspects of government financial assistance to Catholic schools. The continuing contribution of parents including responsibility for loan repayments would be detailed along with Commonwealth and State contributions. As Executive Director I viewed these gatherings as an opportunity to cement community support for our schools. Building and maintaining relationships with major political parties was another on-going priority. It was important that we did not take government financial assistance for granted. Seeds for the development of a school System continued to be sown and for the decades ahead annual grants from government kept pace with rising costs.

Table 4
Combined Commonwealth and State Government Grants for Students in Catholic Systemic Schools in NSW 1979–2017

	Primary	Secondary
1979	\$479	\$745
1989	1,568	2,390
1999	3,358	4,631
2005	5,261	7,056
2006	5,580	7,312
2007	6,212	7,947
2017	10,689	12,280

Source: CEO, Sydney Archives/Catholic Schools NSW

Note: Slight variations in published amounts explained by financial/calendar year differences.

Establishment of Administrative and Accountability Structures to Utilise Government Funding for Systemic Schools.

Let us consider again how this embryonic but now flourishing system had begun. Prior to 1965 Catholic schools in Sydney were relatively independent. Each raised its own funds and any lay teachers were paid by the principal or parish priest. The demands for administrative structures at an Archdiocesan level were minimal. Periodically a Priest Inspector would make a visit

generally for a half day. These visits were circumscribed by the *Catholic Schools Report Book* which contained a four-page pro-forma for the Inspectors to complete and sign. The principals were given duplicate copies of the written reports, which remained the property of the Parish. Following the establishment of the CBFC in 1965 as outlined earlier, financial controls and administrative procedures were developed and gradually implemented.

And now let me indulge in a little personal reminiscing. When I was appointed to the Sydney Catholic Education Office in 1968 as an Inspector of Schools, the staff occupied four small rooms at the end of the Housie Hall, Cusa House, 175 Elizabeth Street, Sydney. Fr John Slowey had been Diocesan Director of Schools since 1954. At the same time, he was Chaplain to the Sisters of St Joseph, Mount Street, North Sydney where he was also assisting with the development of the Catholic Teachers' College. From memory, the CEO and CBFC had a total staff of about 12-15, mostly priests, religious and semi-retired laymen and two young secretaries, Kay Renshaw and Christine Langton, with Florence Hull, as the office manager. Most of us worked part-time and on a voluntary basis. Housie regulars would begin taking up 'their' seats during the afternoon and were happy to assist stuffing envelopes for the occasional mailing to schools. I sold Lesson Registers, Student Report Forms and poetry anthologies – pre copyright legislation - to cover my running costs, primarily the car provided by the Marist Brothers. At this time the CEO had a limited mandate:

- Religious Education Curriculum and knowledge of Catechism
- Primary Final examination for Year 6 students
- Catholic Teachers' Conference in May
- Circulars for Schools (occasional)
- Major Catholic gatherings including St Patrick's Day & Corpus Christi.

Survival was the key and reporting and accountability minimal. There was little System administrative experience or culture at diocesan level. The major asset was good will and a commitment to support the schools.

The development of the Sydney CEO/CBFC quickened with the election of the Whitlam Government and establishment of the Australian Schools Commission. Overnight, fledgling CEOs and CECs were engaging staff to manage and deliver a plethora of new well-funded programs. Field and program specialist staff, including psychologists and social workers for the

Disadvantaged Schools Program, Special Education, Innovation and Library specialists were employed. With strong support from the Dominican Sisters, a Hearing Impaired Program was established and the Child Migrant Program (ESL) was continued. Staff were also employed for Curriculum support, Teacher Development and Education Centres, Human Resources, Industrial Relations, Capital Works and the Leadership Development of Principals. Payroll Clerks, Accountants and Auditors were appointed.

The introduction of new national catechetical texts and related pedagogical developments required the employment of Religious Education specialists and the provision of major professional development programs. Catholic schools were now part of a developing network or System characterised by increasing government financial support with a sense of confidence and excitement – particularly in staff rooms. A rapidly expanding organisation of this size was a new phenomenon for the Archdiocese and staff were on a steep learning curve. Providing leadership programs for principals resulted in senior CEO staff becoming familiar with the rudiments of leadership and management best practice. And thanks to Monsignor John Slowey, in 1978 I attended an eight week intensive management residential course at the Australian Administrative Staff College, Mt Eliza Victoria.

More appropriate accommodation had to be found and in 1973 the CEO/CBFC moved to St Benedict's Broadway into spaces formerly occupied by the Marist Brothers school and now by the University of Notre Dame. This meant that we had 20-30 rooms across three floors of the building. The parish primary school and the parish occupied the rest of the building. A staff of perhaps 40-50 lay, religious and clergy received Award wages or stipends.

The growth in the staffing level at the CEO and the corresponding expansion of centralised activities was facilitated by the availability of Commonwealth funds for use by diocesan education authorities to administer their school Systems according to government program guidelines. The early 1970s were hectic times as we scrambled to develop sufficient infrastructure to start accessing available funds and providing new programs as well as satisfying the accountability requirements of the Commonwealth. The bureaucratic seeds were germinating fast. There was no turning back.

1980 – 1985

Brother Walter Simmons, cfc was appointed Diocesan Director of Schools in 1982 and I was appointed the Deputy Director and Spokesman without any advertising of either position. Following the establishment within the Archdiocese of five pastoral regions, each under the care of an auxillary bishop, the Catholic Education Office at Broadway was decentralised and five regional CEOs were established in January 1982. Regional Directors were appointed and staff drawn from the existing office. This development helped mitigate the impact of any unintended consequences of forming a bureaucracy. The new Regional CEOs were closer to schools and parishes and positively received.

While there was much excitement and growing confidence among Catholic School System Leadership personnel, by the early 1980s there was also a developing awareness that our major goal as Catholic educators was not primarily the effective implementation of Commonwealth programs. In a prophetic talk to the CEO staff in 1982, Fr Cyril Hally SSC, an eminent anthropologist reminded us that ‘as an evangeliser the CEO must begin by being evangelised itself’.¹⁰ Hally continued ‘in these days, a bureaucracy is needed to support and conduct a large organisation. When that organisation is directed to the spreading of the Kingdom of God, that must also be the goal of the bureaucracy. If the school has a vocation, so does the CEO. If there is a vocation, then there must be a distinctive spirituality. And for those who work in this bureaucracy the spirituality must be worked out and lived within that ministry. We should not seek a ministry’ he said ‘that ignores the workplace’. “The evangelisation of the CEO bureaucracy” became part of the CEO’s lexicon for decades.

Working in the CEO was not immediately attractive to many experienced Religious principals who were still to be convinced that the arrival of the CEO was necessarily a good thing. School leadership was more valued, particularly at the secondary level. This created early problems in the recruitment of CEO leadership personnel. However, the role and function of the CEO continued to expand and in April 1983 more suitable accommodation was found in the St Martha’s complex, Renwick Street, Leichhardt which the Archdiocese had purchased earlier from the Sisters of St Joseph. With extended responsibilities the school system required a different leadership structure and in 1983 Archbishop Clancy established

the Sydney Archdiocesan Catholic Schools (SACS) Board, with Archbishop Carroll as the first Chairman. This was a more representative body than CBFC. A Catholic Schools Finance Office (CSFO) replaced the CBFC. The CEO and CSFO reported to the SACS Board. Bishop Geoffrey Robinson was appointed SACS Board Chairman in 1986 and presided over a major restructure of the school System. He served until 2004.

By 1985 the staff employed in the CEO and CSFO – had grown to about 200 women and men, most of whom were full-time professionals and moved over time from Cusa House to St Benedict's to St Martha's and into five regional offices. The CEO was now influencing most aspects of Catholic schooling in Greater Sydney ranging from the establishment of new schools to the distribution of resources, to the employment and appraisal of principals and teachers: finally to the development of curriculum and religious education materials and the implementation of programs to meet particular student needs.

1985 - 1986

The movement to coordinate Parish and Regional schools begun in 1965, was to continue inexorably and by 1985 the Archdiocese of Sydney had a highly centralised System of 264 Parish and Regional schools, educating 110 688 students. Archdiocesan authorities were responsible in 1985 for the distribution to these schools of student grants from governments, exceeding \$A152 million, up from zero dollars in 1967.¹¹ The rapid growth of the CEO and CBFC/CSFO bureaucracy was a response to the four developments described in this paper. The growth had been accompanied by some System discontinuity and conflict as the new bureaucracy struggled to clarify responsibilities and mutual expectations.

As a means of improving the quality of Catholic schooling in the Archdiocese, there was a pressing need to clarify the complementary roles of the principals and the Catholic System authorities and to move towards a consensus of the roles, services, structures and goals of the SACS Board, the CEO and CSFO. After all, the System had grown up like topsy. To this end the Archdiocese supported a doctoral study that surveyed 256 systemic school principals and all 124 CEO professional staff.¹² The doctoral study in 1985 reported:

Across the 161 survey items the Sydney Catholic Education Office was

perceived positively by principals and CEO staff. The importance of the 40 services provided to schools by the CEO in 1985 was accepted unequivocally by principals and CEO staff. There were clear indications that both groups favoured some increased emphasis on these services. There was nil support for discontinuing any services.¹³

Principals and CEO staff however, expressed significant dissatisfaction with role conflict and ambiguity linked to the existence of the two Catholic education authorities, namely the Sydney CEO and the CSFO (known earlier as CBFC). Previous research by Brothers Ambrose Payne fsc and Robert Goodwin fms had reported on the presence of conflict and ambiguity. At the same time the Senate of Priests, the Catholic Primary Principals' Association and the Catholic Secondary Principals' Association all sought clarification of the roles and responsibilities of the CSFO and the CEO Sydney. There was confusion about who was responsible for what.¹⁴

In 1986, Archbishop Clancy, responded to the role conflict and ambiguity problem when he accepted the recommendation from the SACS Board for a restructured administration that saw the amalgamation of the CEO and the CSFO. Press advertisements appeared for a new position, the Executive Director of Schools. Advertising this leadership position with a contract requiring regular performance appraisal was a first for the Archdiocese. In December 1986 following interviews in the Cathedral presbytery Brother Kelvin Canavan was appointed to this position with a five-year contract. His doctoral study of 1985 was to provide helpful background to restructure the administration. This appointment in Sydney coincided with the formation of the new dioceses of Parramatta and Broken Bay and the subsequent establishment of separate administrative arrangements and CEOs. The three offices operated independently from December 1986.

The development of the Sydney CEO, and its acceptance by its major clients, within 20 years, would indicate that this complex organisation now exhibited the characteristics of a rational bureaucracy including the structures and mechanisms to provide for its own survival and regeneration.¹⁵

What had generally been a large number of struggling poor schools isolated from each other, existing mainly on heroism and good will, slowly became a recognisable, cohesive and integrated System of schools. Another chapter in the history of Catholic schooling in Greater Sydney had begun.

Endnotes:

- (1) Luttrell, John (1992). *You've Taken Our Schools: The Role and Development of the Catholic Education Office*, Sydney. M.Ed (Hons) thesis University of Sydney.
- (2) *Teachers (Assistant Masters and Mistresses in Non-Governmental Schools) (State) Award* from 1970. NSW Industrial Gazette, [Vol. 178] 30 September 1970
- (3) NSW Budget Papers 1967-1968, p.144
- (4) Policy speech, RW Askin 9 February 1968 p.10
- (5) NSW Hansard, JB Renshaw, 25 September 1963, p.5300 Financial Statement, RW Askin 25 September 1968, p.11
- (6) Commonwealth payments to or for the States 1970-1971. Canberra 1970 p.36
Commonwealth payments to or for the States 1972-1973. Canberra 1972 p.53
Commonwealth payments to or for the States 1973-1974. Canberra 1973 p.44
- (7) *Schools in Australia, Report of the Interim Committee for Australian Schools Commission (1973)* 13.19 p.136
- (8) *Schools in Australia (1973)* 14.9 p.141
- (9) Payments to or for the States on the occasion of the Budget 1973-1974. Canberra 1973 p.44
Payments to or for the States and Local Government Authorities on the occasion of the Budget 1974-1975. Budget Paper 7. Canberra 1974 p.50
Payments to or for the States and Local Government Authorities on the occasion of the Budget 1975-1976. Budget Paper 7. Canberra 1975 p.44
- (10) *Evangelii Nuntiandi* (EN) 15, 1976
- (11) Canavan, Kelvin (1986), *Perceptions and Expectations of Roles, Services, Structures and Goals of the Sydney Catholic Education Office held by Principals and CEO Staff*. Ed.D. dissertation, University of San Francisco, San Francisco, UMI 86-14594, 1986. p.28
- (12) Canavan p.252
- (13) Canavan p.260
- (14) Canavan pp.24-26, 256-258, 275
- (15) Canavan pp.45 and 260

HUMANAE VITAE AFTER FIFTY YEARS

Deirdre Grusovin*

The talk was preceded by a 10 minute film – an excerpt from a 1998 ABC *Compass* program which featured Geraldine Doogue interviewing Morris West and Deirdre Grusovin on the 30th Anniversary of *Humanae Vitae*.

Deirdre: The *Compass* program we have just watched was filmed in 1998. I hadn't looked at it in years but I am sure it's still as relevant today as it was then. And I have always loved Morris West's contribution.

It's fascinating to think of him living in Rome and mixing socially with the upper echelons of the Church at the time *Humanae Vitae* was written in 1968.

He was shocked by Pope Paul VI's utter rejection of the recommendations of his Papal Birth Control Commission that the Church's teaching on birth control be allowed to evolve and that contraception could be justified in some circumstances.

Patty Crowley and her husband were members of the Commission and she much later talked about an incident that occurred after a heated discussion about how the Church could save face if it did change the rules and allow couples to decide how to limit offspring after so long denouncing it as a mortal sin.

She said that Marcelino Zalba, a Spanish Jesuit member of the commission, asked, "What then with the millions we have sent to hell if the rules are relaxed?"

Patty immediately responded in what became perhaps her most memorable quote, "Fr. Zalba," she said, "do you really believe God has carried out all your orders?"¹

It's not a laughing matter but it highlights how complicated it is for the Church to try to change its dogma.

It's heartening to hear that Archbishop Vincenzo Paglia, President of the Pontifical Academy for Life and Chancellor of the new John Paul II Pontifical Theological Institute for Marriage and Family Sciences, says:

"it's time to move the debate about *Humanae Vitae* away from the

* Deirdre Grusovin was a minister in NSW Labor governments in the 1980s. This is the text of her talk to the Australian Catholic Historical Society on 20 May 2018.

narrow discussion about whether or not the use of contraception may be morally permissible for married couples planning a family and for it to be re-read in the context of contemporary issues such as surrogacy, genetic modification and the ability of scientists to create new life in laboratories”.

However, for me, the Church has to do **a lot more** than that.

The Church **can't** offer any wisdom or understanding in the whole area of human sexuality until it:

1. recognises that its teaching about contraception is “**non-received**”, judged by the vast majority of Catholics in the developed world as being irrelevant in their lives and decision-making;
2. starts listening to and engaging with the experiences and insights of the people most affected by its teachings, especially women;
3. eliminates its dogmatic language about contraception being “intrinsicly evil”;
4. changes its language and leadership structures to comprehensively include women—who it still insists on calling (at least in the Creed in Australia) “us men”.

When *Humanae Vitae* was written I had a very fortunate life, a wonderful husband and four children under the age of 6 – but that wasn't a problem for us in those days. Big families were fairly normal.

I don't remember even discussing *Humanae Vitae* with Wally. He was part of a group of Catholic pharmacists who didn't question the Church's teachings and I didn't either.

It was Wally's female shop staff who challenged him on many occasions because of customers' complaints from women not able get their scripts for the pill and men not able to buy condoms at their local pharmacy. It took a while for Wally to realise that the world had changed and he needed to as well.

I learned a lot from other women's experiences especially my dear school friend, who I mentioned in the film. She had married earlier than us and was not coping at all with her all too-frequent pregnancies, had what we then called a nervous breakdown and tragically departed this life in her early forties.

In 1998, when the *Compass* program was made, I had seven children

and a busy life as a State Parliamentarian and I became even more aware of the problems faced by others less fortunate than me. I had also learned a lot more from my years on the Board of St Margaret's Maternity Hospital and its Medico-Morals Committee (1979-1986).

All my children had been born at St Margaret's and I was deeply amused to later find out from one of the doctors that there had been some difficulty with my appointment to the Medico-Moral Committee because I was a "woman" and a "consumer" and consequently "biased".

I felt for women whose cases had to come before the Medico-Morals Committee. I also began to realise the difficulties and dilemmas faced by the Sisters who ran the hospital and the doctors who had to deal with the reality of peoples' day-to-day lives.

And, now we face the fact that, while the Church was so busy making rules and regulations about our sex lives, it was ignoring the horrible reality of what its own priests were regularly doing to our children. And, what's more, covering it up so as to protect the Church's reputation.

This has created an enormous credibility problem for an organisation that claims the God-given right to speak and act on behalf of Jesus. Will Pope Francis be able to do something to resurrect my total disillusion?

In his impressive family document "Amoris Laetitia" Francis, talking about marriage, admits that:

"we find it hard to make room for the consciences of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations"

Adding the trenchant judgment that,

"we have been called to form consciences, not to replace them".

Twenty years after taking part in the *Compass* program Morris West might well be pleased to hear that affirmation of the primacy of conscience ... but it is only a very tentative start.

End note:

- 1 Robert 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), p. 122.

HUMANAE VITAE: THE BEGINNING OF THE END OF TRIDENTINE CLERICALISM

Desmond Cahill*

Contraception in Historical Perspective

Ever since the first couple, mythically called Adam and Eve, began making love, fertility and contraception have always been very genuine concerns for human beings. In the pre-scientific age, the Ancient Egyptian and Mesopotamians placed honey, acacia gum and lint in the vagina as well as other pessaries to avoid fertilization. The Greeks used various plants such as Silphium, Asafoetida and Queen Anne's lace as documented by John Riddle in his monumental 1992 study which called for a radical revision of the accepted view that truly effective contraception only began in the 18th century. Much of the information was hidden from view because it was often seen as the business of women, those women who did not wish to become pregnant, or pregnant yet again.

Of course for men, condoms have been around for a very long time. In ancient times they consisted of animal membrane from the bladder or intestines or chemically treated linen, or, as in China, oiled silk paper. A great user of condoms was Casanova. The first rubber condom was produced in 1855, and the second half of the 19th century saw a marked decline in the birthrate in the industrializing countries as couples were better able to control their fertility and avoid multiple births.

Besides abortion and infanticide, other birth control practices were the extension of lactation for up to three years and the use of certain allegedly non-fertile sexual positions. And then there were the other perhaps more natural methods: coitus reservatus, coitus interruptus, mutual masturbation and the digital, intercrural and anal forms of intercourse. It was partially understood that the female was not fertile the whole month but much confusion reigned about the non-fertile days. Augustine seems to have thought that the woman was fertile for several days both before and after her menstruation.

In assessing the lead-up to *Humanae Vitae*, it is well to remember that there was not a scientific understanding of the female menstrual cycle until

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its independent discovery in the late 1920s by the Japanese gynaecologist, Kyusaku Ogino, and the Austrian doctor, Hermann Knaus, after the Dutch physician and gynaecologist, Theodore van de Velde (1873 – 1937) had showed in 1905 that women ovulate once in every menstrual cycle. He subsequently wrote the bestseller, *Ideal Marriage: Its Physiology and Techniques* with its 46 subsequent editions, which the Church immediately placed on the Index of Prohibited Books, presumably because it was too explicit. These discoveries led to the invention of the rhythm and later the more precise natural methods and to a greater focus on the scientific search for better contraceptives as occurred in the 1950s and 1960s. But up until the first decades of the 20th century every pre-menopausal woman and her male partner went to bed, knowing that every act of intercourse had a reasonable chance of being procreative. Thus, it was not surprising why procreation was so strongly attached to sex. But essentially the history of contraceptive means, both natural and artificial, is the movement from pre-scientific to scientific solutions.

***Humanae Vitae* and the Lead-Up**

In 1920, the Anglican Lambeth Conference had condemned contraception but ten years later it reversed that decision. Rome's immediate, almost Pavlovian, response in 1931 was Pope Pius XI's encyclical, *Casti Connubii*. This would lead the Catholic Church to place itself on the wrong side of history and set the scene for the pastoral and theological maelstrom of *Humanae Vitae* on 'the regulation of birth', which was released by Pope (now St) Paul VI (1963 – 1978) on 29th July, 1968 a few days before the European summer holidays. Papa Montini was devastated by the reaction and it would prove to be the last of his seven encyclicals after *Populorum Progressio* and *Sacerdotalis Caelibatus* even though he would live another ten years.

At a personal level, I was caught up in the huge resulting turbulence as I was in the midst of my theological studies in Rome (1966 – 1970) at the Pontifical Urban University. It is interesting to note that my four years are exactly aligned with the theological studies of Jorge Bergoglio in Argentina at the Colegio Maximo di San Jose. He was ordained in December 1969, eight months before myself. Without doubt as he studied theology, he also would have been caught up in the fierce theological and pastoral debates that erupted in the immediate post-Vatican II era.

