

A comparison between church and secular publications concerning opposition to the introduction of 'no-fault divorce' as part of the *Family Law Act* (1975)

Nathan Campbell

This year marks the 40th anniversary of the passing of the Family Law Bill¹ through the Senate. Its eventual passing into law came at the end of a protracted and heated debate that took place both inside and outside the Commonwealth Parliament.² Four decades on from such significant social reform, the Australian public is again faced with proposals to amend the *Marriage Act* (1961).³ Then, just as today, the role of the media in establishing and shaping public perceptions was immense. This paper seeks to examine the controversy surrounding the FLB as it played out on the pages of both church and secular publications. While there remain an inordinate number of publications that could have been examined, this response has limited its focus to just three: *The Australian Church Record*, *Church Scene* and *The Sydney Morning Herald*.⁴ This ensures that the issue is covered not only from evangelical perspective (*ACR*), but also from a more 'moderate' Anglican perspective (*CS*) as well as from the secular angle (*SMH*). A comparison of these publications and their differing coverage of the controversy will reveal important insights into Australia's social and religious landscape during this period of significant change. Not only

¹ Henceforth FLB

² After passing through the House of Representatives on 21st May, 1975, then back through the Senate on 29th May, 1975, the *Family Law Bill* received Royal Assent on 12th June, 1975 becoming the *Family Law Act – 1975*.

³ On 13th February, 2012, Greens MP Adam Bandt presented the *Marriage Equality Amendment Bill 2012* to the House of Representatives in an attempt to amend the *Marriage Act 1961* to allow people the right to marry, irrespective of sex.

⁴ Henceforth *ACR*; *CS*; and *SMH* respectively.

will we see first-hand the tremendous social shift that was gripping Australia's increasingly secular society, but it will also bear witness to the difficulties experienced by the evangelical movement as it grappled to engage with these changes in an appropriate manner.

BACKGROUND

On the 2nd of December, 1972, the Australian Labor Party swept to power after twenty three years in opposition. Just three days later, Gough Whitlam was sworn in as Prime Minister, immediately forming a two-man cabinet with Deputy Lance Bernard. During the fortnight that followed, the pair looked to fulfill every election promise that did not require legislation.⁵ In many ways, the unprecedented haste of these initial weeks characterised the entirety of the Whitlam Government's time in office. Determined from the outset to be decisive,⁶ the Whitlam Government's rapid progress stood in stark contrast to the gradual pace of reform experienced under previous Coalition administrations.⁷

The raft of progressive legislation introduced by the Government was not so much setting a new agenda as it was reflecting an agenda that was already there. Whitlam's reforms worked towards finally aligning Federal legislation with the progressive agenda that had been emerging in

⁵ Among other things this included abolishing conscription, withdrawing from Vietnam, opening diplomatic links with China and taking steps towards Aboriginal land rights. Australian Geographic, 'Whitlam, Edward Gough', *The Australian Encyclopaedia* (Terry Hills: Australian Geographic, 1996), p3090.

⁶ Laurie Oakes, *Whitlam P.M.: A Biography* (Sydney: Angus & Robertson, 1973), p236.

⁷ Australian Geographic, 'Whitlam, Edward Gough', p3090.

Australia for the better part of a decade.⁸ As argued by Wilson, the catalyst for change was the economic and technological prosperity that followed the Second World War.⁹ Unprecedented levels of wealth led to new ways of thinking about the world. It was fertile ground for humanist philosophies to take root. These preached an overt optimism and confidence in human endeavour, which ultimately undermined traditional deference to a 'higher power'.¹⁰

The rapidity of change at this time made these decades particularly challenging for the evangelical movement in Australia. The 1950s had held promise of an evangelical renaissance, owed in large part to the success of the Billy Graham Crusades.¹¹ This had led to a rise in church attendance and resurgence in interest in the Gospel. Unfortunately, this was to be short-lived, and the advent of the 1960s brought with it the beginning of a significant shift in Australia's social landscape. As a result, Protestant churches were forced to relinquish some of the political power they had once enjoyed.¹² For the first time since settlement, the church was faced with the dilemma of engaging with a society that increasingly regarded it as irrelevant. The controversy over 'no-fault divorce', which broke out in the mid-1970s, provides an excellent case-study with which to examine these changes to Australia's social and religious landscapes.