Humanae Vitae is not a long document by papal encyclical standards. It had been preceded by the Papal Commission for the Study of the Problems of the Family, Population and the Birthrate in the context of world-wide concern about the so-called ‘population explosion’ and its propagandist Paul Erlich and his 1968 book, *The Population Bomb* as well as the invention of the contraceptive pill. This resulted in a Report to the Pope which became known as the Majority report. This report, subsequently sent to the Pope, was approved at the final meeting of the Commission on June 24th 1966 chaired by the Pro-Prefect of the newly-named Congregation for the Doctrine of the Faith, Cardinal Alfredo Ottaviani (1890 – 1979). He presented three questions to the seven cardinals, seven archbishops and one bishop (the papal theologian) whilst the member priests and lay people present watched on (McClory 1995) - Karol Wojtyla was absent because the Polish government would not let him leave though they let him out one year later when he was appointed cardinal:

Question One: **Is contraception intrinsically evil?** Nine (9) voted no, three (3) yes and three (3) abstained

Question Two: **Is contraception, as defined by the Report, in basic continuity with tradition and the declarations of the Magisterium?** Nine (9) voted yes, five (5) no and one abstained

Question Three: **Should the magisterium speak on this as soon as possible?** Fourteen (14) voted yes with one in the negative.

Subsequently, however, there would be submitted to the pope the Minority report, a much longer document. It seems to have been authored by the American moral theologian, John Ford, assisted by the French Jesuit sociologist, Stanislas de Lestapis, the Dutch Redemptorist Jan Visser and the Spanish Jesuit, Marcelino Zalba. Visser, an affable, conservative man, was my moral theology professor at the Urbaniana whilst the textbook we used was written by Zalba – as seminarians, we did not accept *Humanae Vitae*, and upon arriving back in Australia, as priests we told couples to exercise their freedom of conscience.

Zalba provided one of the best exchanges in the preceding third meeting when confronted by the threatening prospect of a change in contraception policy, galvanising a response from the American head of the Christian Family Movement, Patty Crowley, one of the three married women in the 59 member commission:

Zalba: What then with the millions we have sent to hell if these (contraceptive) norms were not valid?

Crowley: Father Zalba, do you really believe God has carried out all your orders?

It would be more than two long years before *Humanae Vitae* was published. The decisive vote in favour led to unrealistic expectations and a lack of appreciation of the strength of the determination of the traditionalists. *Humanae Vitae* came as a profound shock because Catholics had been expecting otherwise. The English cardinal, John Heenan, and the German cardinal, Julian Doepfner, amongst others had been obliquely preparing their flocks for a change. The Belgian cardinal, Leo Suenens, did not because it seems that early in 1968, if not before, he got wind that the Church's contraceptive policy was not going to change despite the decisive vote in favour.

A very recent book by Monsignor Gilfredo Marengo of Rome's Pontifical John Paul II Institute for Marriage and the Family and published by the Vatican has analysed the relevant documents from the Vatican Archives. The analysis shows how Paul VI in his dilemma ordered a survey of the episcopal attendees at the First Synod of bishops in October 1967. Only about 12 per cent of the bishops bothered to reply and give their reflections and suggestions on the regulation of births. Nineteen were in favour of change with seven in opposition, including Fulton Sheen of the U.S. and Karol Wojtyła of Poland (Marengo 2018; Torielli 2018). Marengo concludes that given the impasse Paul VI had to start almost all over again.

The Majority and Minority Reports

In retrospect, the Majority report did not adequately address the issues nor the concerns of the traditionalists, especially Cardinal Ottaviani. Ottaviani, the son of a Roman baker, who almost certainly never travelled outside Italy, was probably still smarting after his many defeats during the Second Vatican Council. Essentially it was a document of compromise balancing the various views on the 'change' side. More significantly Church thinking on sexuality was insufficiently developed to move away from the Thomism of the moral theology manuals like that of Zalba.

The Minority report framed its response around the question: Is contraception always seriously evil? Interestingly, in all the Commission's

documentation, the phrase ‘artificial contraception’ is never used, it is always just ‘contraception’. Its first central argument was that the condemnation of contraception was ‘a constant and affirmative argument is found in the documents of the magisterium and in the whole history of teaching on the question’, citing the ‘excellent’ work of Professor John Noonan of Notre Dame University in the U.S.. It decried as unsatisfactory the explanation of the origin and evolution of the Church’s teaching contained in the Majority report. In his wonderful study of the history of contraception in Church teaching, Noonan, who would oppose *Humanae Vitae*, did not provide a definitive answer because the teaching was ‘anything but clear and consistent’ (McClory 1995: 8). For example, Leo XIII’s 1880 encyclical on marriage makes no reference to contraception while earlier St. Alphonsus Liguori (1696 – 1787) upheld the unitive element of marital relations in situations where procreation was not the desired aim (Noonan 1986).

But there were two main reasons for their opposition. The first was religious exceptionalism and Catholic superiority in comparison to the Anglican Church and its 1930 Lambeth decision. A long excerpt from the Minority report is necessary to show this:

It must be feared greatly that its (the Church’s) authority in almost all moral and dogmatic matters will be seriously harmed. For there are few moral truths so constantly solemnly and, as it has appeared, definitely stated as this one for which it is now quickly proposed that it be changed to the contrary. What is more, however, this change would inflict a grave blow on the teaching about the assistance of the Holy Spirit promised to the Church to lead the faithful ... on the right way toward their salvation. For, as a matter of fact, the teaching of Casti Connubii was solemnly proposed in opposition to the doctrine of the Lambeth Conference of 1930, by the Church “to whom God has entrusted the defense of the integrity and purity of morals in token of her divine ambassadorship and through Our mouth”. Is it nevertheless now to be admitted that the Church erred in this her work, and that the Holy Spirit assists the Anglican Church! (Minority Report 1966: 11).

But it would seem there was an even more important reason which has not been sufficiently stressed in subsequent commentary. If contraception were not to be declared as intrinsically evil, then it would place in question the whole notion and principle of intrinsic evil with repercussions for other such condemned acts:

Perhaps the promoters of the principle (that denies all absolute intrinsic morality to external human acts) do not intend this. Nevertheless, these conclusions are actually drawn by others. Thus for example, it could be concluded that masturbation is for the good of personal equilibrium, or homosexuality good for those who are affected with abnormal inclinations and seek only friendship with the same sex for their balance. The same could be done for the use of abortives or of abortion directly introduced to save the life of the mother (Minority Report 1966: 10).

Thus, the deep-seated fear expressed in the Minority report was that the whole edifice of Catholic sexual morality would come crashing down if it were to be changed.

***Humanae Vitae* and Karol Wojtyla**

Who wrote *Humanae Vitae*? Initially focus was upon the French Jesuit, Gustav Martelet, and even John Ford and his theological mates. It seems that Martelet produced a first draft but it was so lacking in pastoral sensibilities that it was rejected (McClory 1995). But recent, convincing information has come to light which strongly suggests that a significant contributor was Karol Wojtyla who had in 1960 published *Love and Responsibility* which was later translated from Polish into French and Italian. Its aim was ‘to put the norms of Catholic sexual morality on a firm basis, a basis as definitive as possible’. He was close friends with Paul VI.

The social researcher Michael Barberi and moral theologian Joseph Selling (2013) have documented how Wojtyla formed his Krakow Commission and sent its results to the pontiff in February 1968 (Wojtyla 1969), known as ‘the Memorial (Memorandum of Krakow)’. One member of that ad hoc Polish Commission was Wanda Poltawska (1921-) whose friendship with Wojtyla had begun in 1956 as has been documented by Ted Lipien in his 2008 book, *Wojtyla’s Women: How They Shaped the Life of Pope John Paul II and Changed the Catholic Church*. It is well to remember that Wojtyla’s mother died in childbirth when he was eight and he had no living female family members. Their platonic relationship was very close as Wanda moved to Rome when he became pope and was beside his deathbed in 2005. Four days after his election as Pope, Karol wrote to his ‘Dusia’: “God decided everything of which we spoke at times. You yourself said that the day after

the death of Paul VI and it has become reality. You should understand that in all of this I think of you...I would like to continue to walk with you, day after day” (Galeazzi 2012).

There is much to admire about her. Because of her membership of the Polish underground, she was imprisoned at the Ravensbrück concentration camp where she was a guinea pig for some horrible medical experiments. Later she married a Polish philosopher and they had four children. After her doctorate in psychiatry, she became Professor of Pastoral Medicine at the Pontifical Academy of Theology in Krakow. Unfortunately she had some quite odd and unscientific views on sexuality and marriage which seemed to have been very influential upon Wojtyla – we know this from another of his close female friends, Anna-Teresa Tymieniecka (1923-2005), a phenomenologist, who later moved to the United States – Anna-Teresa later admitted she was able to change only a little of his erroneous thinking on sexuality, women and Western societies (Redzioch 2012; Barberi & Selling 2013).

Wojtyla’s world-view was profoundly influenced by both 19th century Polish Romanticism with its emphasis on Polish nationalism, Polish religious exceptionalism with its Messianism and its superiority to Western societies because of their ‘competitiveness, aggressiveness, unbridled consumerism and corruption’ and also by 1930s – 1950s Polish culture, and the impacts of Nazism and Communism (Barberi & Selling 2013). On sexuality, Poltawska, as a trained psychiatrist, had endeavoured to cure gay people and had some interesting beliefs about orgasms. On the Vatican website, there is only one article containing the word ‘orgasm’ – it is written by Wanda Poltawska. In an article on celibacy and the priesthood entitled *Priestly Celibacy in the Light of Medicine and Psychology*, she writes about orgasm:

The culminating point, known as orgasm, is only the final mechanism for effecting procreation. It makes fertilisation easier, even though, obviously, it does not determine it. But orgasm, being a particularly intense and deeply-felt sensation, often becomes the only objective. It becomes divorced, that is to say, from its reproductive function, all the more so since it is considered to be a ‘sign’ of love with which the actual sex act is often mistakenly identified (Poltawska, 1993: no page numbering).

She also believed that contraceptive use resulted in neurosis in women, and this was subtly reflected in *Humanae Vitae*. She was in admiration of strong men, but also saw them as sexual predators.

In the view of Barberi and Selling (2013) based of their comparison with Wojtyła's earlier book, *Humanae Vitae* was underpinned by four key principles: (1) Union and procreation (the principle of inseparability): par. 12, (2) Faithfulness to God's design: par. 12, (3) Lawful and unlawful birth control methods: par. 16 and 14 respectively, and (4) the consequences of artificial birth control methods: par. 17. They demonstrate how these four underpinning dimensions are closely reflected in *Love and Responsibility* written eight years previously by Wojtyła.

However, whilst the internal evidence supports the strong influence of Wojtyła on *Humanae Vitae*, Marengo's analysis using recently released Vatican archival material suggests that a first version was produced by the Congregation for the Doctrine of the Faith during 1967 and a later version was written by Mario Ciappi, the theologian of the papal household who was instructed (i) to reinforce the primacy of procreation, (ii) to deny the legitimacy of the principle of totality and (iii) to assign such doctrinal value to the encyclical as to close down debate but not to suggest that it was infallible. It was planned to release it on May 23rd 1968 on Ascension Thursday but a stoush ensued between the Secretariat of State and the Congregation with more amendments being made until its release in late July (Marengo 2018; Tornielli 2018).

***Humanae Vitae* and its Flaws**

What is wrong with *Humanae Vitae*? Firstly, it was built upon the philosophy and theology of St Thomas Aquinas with its central stress on intrinsically disordered single acts and states, reinforced by the Council of Trent and a sequence of Popes since then. Catholic understanding down the centuries was also hampered by the faulty biology of the time, especially the sexual activity and reproduction of animals though for the higher primates sexual activity has other functions such as group bonding and defusing conflict (Lawler & Heaney 2015). Most Catholic conceptual thinking in sexuality took place in monasteries and universities by celibate men, resulting in the focus on procreation and the single act of penetration, and the exaltation of virginity over marriage. The traditional Catholic approach to sexuality

was framed within a context of cultural, ritual and sexual purity which gave emotional power to the intellectualised, rationalistic Thomist approach. ‘To be pure’ was code for ‘don’t masturbate’ and ‘don’t have sex before marriage’ – the 13 year-old St Maria Goretti was one powerful symbol of this approach to sexuality where the devotional emphasis after her slaying by Alessandro Serenelli was on her purity and virginity and his machismo - it was central to the story that she remained *virgo intacta* rather than framing it within the reality of power relations, sexual violence, the vulnerability of children and hegemonic masculinity.

The Church is not opposed to responsible parenthood, but it currently allows only the natural element of time to be used in avoiding fertilisation, through the timing of the female menstrual cycle and the recognition of the vaginal secretions at the release of the ovum. There have been three other fundamental flaws in the argument which still continues to be pursued by the Holy See through its Magisterium or teaching authority. The first is the issue of the natural law. The ruling that all acts of intercourse must remain open to the transmission of life and not be interfered with by pills, condoms, etc, is based on the moral philosophy of natural law theory, which is interpreted to say that scientific artificial contraception is against nature and the natural bodily processes of the pre-menopausal woman. However, as the great Catholic theologian, Karl Rahner, subsequently remarked in a lecture given in Rome in 1969,¹ the issue is not whether a particular act is for or against nature. The real question is: To what extent are we allowed to manipulate nature in the achievement of the good of responsible parenthood and the cementing of the marital relationship?

In the second and related flaw, the argument that all acts of sexual intercourse must always remain ‘open to the transmission of life’ logically implies that the post-menopausal woman should not have any act of sexual communion with her male partner. This, of course, has never been the position of the Church, but it illustrates the impasse and the dead-end that Catholic moral theology currently finds itself in. It also shows that the Catholic Church’s theology of marital sexuality grounded in the centrality and normativity of young procreating married couples, was neglectful of the diverse other forms of married life such as post-menopausal marriages, virginal marriages and spiritual marriages (Elliott 1995) all of which the Church allows.

Lastly, the *Humanae Vitae* ruling has never been, in ecclesiological terms, “received” or accepted by the Church and, in particular, by its lay faithful. For several reasons the Pope could never infallibly define that the ban on artificial contraception is part of the depositum fidei (the deposit or contents of faith).

The incidence of artificial contraceptive use by Catholic and non-Catholic women, certainly in developed countries where statistics are most reliable, are more or less the same. *Humanae Vitae* has not been accepted by the *sensus fidelium*. In other words, fertile Catholic women are ardent users of artificial contraception according to the figures of the UN Department of Economic and Social Affairs’ 2015 *World Contraceptive Use survey*. More recently in February 2014, in a global Univision survey of 12,000 Catholics in twelve countries across the world (though not the South Pacific), the respected Bendixon and Amandi International polling organisation asked whether participants supported or opposed the use of contraceptives. The survey showed that 78 per cent supported the use of contraceptives, including 72 per cent of those who were frequent Mass attenders, and 90 per cent of those who were infrequent attenders (Univision 2014).

Furthermore, there is another indication of this failure to “receive” the Church’s official teaching. In the immediate years after the 1968 encyclical, at least eleven episcopal conferences, including the Australian belatedly in 1974, affirmed in statements to their peoples that they had the right to exercise their consciences in coming to a decision on how they pursued the goal of responsible parenthood in their marital lives. The issue of the *sensus fidelium* and the reception or otherwise of papal pronouncements combined with the issue of a lack of a decentralizing synodality remains an underdeveloped area of Catholic ecclesiology and makes Church officials very uneasy (McClory 1995).

Since the publication of *Humanae Vitae*, a moral theological battle has been waged between the so-called “conservatives” and the so-called “progressives”. And these culture wars continue. As a recent example, in late June 2018 500 British priests subscribed to the traditionalist view in a public statement. The struggle over the encyclical impacted throughout the Church and its organisational culture. Of course, there is much to be said for the natural means of contraception, but it essentially is a health and reproductive decision. The emphasis was placed on means, not on the more salient aspect

of motivation and responsible parenthood. Moreover, what is missing is a theology of relational sexuality (Salzmann & Lawler 2012).

***Humanae Vitae* – an Exercise in Caste Clericalism**

The publication of *Humanae Vitae* was an exercise in magisterial clericalism. At the final decisive meeting of the Papal Commission, only the fifteen bishops voted, albeit in favour, and the lay people were not allowed to vote even though they were members of the Commission. The Minority report was put together by a group of celibate clergy with no direct input of married couples. Ottaviani who believed in the Church as the ‘societas perfecta’ and who rejected collegiality, led the minority vanguard. Karol Wojtyla had an exalted, pedestal view of priesthood which would prove to be a very significant factor in his failure to adequately address the clerical sex abuse crisis, not speaking about it until 1993 even though he had been informed about the U.S. scene in 1984, if not before as mentioned in the Royal Commission’s report. He simply could not believe that a priest would sexually abuse a child, and in his native Poland it would seem that he dismissed allegations as false rumors circulated by the secret police. We now know that in communist Poland 14.7 per cent of diocesan priests were secret informers, compromised usually by their sexual relationships with adults, female and male, by their abuse of children and by their stealing of Church funds.

As has been well documented with regard to *Humanae Vitae*, the first great irony is that this attempt to assert and maintain authority achieved the complete opposite. Adopting the Majority report would have enhanced papal and episcopal authority and would have allowed the fruits of Vatican II to blossom but history is littered with ‘what ifs?’ As well, because of the insistence under John Paul II and Benedict XVI that all bishops subscribe to *Humanae Vitae* and oppose several other no-nos such as a married clergy and female ordination, the Church has subsequently been weighed down by a deferential, usually traditionalist episcopate that has been completely at sea during the clerical sex abuse scandal. And it is another sad irony that throughout the culture wars over contraception children were being sexually abused by priests and male religious.

Humanae Vitae produced great turbulence in the Church. The priesthood went into revolt, becoming divided and lacking cohesion with an estimated

100,000 priests ‘defecting’ (to use the official word of the Holy See), triggered wholly or partly by the encyclical and what it purported to represent. In their pastoral work and in the confessional, priests advised their flock to follow their own conscience. *Humanae Vitae* was the first time that Catholic laypeople rejected the sexual and reproductive dictums of a celibate hierarchy in a major systemic way and its incubating clericalist culture.

There were many other things wrong with *Humanae Vitae*. It condemned as equally evil both abortion and artificial contraception, even though right reason would suggest that abortion is a more serious moral offence. *Humanae Vitae* also failed to incorporate contemporary insights from psychology and advances in the health and reproductive sciences, except for its emphasis on the natural reproductive cycle. Lastly, it is not embedded in a contemporary and realistic anthropology of sexuality, which Catholic moral theologians have often spiritualised into an ineffable theology of the body, principally by John Paul II as he endeavoured to frame the Church’s understanding of sexuality around *Humanae Vitae*.

The third major irony of *Humanae Vitae*, in its attempt to reinforce traditional sexuality, is the reality, still current, that the Catholic Church has no credible, authentic sexuality morality founded on an anthropology of the sexual person based on the findings of the social sciences. This is very clearly seen in the schools in an Australian study of 12,000 students in Government, Catholic and Independent schools (Barbagallo & Boon 2012). As seen in the votes on same sex marriage in Ireland and Australia which the Catholic community in the main supported, Catholics are accepting of their gay relatives and friends and simply do not accept that homosexuality is intrinsically disordered and that all gays must lead celibate lives which is the current teaching outlined in the Catholic Catechism.

Whilst not totally absent, relationality was not central in Catholic sexual morality. The notion of male and female complementarity which is a central plank of John Paul’s theology of the body needs to be treated with great caution. Human sexuality innately influences our personality, our cerebral activity, our understanding of self and our own gender as well as the opposite gender, and of our relationships, although sexuality is better understood as a continuum than as a duality (Saltzman & Lawler 2012). Any theological framework must be embedded in a grounded anthropology, sometimes called ‘the signs of the times’. For example, according to US data (Smith

2003), the average American couple, if they shared a marital union for 50 years beginning at the age of 25, would make love 3,086 times – in only an extremely small number of occasions would the act be procreative and generative of children.

In the great gift of sexuality besides the fact of semination that occurs normally in all acts of sexual intercourse, there is also another essential ambiguity regarding individuation within the unitive act. The Catholic moral theologians, Saltzmann and Lawler (2012), express this well: ‘This (sexual) pleasure is, of course, quite individual, and it is part of the ambiguity of sexual intercourse that in the climatic moments of orgasm, the act intended to be giving of one person to the other throws each back on herself and himself and fully unitive, is, at its peak moment, actually also divisive’ (Saltzman & Lawler 2012: 51).

Current status of *Humanae Vitae*

A vociferous minority is still defending the encyclical, most recently seen in the letter of the 500 English priests who claim *Humanae Vitae* to be prophetic. In a recent editorial (23rd June, 2018), The Tablet has rejected such a claim. Firstly, the encyclical did not say that allowing artificial contraception would result in “broken family relationships, the reduction of sex to casual activity, the trafficking of the young and the explosion of addictive behaviours” according to the Bishop of Portsmouth in his message of support for the priests. But it did say that it could open the way to marital infidelity and lower the reverence for women when in fact over the past 50 years the exact opposite in respect of women has happened.

Realistically the Holy See has realized that it is necessary to move beyond as Pope Francis has in his family life document, *Amoris Laetitia*, with the emphasis on discernment and well-formed consciences. Others like Archbishop Vincenzo Paglia, chancellor of the Pontifical John Paul II Theological Institute for Marriage and Family Sciences is leading efforts to salvage something from the wreckage of *Humanae Vitae*. But *Humanae Vitae* will simply slide away into history. It is unlikely ever to be repudiated – it is simply not the Catholic magisterial way.