⁸ As far back as the 1950s, some of Australia's State Governments had already begun to enact 'progressive' legislation: such as the legalisation of poker machines; abolishing 'Sunday Observance' laws; and loosening censorship regulations. At the same time, similar changes were occurring throughout the Western world. Stuart Piggin, *Evangelical Christianity in Australia: Spirit, Word and World* (Melbourne: Oxford University Press Australia & New Zealand, 1996), 190; Roger C. Thompson, *Religion in Australia: A History* (Melbourne: Oxford University Press, 1994), p114.

⁹ Bruce Wilson, *Can God Survive in Australia?* (Sydney: Albatross Book, 1985), p42.

¹⁰ Thompson, *Religion in Australia*, p115. Interestingly Whitlam admitted in his later years to the influence that his father's humanistic view of life had had on him. *Australian Geographic*, 'Whitlam, Edward Gough', p3089.

¹¹ "Never before and since the 1959 Billy Graham Crusades in Australia's capital cities have Australians been so concerned with the Christian religion. The crusades were the most effective engagement within the Australian community ever achieved by evangelicals in Australia." Piggin, *Evangelical Christianity in Australia*. p154 (see also p125).

¹² Thompson, *Religion in Australia*, p137.

The history of 'fault-based divorce' can be traced right back to Australia's colonial roots. The British Parliament established the precedent, passing the *Matrimonial Causes Act* in 1857 – legalising divorce throughout Britain. By 1873 every Australian colonial parliament had followed suit, enacting similar legislation permitting divorce on the grounds of adultery.¹³ Over the decades, additional faults were added to the list. Yet, as legislation was still determined on a state-by-state basis, inconsistency and injustice was common.¹⁴ The introduction of the *Matrimonial Causes Act* in 1959, followed closely by the *Marriage Act* (1961), was the first attempt to fix this. By unifying divorce legislation at the federal level, it was hoped that proceedings would be fairer and better managed.¹⁵ Federal legislation retained the 'fault-based' approach to divorce, compiling a list of fourteen faults as legitimate grounds for divorce.¹⁶

Despite the unification of legislation, there remained significant flaws in the new system. It was costly, humiliating and particularly difficult and onerous on women. By 1966 public pressure had mounted, calling for a complete overhaul of divorce law. This was also backed by many academics, commentators and practitioners.¹⁷ Perhaps surprisingly, there were even signs that the evangelical movement recognised the failings of the current legislation.¹⁸

¹³ Patricia Grimshaw and Elizabeth Nelson, 'Divorce', in *The Oxford Companion to Australian History* (ed by. Graeme Davison, John Hirst, and Stuart Macintyre; Melbourne: Oxford University Press, 1998), p191.

¹⁴ Helen Doyle, 'Family Court of Australia', in *The Oxford Companion to Australian History* (ed by. Graeme Davison, John Hirst, and Stuart Macintyre; Melbourne: Oxford University Press, 1998), p240.

¹⁵ Doyle, 'Family Court of Australia', p240.

¹⁶ This included things like adultery, incest, abandonment and threats against life. Out of this list of fourteen, there was only one considered 'no-fault'. This was only in the case when sustained separation could be proved to have been for five years or more.

¹⁷ Kep Enderby, 'The Family Law Act 1975', *Australian Law Journal* 49 (August 1975), p477.

¹⁸ "Nobody is happy with the present laws. They do encourage people to make false petitions, they are very costly, and in some cases can cause unnecessary humiliation." 'Last Chance for Family Law Bill', *The Australian Church Record*, December 12, 1974, p2.

The Attorney-General, Senator Lionel Murphy, introduced his Bill to the Senate for the first time in December 1973. The legislation sought to remove the concept of *fault* from divorce law, replacing it with a single ground: the irretrievable breakdown of marriage as evidenced by separation for twelve months.¹⁹ If passed, it would make Australia one of the first nations in the world to enact such legislation.²⁰ The long, drawn-out court proceedings of the old system would no longer be necessary as *fault* would no longer need to be proven. In this way, Murphy was proposing changes that would make divorce easier and more accessible.

Of the vast array of reforms, the FLB was arguably one of the Whitlam Government's most "contentious, fervently argued and emotional" pieces of legislation.²¹ The controversy was due, in large part, to the extensive campaign waged by sections of the Christian church – notably evangelicals in Sydney. The crux of their argument asserted that twelve months was too short a time frame in which to determine that 'irretrievable breakdown' had occurred. Also, the fear was that the changes would fundamentally undermine the concept of marriage being a life-long commitment. Despite vocal opposition from churches and prominent Christian leaders, the Bill was eventually passed in the Senate on the 27th of November, 1974. After undergoing lengthy debate and additional amendments in the House of Representatives, it finally passed through the Lower House on the 29th of May, 1975, becoming *The Family Law Act*.²²

COMPARATIVE SOURCE ANALYSIS

¹⁹ Grimshaw and Nelson, 'Divorce', p191.

²⁰ Jenny Hocking, *Gough Whitlam: His Time* (Carlton: Melbourne Univ. Publishing, 2013), p182.

²¹ Hocking, *Gough Whitlam*, p183.

²² The account of the Bill's passage draws heavily upon the summary of events offered by Kep Enderby, Attorney-General at the time. Enderby. 'The Family Law Act 1975', pp477-478.

Having established some background to the era and the legislation, we now move to compare and contrast the three publications. This exercise in source analysis will allow us to draw some conclusions about Australia's social and religious landscapes during this period. In particular we will be looking to make inferences about the evangelical movement, particularly as it existed in Sydney.²³ Each publication's coverage will be examined, with analysis operating on a number of different fronts.²⁴ Initially, we will look at *volume* – to assess the amount of attention given to the controversy. Secondly, we will observe *formatting* – such as the placement of articles and the prominence of headlines. Thirdly, *content* will focus on what was included (or excluded), and the overall message presented. Lastly, *words* will be examined, paying attention to what is conveyed through words and phrases. These criteria are by no means exhaustive. They do, however, examine the publications at both a macro and a micro level. Additionally, they remind us to pay attention not only to *what* is written but to *how* it is presented.

Volume

Boasting a heritage that dates back to 1880, by the late 1950s, *The Australian Church Record* had become inextricably linked with Sydney's Anglican seminary, Moore Theological College.²⁵ At this time the *ACR* was a decidedly "College-driven diocesan newspaper" that sought to educate in matters of faith, doctrine and Christian living.²⁶ Just like the college itself,

²³ Sydney is a logical focal point seeing as two of the three publications originate from there.

²⁴ While 'letters to the editor' appeared on the topic in all three publications and are feasibly relevant within 'church and secular press', for the purposes of this response the scope has been kept to considering articles only – unless otherwise mentioned.

²⁵ Marcia Helen Cameron, *An Enigmatic Life: David Broughton Knox: Father of Contemporary Sydney Anglicanism* (Brunswick East: Acorn Press, Limited, 2006), p137.

²⁶ Cameron, *An Enigmatic Life*, p137.

the publication was openly evangelical, labeling itself as “Catholic, Apostolic, Protestant and Reformed”.²⁷ Though circulation numbers are unknown, distribution at this time is thought to have extended beyond the bounds of Sydney’s evangelical circles.²⁸ During the 1960s the direction and tone of the publication was firmly set by its two editors, principal of Moore, Broughton Knox, and fellow college lecturer, Donald Robinson.²⁹ No longer editor by the 1970s, Knox’s influence on the *ACR* persisted via the appointment as editor of his close friend, Bruce Ballantine-Jones.³⁰

In terms of *volume*, the *ACR* ran a considerable number of articles concerning the FLB. These ran from May 17th 1973 through to Sept 4th 1975, totalling seventeen articles. This is significant, considering that the publication was only issued bi-monthly. In terms of size, most of the articles are afforded substantial space, ranging from several columns to large, two-page features. The only exceptions to this include a minor, single column report that details support for the Bill,³¹ and two smaller stories providing additional detail that supports the main feature.³² Further, the very first article concerning the FLB is also the largest. On the 17th of May, 1973, Gerald Christmas’ article, ‘Divorce and the Law’ was afforded an entire two-page spread.³³ Appearing early in the debate, it is curious that little attention is paid to the issue until March the following year. Perhaps this coheres with the publication’s later admission that its campaign came too

²⁷ This self-description is easily located in all the publications from this period.

²⁸ Cameron, *An Enigmatic Life*, p137.

²⁹ John R. Reid, *Marcus L. Loane: A Biography* (Brunswick East: Acorn Press, Limited, 2004), p53.

³⁰ Cameron, *An Enigmatic Life*, p256.