As well, *Humanae Vitae* marks the beginning of the end of Tridentine clericalism when Catholic married couples rose up in revolt against a clericalist-inspired document as did many bishops and priests and who

are now rewriting sexual morality. More than *Humanae Vitae*, the clerical sex abuse catastrophe will finally break the clericalist hold on the Catholic Church as the Church is being forced to rethink the theology and praxis of priesthood for the 21st century in terms of inclusivity, multiplicity and flexibility with the emergence of the hyphenated priest professional. It finally has no choice but to finally grasp the nettle and include women in its decision-making processes and in priestly ministry – as has been seen in the Anglican Church, the emergence of women priests and now archbishops has greatly diminished Anglican clericalism.

As well, it will have to completely rethink the sacrament of penance in light of the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse, re-vision its theology of gender and sexuality around relationality and reciprocity and develop an anthropologically-based theology of the child. *Humanae Vitae* is fifty years old, but it ignited a revolt that will eventually lead to a truly new, global and inclusive Church. What the Church needs now is not a resurrected traditionalism but flair, innovation and imagination. That is why we need the Gospel Jesus and the Holy Spirit.

Endnote

1 The author was present at this lecture.

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CATHOLIC SOCIAL JUSTICE AND PARLIAMENTARY POLITICS

Susan Ryan*

As I acknowledge the traditional owners of the land on which we meet here at St Patrick's Church Hill, I am reminded of the song cycles and connected circles mapping journeys so frequently used in indigenous paintings from Central Australia.

I am experiencing something of a song cycle and circular journey myself here today.

My first full time job after I graduated with a BA from Sydney University 1963 was teaching here at St Patrick's Girls School. The previously small Intermediate school had been reorganized to take girls from a wider region and prepare them for the Leaving Certificate. Mother Superior, from the Monte Mercies, desperately needed more teachers. I had been blocked from the opportunity to qualify for a Diploma of Education because I planned to marry and thus had lost my scholarship. The Professor of English at Sydney University would not accept me into the honours year for the same reason. Mother Christina, the Superior at St Pat's, had no such problems. She looked at my strong academic record, sensed my enthusiasm, and reminded me that she had earlier on employed a young BA called Germaine Greer with success. She hired me. it was another big success. It came to an end after my first year of teaching only because a few months after my marriage, despite practising the rhythm method, I found myself pregnant! This was not a problem for Mother Christina, only for me. But as soon as he heard I was no longer teaching, Father Roger Pryke, the Chaplain at Sydney University, persuaded me to take on a new role, distributor of the Living Parish hymn books, which I did from home, baby at my side. I sent packages of books to just about every Catholic school in Australia. The hymns in that bestseller were written by the renowned Richard Connolly, whose cousin Helen Connolly, aka Sister Cecily, had been my one outstanding teacher at Brigidine Maroubra. And so the cycles continue.

I suppose there never has been a time in Australian political history when

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politicians **were** regarded by the voting public and the media as universally worthy of respect and trust.

Yet the basic assumption of a representative democracy with free and fair elections is that those elected will act honestly and apply themselves with competence and dedication to their tasks as representatives.

I would suggest that in Australia, in most cases, this is what happens. In my experience and long observation most elected representatives are honest, dedicated, energetic and to the best of their ability carry out their duties. My view here however is not widely shared by the voting public.

“Lack of trust” seems to be the problem most frequently reported when pollsters survey electors about politicians .

Is this fair? Do these derogatory perceptions reflect the reality?

Just recently we have been deluged with media accounts of several episodes of MPs apparently behaving badly, misusing publicly provided funds and resources and otherwise destroying the community’s trust in them. To mention just a few:

Former Deputy Prime Minister Barnaby Joyce appears to have done all of those things, that is, to have betrayed the trust of his voters and colleagues, to have misused his own parliamentary resources and those of his colleagues, and to have conducted himself over a long period without dignity or integrity. Those perceptions are of his responsibilities to the electorate, and do not even start to go to his treatment of his family. He has by way of penalty suffered a demotion to the backbench but now enjoys enhanced access to all media through the commercial publication of a memoir where he reportedly describes his actions in a way that might justify the allegations against him.

And, apparently he has decided to add even more colourful detail.

A different case: Senator David Leyonhjelm has verbally abused a female senator in the senate chamber, implying unacceptable sexual behaviour on her part. He has energetically repeated that abuse on commercial and public media. To date, he has been subjected to no penalty.

A third current case: the MP for Lindsay, Emma Husar has been subjected to the publication in all national and local media, including social media, of detailed allegations against her, going to misuse of parliamentary resources, mistreatment of staff, and sexual misbehaviour.

Although the last of these appears to have been rejected by an internal

inquiry, the other matters appear to stand. This MP has announced that she will not run for her seat again. She has paid a very high penalty.

These three cases, and I will not add to them though you will be aware that there are many others, do not create a picture of our parliament that could attract widespread support and trust from the community.

I cannot ignore these events. I find them all deeply disturbing. But I do believe as I have already asserted that most members of parliament act in a way that should attract respect.

I have been asked today to speak from my personal experiences.

I entered parliament, like many others do, with very little relevant experience, but I hope, a strong sense of responsibility.

In fact, as I recall, that sense of responsibility was almost overwhelming.

There was no doubt in my mind when I became one of the first two senators for the ACT in December 1975, joining the newly defeated Labor opposition led by Gough Whitlam, that I was there to serve the electors of the ACT and the people of Australia, that I was to do what I could to uphold and advance the platform of the Australian Labor Party under which I had campaigned for election, and that I should deal with everyone I came across, staff, colleagues, constituents and other members of the public in good faith and respectfully.

Although I had a huge amount to learn about all aspects of my new role, and often felt that I had been thrown in the deep end of a very deep and murky pool indeed, I think I did have a strong ethical basis from which to work out how to exercise my new responsibilities.

Like everyone else, I had formed my own ethical foundation during my early years. In my case, that moral core was developed during my school education by Catholic nuns, the Brigidine Sisters at Maroubra, where prescriptions to provide social justice wherever we could were administered to us daily. In fact, several times a day.

A few examples will be familiar to most of you. Despite our students coming from poor or lower income families, we had to donate to the starving children in Africa. Ed Campion was reminded by this observation of the collection for “Black Babies” at his primary school. It was a fond memory for Ed. Such enforced charity didn’t do Ed any harm either.

“Black babies” is not a description we would use these days, but the fact that our obligations, as children in Maroubra in the 1940s and 50s, extended

to Africa, and to children from another race, members of which race I doubt had ever been seen in Maroubra at that time, made a point. That point was part of my moral formation.

Those of us who were quick at our lessons, rather than being praised were immediately tasked to assist children who were slower or had a disability. Yes children, some with severe disabilities found a place in our schools, without fuss. We were also required to assist the sisters with unpleasant tasks, like cleaning up the playground and stashing the rubbish in the Incinerator. So, no airs and graces were tolerated, and no girl should consider herself any better than any others. This culture turned out to be good training for the Australian Labor Party, and for parliament.

This experience, of continual instruction of the need to look after those who had less than us, to offer kindness to those who were suffering, to put our own wishes last and responsibility to others first, comprised the essential fodder of catholic schools in the 1950s and 60s.

Most of that education, which covered about one fifth of Australian school students at that time, was delivered by the Irish teaching orders. They have had a bad time recently, and deservedly, with the shocking exposures from the Royal Commission into Institutional Responses to child sex abuse.

Heinous crimes against children, and the additional crimes of covering up that abuse are now being addressed. Some punishment is being implemented and some justice for victims has arrived. But, as I had occasion to discuss recently with members of Sydney's Aisling society, that wickedness was not all there was.

From this perspective in my own long life, I look back at the moral formation in those catholic schools and experience some gratitude that I left that chapter of my life with an understanding of social justice and the responsibility of all of us to advance it.

I am grateful that I never experienced what many in our society seem to have acquired, the aspiration of pursuing individual advancement at the expense of all else, or of judging others, and ourselves by the material wealth we had achieved.

The sense of social responsibility, of our duty as members of a society to our whole society meant that when I started to become politically active and I joined the Australian Labor Party, (1970) I found a synchronicity between my Irish Catholic moral formation and the social democratic philosophy of

Labor. I do recognise that other political philosophies also contain some commitment to the disadvantaged but from my perspective not to anything like to the same extent that I believe is basic to Labor philosophy.

If I can give a current example: school education funding. When I was the Commonwealth minister for education I understood absolutely that our government's role was to build on what the Whitlam government had so heroically put in place. Public funding of non-government schools was justified, but funds must be allocated according to need. The policy purpose was to ensure that all children, whatever schools they attended, should have enough resources to provide them with real opportunity. This needs-based approach stood for many years, contentious years, in marked contrast to the approach of Coalition administrations which asserted individual choice, parental choice, as the basis for allocation of funds. I still believe that the needs basis is the only socially responsible one. I note that the current Coalition commonwealth minister Senator Birmingham has signalled a move toward a more needs-based policy but is experiencing stormy weather as he tries to secure his version of needs funding in legislation.

Similarly, I was at one with the Whitlam policy of no tuition fees for students able to qualify for a university place.

My ultimate failure here did not come from our political opponents, but internally. The Labor Cabinet collectively decided that requiring a student contribution for fees did not undermine the Labor principle of fairness. I had a different view, but I ultimately lost that battle. I note however that the impact of ever growing student fees is now undermining the ability of students from poorer backgrounds to benefit from tertiary education

The Hawke-Keating era, in which I was lucky enough to play a part, is most known, and these days admired, for its reforms to the national economy, to the management of wages and the workplace and to the regulation of banking and finance.

Some of our actions in pursuit of these reform objectives were highly controversial, perhaps especially among Labor's own supporters.

By removing tariffs, Labor policy undoubtedly set the scene for the loss of most of our traditional manufacturing businesses, and with them, many blue-collar jobs for men and women disappeared. This approach raised big issues of social responsibility for us. I can assure you that at the time we all agonised over the negative effects of the changes. How did my own values

assist me in these considerations? How was I able to come to the view that long term, the benefits to the Australian workforce as a whole were great enough to justify the immediate dislocation? I was able to reconcile such dilemmas by our actions as a government to support those displaced from traditional jobs by a raft of publicly funded retraining programs.

To compensate for the lack of the wage growth traditionally expected of Labor governments, we started the compulsory superannuation scheme, so that all workers would have savings to support their retirement.

Again, to balance the loss of wages growth we set up the Accord with the union movement. This ground-breaking agreement provided me and other social policy ministers with the ability to increase education funding, welfare payments, child care, and of course to put in place the universal health insurance system, Medicare. There were trade-offs. In such negotiations however it would be easy to lose your way, morally as well as personally. Your own constituents don't all like the longer-term view. You need a strong moral basis to sustain you through periods of great community hostility and media misrepresentation.

Did this restructuring of the economy and the workforce for longer term benefit to the whole of society despite short-term costs to many, sit well with my commitment to social justice? Would it stand the test of the social justice prescriptions of my Catholic schooling? I believe it would. As the years have rolled on since that great restructuring, the societal and national economic benefits have emerged more clearly, and these days are rarely disputed.

But I return to how individual MPs deal with such periods of policy turbulence and conflict.

The responsibility I felt, and I believe all my colleagues felt was to work even harder to inform the electorate about the big changes. We travelled the length and breadth of the country to meet with those negatively affected, and with those who feared the changes. We had to make ourselves available for discussion, criticism, and a fair amount of hostility. Personal abuse often accompanied policy criticism and sometimes a bit of antisocial behaviour, if not violence. This was not an easy row to hoe. It is not these days either, for current members and senators, from both sides.

For example, I totally disagree with the propositions put by the Minister for Finance Senator Cormann that tax cuts to big business would ultimately strengthen the economy and improve wages. Even so, I have to respect his

diligence and consistency in advocating what is clearly an unpopular and vote losing policy.

I hope you will observe, that Senator Cormann and others on the Coalition side, and most of the members on Labor's side, do this work of informing, explaining, supporting, and do it with honest use of the staff and allowances provided to assist them. The highlighting in the media of one minister's apparent indulgent use of travel allowances to attend a glittering social occasion should not wipe out the seven day a week trudging around our continent, tired, overburdened with diverse tasks, away from home, but committed to duty, that is the real experience of most of our elected members.

I am sure most members struggle from time to time with their responsibilities to the staff who work for them. I know I did. It is difficult to ensure all staff at all times staff have a deep understanding of what is happening, of how parliament operates, what the constituents expect, and the capacity to deliver what is required under extremely high stress conditions. Members make mistakes. I certainly did. Staff members make mistakes and sometimes pay a high price for them.

We have the inestimable advantage in Australia of living in a democracy and with the rule of law. We do experience disappointment, disillusion, and even anger when our system is abused. But if all members can bring to their work and sting moral compass, those disappointments should occur less. I believe I was able to survive the many shoals and storms of parliamentary life, more or less intact, because I had a strong moral compass, and was part of a team who in general shared those values.

I wouldn't like to conclude these remarks however by leaving you with the impression that everything in parliamentary life is OK. It is not.

The matter of our government's policy on off shore detention of refugees is in my own view indefensible. It does not meet any social justice test you might like to apply. I recognise that both major parties have their justifications for discouraging dangerous and undocumented sea journeys by desperate refugees. This is an important and humane objective, but the methods now in place for years to achieve it are not. The effects of the current off shore policies cannot be tolerated in a democracy committed to fairness.

I know there are currently individuals in the parliament, including in the Labor caucus who share this judgment. I hope that they will find a way to change policy so that justice is delivered.

Thank you.

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE: LESSONS AND LEARNINGS FOR THE PEOPLE OF GOD

Robert Fitzgerald*

When the Royal Commission commenced its work more than five years ago it had three tasks: to bear witness to what had happened, to provide just responses to those abused and to recommend ways to create child safe institutions.

Fundamental to our work was to hear from those directly affected – the victims and survivors of childhood sexual abuse. Nearly 17,000 came forward. We gave voice to their stories through private sessions, case studies, written accounts, forums and community engagement initiatives. We published 4,000 de-identified narratives.

Fact from Fiction

The Commission has debunked some long held and often claimed myths or inaccuracies in relation to the Church and abuse in Australia:

- Child sexual abuse has been present within the Catholic Church for much of its history and is not a phenomenon only of the last century or more specifically the more permissive 1970s and 80s. Despite many positive changes in the church's understandings, policies and practices it remains a contemporary issue and significant present day risks exist.
- Child sexual abuse in religious institutions and the Catholic Church was more extensive than admitted or expected with some specific institutions having very high levels of reported allegations of abuse.
- Abuse was not just an issue of bad conduct by a few 'rotten apples', rather there were systemic issues that enabled abuse to occur and hindered effective, just and compassionate responses especially prior to the mid-1990s.
- Many contributing factors collectively gave rise to personal and institutional failures including unhealthy clericalism, mandatory celibacy and inadequate selection, training and formation of religious

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and clergy. The absence of professional development and ongoing pastoral supervision exacerbated such weaknesses. And homosexuality was not generally a contributing factor to the sexual abuse of children.

- Poor governance, inadequate leadership, and an unhealthy culture that preferenced secrecy and the Church's own interests contributed to the collective failure of the Catholic Church. The interests of children, and then later adult survivors, were not paramount or even adequately addressed until at least the mid 1990's.
- Many of the improvements in good governance and child safe practices in the Church's human service ministries appear not to have been adequately adopted in the operation of parishes and dioceses, at least until more recently.
- The Catholic Church in Australia did eventually take decisive action to address the complaints and needs of survivors especially with the adoption of *Towards Healing* (and many claims were satisfactorily dealt with), but inconsistent practices and implementation, and aggressive defences to civil claims led to much criticism, injustice and unnecessary pain to many.

Some important numbers

As of May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people told us about child sexual abuse in religious institutions. As of May 2017, we had heard from 6,875 survivors in private sessions, of whom 4,029 (58.6 per cent) told us about child sexual abuse in religious institutions. We heard more allegations of child sexual abuse in relation to the Catholic Church than any other religious organisation, followed by the Anglican Church, The Salvation Army and others.

The numbers prepared to share their stories are alarming and cannot be minimised.

For instance by the end of the Commission's work, 32% of all those who came forward identified an institution run by a government, yet nearly 37% identified an institution run by the Catholic Church. Whilst the church ran many schools and other institutions, they were far less than those run by governments.

In relation to schools more than 76% of those who reported abuse in schools,

identified a non-government school – 74% catholic, 26% independent.

Only 34% of all private session attendees indicated that they have advised the relevant institution of their abuse.

The occurrence of child sexual abuse in religious institutions should be considered against the backdrop of the roles that religious organisations have played in Australian society. In particular, religious organisations have provided educational and social welfare services to a large number of children, and have received considerable amounts of government funding for this service provision.

The Catholic Church claims data showed that the average age of claimants at the time of the first alleged incident of child sexual abuse was 11.4 years for all claimants, 11.6 years for male claimants and 10.5 years for female claimants. Of those who made a claim, 78 per cent were male and 22 per cent were female. The largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s. The average duration of abuse was 2.4 years. There was an average delay of 33 years between the date of the first alleged incident of abuse and the date the claim was made.

Characteristics of child sexual abuse specific to religious institutions

We heard about some aspects of institutional child sexual abuse which were specific to religious institutions.

We heard that such abuse generally occurred in the context of a religious community. We heard about some religious communities that could be described as ‘closed’, where children had limited interaction with the broader community. We also heard from survivors about growing up in religious communities with little or no education about sex, and about how this left them vulnerable to sexual abuse.

In devout religious families, parents often had such high regard for people in religious ministry that they naturally trusted them to supervise their children. People in religious ministry were considered to be representatives of God. Many parents were unable to believe they could be capable of sexually abusing a child. In this environment, perpetrators who were people in religious ministry often had unfettered access to children.

We commonly heard about perpetrators who ingratiated themselves into the family and became regular visitors to the home. Sometimes perpetrators stepped into the role of ‘father figure’ or exploited particularly vulnerable

families such as those experiencing marriage breakdown or mourning a death.

Survivors also told us that as children they were threatened or blamed for the sexual abuse they experienced, often in ways that manipulated their religious beliefs – such as the threat of being sent to hell if they resisted sexual abuse or disclosed it. The use of threats and blame in the name of God had a powerful effect on children.

We heard that some children experienced sexual abuse that involved the use of religious rituals, symbols or language and in confession. Some survivors described such experiences as amounting to a type of ‘spiritual abuse’, which profoundly damaged their religious beliefs and trust in their religious organisation.

Impacts of child sexual abuse in religious institutions

The impacts of child sexual abuse in institutional contexts can be devastating. There can be distinctive impacts where the abuse is inflicted in a religious context.

Some survivors told us they felt a sense of spiritual confusion or spiritual harm after being sexually abused as a child by a person in religious ministry. Many survivors said they lost their religious faith. We heard that children were raised to have the utmost respect for the religious organisation their family was a part of, and were often taught that people in religious ministry, such as priests, were God’s representatives on earth. Some perpetrators used this status to facilitate child sexual abuse. Some children felt that they had been abused by God or that God must have willed the abuse to happen.

The impacts of child sexual abuse extend beyond victims. Their parents, siblings, partners, carers and children can be significantly affected, as can other children and staff in institutions where abuse occurs. The impacts can be intergenerational and can affect entire communities.

We heard that some religious families were torn apart when children disclosed that they had been sexually abused by people in religious ministry, because parents were unable to believe that people in religious ministry could be capable of perpetrating such abuse. Some survivors told us that negative reactions from family members when they disclosed abuse led to alienation between them and their family members for years, in some cases a lifetime.

We also heard that some survivors were not believed, or were ostracised by their religious community, after disclosing experiences of child sexual abuse. Many survivors told us they had experienced suicidal thoughts or had attempted to end their life after being sexually abused in a religious institution as a child. Some survivors described ‘clusters’ of suicides in affected communities. In some cases we heard about children who took their own lives.

While many survivors told us they lost their religious faith as a result of being sexually abused, others told us their spirituality or religious faith helped them to cope.

Common institutional responses to child sexual abuse across religious institutions

Despite many differences between religious faiths, there were remarkable similarities in the institutional responses to child sexual abuse across religious institutions. Common failures were very evident especially prior to the mid-1990s.

Our case studies demonstrated that it was a common practice of religious institutions to adopt ‘in-house’ responses when dealing with allegations of child sexual abuse. Sometimes there was no response at all. Often, alleged perpetrators were treated with considerable leniency. ‘In house’ responses ensured that allegations remained secret, and shielded religious institutions from public scrutiny or accountability.

Leaders of religious institutions often showed insufficient consideration for victims at the time they disclosed child sexual abuse. They frequently responded with disbelief or denial, or attempted to blame or discredit the victim. We also heard of instances where children who disclosed sexual abuse in religious institutions were punished or suffered further abuse. Leaders of religious institutions often minimised the sexual conduct that was reported to them and wrongly concluded that there was no criminality in the alleged actions. In other cases religious leaders knew that actions were or may have been criminal. However, leaders of religious institutions typically did not report allegations to police.

Leaders of religious institutions were often reluctant to remove alleged perpetrators of child sexual abuse from positions in ministry or employment after suspicions of child sexual abuse were raised or allegations were received.

In some cases perpetrators made admissions of behaviour amounting to child sexual abuse, yet religious leaders were still reluctant to take decisive action.