³¹ ‘Public Concern at Issues Relating to Family Law Bill’, *The Australian Church Record*, September 8, 1974, p3.

³² ‘Divorce Law Reform and Overseas Trends’, *The Australian Church Record*, March 21, 1974; ‘Australian Divorce Law - Background’, *The Australian Church Record*, March 21, 1974, p3.

³³ Gerald R. Christmas, ‘Divorce and the Law’, *The Australian Church Record*, May 17, 1973, p2-3.

late.³⁴ The number and size of the *ACR*'s articles on the FLB suggest that this was a topic of particular concern to them.

Church Scene was a weekly news publication out of Melbourne that ran from 1971-1997. Billed as a 'National Anglican Newspaper', it was owned by a prominent Victorian family of Anglican-Methodist background.³⁵ Early on, the paper seemed concerned to present a mix of Anglican and inter-church news. For the most part it appeared focused on basic reporting about events relevant to the life of the church. There is only minor emphasis placed on editorial content. In its earliest day, the editor-in-chief was young Australian journalist, Gerald Davis.³⁶

In contrast to the prolific *ACR*, *Church Scene* only published eight articles on the FLB through this period.³⁷ This is despite it being a weekly publication. It is interesting in contrast that during the same period, there were more than twice that number of articles covering synod debates over the remarriage of divorcees. *CS* appeared more interested in covering internal matters as opposed to external ones. Further to this, apart from a single article on the 10th of October, 1974, no articles concerning the FLB appear between July '74 and Feb '76. This is particularly surprising considering that it was during this period that the bill was finally passed and enacted.³⁸ Though the *CS* ran some important articles that dealt with the FLB, the small number and curious distribution indicate that this was not an issue of great concern.

³⁴ 'Last Chance for Family Law Bill', p2.

³⁵ Specifically the MacKellar family. John Larkin, 'It's a Hard Road for Religious Press', *The Age*, July 6, 1972, p8.

³⁶ Larkin, 'It's a Hard Road for Religious Press', p8.

³⁷ Spanning Mar 9th, 1973 and May 20th, 1976.

³⁸ Comparatively, out of the *ACR*'s seventeen articles, *eight* were published during this same period.

The first issue of the *Sydney Morning Herald* was published on the 18th of April, 1831, going on to become one of Australia's oldest and best known news publications.³⁹ During the mid-1970s,⁴⁰ its editor-in-chief was Guy Harriott, a consummate journalist whose "hard-headed" approach "bespoke an increasing conservatism".⁴¹ This conservatism appears to have had a large influence upon the paper, with reports that the *SMH* was "almost unremitting in its opposition to Labor policies" throughout Whitlam's time in office.⁴² Published daily, the *SMH* was naturally able to give more attention to the FLB than both the *ACR* and *CS*. This is evident in the more than 150 separate articles that deal directly with the Bill or are at least somehow related to it.⁴³

Importantly, despite the sheer volume, no more than twenty directly concern opposition to the bill between 1972-1976. Brevity requires that only these articles will be utilised for the purposes of comparison. Interestingly, of the relevant articles, a number of them are afforded no more than a column.⁴⁴ In contrast to this, an extensive article written in support of the bill by the Sydney University Law Society, is afforded multiple column inches.⁴⁵ Considering the sheer volume of articles concerning the FLB, the relatively few to report on opposition is revealing. When

³⁹ Gavin Souter, *Company of Heralds: A Century and a Half of Australian Publishing by John Fairfax Limited and Its Predecessors, 1831-1981* (Carlton: Melbourne University Press, 1981). pxiv.

⁴⁰ In 1974 the average readership was 746 000 or 20% of persons over the age of fourteen in NSW. Henry Mayer, 'Media', in *Australian Politics: A Fourth Reader* (ed by. Henry Mayer and Helen Nelson; Melbourne: Longman Cheshire, 1976), p142.

⁴¹ Souter, *Company of Heralds*, p464-5.

⁴² Souter, *Company of Heralds*, p466.

⁴³ Assessed through a digital search of the Sydney Morning Herald archives.

⁴⁴ 'Church Help on the New Law Sought', *The Sydney Morning Herald*, September 10, 1974, p11; Alan Gill, 'Anglican Dean Hits out at Divorce Bill', *The Sydney Morning Herald*, February 6, 1975, p20; Alan Gill, 'Clerics Join in Attacking Family Bill', *Sydney Morning Herald*, February 6, 1975, p19.