Some leaders of religious institutions made serious errors of judgment in the face of compelling evidence of child sexual abuse, by giving alleged perpetrators a ‘second chance’ with continued or successive appointments.

This included moving alleged perpetrators to new positions in different locations where they were offered a ‘fresh start’, untarnished by their history of sexual offending or previous allegations. The communities that perpetrators were moved into were in some cases not made aware of the risks these individuals posed.

Leaders of religious institutions also commonly allowed alleged perpetrators to continue in ministry or employment with little or no risk management or monitoring of their interactions with children.

Across religious institutions, the inadequacy of internal disciplinary systems and the limited use of disciplinary measures meant that some perpetrators of child sexual abuse were not disciplined at all; some were disciplined, but in a minimal way; and others were disciplined, but only many years after allegations were raised or they were convicted. This often meant that perpetrators who were in religious ministry retained their religious titles, and lay perpetrators remained attached to religious institutions in circumstances where it was plainly inappropriate for them to do so.

People who responded to allegations of child sexual abuse in religious institutions sometimes encouraged perpetrators to retire or resign as a way of dealing with these matters ‘quietly’. This included, for example, allowing perpetrators to retire or resign on false grounds, such as for health reasons.

Common contributing factors across religious institutions

Multiple and often interacting factors have contributed to the occurrence of child sexual abuse in religious institutions and to inadequate institutional responses. Our work suggests these include a combination of cultural, governance and theological factors.

In several of the religious institutions we examined, the central factor, underpinning and linked to all other factors, was the status of people in religious ministry. We repeatedly heard that the status of people in religious ministry, described in some contexts as ‘clericalism’, contributed to the occurrence of child sexual abuse in religious institutions, as well as to

inadequate institutional responses.

The power and authority exercised by people in religious ministry gave them access to children and created opportunities for abuse. Children and adults within religious communities frequently saw people in religious ministry as figures who could not be challenged and, equally, as individuals in whom they could place their trust.

Within religious institutions there was often an inability to conceive that a person in religious ministry was capable of sexually abusing a child. This resulted in a failure by adults to listen to children who tried to disclose sexual abuse, a reluctance of religious leaders to take action when faced with allegations against people in religious ministry, and a willingness of religious leaders to accept denials from alleged perpetrators.

In some cases, it is clear that leaders of religious institutions knew that allegations of child sexual abuse involved actions that were or may have been criminal, or perpetrators made admissions. However, there was a tendency to view child sexual abuse as a forgivable sin or a moral failing rather than a crime.

Others inappropriately saw an allegation of child sexual abuse as an ‘aberration’ or a ‘one-off incident’ and not as part of a pattern of behaviour.

Consequently, rather than being treated as criminal offences, allegations and admissions of child sexual abuse were often approached through the lens of forgiveness and repentance. This is reflected in the forgiveness of perpetrators through the practice of religious confession, as well as encouraging victims to forgive those who abused them.

Many leaders of religious institutions demonstrated a preoccupation with protecting the institution’s ‘good name’ and reputation.

Catholic Church

I acknowledge that particularly since the mid-1990s the Catholic Church has been active in seeking to respond to child sexual abuse within its institutions. This included redress arrangements, counselling and support services, appointment of safeguarding officers and changes to professional standards arrangements. The appointment of the Truth, Justice and Healing Council was a very significant initiative. Yet the history of the Church’s response over time has been found to be inadequate and deeply flawed especially in past times, lacking in justice and compassion in many instances.

Fifteen of our case studies examined responses to child sexual abuse in Catholic institutions, including schools, residential institutions, and places of worship and during religious activities.

As of May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 2,489 survivors (61.8 per cent) told us about abuse in Catholic institutions. The majority (73.9 per cent) were male and 25.9 per cent were female. A small number of survivors identified as gender-diverse or did not indicate their gender. The average age of victims at the time of first abuse was 10.4 years. Of the 1,489 survivors who told us about the age of the person who sexually abused them, 1,334 survivors (89.6 per cent) told us about abuse by an adult and 199 survivors (13.4 per cent) told us about abuse by a child. A small number of survivors told us about abuse by an adult and by a child. Of the 1,334 survivors who told us about sexual abuse by an adult, 96.2 per cent said they were abused by a male adult.

Of the 2,413 survivors who told us about the position held by a perpetrator, 74.7 per cent told us about perpetrators who were people in religious ministry and 27.6 per cent told us about perpetrators who were teachers. Some survivors told us about more than one perpetrator.

We also commissioned a survey to gather data from Catholic Church authorities in Australia regarding claims of child sexual abuse they received between 1 January 1980 and 31 December 2015. This data showed:

- 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims
- 78 per cent of claimants were male and 22 per cent were female, and the average age of the claimant at the time of the first alleged incident of child sexual abuse was approximately 11.4 years
- 90 per cent of alleged perpetrators were male
- of all known alleged perpetrators
 - * 37 per cent were non-ordained religious (32 per cent were religious brothers and 5 per cent were religious sisters)
 - * 30 per cent were priests
 - * 29 per cent were lay people
- 3,057 claims of child sexual abuse resulted in a payment being made following a claim for redress, with a total of \$268.0 million paid (of

which \$250.7 million was paid in monetary compensation in relation to 2,845 claims, at an average of approximately \$88,000 per claim).

We also sought information from 75 Catholic archdioceses/dioceses and religious institutes about the number of their members who ministered in Australia from 1 January 1950 to 31 December 2010, and how long each of them ministered. We then calculated the proportion of members of these Catholic Church authorities who ministered in the period 1950 to 2010 who were alleged perpetrators, taking into account the duration of ministry (a weighted average methodology).

Of all Catholic priests included in the survey who ministered between 1950 and 2010, taking into account the duration of ministry, 7 per cent were alleged perpetrators.

The weighted proportion of alleged perpetrators in specific Catholic Church authorities with the highest rates, included: the St John of God Brothers; the Christian Brothers; the Benedictine Community of New Norcia; the Salesians of Don Bosco; the Marist Brothers; the De La Salle Brothers.

There were however great variations between dioceses and orders raising the question as to why. The differences indicate systemic issues played a part in creating in some institutions an environment in which abuse could take place and remain unreported.

Awareness of allegations of child sexual abuse within the Catholic Church

Our inquiry revealed that sexual abuse has been a long standing issue for the Catholic Church going back to the first millennium. In Australia there are numerous examples of child sexual abuse matters being known of as early as the 1870s. We identified numerous more recent cases where senior officials of Catholic Church authorities knew about allegations of child sexual abuse in Catholic institutions but failed to take effective action.

It is also evident that other priests, religious and lay members of the Catholic community were aware either of specific complaints of child sexual abuse or of rumours or gossip about certain priests or religious. While the knowledge and understanding of child sexual abuse may have developed and deepened in the last two decades of the 20th century, it is clear that Catholic Church leaders were aware of the problem well before that time.

Institutional responses to child sexual abuse before the development of national procedures

We concluded that there were catastrophic failures of leadership of Catholic Church authorities over many decades, particularly before the 1990s.

Those failures led to the suffering of a great number of children, their families and wider communities. For many, the harm was irreparable. In numerous cases, that harm could have been avoided had Catholic Church authorities acted in the interests of children rather than in their own interests.

Few survivors of child sexual abuse that occurred before the 1990s described receiving any formal response from the relevant Catholic Church authority when they reported the abuse. Instead, they were often disbelieved, ignored or punished, and in some cases were further abused.

The responses of various Catholic Church authorities to complaints and concerns about their priests and religious were remarkably and disturbingly similar. It is apparent that the avoidance of public scandal, the maintenance of the reputation of the Catholic Church and loyalty to priests and religious largely determined the responses of Catholic Church authorities when allegations of child sexual abuse arose.

Complaints of child sexual abuse were not reported to police or other civil authorities, contributing to the Catholic Church being able to keep such matters ‘in-house’ and out of the public gaze. Had Catholic Church authorities reported all complaints to police, they could have prevented further sexual abuse of children.

In some cases, leaders of Catholic Church authorities were reluctant to remove alleged perpetrators from positions that involved contact with children. Some alleged perpetrators were allowed to remain in religious ministry in the same positions and locations for extended periods of time after allegations of child sexual abuse were raised; in some cases there were further allegations of the sexual abuse of children. If appropriate protective steps had been taken, subsequent abuse may have been avoided.

The removal of priests and religious from locations where allegations of child sexual abuse arose, and their subsequent transfer to new locations, was one of the most common responses adopted across Catholic Church authorities in Australia before the development of national procedures in the early 1990s. Some priests and religious brothers who were accused of child sexual abuse were moved on multiple occasions.

When the priest or religious left, sometimes hurriedly, untrue or misleading reasons were sometimes given for their departure. On occasions, the move was timed to avoid raising suspicion. In some cases, no warning, or no effective warning, was given to the new parish or school of the risk posed by the incoming priest or religious.

Until at least the early 1990s, alleged perpetrators often were sent away for a period of ‘treatment’ or ‘reflection’ before being transferred to a new appointment or being allowed to continue in an existing one. Some leaders of Catholic Church authorities believed that psychological or other forms of counselling could assist or ‘cure’ alleged perpetrators of child sexual abuse.

Throughout this period, there was a system under canon law for disciplining priests and religious accused of child sexual abuse, under which the most severe penalty was dismissal from the priesthood or religious life and return to the lay state. However, the Catholic Church authorities we examined did not engage with these canonical processes for priests or religious accused of child sexual abuse in the decades before the development of national procedures in the early 1990s. Instead, bishops and religious superiors adopted a range of informal responses aimed at limiting the capacity of alleged perpetrators to engage in ministry or, at most, permanently removing alleged perpetrators from particular dioceses or religious congregations.

The clearest indication of the inappropriateness and ineffectiveness of institutional responses by Catholic Church authorities to alleged perpetrators of child sexual abuse in this period is that often they did not prevent the further sexual abuse of children. Some perpetrators continued to offend even after there had been multiple responses following initial and successive allegations of child sexual abuse.

Development of national procedures

In the late 1980s, Catholic Church leaders began to discuss the issue of child sexual abuse more formally at the Australian Catholic Bishops Conference (ACBC). In 1988 the ACBC established a dedicated committee to consider issues related to child sexual abuse, and the adoption of a series of national protocols from 1990 was an important step towards formulating a nationally consistent response. However, these protocols retained a focus on responding to the alleged perpetrators of sexual abuse rather than on the needs of victims, and their implementation by Catholic Church authorities was sporadic.

By the mid-1990s there had been a shift in understanding about the appropriateness of keeping alleged perpetrators in ministry where they would be in regular contact with children. At about the same time, members of the newly constituted Bishops' Committee for Professional Standards recognised that a new protocol focusing on the needs of victims was required. The formulation and adoption of *Towards Healing* and the Melbourne Response in 1996 were considerable achievements in this regard.

Institutional responses to alleged perpetrators during and after the development of national procedures

From the mid-1990s, there were some improvements in the responses of Catholic Church authorities to allegations of child sexual abuse. Alleged perpetrators began to be placed on administrative leave while complaints were investigated, and steps were generally taken to remove perpetrators from ministry if complaints against them were substantiated. However, these processes were not always followed, and some measures masked the reasons for the action taken. Further, processes to dismiss priests and religious appear to have been rarely used during the 1990s and early 2000s.

While the early protocols contained some provisions relating to alleged perpetrators of child sexual abuse, they did not comprehensively set out the obligations of bishops and religious superiors in responding to alleged perpetrators and convicted offenders. Furthermore, it appears that leaders of Catholic Church authorities were not always aware of or did not consistently follow these protocols.

The early protocols did not require leaders of Catholic Church authorities to report allegations to the police. *Towards Healing* did not mandate this until 2010. From the mid-1990s, leaders of Catholic Church authorities continued not to report alleged perpetrators to police, leaving this to victims and survivors. This had the effect of keeping many complaints from the public gaze and in some cases meant that children continued to be at risk.

The early protocols saw the introduction of the approach that alleged perpetrators should be required to take leave from active duties while allegations were investigated. However, Catholic Church leaders in some cases did not take this action and alleged perpetrators continued in the same positions for extended periods of time after allegations had been raised. In some cases, leaders of Catholic Church authorities took steps to remove

perpetrators from religious ministry when complaints of child sexual abuse were substantiated or if they were convicted. In other cases action was taken due to a concern about the level of risk posed by an alleged perpetrator. In the case of priests, removal from ministry was generally achieved through the ‘withdrawal of faculties’.

Some bishops permitted priests to resign or retire following allegations of child sexual abuse, in circumstances where it was not made publicly known that allegations had been made against them. Other priests were bestowed with honorific titles, such as Pastor Emeritus, at the time of their resignation, despite being the subject of allegations or having made admissions of child sexual abuse.

The delayed or limited use of canon law processes to dismiss those found to have committed child sexual abuse meant that some perpetrators remained in the priesthood or in religious orders for many years after their guilt had been admitted or established. In addition, the Vatican was very slow to respond to petitions for dismissal from Catholic Church authorities in Australia, and it is clear that the Vatican’s approach to child sexual abuse by clergy was protective of the offender. One bishop told us that in a number of cases his requests to have offender priests dismissed from the clerical state were refused and he was instead directed to ensure that the priests live a life of prayer and penance.

Institutional responses to victims and survivors of child sexual abuse after the development of national procedures

In several case studies we considered the experiences of victims and survivors of child sexual abuse who engaged with Towards Healing and the Melbourne Response. For some, participating in these processes was a positive experience which contributed to their healing. However, others told us that their experiences were difficult, frightening or confusing, and led to further harm and re-traumatisation.

We recognised that many people who have engaged with the Towards Healing process since 1997 may have received greatly needed compassion and support and derived important benefits from their participation. However, some survivors have been disappointed by the process and critical of it. We heard from a number of survivors that the principles and procedures set out in Towards Healing were not followed by Catholic Church authorities.

Significantly, a number of survivors told us they perceived that the personnel they engaged with were insufficiently independent of the Catholic Church. Some told us they experienced a power imbalance between themselves and the Catholic Church representatives involved.

We heard from a number of survivors who pursued civil litigation that Catholic Church authorities took advantage of the legal defences available to them and conducted litigation in a manner that did not adequately take account of the pastoral and other needs of survivors of child sexual abuse. The role of legal advice given and accepted without regard to values and mission of the church was deeply concerning,

We also heard that in some cases, Catholic Church authorities avoided or resisted meeting with communities affected by child sexual abuse and failed or refused to provide pastoral support to communities who both needed and requested it. We heard of instances where Catholic Church authorities withheld information from affected communities, which meant that people were not alerted to possible cases of child sexual abuse or were left with unanswered questions.

Contributing factors in the Catholic Church

We considered a range of factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or affected institutional responses to such abuse.

Child sexual abuse by Catholic clergy and religious may be explained by a combination of psychosexual and other related factors on the part of the individual perpetrator, and a range of institutional factors, including theological, governance and cultural factors.

Individual factors

Individual pathology on its own is insufficient to explain child sexual abuse perpetrated by Catholic clergy and religious. Rather, a heightened risk of child sexual abuse arises when specific factors in relation to an individual's psychosexual immaturity or psychosexual dysfunction combine with a range of situational and institutional factors.

Compared with perpetrators of child sexual abuse in the wider community, research suggests that Catholic clergy perpetrators are an atypical group. They tend to begin offending later in life and to be better educated, less

antisocial and more likely to have male than female victims.

Factors that may influence whether a priest or religious is susceptible to sexually abusing a child may include confusion about sexual identity, childish interests and behaviour, lack of peer relationships, and a history of having been sexually abused as a child. Further, some clergy and religious perpetrators appear to have been vulnerable to mental health issues, substance abuse and psychosexual immaturity. We heard that personality factors that may be associated with clergy and religious perpetrators include narcissism, dependency, cognitive rigidity and fear of intimacy.

Although most of the perpetrators of child sexual abuse in the Catholic Church that we heard about were male adults, and most victims were boys or adolescents, it is a misconception that all perpetrators who sexually abuse children of the same gender as them are same sex attracted. Research suggests that child sexual abuse is not related to sexual orientation: perpetrators can be straight, gay, lesbian or bisexual. Research has indicated that men who identify as heterosexual are just as likely as men who identify as homosexual to perpetrate child sexual abuse. Vatican documents that link homosexuality to child sexual abuse are not in keeping with current psychological evidence or understanding about healthy human sexuality.

Clericalism

Clericalism is at the centre of a tightly interconnected cluster of contributing factors. Clericalism is the idealisation of the priesthood, and by extension, the idealisation of the Catholic Church.

Clericalism is linked to a sense of entitlement, superiority and exclusion, and abuse of power. Clericalism nurtured ideas that the Catholic Church was autonomous and self-sufficient, and promoted the idea that child sexual abuse by clergy and religious was a matter to be dealt with internally and in secret.

The theological notion that the priest undergoes an ‘ontological change’ at ordination, so that he is different to ordinary human beings and permanently a priest, is a dangerous component of the culture of clericalism. The notion that the priest is a sacred person contributed to exaggerated levels of unregulated power and trust which perpetrators of child sexual abuse were able to exploit.

Clericalism caused some bishops and religious superiors to identify with

perpetrators of child sexual abuse rather than victims and their families, and in some cases led to denial that clergy and religious were capable of child sexual abuse. It was the culture of clericalism that led bishops and religious superiors to attempt to avoid public scandal to protect the reputation of the Catholic Church and the status of the priesthood.

We heard that the culture of clericalism continues in the Catholic Church and is on the rise in some seminaries in Australia and worldwide.

Organisational structure and governance

The governance of the Catholic Church is hierarchical. We heard that the decentralisation and autonomy of Catholic dioceses and religious institutes contributed to ineffective responses of Catholic Church authorities to child sexual abuse, as did the personalised nature of power in the Catholic Church and the limited accountability of bishops.

The powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances. There is no separation of powers, and the executive, legislative and judicial aspects of governance are combined in the person of the pope and in diocesan bishops.

Diocesan bishops have not been sufficiently accountable to any other body for decision-making in their handling of allegations of child sexual abuse or alleged perpetrators. There has been no requirement for their decisions to be made transparent or subject to due process. The tragic consequences of this lack of accountability have been seen in the failures of those in authority in the Catholic Church to respond adequately to allegations and occurrences of child sexual abuse.

The hierarchical structure of the Catholic Church created a culture of deferential obedience in which poor responses to child sexual abuse went unchallenged. Where senior clergy and religious with advisory roles to diocesan bishops or provincials of religious institutes were aware of allegations of child sexual abuse, often they did not challenge or attempt to remedy the inadequate responses of their bishop or provincial, or believed that they could not do so.

The exclusion of lay people and women from leadership positions in the Catholic Church may have contributed to inadequate responses to child sexual abuse. Despite considerable changes to the conduct of many of its human services and the adoption of sound governance arrangements,

including through incorporation, there remains much confusion as to what constitutes good governance especially in the diocesan structures.

In accordance with contemporary standards of good governance, we encouraged the Catholic Church in Australia to explore and develop ways in which its structures and practices of governance may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level. We recommend that the ACBC conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and participation of lay men and women.

Leadership

In its responses to child sexual abuse, the leadership of the Catholic Church has failed the people of the Catholic Church in Australia (especially prior to 2000), in particular its children. The results of that failure have been catastrophic.

It appears that some candidates for leadership positions have been selected on the basis of their adherence to specific aspects of church doctrine and their commitment to the defence and promotion of the institutional Catholic Church, rather than on their capacity for leadership.

This meant that some bishops were ill equipped and unprepared for the challenges of dealing with child sexual abuse and responding to emerging claims. Catholic Church leaders in Australia have prioritised protecting the reputation of the church at the expense of the welfare of individuals when responding to child sexual abuse.

Meaningful and direct consultation with, and participation of, lay people in the appointment of bishops, as well as greater transparency in that process, would make bishops more accountable and responsive to the lay people of the Catholic Church, including in responding to child sexual abuse. We recommended that the ACBC request that the Holy See amend the appointment process for bishops.

Canon law

The disciplinary system imposed by canon law for dealing with clergy and religious who sexually abuse children contributed to the failure of the Catholic Church to provide an effective and timely response to alleged

perpetrators and perpetrators. We heard that canon law as it applied to child sexual abuse was cumbersome, complex and confusing. We recommend that the ACBC request that the Holy See amend a number of provisions in canon law.

A number of the issues we identified have impeded the permanent removal from ministry of priests or religious against whom complaints of child sexual abuse have been substantiated, or the dismissal of priests or religious convicted of offences related to child sexual abuse. We recommended that if a complaint of child sexual abuse against a person in religious ministry is substantiated, the person be permanently removed from ministry. Canon law should be amended to this effect.

Celibacy

While not a direct cause of child sexual abuse, we were satisfied that compulsory celibacy (for clergy) and vowed chastity (for members of religious institutes) have contributed to the occurrence of child sexual abuse, especially when combined with other risk factors. We acknowledged that only a minority of Catholic clergy and religious have sexually abused children.

However, based on research we concluded that there is an elevated risk of child sexual abuse where compulsorily celibate male clergy or religious have privileged access to children in certain types of Catholic institutions, including schools, residential institutions and parishes.

For many Catholic clergy and religious, celibacy is implicated in emotional isolation, loneliness, depression and mental illness. Compulsory celibacy may also have contributed to various forms of psychosexual dysfunction, including psychosexual immaturity, which pose an ongoing risk to the safety of children. For many clergy and religious, celibacy is an unattainable ideal that leads to clergy and religious living double lives, and contributes to a culture of secrecy and hypocrisy.