⁴⁵ Sydney University Law Society, 'Backing for the Family Law Bill', *The Sydney Morning Herald*, October 19, 1974, p9.

considered in light of it being a daily publication, the *SMH*'s coverage proportionately receives considerably less attention than the *ACR* and even *CS*.

Formatting

The *ACR*'s attention on the FLB is further emphasised through *formatting*. FLB articles almost always receive large, prominent headlines.⁴⁶ In many cases the headline is the most prominent on its page. Perhaps surprisingly, only three articles appeared on the front page through this period, yet in each case, opposition features strongly.⁴⁷ Other simple elements are used to help draw the reader's attention. The front page of the 6th of March, 1975, features a 'special edition' header: 'Family Law Bill Controversy'. Beneath this is the large provocative headline: *Bishop, clergy attack divorce legislation – justice needed*. The formatting features associated with the *ACR*'s coverage of the FLB are further evidence of their concern with this issue.

In line with the smaller number articles, the formatting of *Church Scene* demonstrates its treatment of the FLB as less of a concern. This is demonstrated by the fact that only one article during this time appeared on the front page.⁴⁸ Though most of the relevant articles are afforded

⁴⁶ In particular, the following articles boast prominent headlines. All of them the largest on their respective pages: Christmas, 'Divorce and the Law', p2; 'Public Concern at Issues Relating to Family Law Bill', p3; 'Parliament Rejects Call to Delay Divorce Bill', *The Australian Church Record*, November 28, 1974, p1; 'Bishop, Clergy Attack Divorce Legislation - Justice Needed', *The Australian Church Record*, March 6, 1975, p1.

⁴⁷ 'Parliament Rejects Call to Delay Divorce Bill', *The Australian Church Record*, November 28, 1974, p1; 'The Family Law Bill (Amended Version)', *The Australian Church Record*, January 23, 1975, p1; 'Bishop, Clergy Attack Divorce Legislation - Justice Needed', *The Australian Church Record*, March 6, 1975, p1.

⁴⁸ 'Family Law, Rights Bills Faulted in Synod Charge', *Church Scene*, July 4, 1974, p1-2.

large headlines, the most prominent of them emphasises *support* for the Bill.⁴⁹ In addition, the headline is actually misleading. The article concerns comments made by Bishop of Gippsland, David Garnsey. While the comments of Gippsland's Bishop Garnsey do begin by briefly applauding the FLB's intentions, the *vast* majority of his comments are critical of it. Interestingly, *CS* has chosen to emphasise the supportive comments, even though this fails to reflect the major sentiment of Bishop Garnsey's statement. Unlike the *ACR*, there is nothing similar to a 'Family Law Bill' edition (*ACR*, Mar 21st, 1974) containing multiple related articles on the topic. *CS* also fails to utilise any additional visual features to draw attention to the topic. In line with the small number of articles that appeared, *CS*'s formatting also suggests a lack of interest in the FLB.

When it comes to the relevant *SMH* articles, formatting reveals the subtle sense of derision it has for reporting on opposition to the Bill. During this period, eleven FLB articles featured on the front page. Of these, only *four* even mention opposition,⁵⁰ and of the four, only one is *directly* concerned with it.⁵¹ The other seven front-page articles range from basic reporting ('Divorce bill passed')⁵² to outright support ('Family Law Bill 'enlightened'; 'Divorce bill clears hurdle with ease').⁵³ This affirms the inference made earlier suggesting that the *SMH* was reluctant to cover opposition to the FLB.

⁴⁹ "'Murphy's Intentions with Divorce Changes Were Good'", *Church Scene*, May 10, 1973, p3.

⁵⁰ For example – in one article the *SMH* reported the successful deferment of the bill in the Senate by its opponents. 'Family bill placed in jeopardy', *The Sydney Morning Herald*, February 13, 1975, p1.

⁵¹ The large picture accompanying the article suggests that the *SMH* was more drawn to the spectacle of the protest, rather than to their reasons for opposing the bill. 'Mock wedding as divorce bill protest', *The Sydney Morning Herald*, February 19, 1975, p1.

⁵² 'Divorce bill passed', *The Sydney Morning Herald*, May 22, 1975, p1.