This culture appears to have contributed to some clergy and religious overlooking violations of celibacy and minimising child sexual abuse as forgivable moral lapses committed by colleagues who were struggling to live up to an ideal that for many proved impossible.

We recommended that the ACBC request that the Holy See consider introducing voluntary celibacy for diocesan clergy.

Selection, screening and initial formation

It is apparent that initial formation practices were inadequate in the past, particularly before the 1970s, in relation to the screening of candidates for admission, preparing seminarians and novices to lead a celibate life, and preparing them for the realities of a life in religious or pastoral ministry. The initial training of priests and religious occurred in segregated, regimented, monastic and clericalist environments, and was based on obedience and conformity. These arrangements are likely to have been detrimental to psychosexual maturity, and to have produced clergy and religious who were cognitively rigid. This increased the risk of child sexual abuse.

Although from the 1970s there have been improvements in the selection, screening and formation of candidates for the priesthood and religious life, it appears that these have largely been implemented in an ad hoc and inconsistent manner. In particular, there is still a lack of consistency between seminaries and houses of religious formation in relation to the selection and screening of candidates.

Oversight, support and ongoing training of people in ministry

It is apparent that Catholic clergy and religious have not received adequate training in relation to professional responsibility, the maintenance of healthy boundaries, and ministerial and professional ethics. It is clear that inadequate preparation for ministry, loneliness, social isolation, and personal distress related to the difficulties of celibacy, have contributed to the sexual abuse of children.

We also heard that specialised programs for the screening, induction, and professional support and supervision of priests and religious recruited from overseas are inadequate. We recommended the creation of targeted programs for these purposes. I believe this is an urgent priority.

Sacrament of reconciliation (confession)

We were satisfied that the practice of the sacrament of reconciliation (confession) contributed to both the occurrence of child sexual abuse in the Catholic Church and to inadequate institutional responses to abuse. We heard in case studies and private sessions that disclosures of child sexual abuse by perpetrators or victims during confession were not reported to civil authorities or otherwise acted on. We heard that the sacrament is based in a

theology of sin and forgiveness, and that some Catholic Church leaders have viewed child sexual abuse as a sin to be dealt with through private absolution and penance rather than as a crime to be reported to police. The sacrament of reconciliation enabled perpetrators to resolve their sense of guilt without fear of being reported. In some cases we heard that children experienced sexual abuse perpetrated by Catholic priests in confessionals.

We recommended that any religious institution with a rite of religious confession implement a policy that confession for children be conducted in an open space and in a clear line of sight of another adult.

Whilst the Church has a profound commitment to maintaining the confessional seal in the Commission's view we believe that the protection of children must be paramount. There is a clear conflict that confronts the Church that cannot be resolved by the mantra that the seal of confession is sacrosanct – end of discussion. The protection of children is an equally sacred obligation of the Church as demonstrated by Christ in the Gospels. Because of the high risk of recidivism, even by those who confess, we recommended that there should be no exemption to obligations to report under mandatory reporting laws or the proposed 'failure to report' offence in circumstances where knowledge or suspicions of child sexual abuse are formed on the basis of information received in or in connection with a religious confession.

During our public hearings on the Catholic Church, it emerged that Catholic leaders were unclear about whether information received from a child during the sacrament of reconciliation that they had been sexually abused would be covered by the seal of confession.

The Commission's recommendations provide a blueprint for going forward. They need deep consideration, and they call for courage and commitment. They will demand a steadfastness in their implementation. They will require resourcing, good processes and openness to the possibility of real reform.

Further recommendations can be found in the full version of this article (see the link in the initial footnote).

MY FIFTY YEARS AS A SYDNEY PRIEST: HOMILY AT GOLDEN JUBILEE MASS, ST ANDREW'S MALABAR 20 AUGUST 2016

John de Luca*

The following article was first given as a homily at a Mass for family, friends and former parishioners on the occasion of the Golden Jubilee of his ordination to the priesthood by Fr John de Luca, a retired priest of the Archdiocese of Sydney. It looks back on his various pastoral appointments during fifty years of ministry.

A priest's first pastoral appointment usually sets a direction for his subsequent ministry. I was blessed to be appointed to the then decidedly unfashionable inner suburb of Surry Hills, at St Peter's Church in Devonshire Street. I loved my time there above mention. The people were generous and appreciative of anything that one did for them. Apart from a few landlords, they were far from rich. The world depicted by the novelist Ruth Park was very much in evidence. Memories of Tilly Devine and Kate Leigh were still fresh, and the tribal Irish presence was augmented by the newer waves of migrants trying to establish themselves in a sometimes hostile environment. The involvement of so many young people in the life of the church was inspiring. Not only did we have a Catholic Youth Organisation, but also a dedicated clubhouse, open nightly, for them to gather in, and a youth pastoral outreach with a junior Legion of Mary, giving teenagers a structure to help them think of others. I could go on, but I'll limit myself to one story concerning Joey, a twelve-year-old altar boy from a recent migrant background who came every morning to serve Mass, and who told me that his one ambition in life was to become a priest. One morning after Mass, Joey told me that he was in pain. I told him that he must tell his mother, which he did, leading to a diagnosis of stomach cancer from which he died some months later. Priests are usually reluctant to speak of pastoral conversations with parishioners, confidentiality being of utmost importance. However half a century later, I don't think that Joey would mind my telling you of one such exchange. In those days the thought of hospice care for children was an idea whose time had not yet come, so Joey was confined to a room in the old and forbidding former Sacred Heart Hospice in Darlinghurst, a far cry from its more modern replacement. Most

*The community of Good Shepherd parish in Hoxton Park celebrated the golden jubilee of priestly ordination of Fr John de Luca on 17 July 2016. Fr John was ordained in St Mary's Cathedral on 16 July 1966.

afternoons I would walk up to the hospice (young curates were not allowed to own cars then) and talk with Joey. In the years following the Second Vatican Council many priests and religious felt compelled to re-evaluate their place in the church and in the world, often with good reason. We should be wary of criticising those whose shoes we have not walked in, but Joey, so young, with so little time left, and seeing things with the direct vision of childhood (as Scripture says, “Out of the mouths of babes and sucklings thou has perfected praise”), simply asked me “Don’t they appreciate what they have got?”. Then he asked me if he were dying. No-one had told him. I dodged the issue, saying that I wasn’t a doctor and could not say. But the clarity of his insight has never left me, and I have no doubt that I am standing here to-day partly because of Joey. There has been a rush to canonisations in recent years, often of worthy candidates with whom we have no personal connection. But for me, Joey has always been my personal saint.

My appointment to Surry Hills parish was intended to give me time to prepare for audition and admission to the Sydney Conservatorium of Music where I had been asked to undertake a diploma course on behalf of the archdiocese in order to succeed Father Ron Harden as Cathedral Director of Music. The proximity of the Conservatorium and the Cathedral was the reason for this appointment. Fr Ron Harden, the then Director of Music at St Mary’s, had been stationed at Surry Hills during his time at the Con. But by the time of my second year in Surry Hills I was acutely aware that what was being asked of me was to the detriment of the people of the parish. Not only was I enrolled as a full-time student in a three-year course which also involved hours of daily practice, but I was being asked to take over many of Ron Harden’s jobs in the cathedral parish. With great sadness, I asked Cardinal Gilroy to give Surry Hills a really full-time assistant priest. He agreed to this, and sent me to be a chaplain at the Christian Brothers’ training complex at Strathfield, Mount Saint Mary’s, where I lived and worked for the next two and a half years.

Before long I was taking the cathedral’s probationer choristers for regular singing lessons; taking the senior students at the Conservatorium High School for weekly religious instruction; taking choristers to sing at weddings around Sydney on Saturday afternoons (Saturday was Ron Harden’s day off, and weddings were the principal source of revenue to enable Ron to run the cathedral choir); acting as spiritual director for the Ladies Conference of the

St Vincent de Paul Society which met weekly at Ozanam House, then located at Circular Quay; taking over Ron's liturgy lectures at the Xavier Institute of Sisters' Formation at Lavender Bay; and conducting the Cathedral Choir whenever Ron was away. All this was before I was even appointed to the cathedral staff from the beginning of January 1971.

During my time at Strathfield I was given another responsibility for the Church. I was asked to become Director of Music at St Patrick's College Manly, the archdiocesan seminary which then trained students for the priesthood for the whole of N.S.W. and beyond. This entailed three journeys from Strathfield to Manly and back each week. Fortunately by then I had a car, but, since I did not have a parochial appointment, I had no car allowance. This meant that I was always broke. The stipend from the Christian Brothers of \$40 a month did not cover the cost of running a motor vehicle. The Rector at St Patrick's College, Dr Harry Davis, from what funds I don't know, managed to give me \$5 per week, but even this did not get me out of the woods. The sound of the float rattling on the floor of the petrol tank on more than one occasion signalled to me that I would have about one hundred yards left, and then I would have to walk the rest of the way home! I don't think that people realise how much was expected of those in the lower ranks of the clergy in those days, and how different it is to-day.

When I arrived with an official appointment to the Cathedral presbytery at the beginning of 1971, I encountered the second of the four Deans under whom I served. This is not the time or place to talk about my musical involvement at the Cathedral. That is a story for another time. Here are a few comments about the pastoral life of the place as it was then, and of some of the personalities I encountered. The Dean, Vince Marley, forbade me to continue with the work at St Patrick's Manly. I was to devote myself completely to the Cathedral. This was probably just as well, since the workload was significant. Apart from housekeeping, there was no ancillary lay secretarial staff in the presbytery, and the front door bell was constantly ringing. The duty priest was expected to answer all calls, day or night, dispensing charity, advice, accommodation or whatever to anyone who sought help. The schedule of Masses, Confessions, Sacraments and special occasions, was heavy. As well, we were chaplains to Sydney Hospital, which in those days was a full hospital and the major casualty location for the city and the port of Sydney. Night calls to the hospital were frequent. My record

of being summoned to Sydney Hospital was less than the record of five calls in one night, but quite often there would be several occasions on which one was called! Disturbed sleep was considered part of the job. The calls were sometimes not for Catholic patients. The night matron had worked out that we would always come if asked, and so she took full advantage of that to offer pastoral care to those in need. I did estimate once that I was on-call for ninety hours in the six days each week that I was on duty for the five years of my time at St Mary's.

Saturday was my day off, so I was not so often asked to perform weddings. However in my time there I started The Cathedral Club, a meeting place for unmarried Catholics twenty-one and over, which resulted in a few good marriages, and which continued for a while after my departure from the cathedral. This took place in January 1976. The then archbishop, Cardinal James Freeman, asked me where I would like to go to after my time in the Cathedral. He suggested Concord parish, where as an auxiliary bishop he had been parish priest, and where he had been happy. I wasn't so keen, however, and declined, opting instead for Randwick North, where I knew that there was a vacancy. This would have had the bonus of being close to my family home in Coogee where I had grown-up, and where my widowed mother still lived. Jimmy Freeman, however, was wary. The parish priest, Fr Chris O'Donoghue, had a reputation of being difficult. The poor man was subject to extreme mood swings. These days we would say that he was bi-polar; then the usual description was 'manic-depressive'. The Cardinal agreed to sending me there, but told me that if I had any difficulty, then to come back and he would give me something else. This was jolly decent of him, but I was determined to stick it out, come what may. I have to admit that my time at St Margaret Mary's, Randwick North, was something of a trial, so I was not displeased when the senior auxiliary bishop, James Carroll, phoned me in mid 1977 telling me that they wanted me to go as assistant priest to Mona Vale. He told me that it was a lovely place (which indeed it was, and is), where he often went himself to spend time with friends. (As I later learnt, the connection was political; a constant trait in the life of that most political of prelates!). So off to Mona Vale I went for the next eight years.

The parish priest at Sacred Heart Mona Vale, Father John Keenan, was a much loved elderly Irish priest from Galway, or at least I thought that he was elderly. In hindsight I realise now that he was ten years or so younger

than I am to-day. But perhaps I am having difficulty in accepting that I really am old now. The presbytery at Mona Vale was totally inadequate for the task expected of it. John Keenan had been told to build a new presbytery, and had submitted plans for a proper presbytery, but these were rejected by the authorities, so he gave up on the idea. I spent most of the next eight years living in a converted garage in the property that the parish owned in Newport. The dampness of the site did nothing for my back pain I have to say, but I did enjoy a level of independent living that was denied to most assistant priests. However I did not stay an assistant priest for long. Father Keenan's health was precarious at best, so I was asked by the regional bishop, Thomas Muldoon, to take on the role of Administrator. I declined, but the bishop insisted, so I agreed reluctantly, knowing that in all probability I would be accused of trying to push Father Keenan out. And indeed that accusation was levelled against me by some in the parish. However, I had determined to complete the task assigned to me, raising the money needed to build a new two-storey classroom block, and the long overdue presbytery, with daily Mass chapel and Parish Centre on the one consolidated site. Previously church, presbytery, school and Mass centre were all in different locations. That task completed in 1984, my time at Mona Vale came to its logical conclusion just before the separation of the Archdiocese of Sydney into the three constituent dioceses which are now its present configuration.

During my time at Mona Vale, as in every parish I have served in, I was supported by many wonderful people who are the heart and soul of the church. I once heard the story of a priest visiting Rome meeting with a member of the Vatican Curia, the central administrative office of the Church. The official asked the visitor what it felt like, visiting the heart of the church. The visitor replied: "No, we are the heart, you are the periphery". I am glad to have always been with those at the coal-face, and to have never been burdened with the woes of high office. But a particularly happy memory of life at Mona Vale relates to the co-operation between the various Christian denominations. I have never anywhere else been so involved in the personal lives of other clergy, and the lives of the congregations that they served. Without wishing to devalue the support that I have received from fellow Catholic priests over the years, I feel that honesty demands that I acknowledge the friendship and encouragement that I received there from Uniting Church, Anglican, Baptist and Orthodox colleagues. And it was at

Mona Vale that I was glad to welcome the first curate ever to be assigned to my care, Father Brian Moloney who had been one of my choristers in the Cathedral choir, and who sings with us still at Mass here to-day.

After eight busy years at Mona Vale, which included the pastoral care of Mona Vale Hospital, and running the Catholic section of Mona Vale Cemetery, years that were probably the most productive of my life, I was asked by Bishop Patrick Murphy to relieve for two months at Asquith while the pastor was recuperating from a heart ailment. Though a brief appointment, Asquith introduced me to the then young Father Michael McLean, who also continues to sing with my small choir, Schola Nova, and who is with us to-day. But also at Asquith I met a nephew of my Italian grandfather's second wife, (in fact my stepmother, whom I had never previously met until about this time). In this small world, even brief encounters are not without significance.

A somewhat longer interlude followed Asquith in my appointment to the parish of St Agnes, Matrville, next door to us to-day. Though not a large parish, Matrville required a second priest since it had the chaplaincy of Botany cemetery. Hardly a day went past without a priest from Matrville being required to conduct a funeral at the cemetery or crematorium for some Catholic person who did not have much contact with a local Catholic parish or priest. During the eighteen months I was at Matrville I lost count of the number of funerals at which I was called on to officiate at, but I will never forget the day I was scheduled to conduct eight funerals! With the briefest of introductory time, never having met the mourners before, one had to work very hard to do the best for people whom one would almost never meet again. Two occasions stand out in my memory from this time: the funeral of a well-known drug dealer who had been very publically murdered (for which I later saw my photograph in the Daily Mirror, and the insulting reference to 'a brief service'), and the first Jewish cremation that I had been asked to undertake. I am reminded that Pope John Paul II would often recite Kaddish at the burial of Jewish people in Poland during WWII when there was no one else able to do so.

After my eighteen month sentence at Matrville, finally I was to be given a parish that I could call my own in 1986, that of St Luke's at Revesby. In those days it was standard practice for a priest in the Archdiocese of Sydney to have to wait for twenty years before being trusted enough to be a parish

leader, and my twenty year's wait was now ended. It was said amongst the clergy at that time that the day a curate became a parish priest was the day the mouse turned into a rat! A cynical comment, surely, and even the biology is wrong. But there is a real sense of responsibility falling on one when such an appointment is made. And Revesby was a definite challenge, with 2,300 people at Mass each weekend, two assistant priests, a parish school with over 600 pupils, some thirty active groups within the parish, two pastoral nuns working full-time for the parish, and the chaplaincy of Bankstown Hospital to boot! I had never had a migraine headache before going to Revesby, and fortunately have not had one since then! The appointment to Revesby was further complicated by the fact that it was the first of the limited-term parochial appointments to be made in Sydney. Previously when a priest was appointed as a parish priest, he was given tenure, stability being deemed necessary to properly do the job. By 1986 the Australian bishops had successfully petitioned Rome to allow them to make limited term appointments of, say, six years, and I believe that I was 'numero uno', as they say. After six years at Revesby I enquired what was to happen next. I was given the option of continuing for another term, or going elsewhere. I opted for a middle position, accepting re-appointment, but, as it seemed prudent, for only a further three years. So in 1995, after nine years at Revesby, I was once again without an appointment, but not for long! During lunch one day at St Luke's, Cardinal Clancy phoned me, and as I had predicted to others at table, asked me to go to Drummoyne as Administrator for a while. I had no prior knowledge of that particular appointment, but from my years in the Cathedral, I know that the diocese generally worked on the principle of the dyke: if there is a hole, you plug it. It was common knowledge that the Drummoyne parish priest had resigned, and I was, as it were, the first cab off the rank. So off I went to Drummoyne for six months, keeping the seat warm for someone else whom the archbishop wanted to reward with 'a nice parish'.

But what to do with me post Drummoyne in 1995? Once again a call, or rather a summons from an auxiliary bishop, this time Geoffrey Robinson, who told me that the archbishop had said that I was too senior to mess around with (or words to that effect!), and asked me what I wanted to do. I replied that I would take whatever I was offered, and what I was offered was the parish of St Mary and St Joseph, Maroubra/Beach where I was destined

to spend the next twelve and a half years, my longest appointment ever, and the one which saw me into retirement. “In my beginning is my end” or so the old saying goes. My last parish was to be the one in which I was born. Strange twist of fate, and it was not of my own doing. The usual ecclesiastical practice was never to appoint a priest to the place where he was born, following the Gospel wisdom that ‘a prophet is without honour in his own country and amongst his own people’. Whether that was the case in my regard is for others to say. Whatever may or may not have been achieved during my time at St Mary and St Joseph’s is also something for others to assess. It certainly represented a challenge somewhat different from any previous appointments in that it made me aware of how our church is changing. This was an amalgamated parish, with one priest where there had previously been four; one church building where there had once been two; and a parish school on a site far from the church and parish centre. There was a broad spectrum of parishioners from vastly different socio-economic levels (some extremely wealthy, abutting a very large public housing precinct. Not everyone there approved of me, so 2007 when the then Archbishop of Sydney, Cardinal George Pell, offered a just retirement package to the senior clergy of the archdiocese (in terms superior to that of any of his predecessors), that I accepted the final Episcopal offer that brought me to the stage in which I am to-day.

How many years more, if any, that I will be given is known to God alone. I don’t believe that I have been an ambitious person, in fact clerical ambition has always appalled me. My uncle, the late Father Mick Slattery, said to me once when I was a newly-minted priest: “There are two sorts of priests in this diocese: those who work, and those who get on”. I have always tried to be included amongst those who work. My human failings are obvious enough, and I am ever grateful to those who have forgiven me for them. I would like to thank my late parents for the start in life and the example of hard work that they set me, and for all the members of my extended family, especially those who are with me to-day, for the love that they have given me over the years. And a special word of thanks for all those whose lives have intersected with my own over the years, hopefully for the betterment of us all. May God’s blessing remain with you always.

BOOK REVIEW

Murder at Myall Creek: The trial that defined a nation

Author: Mark Tedeschi

Publisher: Simon and Schuster, Sydney, NSW, 2016

ISBN: 9781925456264

Paperback, 319 pages

Price: \$32.99

Remembering the Myall Creek Massacre

Editors: Jane Lydon and Lyndall Ryan (Eds):

Publisher: NewSouth Publishing, June 2018

ISBN: 9781742235752

Paperback, 248 pages

Price: \$34.99

Reviewed by John Carmody*

It is often asserted – all too frequently by people who should know better – that European Australia “lost its innocence” in the early days of the Gallipoli campaign. This is false, because that “innocence” (if it *ever* existed) was lost at the moment when the First Fleet landed at Sydney Cove. While the Commission to Arthur Phillip from George III specified that the settlers should “conciliate [the natives’] affections” and enjoined “all of our subjects to live in amity and kindness with them”, that lofty ideal was hardly congruent with the reality of a colonising expedition which would, necessarily, steal the lands of those “natives” and compete with them for food.

And so it went on, especially when the more daring (and lawless) colonists ventured far beyond the harbour-side nucleus of the colony. Mostly, there were few or no police where they went, so they created their own law, confident that, as they committed atrocities against the native people, they would never (contrary to the words of the King’s Commission) “be brought to punishment according to the degree of the offence”. And until the appalling and savage atrocity which we now know as the Myall Creek Massacre of 1838, their confidence was, regrettably, justified. It was the great Irish emigre, NSW Attorney-General and first Catholic to hold high office in the colony, John

* John Carmody is President of the Australian Catholic Historical Society.

Hubert Plunkett, who courageously changed that.

Manning Clark gave a good account of that massacre in which a freeman and squatter's son, John Fleming (who escaped entirely, by the way), led 10 others (five ex-convicts and five current convicts) in a punitive raid on a party of about 30 Wirrayaraay people (old men, women and children) who were taking refuge on Henry Dangar's property near the Gwydir River (*A History of Australia*, 3, 143-146). The bloodthirsty mob compelled the co-operation of two of Dangar's staff and ferociously slaughtered those aboriginal people then, the following day, created a huge blaze and burned the bodies.

A concatenation of unlikely events, but principally the courage of Dangar's manager, William Hobbs, who (though absent at the time of the massacre) reported it to the authorities as soon as he learned about it, eventually led to the trial of eleven which began in Sydney on 15 November 1938. The costs of their defence were, largely met by funds which had been raised by a "Black Association" which was founded by an unscrupulous Magistrate, Robert Scott; Henry Dangar was a member. The possibility of white men being tried for the killing of blacks was, overwhelmingly, considered an absurdity. This prejudice was supported by the Sydney Herald which Clark quoted as writing that "white men had been driven to the extremity of murder because of the supine government in Sydney, whose 'sympathies and charities were exclusively excited by the possessors of an Ethiopian visage'". That paper's hostility to indigenous people faded only a few decades ago. On the second day of the trial, after a mere 15 minutes' deliberation, the jury delivered "Not Guilty" verdicts on every charge (though Tedeschi quotes one of them as saying later, "I knew well they were guilty of the murder, but I for one would never see a white man suffer for shooting a black").

When the presiding Judge asked Plunkett (as prosecuting Counsel) if there were any reason why the accused could not be released to return to their usual lives, the Attorney had to make a snap decision: he said to the Judge, "Yes, Your Honour ... I intend to present another indictment ... for murder". That time he succeeded -- proving his point that aboriginal lives are as valuable as white ones -- and, to immense public outrage, seven of the prisoners were hanged.

Tedeschi tells this sordid story well: after all, a barrister must tell stories in court. In particular, he writes with a deep and lucid legal insight. Did the trial "define" our nation? Subsequent history -- whether the "Mabo Trial",

the “Stolen Generation” Royal Commission, or the current government’s summary rejection of the “Uluru Statement” – suggests that this “definition” is unedifying. That is given some personal context (as well as a sober re-telling of the central story) in the book which Lydon and Ryan have edited. None of us can hear and reflect upon this wretched narrative too often.

BOOK REVIEW

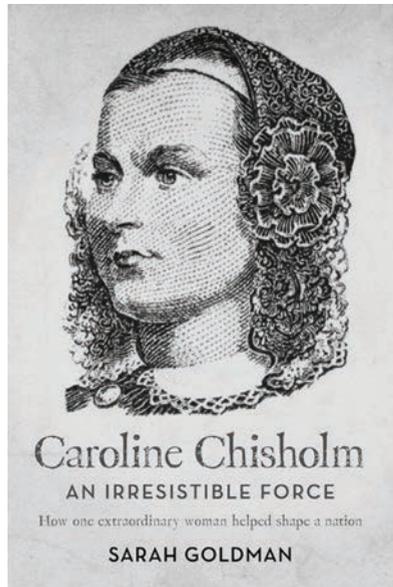
Caroline Chisholm: An irresistible force

Author: Sarah Goldman
Publisher: HarperCollins, 2018
ISBN: 978146075343 9
Hardback: 344 pages
Price: \$49.99

Reviewed by Irene Franklin*

There is quite a lot written about Caroline Chisholm, “the emigrant’s friend”. This book is the most in depth that I’ve read and by the incredible detail that the author’s research has unearthed she has been able to flesh out the person that Caroline Chisholm was. It is also the first account that I have read, of several, which has acknowledged that her husband, Archibald Chisholm, played an essential part in enabling Caroline to fulfill her ambition.

For those who don’t know her story: She was born in England into an Anglican family of the rural middle class. After she married Archie she converted to Catholicism. However her character was



* Irene Franklin is a member of the Australian Catholic Historical Society.

not typical of women in that position – she told Archie that she would not marry him unless he gave her the freedom to live a public life and she gave him time to think that over. Married women were totally dependent on their husbands in many ways including financially. Archie agreed.

She also went alone to meet important men in the government, church and business to make requests to enable her work to proceed, unheard of in those days.

Caroline arrived in Sydney in 1838, only fifty years after the First Fleet, when it was still a rough place. When she heard that poor single women hoping for a better life in Australia were enticed to travel there only to find themselves badly treated, even raped, on board the sailing ships and on arrival in Sydney, she determined to do something about it.

Over time, with her strenuous efforts and Archie's financial backing, she was able to stop the mistreatment on board ship. She laid successful charges against the brutal captain, ship's surgeon and other officers of the *Carthaginian*. Apart from that she changed the design of the ships' onboard layout to improve health and safety, met each ship and provided accommodation, and found immigrants real work in safe situations. She encouraged women to go to work for suitable single men in places outside Sydney such as Windsor, trying to match the couple well; she thus became Australia's first marriage bureau as well as job agency.

The colony had a surplus of single men, which Caroline felt prevented it from becoming civilized. She returned to England to advertise her scheme and to recruit women, also starting a low interest loan company for the travel costs.

There is much more to learn in this well-written book about this outstanding woman and her importance to the fledgling colony she helped to shape. I encourage every Australian to read it.

BOOK REVIEW

The contest for Aboriginal souls: European Missionary Agendas in Australia

Author: Regina Ganter

Publisher: Australian National University Press, 2018

ISBN: 978146075343 9

248 pages, available for download for free at press.anu.edu.au

Reviewed by Brian Lucas*

This book is the fruit of research conducted during a Future Fellowship awarded by the Australian Research Council and is a companion to the website *German Missionaries in Australia – A web directory of intercultural encounters*.

The author has drawn extensively on both primary and secondary historical material and had access to the archives of many of the organisations that sent missionaries to the remote parts of Australia (p xxvii). The book is exceptionally well documented with comprehensive footnoting and hyperlinks identified in the print edition that will lead to other sources in the on-line version.

The aim of the research was about ‘deciphering patterns and dynamics’ and ‘the connections, confluences and patterns that cannot emerge from histories of particular places, people or institutions’ (p x).

The author acknowledges the ‘contradictory claims’ about missions ‘that they sought to civilise and assimilate, that they imprisoned Indigenous people, that they ensured the survival of Indigenous people, that they facilitated the survival of Indigenous languages’ and concludes that all these claims ‘are true *to some extent*’ (p xi).

The work is divided into eight chapters.

Chapter 1 is the story of how the Catholic and Protestant missions competed for territory and there is a reference to the ‘liberal funding’ from the Pontifical Mission Societies in Rome to support the Catholic expansion (p 18). There was competition connected to colonial expansion but even between various Catholic groups and among the various Protestants as well as within the Lutheran Church (p 22). Chapter 2 expands on the Protestant divisions.

* Fr Brian Lucas is National Director, Catholic Mission

Chapter 3 deals with the expansion of the German mission empire within the challenging context of two world wars, the internment of the Pallottines briefly in 1940, and the ‘Australianisation’ of the French MSCs who set up their own training seminary in 1898 (p 79).

Chapters 4 and 5 seek to explain the mutual encounter of missionaries and Indigenous people and the way in which religious ritual, and the supernatural, had an important place in the encounter. ‘Persons who undertook to exert power over the non-material world by deciphering signs and dreams or by casting powerful words were highly respected’ (p 81). Of some interest is the role of Filipino lay people whose role the author suggests ‘cannot be underestimated’ and who ‘formed an intermediate social stratum between the foreign missionaries and the local population’ (p 140).

Having explored the motivations that led Indigenous people to an encounter with the missionaries, Chapter 6 moves the story to the missionaries themselves. This chapter is a frank exposition of the ‘hardships, trials, social isolation and criticism’ (p 172) of missionary life. The author notes the work of others such as Katharine Massam and Christine Lockwood who have examined the ‘faith’ that ‘powered the mission movement’ (p169). Chapter 7 examines the particular ‘German’ culture and any significance it had on the discipline and structure of mission life. Fr Gsell’s role in buying the conjugal rights of girls who came to the mission is mentioned (p 192) with the arguments for and against such intervention.

Some more careful editing might have picked up some factual errors. For example, the Pallottine foundation at Millgrove is in Melbourne not Sydney (p 75) and St Ignatius Loyola founded the Jesuits not St Francis Xavier (p 86).

In her conclusion the author makes this claim (p 220)

...Despite these efforts white churches have not served indigenous needs very well, with patronising attitudes perhaps too deeply embedded. An example is the history of the Catholic Church in the Kimberley commissioned by Bishop John Jobst. It is entitled *From Patrons to Partners* to flag a fundamental shift in relationships, but its photo captions belie this shift: white persons, including visitors are invariably fully identified by name, while Aboriginal persons are typically identified as ‘a member of the community’.

This reviewer drew this passage to the attention of the current Catholic

Bishop of Broome, Christopher Saunders with this question - Was there a reason for this, eg out of respect for deceased persons not being named?

Bishop Saunders replied (letter 11.9.18):

Until very recently Aboriginal peoples names were not mentioned in books as to mention a deceased person's name was considered offensive. In many communities this is still the case today.

By custom and by request people's names were not recorded on graves for the same reason and in many places this custom continues.

This illustrates how complex any analysis of the value of the work of missionaries and their involvement with Indigenous Australians becomes, where there are competing perspectives and various pre-determined assumptions on all sides of any discussion.

Regina Ganter has provided a monumental piece of research that will be useful for anyone interested in further exploring the world of the Aboriginal missions and their impact on the faith of Indigenous believers today.

BOOK REVIEW

The Fountain of Public Prosperity: Evangelical Christians in Australian History 1740-1914

Authors: Stuart Piggin and Robert D Linder

Publisher: Monash University Publishing, Clayton, Vic. 2018

ISBN: 1925523462

Hardback: 674 pages

Price: \$49.95

Reviewed by Michael Belcher*

A lot of current Australian historical writing attempts to nuance the generalisations of earlier pioneering research which had the effect (whether intended or not) of creating stereotypes, both individual and national, that have been difficult to break down.

More recent research is showing that things were often not as simple as originally depicted. It's not really revisionist history merely showing that it

* Michael Belcher's article on Catholics in the early Hunter region appeared in the *JACHS* in 2013.

is dangerous to continue to use stereotypes to reflect the reality of people and their historical experience.

This book takes on a number of these conventional images. The shibboleth, in particular, that religion has played little part in our supposedly modern, secular, post Christian nation, a nation indeed antithetical to religion of any denomination and essentially untouched in its social, cultural and economic life by religious values and mores. Contrarily they argue that the separation of state and church at an institutional level did not mean that it occurred at a personal level. For most adherents, many of whom were in very influential positions, Evangelical values influenced their personal and public life and works, therefore they deeply influenced the nature and personality of the nation.

Evangelicals certainly did not have a good press. They were depicted as being for “God, King and Country” and were imbued with an individualistic attitude buoyed by their belief in the correlation of moral discipline and economic success. They were typecast as comfortable, patriarchal, judgemental, sectarian (particularly anti-Catholic), anti-progress and wowsers.

Piggin and Linder set out to soften these images, and they do an excellent job. It’s a monumental work, 580+ pages of text (and it’s only Volume One), containing much to more deeply explain Evangelical men and women, their beliefs and activities and, consequently, wider Australian society.

Their treatment of the evangelicals and their denominations’ internal comings and goings is extremely good (Chapter 15 1877–1889 is a must read). I am in awe of their grasp of the complexities of the denominational births, rebirths, combinations and separations (like trying to pot rabbits in a huge warren). Their examples of “holy emulation” amongst the denominations is ground-breaking.

Equally their attempts to draw the threads of each denomination into some coherent strands on a range of subjects, from missionary activity to “secular” education, and how that affected the outcomes of institutional debates on these issues is very comprehensive.

They do this best by demonstrating the significance and the influence of evangelical individuals and groups on the formation of public policy and practice. I think, at times, this almost strays into the “great men” historiographical approach and the progression from individual beliefs to

the relevant legislative or social outcome occasionally lacks clarity.

At heart is the opposition between a belief in individual salvation (and prosperity) and institutional social reform. Chapter 16 on the 1890s social revolution is the best at dealing with this issue but merely stating that the majority of evangelicals held firmly to a belief in both doesn't really explain their thinking. They do clearly demonstrate the positive influence of evangelical individuals in the formation and early history of the Labor Party and on "civilising capitalism" in contrast to the more widely publicised role of vested evangelical opposition.

They don't do enough, in my mind, to address or explain the lack of understanding in their "heroes" of the social determinants of behaviour. It's a profound contradiction that needs deeper exploration. They rightly point out that the move from a belief in rehabilitation through individual salvation to an understanding of the societal structures that need to be addressed to facilitate behavioural change would have a profound effect on the future of the denominations in the 20th century (the next book presumably).

I did find some of the writing, the result of their commitment to the Evangelical faith, provoked a reaction possibly because it is so foreign to a Catholic and to this age. The frequent use of the term "godly", for example, seems to be their judgement as much as a reflection of contemporary usage. Similarly, I sometimes felt the inclusion of words such as "It could be argued that..." would have softened apparent bald assertions.

These things notwithstanding, this is a very valuable work and should be read by every Catholic historian to balance any isolationism and reliance on the stereotypes that may remain in our approach. It is a veritable lode for mining. I loved the footnotes rather than endnotes, the index is comprehensive and the bibliography huge - valuable starting points for anyone who wants to delve into any issue raised in the book.

BOOK REVIEW

The Bible in Australia: A Cultural History

Author: Meredith Lake

Publisher: New South Books, Sydney (UNSW), (2018)

ISBN: 9781742235714

Paperback: 336 pages

Price: \$39.99

Reviewed by: Louise Jeffree*

This is a nice read, told to us by a clearly virtuous writer, about Australia's definition by the Bible of Evangelical Faith and G-d's desire. It is singular and stirring. The manner in which the book conveys its information is consistently non-polemical, if rhetorical, when Meredith Lake allows a dialogue with personalities to emerge within the text. One feels drawn in to the stories due to the friendly timbre & rhythm of words, with moral lessons revealed carefully & modestly within. As with "Christian" journalistic writing, (not usually including Catholic and affiliated with Protestant Communion's expressions of Faith) the historian Meredith Lake (thereafter, Ms Lake) has a project to show that the "theological Bible" in following Christ Jesus provides for an authentic way to live.

This ought to bring hope to those of us who share this belief, even if the mystical unity of the Universal Church is largely hidden, and requiring performance in the public square. As a former Cultural history student, I do not recall it was common for such a hearty treatment of Christian life in published material. I also wished to refer to my own family story; Ms Lake makes mention of her grandfather's study of Christian material in nineteenth century Australia, and I liked her freedom to do this.

What is the Bible with reference to its legacy and effects in Australia? Ms Lake is convincing in her neat depictions of people on the borderlines of society, like a gang member's "brother's keeper" tattoo from Eastern Sydney, to Nick Cave, to a conversion of Andrew Chan, drug trafficker who died singing praise with others. These examples are symbols of the Bible's relevance to men in times of crisis; concomitantly the Men Alive movement

* Louise Jeffree won prizes in Asian History & Modern Historiography and is now with Luke raising four children.

is a Catholic response to the absence of men from the pews.

Whereas Catholics love symbol, Protestant tradition clings to story (C.S. Lewis). Convincing human and Christian life-stories from the distant and recent past are gathered into chapters in an accessible way. However, when one of the early chapters describes the Pastor who led a campaign for temperance, it is his bravery that is celebrated as well as his life story. Moreover, one of the tasks of legitimacy in cultural life is to assert oneself against the barriers to one's development. Anger and compassion accompany any social activist work that change may occur.

Bonaventure in *Ascent of the Mind* towards God notes that the Bible leads a person to see the whole span of history as connected. Moreover, Shirley Purdie, the Aboriginal winner of the Blake Prize for Religious Art in 2007 is acknowledged to have drawn deeply from both her Kimberley Dreamtime faith and her Catholic Faith, via images of the Crucifixion in her land; and Germaine Greer of her youth is quoted many times, one thinks for the author's purposes. Today, Greer may say that *Humanae Vitae* enables peace, I add that the poor in every place and time mutually possess his and her shared, fertile, beauty; rightly free from the presumption of contraception.

I only hope that readers in the future may have skill in critical history such that the lacunae are noted such as information about Catholics like Caroline Chisholm's conversion, faith (her placing goals in an act of hope before the Eucharist) and emphatic facilitation of family life in the NSW Colony. Jesus is the one who allows me to transcend myself through the washing of the feet; no mention is made of Jesus the priest. I have discussed with Alison Healy, PhD (from the Grail), the book's acclaim for her historical work in the *Journal of the Australian Catholic Historical Society*. I note that it was in relation to the article on the Australian Broadcasting Commission's reduced number of references to Christianity.

Overall this book is a witness to prophetic drama for the Bible in Australia when the frustrated desire for a transcendent G-d among adults has never been so acute. The reader's physical sensation of reading and flicking through the book's pages is a minx-like smoothness and subtlety of movement. It is a living story told by a young mother & star of our sister Communion, Evangelical Protestant.

BOOK REVIEW

Anzac Spirituality: The First AIF soldiers speak

Author: Daniel Reynaud

Publisher: North Melbourne: Australian Scholarly, 2018.

ISBN: 9781925588750

Paperback, 370 pages

Price: \$44.

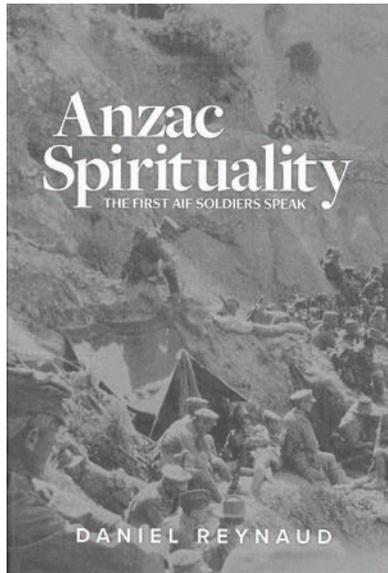
Reviewed by James Franklin*

Modern secular historians are inclined to reimagine the First AIF in their own image. That misconception will not survive Reynaud's remarkable and massively-researched book. It exhibits the religion of the soldiers of the First World War through their own words in letters and diaries. It is not the later civic religion of C.E.W. Bean and the Australian War Memorial, either, but traditional denominational Christianity.

The majority of soldiers were of course Protestants, but this review confines itself to some of the book's insights into the faith of the 20 per cent of soldiers who were Catholic.

There was lack of fervour in some circles, especially at compulsory church parade. "Often when the Sergeant-Major came along and announced 'Protestants fall out' nine tenths would swear they were R.C.s." (p. 36). But equally, there was widespread genuine devotion. A 1915 letter from a soldier in the Melbourne *Advocate* reports:

"There is no doubt about it but the Christian Brothers have a past pupil to be proud of in Captain F.W. Frawley (Victoria – Parade College). Every Sunday, as we have no chaplain of our own on board, he, as senior Catholic officer, assembles the Catholics in the for'ard



* James Franklin is editor of the *Journal of the Australian Catholic Historical Society*.

well deck, and we say the Rosary, Litany of the B.V.M., gospel of the day, and the De Profundis; and today, to the accompaniment of a small organ, we sang 'Faith of Our Fathers', 'Sweet Star of the Sea' and 'Immaculate'."

Faith operated under different conditions overseas. First, death on the battlefield was an ever-present threat. Priests could offer general absolution and Communion before a battle, an exception to the usual rules. Corporal Wilfred Gallwey wrote in 1917, "Every man gets communion and then he is fit to die. Many a time after Mass I have gone to Confession and received Communion immediately afterwards. Every chance I get I go and am always prepared for death. If I ever get killed you may be certain that I will be sure of everlasting happiness in the next world." (p.142)

Secondly, denominations mixed in a way that was rare at home, and padres of both sides often impressed all kinds of soldiers. "One Roman Catholic padre was 'universally voted as "one of the best"' because he 'risks his life to give absolution to men out in No Man's Land, and that sort of thing,' praise recorded in the diary of an ardent Protestant." (p. 235) "Father Michael Bergin, an Irish Jesuit missionary in Syria who was deported by the Turkish authorities, was perhaps the only member of the AIF never to have set foot in Australia. He attached himself to the Australians in Egypt, serving at Gallipoli, before being killed in action at Passchendaele in 1917. Bergin was described by his senior Catholic chaplain as 'tall, spare, gaunt; he looked the typical Jesuit of anti-Catholic literature ... I have never known anyone to inspire such respect and admiration from such diverse characters: good men and bad, broadminded and those devoid of that reputation.'" (p. 241)

Debate for and against religion sometimes took place too, between men thrown together by the circumstances of war. "An officer commented on the deep friendship between a Catholic chaplain, 'a tall, gaunt, sharp featured Irishman, ... [with] a voice that is manly, a keen sense of humour, a laugh that is hearty, and a mind that is broad,' and his 'particular friend' the Medical Officer, 'an atheist with a propaganda, as he calls himself.' Lively and intelligent verbal sparring, 'with good feeling and an entire absence of malice' marked the friendship, despite the doctor insulting the chaplain as "the Jesuit", "The Parasite of Faith" and several other unpleasant names – and the Padre chuckles away until he has finished and then opens out on him with equal force." (p. 188)

Ethics, Reynaud notes, was important to the Army as soldiers who were drunk, frequented brothels, gambled excessively or stole posed a threat to discipline. Chaplains were supposed to help fix the problem, and some noted a difference in emphasis between Catholic and Protestant, with Catholics hard on “vice” but comparatively indulgent on drink and gambling.