⁵³ 'Family Law Bill 'enlightened'', *The Sydney Morning Herald*, Oct 30, 1974, p1; 'Divorce bill clears hurdle with ease', *The Sydney Morning Herald*, Apr 10, 1975, p1.

Further formatting features in the *SMH* confirm this. For instance, while articles by 'church reporter' Alan Gill are typically found buried on pages 19 and 20, an article detailing church division over the FLB receives unusual prominence.⁵⁴ Not only is Gill's article afforded more column inches than normal, but the headline is more prominent and it appears on page 6, much earlier than usual. As we will come to see in the next section, it is quite clear from the content of the article that Gill prefers to focus on those who support the bill rather than those who oppose it. It is revealing then, that a report of this nature is considered by the *SMH* to be worthy of more attention. This perhaps indicates that the publication preferred casting the FLB in positive rather than critical terms.

Content

Out of the seventeen articles that appear in the *ACR*, only *one* of them predominantly concerns support for the bill. The September 8th, 1974, issue of *ACR* ran the article: 'Public concern at issues relating to Family Law Bill'. It reported that the director of the Victorian Divorce Law Reform Association had called on the Government to pass the FLB as promptly as possible. The article offers no comment, just simple reporting. Despite the prominent headline, it is afforded considerably less column space than articles that are critical of the Bill. For the most part, the *ACR*'s FLB articles overwhelmingly oppose the changes proposed by Senator Murphy. Those who advocate against it are the most often quoted,⁵⁵ and prominent Church leaders are regularly

⁵⁴ Alan Gill, 'Churchmen Disagree on Family Law Issue', *The Sydney Morning Herald*, December 6, 1974, p6.

⁵⁵ With the exception of 'Public concern at issues relating to Family Law Bill'.

afforded substantial space to wax lyrical.⁵⁶ In contrast, little consideration is given to explaining or even reporting those in support. When opponents are included in an article, it is more often their more pejorative remarks included.⁵⁷ This results in the misrepresentation of the Bill's proponents.

Misrepresentation appears in other forms, also. An article with the headline 'Parliament rejects call to delay divorce bill' reports the rejection with a single sentence. Most of it instead chooses to entirely reproduce an "open letter of protest" signed by prominent Christian leaders.⁵⁸ In another instance, an editorial featured on the 23rd of January, 1975, misrepresents details of the FLB. Critical that an amendment fails to go far enough, the editor mistakenly claims that "there is no requirement that a husband or wife [less than two years] shall actually have sought counseling. They are only required to have 'considered' such action."⁵⁹ In actual fact, Section 14 (6) of the Act makes it clear that parties married for less than two years will not be granted a divorce unless the court is satisfied they have "considered a reconciliation *with a marriage counselor* (italics mine)".⁶⁰ The misrepresentation of their opponents, through selective reporting, selective quoting and even misquoting, reveals the ruthless and highly-motivated campaign the *ACR* waged against against the FLB.

⁵⁶ Brought Knox is the author of the article: 'Dangers Inherent in Proposed Family Law Bill', *The Australian Church Record*, September 19, 1974, p3; Lance Shilton's open letter with Cardinal Freeman (and others) is reproduced in its entirety in 'Parliament Rejects Call to Delay Divorce Bill', p1; and Donald Robinson is extensively quoted throughout 'Bishop, Clergy Attack Divorce Legislation - Justice Needed', p1.

⁵⁷ The only quote of Lionel Murphy's that appears in Christmas' article ('Divorce and the Law', p2) is him provocatively expressing a desire to "rid it[marrriage] of the ecclesiastical garbage with which it has been surrounded for centuries".

⁵⁸ 'Parliament Rejects Call to Delay Divorce Bill', p1.

⁵⁹ 'The Family Law Bill (Amended Version)', p1.

⁶⁰ Enderby. 'The Family Law Act 1975', p480.

The *ACR*'s coverage of the FLB is inevitably shaped by this intentional campaign. Far from seeking to present a fair and balanced account, the publication unashamedly admits to its involvement in such a campaign.⁶¹ Further, several articles function as a 'call to arms' for believers: offering strong words of encouragement to take action through the writing of petitions to local members, by voting and even by running for office themselves.⁶² Far from providing balanced reporting, the *ACR*'s treatment of the FLB reveals that its dominating concern was to raise awareness and to mobilise its readership.