Reynaud has greatly increased our understanding of both the First World War and Australian religious history by allowing ordinary soldiers to speak for themselves.

BOOK REVIEWS

Newman College: A History, 1918-2018

Authors: Brenda Niall, Josephine Dunin, Frances O’Neill

Publisher: Newman College, Melbourne, Victoria, Australia, 2018

ISBN: 9780646983004

Format: Hardback, 270 pages

Price: \$70

Contesting Catholic Identity: The Foundation of Newman College, Melbourne, 1914-18

Author: Michael Francis

Publisher: Newman College, Melbourne, Victoria, Australia, 2018

ISBN: 9780646982014

Format: Paperback, 153 pages

Price \$30

Reviewed by Edmund Campion*

Brenda Niall is the doyenne of Australian biography. Her life of Archbishop Mannix won the National Biography Award in 2016. Many of her books are quarried from a cache of letters or capacious diaries, a lengthy process. But when Newman College at the University of Melbourne asked her to write their history in time for their centenary in 2018, she knew she couldn’t dawdle. So she recruited her sister, Frances O’Neill, a social historian, and oral historian Josephine Dunin, to find the material from which to craft

* Edmund Campion is a Sydney priest who taught church history at the Catholic Institute of Sydney.

her story. Rightly, these three women appear on the book's title page as its authors.

Mannix has a big part in this story, chairing the college council throughout his long episcopate. He hoped that the college would open doors to the professions for Catholic lads (lasses came later); and he was successful in this. He didn't baulk at giving the college an Englishman's name and he withstood those who criticised the novel architecture of Walter Burley Griffin. He secured the Jesuits to give tone to the college and expected weekly reports from them. Newman College was his first major project in Melbourne, one to which he remained loyal.

It was made possible by a magnificent donation from a Sydney businessman, Thomas Donovan, whose earlier offers elsewhere had been rejected. He wanted a say in how his money was spent. Constant letters from the captious benefactor made life miserable for the rector of Newman. Nor did the misery cease with his death, since his trustees demanded compliance with the terms of his beneficence. Brenda Niall enjoys exploring this imbroglio but readers who dismiss Thomas Donovan as no more than a moneyed crank – he thought Burley Griffin's design was 'pagan' – should consult his entry in *The Australian Dictionary of Biography*, Volume 8.

The Jesuit who received the bulk of Donovan's letters was Jeremiah Murphy (rector 1923-1953). An Oxford classicist, he moved easily in university circles and it is fair to say that Murphy's urbanity made his newcomer college acceptable there. Within the college itself he encouraged academic success, knowing that this was how the college chairman would judge them. He treated the lads as grown-ups, never went near the barbarous initiation ceremonies and was sensible about their experiments with alcohol. Over the years he became one with his college and the university. Murphy was a puzzle to his fellow Jesuits. 'He was a man who was on better terms with those outside the Society than with his fellow Jesuits,' wrote David Strong in *The Australian Dictionary of Jesuit Biography* (second edition, 2017). When the Society removed him from Newman after 31 years and sent him to Xavier College, he was inconsolable. 'Into the desert,' he wrote in his diary.

Newman had other brilliant rectors: Michael Scott, for instance, who gave it its art collection and a charming little in-house chapel; or Bill Uren, who still voices Catholic social ethics there. Newman's graduates spill over the

pages of the book, too various to list here without explanations. The three authors know Melbourne's Catholics; they know who married whose sister and who got a job from which elder. Their book is a sociology of Catholic networks.

By 1950, it was clear that Mannix's aim to get Catholic graduates into the professions was being realised. The next step was to enable them to become academics, for which overseas postgraduate degrees were necessary. Hence the Mannix Travelling Scholarship, funded by the archbishop's admirers to mark the sixtieth anniversary of his priestly ordination and administered by Newman College.

The philosopher Max Charlesworth was to have been the first Mannix Scholar but ill health made him postpone. A replacement was found in John Mulvaney, an ex-serviceman who was already set to go to Cambridge to study archaeology. He would become the father of Australian archaeology who turned our prehistory into a university subject. In his eighties, disgust with Cardinal Pell's public statements led him to leave the church, as he revealed in his autobiography.

A word must be said about the elegant design of *Newman College*. The book's paper is thick and its illustrations well chosen – unlike some institutional histories that overcrowd the text with too many photographs of sporting teams. John Kauffmann's sepia studies of the early days of the college are notable.

Another centennial book is *Contesting Catholic Identity – the Foundation of Newman College, Melbourne, 1914-18* by Michael Francis. This is a fine piece of history – compact, well argued, objective – that situates the college within contemporary disputes about national identity. Both books are worthy celebrations of Australian Catholics' most distinguished university college in its centennial year.



BOOK REVIEW

Byways: Memories from a Catholic Seminary 1923-2018

Compiler: Michael Stanislaus Parer and 37 other contributing authors

Publisher: Alella Books, Churchill, Vic. 2018.

ISBN: 978949681126

Hardback or Paperback: i-x/412 pages

Price: \$75 postage included (hardback and paperback) from the publisher (info@alellabooks.com.au)

Reviewed by Michael Costigan*

Tony Abbott, John Fahey and Thomas Keneally have one thing in common. The former Australian PM and the ex-Premier of NSW, together with our country's best known living writer of fiction and non-fiction, all spent time as seminarians before quitting that role.

Although it does not deal with their stories, this book could invite speculation on how seminary training, even if it ended after a few years, might have made a telling contribution to the success of such careers as theirs. About half of the 38 writers of 44 essays in *Byways* are ex-seminarians.

A leader of a particular group among them is the author of the Foreword, Michael Gibson. He claims that, in general, many of the students like himself who gave up seminary life or were compelled to give it up without being ordained as priests ended up well as academics, lawyers, teachers, accountants, public servants, publicans, taxi drivers, authors, psychologists, counsellors, journalists or funeral directors, not to mention as politicians and/or fathers of happy families. The accounts by a good number of them of their days as trainee priests leave little doubt that, in spite of criticisms they may have of their seminary experience, it helped to equip them for what lay ahead.

Most of the *Byways* contributors belong to the group that Gibson and a few of his ex-seminarian friends formed in December 1987, which at first was given various names, with ironic allusions to failure. Its subsequent history is traced by himself and his associates from way back, Bob Hayes and Bob

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Munro. In time the group's membership and the involvement in its annual First-Friday-in-December dinners and in other more frequent convivial gatherings and activities expanded to include anyone at all who had attended the Victorian and Tasmanian provincial seminary, Corpus Christ College, Werribee (1923-72) and/or CCC's other campuses in Glen Waverley (1962-72), Clayton (1973-99) and Carlton (2000 to the present). This included those who had been ordained, whether or not they stayed in the clergy.

Reminiscences by representatives of all three categories (called for convenience ex-seminarians, ex-priests and active priests) are in *Byways*. Some of them are resurrected or revised from past publications, mostly first produced by now deceased authors and covering periods in the 1930s, 40s and in one or two instances the 50s. But the majority of the essays, ranging from the 50s to now, have come from living members of what is called CCC Guys, a title originating with the creation in 2007 of a closed Yahoo email message group which on a recent count number 177 members and which is the vehicle for animated and sometimes humorous discussions of both weighty and more trivial matters.

In my opinion, a big share of the credit for this book project belongs to ex-seminarians. One of them, Professor Lawrie Moloney, generously volunteered to act as Editor and also wrote three engaging and beautifully written essays. Among others in the same category in helping to bring the project to fruition were three of its "photo consultants" - John Shaw, Mick O'Brien and Terry O'Neill. The three were associated with others in that role, including the very competent "book compiler", Alan Ryan, an ex-priest who did not write for the book he did so much to compile.

The enterprising publisher and owner of Alella Books, Michael Parer, was the first laicised Australian Catholic priest to be publicly married in the Church (in July 1969). He chose the book's title, inspired by St Luke's Gospel (14:23, not, as quoted in *Byways*, 10:25), adopting what Jesus quoted, in one of his stories, from the instruction given to one of his servants by the provider of a great supper, to go into the highways and "byways" (more precisely "hedges and lanes") to bring in the uninvited to the feast. Parer also introduces the book with a brief "Publisher's Note" and offers two long and relevant articles, the second adapted in part from his 1971 memoir *Dreamer by Day: A Priest Returns to Life* (Angus and Robertson).

The *Byways* project was the brainwave of the CCC Group's most senior

member, Emeritus Professor John N. Molony, a married Ballarat Diocese ex-priest and the successor in ANU's Australian History chair to his mentor, the legendary historian Manning Clark. Following John Molony's death in Canberra on 16th September 2018, it was decided to dedicate *Byways* to him. Molony and I, as veterans in the group and as the respective editors of two previous CCC magazines published in the 1960s, had been named Consulting Editors of the new publication, a mainly honorific role. We each had writings about our different seminary years in Werribee and Rome in the book. John's was drawn from his memoir *Luther's Pine*. My two were about seminary attitudes to women, published 40 years ago, and about other memories of my two seminaries. As a reviewer here of *Byways*, I will leave it to others to say anything more about my efforts.

The book successfully and very importantly combines descriptions of and reflections on life in a major Australian seminary in an era that has come to an end. It is mostly about CCC at Werribee, with quite an amount about Rome, comparatively little about Glen Waverley, less on Clayton and really nothing regarding the campus existing now and since the dawn of the 21st Century, in Carlton near downtown Melbourne City. The reflecting and even the memories vary and at times are in conflict, notably about some of the seminary staff, the quality of the courses on offer, the value and relevance of the spiritual formation imparted, the food, the comfort of the accommodation, the air the students had to breathe and the policies and actions of some members of the hierarchy with overall responsibility for the seminary.

Although the book was not produced in any sense as a response to what the recent Royal Commission said on clerical sexual abuse, a number of its offerings contain horrified references to that scandalous and hard to believe phenomenon, which has so damaged the Church and many people. The book not only has considerable sociological value but it provides some of the kind of data needed if a better understanding is to emerge about how it came about that the intellectual and spiritual preparation of some seminary graduates at a certain time did not prevent them from appalling and repeated lapses, often not long after their graduation. Meanwhile, the CCC Group's involvement in creating the "For the Innocents" (FTI) initiative "to assist people adversely affected by clerical sexual abuse", which receives good attention from Michael Parer and Bob Munro in what they write and worthwhile mentions by others, deserves high praise.

In conclusion, I believe nobody will consider it invidious if I single out one contribution to *Byways* for a farewell accolade. It is the interview conducted by the Editor with the ex-seminarian and incomparable teacher and founder of a great Catholic high school in Leongatha, the ex-seminarian Ed Carmody, who died from cancer while the book was coming out. He was much loved and had a huge funeral. In reply to Lawrie Moloney's question about his time at Werribee, he said what encapsulates for me the real value of this book, which is essentially about friendship for life and what it produces. He said: "It was a great life if you didn't take everything too seriously. Study was not easy, but I knew I was learning. I was beginning to make lifelong friends; and they were guys with great ideals. I'm not sure I would have had these opportunities anywhere else."

BOOK REVIEW

The Mannix Era: Melbourne Catholic Leadership 1920-1970

Author: Patrick Morgan

Publisher: Connor Court Publishing, 2018

ISBN: 9281925826166

Paperback: i-xv/304 pages

Price: \$29.95

Reviewed by Michael Costigan*

Published six years after Patrick Morgan's *Melbourne Before Mannix: Catholics in Public Life 1880-1820* (Connor Court, 2012), this sequel completes this historian's wide-ranging picture of life in the Melbourne Archdiocese from 1880 to 1970.

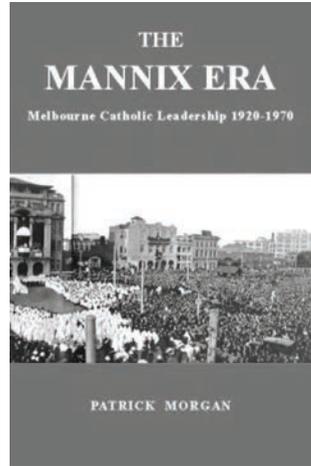
The author identifies four "heroes" in his story: Archbishop Daniel Mannix, his Archdiocese, its weekly newspaper *The Advocate* and "the well organised Catholic community". Topics arising under these headings are so numerous that, in the pages of one book, the author could make only fleeting references to some of them. In a comprehensive bibliography he points to a

*Michael Costigan was Associate Editor (as a priest) of *The Advocate* (Melbourne); founding Director of the Literature Board of the Australia Council; and first Executive Secretary of the Australian Bishops Committee for Justice, Development, Ecology and Peace. He is an Adjunct Professor of Australian Catholic University.

large number of these subjects that writers have developed. Others could be pursued by anyone keen to learn or teach more.

It may be thought that another book about Daniel Mannix, adding to the thirteen listed in the bibliography, might have been superfluous, but Morgan considers and demonstrates that more is to be said about the great prelate's life and attitudes. He draws, for example, on the Mannix biographer Brenda Niall's recording of what the old man, in his final year and remarking on Cardinal Montini's election as Pope Paul VI, said to the former Melbourne priest Joe Broderick: "I believe he (Montini) remembers me. I can't say I remember him. But that's not surprising. After all, in Rome at the head of the Australian pilgrimage in the Holy Year (in 1925), I was the Archbishop of Melbourne, and he was just another monsignor around the place. (Longish pause). Now he's come into his own. And I'm still here, sittin' on the shelf." Morgan calls this "a rare personal statement, with an uncharacteristic touch of the maudlin about it". He adds: "The world saw the aging Mannix as a great figure and heaped plaudits on him, whereas he remembered himself as missing out, as he had on his last visit to Ireland almost four decades before. Lesser people had overtaken him." This is a reference to the Archbishop's final visit in 1925 to Ireland, where he was "ostracised" by other Irish bishops because of his unfruitful support for what had been Eamonn De Valera's approach to Irish independence. The author claims that Mannix's "deep sadness", which stayed with him forever after 1925, has been less understood than his famous wit. He says that "plaudits he received in later life were scant consolation for what he had earlier missed out on".

Patrick Morgan's suggestion that Mannix went to his grave still disappointed over what he failed to achieve in Ireland reminds me of a long conversation I had with the Archbishop in September 1963, about six weeks before he died. He had asked that, before heading for Rome to report on Vatican II's second session for *The Advocate*, of which I was the Associate Editor, I should visit him in his home, Raheen. Expecting and hoping for him to talk about the Council, I was surprised when he spent most of the three-



hour conversation (mostly one way) recalling his 1920 visit to the USA, his meeting that year with Pope Benedict XV and the ill-fated final visit to Ireland in 1925. Although his public references to Ireland had become rare in the last decades of his life, I conclude now, after reading what Morgan writes, that the Irish struggles and their unsatisfactory results were still foremost in his thoughts – and he wanted to ensure that a priest-journalist in his service knew about them.

Among other fascinating questions raised by Patrick Morgan concerning Mannix are about the precise nature of his relationships, on the one hand, with his principal lay adviser in the last decades of his life, B.A. Santamaria, and, over roughly the same period, with the Church in Sydney, personified in Cardinal Norman Gilroy.

In reviewing for Sydney's *Catholic Weekly* other books written or edited by Patrick Morgan, in which, noting how he is able to modify his own obvious preference for Mr Santamaria's and the Democratic Labor Party's/National Civic Council's side in the sundering Labor Party/Anti-Communist Movement split in the 1950s and beyond, I have expressed admiration for the degree of even-handedness in his writing on that subject. That remains true of much in chapters on "The Movement" and "The Great Split" in this latest work, but there are departures from such objectivity elsewhere in this book, of which more anon.

The author refers candidly to Santamaria's "overwhelming drive for control", to the fact that he was "as much an initiator of sectarian tensions as a loser from them" and to his indirect admission of "past misgivings". But of more interest is what Morgan says about the "element of mystery" in the personalities of both Mannix and Santamaria, with neither one of them ever revealing "his full hand". He writes: "It is best to approach any assessment of them as works in progress. We will never fully understand the real relationship between them. Who was running the show?" Is there any validity in the theory that, consciously or not, Mannix saw in Santamaria a reincarnation of De Valera and in the DLP or the NCC the IRA reborn? Or is that too far-fetched?

As for Mannix's relationship with the Church in Sydney and its leaders, Morgan accurately judges that it was less than friendly, above all after the ALP split. In comparing the form of Catholicism existing in Melbourne with Sydney's, the author favours the southern Archdiocese in its better

days, attributing its superiority to the leadership styles of Mannix and his predecessor Thomas Carr, while lamenting the destruction done to its energy and creativity by political battles after 1954, in which its leadership was far from blameless. He gives some of the credit for its best times to the Campion Society, thriving with Mannix's blessing in the 1930s. It is praised for moving Melbourne from being "an independant Irish fiefdom" to "an assertive, internationalist, public policy orientation while Sydney continued to defer to the strain of Irish Jansenist piety which marked Archbishop (Michael) Kelly's personality". Sydney Catholic historians may well have other opinions about this.

Much of *The Mannix Era* is devoted to personalities, organisations and events in the Melbourne Archdiocese during the fifty years covered by the book. Prominent among the people named, in some cases with succinct summaries of their backgrounds and contributions, are other bishops (Justin Simonds, Eric D'Arcy, Arthur Fox and the author's uncle, J.A.'Alo" Morgan, being the most significant), the five gifted Irish Jesuits who arrived in the early 1920s and did so much to support the Archbishop's initiatives, other clergy like Percy Jones, Francis Moynihan and William Mangan, such political figures as Arthur Calwell, Robert Menzies and the Victorian Premiers E.J."Ned" Hogan and John Cain senior, the influential knighted Michael Chamberlin, Hugh Devine, Norman O'Bryan, Bernard Callinan and Eugene Gorman and *The Advocate's* writers Denys Jackson, Patrick O'Leary, Frank Murphy, Marion Miller Knowles and Caroline Goulding ("Catherine Kaye"). Few other women are given much space, although Saint Mary MacKillop joins Mannix and Santamaria in the author's trio of the Melbourne Archdiocese's "most famous figures". Attention is also fittingly given to another candidate for canonisation, Melbourne's Dr (Sister Mary) Glowrey, activist and contributor to women's health in India.

Of outstanding interest to this reviewer, given my intimate association as a young priest with *The Advocate* from 1961 to 1969, is the attention given in this book and also in *Melbourne Before Mannix* to that weekly newspaper, which existed from 1868 to 1980. It was my editing task in February 1968 to oversee production of the paper's centenary edition. That task would have produced a better result if at the time I had as much knowledge as Patrick Morgan displays of the journal's history and personalities before and after Mannix bought it in 1919 from its private owners, the Winters family, and made it diocesan property.

At this point, however, I feel compelled to comment on what the author writes (pages 257-259) about my being the guilty one who “made the running in *The Advocate*” as its Assistant (the correct title was “Associate”) Editor in encouraging and giving prominence to certain unorthodox policies during what he terms “the authority vacuum after Mannix’s death”. The allegation is that “the paper got too far ahead of the pack, as it had no brief to support policies not endorsed by the church through Vatican II”. Caught up in “the passion to overthrow accepted ideas” *The Advocate* is said to have used “a Catholic organisation to endorse political positions” – something that “many liberals had accused Santamaria of doing”.

Frankly, I find these charges unfair if not absurd.

First, there was not a “power vacuum” during the greater part of Justin Simonds’s few years as Melbourne’s Archbishop. Early in that period he had told *The Advocate* that he did not mind the paper running letters criticising him for his early action in ending Santamaria’s weekly use of space on a Catholic TV program. He also sent us words that he wished us to publish with any such correspondence. They clarified his position on the so-called sacking and reiterated his well-known views on the Church and politics. Around the same time, he was to repeat to me what he had said when I acted as his secretary and interpreter in Rome during his 1960 *ad limina* visit. He had urged me to keep my distance from the NCC’s politicising after returning to Melbourne from nine years in Rome.

The allegation against me probably refers to the last eighteen or so months of the Archbishop’s life, spent after strokes in the Mercy Hospital and for some of that time in a comatose state. It is offensive, however, to imply that I might have exploited that situation to promote unorthodox or “modernist” views in the paper. Certainly it was my wish, based on the principle of the right to information, to inform our readers about what was happening in the Church world-wide. This included the dialogue occurring between Catholics and Communists in a number of places, including Australia, with the encouragement of Pope Paul VI and his Secretary of State Cardinal Casaroli. About this, Patrick Morgan offers what I find unsatisfactory and one-sided words (page 258). It is a subject on which I had long exchanges with Bob Santamaria in the following year (1968), with Archbishop James Knox in charge of the Archdiocese. Hard taskmaster as he could be on media matters, Knox had no objection to my part in a debate

which some readers thought I had won, although the coincidental Soviet invasion of Dubcek's Czechoslovakia certainly did not help my case. Nor did Knox have qualms about the six articles I wrote in 1969 for our paper and others (noted derisively by Morgan) about the state of Catholicism in the Netherlands. I had conducted some eighty exhaustive interviews in that country, with extremists on both the traditionalist and radical sides included. Again, my motive was to report rather than to proselytise, even if I had been impressed by some but by no means all of the partly experimental changes I had witnessed or heard about.

If there was any exploitation of the absence of Archbishop Simonds in the early months of 1967, before his retirement took place and the announcement that James Knox was to replace him, it was by the two men administering the Diocese on behalf of the ailing Archbishop – Auxiliary Bishop Arthur Fox and Vicar General Monsignor (later Bishop) Leo Clarke, both ardent champions from way back of the Movement, the NCC and Daniel Mannix. I was angrily berated by them for objecting to their unprecedented command for our paper to run a pre-State Election editorial supporting the DLP position on State Aid to schools - and to have it written by Denys Jackson, a Santamaria supporter. Manifestly, our other editorial writer, the News Editor Frank Murphy, and I were not to be trusted.

It had long been my justifiable aim at the paper to end the domination by the Church's right wing, politically and theologically, of its editorial position, like that of every other Church-controlled media organ in Melbourne and Victoria. Unfortunately, the aim was only temporarily and partly achieved at *The Advocate*, where some in my opinion unfortunate changes under Archbishop Knox were about to take place while I was preparing to leave the paper and the clergy. About some of this Patrick Morgan writes informatively and kindly enough without presenting or having the chance to know all the facts.

With that off my chest (and more could and perhaps will be said or written by me some day) I must congratulate Patrick Morgan on producing a very worthwhile history in two volumes of ninety action-packed, absorbing years in the life of what is now Australia's largest diocese.

BOOK REVIEW

On Air

Author: Mike Carlton

Publisher: William Heinemann Australia, 2018

ISBN: 978 0 85798 780 8

Hardback, 550 pages

Price: \$49.99

Reviewed by Michael Costigan*

“Say your prayers and beware the daughters of Eve – otherwise you could end up like Jimmy Carlton.”

This was the kind of warning given to us seminarians at Corpus Christi College, Werribee in the late 1940s and early 1950s. It was probably echoed at the time in other Australian seminaries and men’s religious institutes.

James Vincent Carlton had been a high profile priest and member of the Missionaries of the Sacred Heart (MSCs). He had caused a sensation in 1945 after the media discovered that, aged 36, he had walked away from his Congregation’s monastery in Kensington NSW and, five days later, married 23-year-old Enid Alison Symington, whom he had been instructing as a potential convert to Catholicism. The fact that the marriage was performed by the Anglican Vicar of Chatswood in his church added to the shock for devout Catholics.

While other priests in those days had in comparable fashion left behind their commitment to celibacy, Church officials, claiming such so-called “deserters” were few in number, thought it best to say little or nothing about them. They had become what the author of a pious book described, in awe and sorrow, as “shepherds in the mist”.

In Jimmy Carlton’s case, however, there was little chance that his marriage would escape public attention. When he had made his decision in 1932, at 23, to terminate his career as one of the country’s top sporting performers in order to train for the priesthood, it was headline news. The same applied

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to his ordination by Archbishop Daniel Mannix in Melbourne's St Patrick's Cathedral in July 1939.

Carlton had been one of the world's fastest short-distance sprinters. As a 19-year-old, he had been a member of Australia's team at the Amsterdam Olympic Games in 1928. Although he did not reach any of the finals there, possibly handicapped by illness and inexperience, his form in the following few years had been so remarkable that Australians expected him to do very well at the 1932 Games in Los Angeles. Instead, he amazed followers of sport, disappointing some while edifying others, by choosing to respond to a higher calling.

The story of Jimmy Carlton's journey to and away from the priesthood from 1932 until his premature death in 1951 at the age of 42 has been told well and with deep feeling in the opening 40 pages of this autobiography by the older of his two sons, Mike Carlton, a writer and broadcaster whose renown in Australia comes close to equalling that of his father, but in different fields.

The author, who was only five years old when his father died, has relied for details of his parents' romance on his mother's private, carefully typewritten account of the affair, which he and his brother read after her death at almost 93 in 2015.

For Enid and Jim, it was a classic love story. From the moment she met him she "wanted only him". The attraction was clearly reciprocated. His early death, barely six years after they met and married, must have been shattering for her then and throughout her remaining 64 years. In her son's words, Enid "carried a candle for Jim for the rest of her life". Mike Carlton continues to obey her wish for him to place a dozen red roses on his grave in Sydney on every anniversary of his demise.

The couple had to face bigoted interpretations and judgments about their actions, as well as what must have seemed a total lack of understanding and sympathy at first in Catholic Church circles. Early on their wedding day, Jim answered a call to the office of an influential Catholic lawyer, Eric Miller KC, where several Church leaders, including his MSC Superior, having discovered what was pending, awaited him and tried unsuccessfully to prevent or delay it.

As time passed, attitudes in the Church were to change. One early sign of the coming thaw might have been the willingness of the MSCs in 1951 to cover the cost of Jim Carlton's Catholic burial. But an initial decision at

his old Marist Brothers' school, St Joseph's College, Hunters Hill ("Joeys"), where his name had been held in the highest regard because of his sporting and academic success, had been to treat him, after what was deemed to have been a scandalous disgrace, as a non-person, with records of his numerous school achievements erased.

Later, when Jim's widow, with her two sons, was struggling in her at times difficult-to-live-with parents' humble Chatswood home to meet education costs for the two boys, Joeys was prepared to take Michael without charge, but the offer was not extended to his young brother, Peter. This was not acceptable to Enid, who found that the Anglican private school, Barker College in Hornsby, was willing to educate both boys for nothing. Barker was where Jim Carlton had worked successfully and happily as a popular teacher and sporting coach for several years after his marriage and following a short stay in a kind of voluntary exile in Melbourne, where Mike Carlton was born on 31st January 1946 and where his father had him baptised in the very cathedral where Jim had been ordained only six-and-a-half years previously.

What the author calls his father's "rehabilitation in the Catholic community" occurred at Joeys in 1985 when the generous-minded headmaster, Brother Joseph McMahon, who had invited Mike to open an art exhibition, introduced him by singing the praises of his father as one of the school's greatest old boys. Mike Carlton quotes this comment by Father Edmund Campion on the event: "That night the glory came back to Hunters Hill. Here surely was a new, more adult Australian Catholicism." With his mother's consent, some of Jim's sporting memorabilia were given by the family to the school for display, while the Carltons also donated a prize, the Jimmy Carlton Cup, to be awarded each year to the school's best all-round athlete.

The complete reversal in the Church's attitude to Jimmy and Enid Carlton and their story was exemplified by Joe McMahon in his time as a Marist Brother and later (now called Marshall McMahon he is still a Catholic teacher but no longer a Religious). His speech and actions helped Mike Carlton to adjust his own thoughts about the Catholicism which he never practised in spite of his Melbourne cathedral baptism. The author was also grateful for the generous assistance given to him by Father Tony Caruana and other MSCs when doing research for this book.

Although his memories of the parent he lost at a very young age are fragmentary, one wonders if carrying the genes of a multi-talented former priest has had a significant influence on him during an eventful and fruitful life as one of Australia's ace communicators. Certainly his father was always for him a significant figure, as the words in passing of no less a figure than Gough Whitlam reminded him more than once.

The great part of this long and fluent memoir contains much detail about Carlton's career and its highs and lows, first as an ABC journalist, *This Day Tonight* team member in that program's heyday, foreign correspondent, Vietnam War reporter and then for many years as a forthright current affairs commentator orally (on radio and TV) and in writing, notably for the Fairfax press. The book is full of his characteristically shrewd, pungent, controversial and witty observations about events, many historic or tumultuous, and personalities, including national and foreign leaders, colleagues, rivals and critics, some of them his friends and others the recipients of crushing putdowns.

I am reminded how, over at least two decades, I eagerly awaited at weekends Mike Carlton's instructive and wickedly humorous columns in the *Sydney Morning Herald*, parading opinions that I often but not always shared. I recall too my sense of loss when, confronting the *Herald's* intention to suspend him, he got in ahead of the Fairfax daily by leaving it on his own volition. This happened following and at least partly resulting from unfortunately offensive exchanges he had with some readers who had claimed, unjustifiably in his opinion, that one of his columns about Gaza's sufferings under bombardment and some of his replies to objecting readers contained traces of anti-semitism. Thereafter my weekend reading missed a cherished ingredient in the absence of Carlton's lively and colourful articles.

In retirement from the hectic world of written and spoken journalism and commentating, Carlton, as he describes in the memoir's final pages, lives peacefully and actively by Pittwater with his second wife and family. After working on the autobiography, he has concentrated on fulfilling a long-held wish to write naval history. In a short time this has so far produced three books on the subject.

Reflecting in the end on his parents, he writes first of his father, wondering what Jim would have made of him: "I am certain James Andrew Carlton would have loved me, but would he have *liked* me, would he have

approved of the life I have led? On the few times that I put these questions to Enid, she was oddly evasive. Yes, he would have been proud of me, but she would never offer anything more. For reasons she would not explain, she stubbornly refused to reveal to me what his politics were, or if his Catholic faith had been strong to his death. In the end I gave up asking. Would I have turned out differently with a father's guidance? It puzzles me still."

As for Enid, a "strong, vital woman", who suffered from dementia in her final years, spent in care in Queensland, Mike calls her "the brave, proud, intelligent and loving single mother who had taken on the world to protect and rear her two boys. Jim's sons".

After her death in June 2015 and cremation in Brisbane, Mike took her ashes to her beloved Blue Mountains and scattered them there: "On a cold but sunny winter's day, standing on a jutting ledge of rock in the bush, I sent her drifting away on a light breeze. Nearby, a silvery waterfall splashed down a golden sandstone cliff to the eucalypt forest dark on the floor of the Grose Valley. We are sure Enid would have approved."

More than being a conventional and fascinating autobiography, *On Air* serves as a fitting memorial to James and Enid Carlton, demolishing finally, one hopes, any false or unjust thoughts about them that might have lingered in minds lacking either information or compassion and understanding.

BOOK NOTE

Ministry of Love: the story of the Sisters of Charity

Author: Danielle Achikian

Publisher: Sisters of Charity of Australia: Bondi Junction, NSW, 2018

ISBN: 9780646991658

Paperback: 163 pages

Note by Moira O'Sullivan*

Ministry of Love is an overview of the works undertaken by Sisters of Charity since arriving in Australia at the end of 1838 and how their ministries grew and broadened over time. Small beginnings from visits of individual Sisters to convicts, the poor and sick, joined with catechetical instruction, were in the twenty-first century to result in enterprises too large for the Sisters to continue in an age of fewer religious.

The Congregation of the Irish Sisters of Charity (made Australian by Polding in 1842) was never defined by one major work: the book contains stories of at least ten different spheres of activity, all underpinned by a vow of service to the poor. In prosperous Australia, the definition of poverty has been widened to include any kind of need, including spiritual and emotional, not just that coming from physical or financial deprivation.

Beginning with a description of the origins of the Congregation in Ireland and a glance at early Australia, Achikian explains religious life to this present age when it is no longer well understood.

The early years of the Sisters' education, health and social services were well documented in M. M. Donovan's *Apostolate of Love* (1979). Achikian therefore emphasises later events, especially what has happened since Vatican II with expansion into new areas and handing over stewardship of established works to Mary Aikenhead Ministries, a pontifically approved arrangement.

Each section begins with a paragraph summarising what is to be described, followed by a passage on the historical context. Achikian points out that the overlap between various tasks, often performed by the same Sisters, makes it difficult at times to separate one ministry from another.

* Moira O'Sullivan lectured in theological colleges and seminaries in Sydney and PNG. She did her PhD on the conflicts faced by Sisters of Charity in Australia, 1838-1859.

Many were interwoven, like teaching, then visiting children's families if necessary.

The value of *Ministry of Love* goes beyond its record of one group of Sisters in one country. By capturing the essence of what drove the Sisters, their desire to serve the poor for the love of Christ, Achikian illustrates the story of Australian religious women in its context of a growing Church and nation, and gives a clear, interesting narrative of the factors affecting both. She offers insight into the symbiosis of religion and nation.

BOOK NOTES

An Enabling Life: Father Kevin Mogg (a collection of reminiscences)

Author: Anne Tuohey (researcher, interviewer)

Publisher: The Yarra Institute for Religion and Social Policy, 2018

ISBN: 978-0-9871461-3-7

Paperback, 136 pages

Price: \$25 (through Catholic Care)

Even God Smiled: The Strife and Chimes of Kev the Rev

Author: Kevin Burke

Publisher: David Lovell Publishing, 2018

ISBN: 978-1-86355-185-4

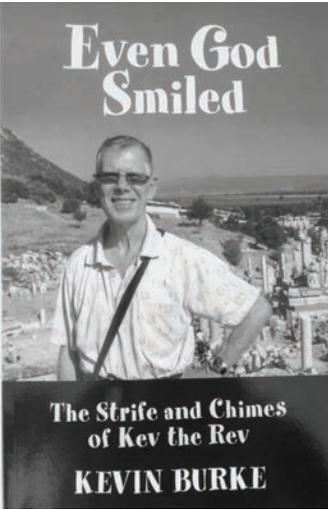
Paperback, 392 pages (plus 30 pages of photos)

Price: \$40 (including postage, from the author, PO Box 310, Eltham, Vic. 3095)

Notes by Michael Costigan*

Accounts of the lives of two veteran and well known Melbourne diocesan priests named Kevin appeared shortly before this edition of the *Journal* went to press. The older of the two, Father Kevin Mogg, ordained in 1956 and now in his late 80s, is in retirement after a long ministry full of laudable achievements. Father Kevin Burke, ordained in 1970 and aged 75, claims

* Michael Costigan was Associate Editor of the Archdiocesan paper *The Advocate*.



to have worked in 16 parishes, visited over 12,000 homes, had about 100 forthright letters published in newspapers and written numerous articles for the Council of Priests' journal, *The Swag*. Since 2008 he has been the active parish priest of Eltham. There and elsewhere he has been known for being outspoken and for applying his understanding of the message of Vatican II to the running of a parish.

Kevin Mogg was the first non-Jesuit to become the Rector of the main Victorian seminary for diocesan clergy, Corpus Christi College. The appointment came from Melbourne's Archbishop, Cardinal James Knox, who had decided to sell the seminary's separated campuses at Werribee and Glen Waverley and to re-unite the two faculties in a new building at Clayton, near Monash University. Knox knew of Mogg's outstanding work since ordination with the young in West Heidelberg, as a community builder and in juvenile justice. The Cardinal also supported the challenge his appointee faced in adapting seminary life to changes emerging from the Council, at a time when a few other bishops were reluctant to accept some of these developments.

After seven years as Rector, Kevin Mogg returned to parish life as pastor for 23 years at North Ringwood and a decade at Mornington. For much of that period as a popular parish priest he was also the Archdiocese's Episcopal Vicar for Social Welfare and the Director of Catholic Social Services Victoria, which he founded. His successor as Episcopal Vicar, Father Joseph Caddy, whom he had encouraged to consider becoming a priest, says in his Introduction to the book that Kevin "is an expert at spotting talent, encouraging initiative and providing support". As the book's title asserts, he has led "an enabling life".

The story of that life is well told by one of his former colleagues in Social Services, Anne Tuohey, whose research was accompanied by interviews with her subject, one fruit of which is a summary of Mogg's insightful views on the Child Sexual Abuse Royal Commission. Added to Anne Tuohey's story are short contributions from five of his other many friends and associates.

The author of the second book, Father Kevin Burke, is one of Kevin Mogg's good friends – and one of his occasional punting collaborators. Burke's reminiscences fill many more pages than his friend's, including a host of details about the autobiographer's life and activities as a priest serving in so many parishes, first as an assistant priest (or "curate" in the old terminology) and then for over 30 years as a parish priest, principally for 13 years in the relatively small and quiet Chadstone suburb and, since 2008, in the larger and more animated Eltham parish. There he remains, having long ago survived the turbulence of his first year and where today he is clearly much appreciated by many, even if a few regard some of his actions as lovable eccentricities. He in turn pays tribute to Eltham's "patient and understanding people" with their "love, energy and faith commitment".

It was especially in his Chadstone years, but also later to a degree, that the writer sometimes saw a need to challenge authorities, above all Archbishops Pell and Hart, with Vicar General Monsignor (later Bishop) Les Tomlinson, on various issues, some personal and others theological. His account of these episodes in his book's Part Four ("Keeping Them Honest") occupies nearly 100 pages. He suspects with some reason that this is disproportionate – interesting and revealing as much of it is.

Different in character and style from his friend Kevin Mogg, Burke thinks that, as a priest for nearly 50 years, he has gained much self-knowledge. He considers himself to be a "slow learner", a "sweater and plodder" who "wears his heart on his sleeve" and is "passionate" about his convictions. More generous assessments come from well-known friends and admirers like Bishop Pat Power, his seminary classmate the ex-priest and renowned journalist Paul Bongiorno, and the maverick Father Bob Maguire. Power calls him "a big-hearted pastor in the mould of Pope Francis". To Bongiorno he is "a son of Vatican II". And Maguire sees him as "a poet as well as a prophet" and as "gold returned to Eltham". Kevin Burke offers us in advance his own epitaph, which includes his book's whimsical title: "He had a go; We had a laugh; Even God Smiled".

Another description of Kevin Burke's memoir can be applied to Kevin Mogg's as well. Both give a praiseworthy picture of "what it is to be a priest". This needs to be better understood and appreciated in these sad and difficult days for the Church's much maligned shepherds and their sheep.

'STUNNING, REFRESHING AND ORIGINAL' JULIA BAIRD

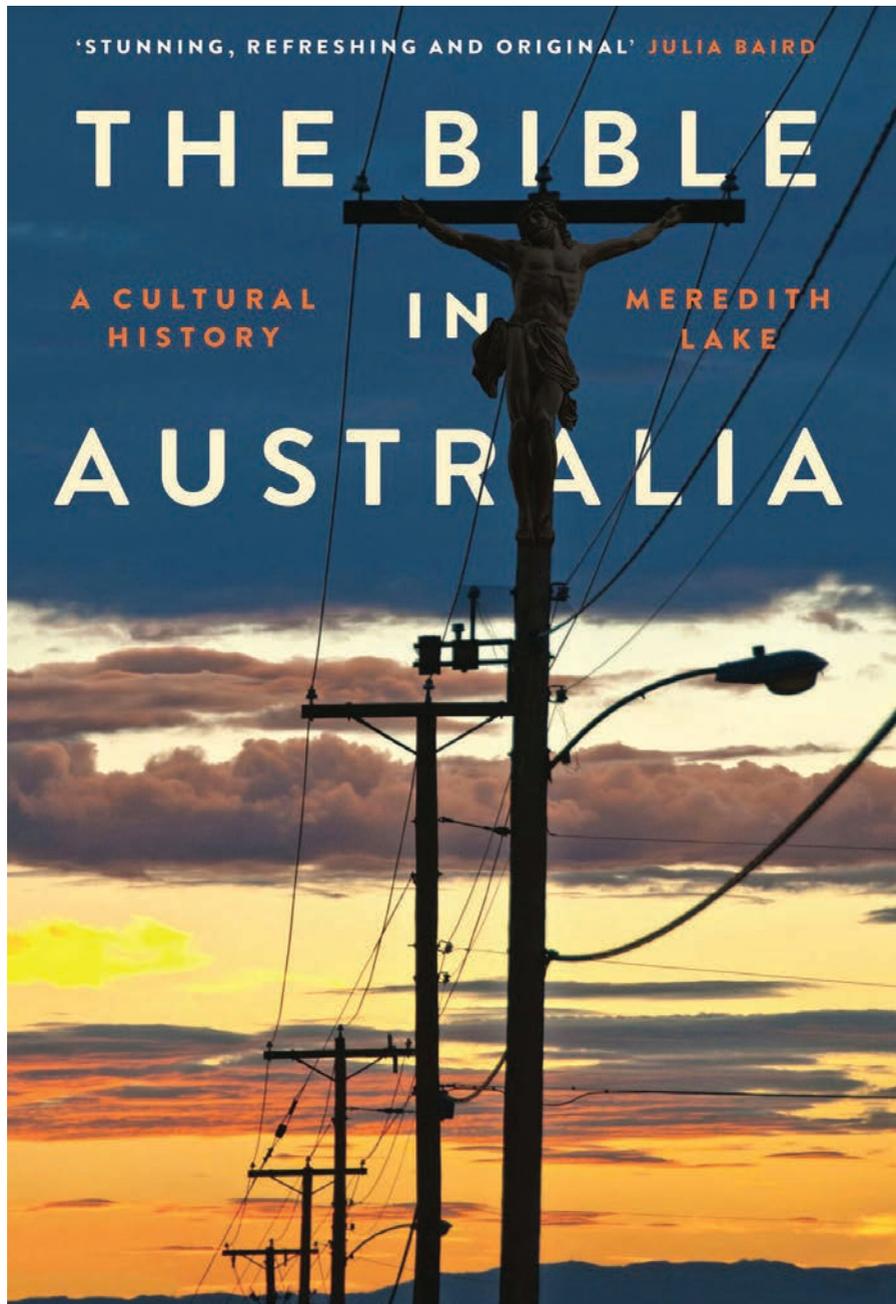
THE BIBLE

A CULTURAL
HISTORY

IN

MEREDITH
LAKE

AUSTRALIA



See book review page 208



Cardinal Gilroy farewelling Pope Paul VI at Sydney Airport, 3 December 1970. See article page 119.