As far as content is concerned, *Church Scene* ran a mix of both supportive and opposing articles throughout this period. Therefore, it is fairly difficult to determine exactly what the editors of the publication itself thought about the issue. Earlier on, *CS* seemingly ran more articles against the bill. Reporting of the critical statement made by the Conference of Anglican Australian Bishops,⁶³ and the March 9th editorial come to mind here.⁶⁴ Apart from one other article expressing outright criticism,⁶⁵ the rest of *CS*'s articles are either supportive of the Bill or offer a mixed assessment. The supportive articles include one reporting on an editorial that appeared in the *NSW Methodist*. The editorial criticized the negativity of Christians campaigning against the bill, accusing them of spreading fear.⁶⁶ It is curious that the *SC* felt it necessary to include an editorial from a Methodist publication. Perhaps they shared the assessment? A further example sees substantial space given to a report on the supportive views of Dean Ian George of Brisbane,

⁶¹ 'The Family Law Bill', *The Australian Church Record*, May 29, 1975, p2.

⁶² Knox, 'Dangers Inherent in Proposed Family Law Bill'; 'Last Chance for Family Law Bill', p2; 'The Family Law Bill', p2.

⁶³ 'Bishop's Warning on Divorce Law Reform', *Church Scene*, November 22, 1973, p5.

⁶⁴ 'Watch It: Divorce Made Cheap!', *Church Scene*, March 9, 1973, p2.

⁶⁵ 'Family Law, Rights Bills Faulted in Synod Charge', pp1-2.

⁶⁶ "'Don't Knock Divorce Reform,' Methodist Advises', *Church Scene*, March 11, 1974, p12.

who lays out eight positive aspects of the FLB.⁶⁷ *CS* even went to the effort of seeking direct comment from the Dean and then publishing all eight of his points in their entirety.

The sense conveyed by the content of *CS* articles is to emphasise that the church was divided over the FLB. This is most clearly demonstrated in an editorial which appeared very late in the debate.⁶⁸ That it is an editorial is made explicit by a header that appears above the headline: A Statement of CHURCH SCENE opinion. “Anglicans have differed among themselves in their estimate of the bill,” the editorial says, “we see it as neither the unmitigated disaster predicted by its opponents nor the unmixed blessing anticipated by its supporters.” This assertion is very revealing in determining where *CS* sits with its position on the FLB. What is most interesting is the late timing of the editorial, published so late as to lose any real impact on the Parliamentary decision-making. Unlike the *ACR*, *CS* had no involvement in any orchestrated campaign against the bill. Instead, its coverage was half-hearted and refrained from choosing a side on the issue the entire way through. Instead it appeared more concerned with the nature and tone with which the debate was conducted.

Though it has the appearance of providing balanced, matter-of-fact reporting, the content of *SMH* articles reveals a high degree of selectivity. For the most part, this selectivity favours those who support the bill rather than those who oppose it. For instance, in Alan Gill’s report on division within the church,⁶⁹ opponents to the bill are named (Fred Nile, Lance Shilton etc.) yet they are not quoted, nor is the reasoning for their opposition explained. In contrast, those in

⁶⁷ ‘Australian “Step Forward” in Family Law Thinking’, *Church Scene*, October 10, 1974, p11.

⁶⁸ ‘We Have the Family Law Bill: Now to Make It Work’, *Church Scene*, February 27, 1975, p3.

⁶⁹ Gill, ‘Churchmen Disagree on Family Law Issue’, p6.

support the bill are extensively quoted, including a characterisation of Nile and Shilton as “knockers who display a ghetto mentality” The selectivity inherent in the composition of the article emphasises support for the bill, while downplaying and deriding those who oppose it.

Another example of this kind of selective reporting is be found in an article covering the Senate’s rejection of a motion to stall the FLB.⁷⁰ When checked against the actual Hansard report from the sitting, it is interesting to note what is excluded. For instance, while the article mentions several times the margin of victory against deferment, they make no mention of the tremendous volume of public petitions that were presented in favour of deferment.⁷¹ Additionally, the article extensively quotes two Senators (Murphy, Gietzelt) who spoke against deferment, yet curiously fails to quote or even mention the other seven who spoke in its support.⁷² As stated, the clear selectivity permeating much of the *SMH*’s coverage of the opposition to the FLB favored those in support, diminishing the bill’s detractors.

Finally, the content of the four editorials to appear on the topic of the FLB are very helpful in further confirming the *SMH*’s position. An editorial appearing early in the debate (December 17, 1973) began by characterizing Murphy’s proposal as “a carefully considered bill” of which its “principles have a great deal of merit”.⁷³ An editorial appearing the following year stated that the FLB was “a major social advance” and that its passing would result in “a greater measure of

⁷⁰ ‘Move to Stall Family Law Bill Rejected’, *The Sydney Morning Herald*, November 20, 1974, p13.

⁷¹ The public petitions that were in favour of deferment numbered in the thousands. These outnumbered petitions against deferment by 20:1. Petitions – ‘*Family Law Bill*’, Senate Hansard, Tues 19th Nov 1974.

⁷² *Family Law Bill 1974 [No. 2]*, Second Reading, Senate Hansard, Tues 19th Nov 1974.

⁷³ ‘Divorce Law Reform’, *The Sydney Morning Herald*, December 17, 1973, sec. Editorial, p6.

justice, and certainly of dignity".⁷⁴ Finally, and perhaps most remarkably, an editorial from 1975 went so far as to admit that the FLB "reflects credit on the Federal Government[[...]]a most notable achievement".⁷⁵ Considering Harriott's conservatism, and the *SMH*'s noted disdain for the Government's policies, it is genuinely surprising to see praise given in this fashion. Harriott goes on to justify this support on the basis that the Bill enjoys both 'bi-partisan political support' and 'decisive public support'. In this instance, Harriott's willingness to praise a government he otherwise despised, is a compelling indication of just how far Australia's social and religious landscapes had shifted.

Words

When coming to examine the tone set by the words and phrases featured in the *ACR*, its intention is fairly clear. Far from seeking to provide objective, balanced reporting, many of the articles functioned as a kind of 'soap-box' from which the concerns and outrage of the contributors might be disseminated. At the word and phrase level, pejorative and inflammatory language features often and prominently.

Hyperbole is liberally applied when expounding the Bill's 'dire' consequences. For instance, the early article by Gerald Christmas suggests that on this issue, "the very survival of society" is at stake.⁷⁶ In the following year, a further article anticipates that the reforms will have "tragic

⁷⁴ 'Divorce Reform', *The Sydney Morning Herald*, September 10, 1974, sec. Editorial, p6.

⁷⁵ 'Family Law Reform', *The Sydney Morning Herald*, February 20, 1975, sec. Editorial, p6.

⁷⁶ Christmas, 'Divorce and the Law', pp2-3.

consequences” that will “weaken seriously marriage”.⁷⁷ In addition to this, amongst the multiple hyperbole in Knox’s article, at one point he warns that “the possibilities of gross injustice are enormous”.⁷⁸ The strongly polemical tone in many of these articles seems intent on inciting fear and even paranoia in *ACR*’s readership.

‘Battle-like’ vocabulary is employed in the way *ACR* speaks of the Bill, its proponents and supporters. For example, Knox’s article provocatively labels it “the family destruction bill”;⁷⁹ Christmas argues that the government is “encouraging the destruction of marriage” through supporting “individual gratification and exploitation”;⁸⁰ and one article uses a particularly strong phrase, claiming the Bill to be “the most disruptable attack on the most important institution in our society”.⁸¹ The hyperbole within such statements can be heard loud and clear, giving the articles an ‘alarmist’ air about them.

At points in the debate, likely responding in kind to provocative statements made by Senator Murphy,⁸² the *ACR*’s campaign turned to personal attack. In one particular article, Donald Robinson labels Murphy a ‘menace’ to the family life of the country. The same article also quotes Bernard Judd’s provocative suggestion that Murphy and his Government is “playing in some make-believe fantasy world fit for children”.⁸³ The level of hostility towards the bill itself

⁷⁷ ‘Family Law Bill Is Attack on Our Society’, *The Australian Church Record*, March 21, 1974, p2.

⁷⁸ Knox, ‘Dangers Inherent in Proposed Family Law Bill’, p3.

⁷⁹ Knox, ‘Dangers Inherent in Proposed Family Law Bill’, p3.

⁸⁰ Christmas, ‘Divorce and the Law’, p3.

⁸¹ ‘Family Law Bill Is Attack on Our Society’, p2.

⁸² He was quoted in the *ACR* (Christmas, ‘Divorce and the Law’, p.2) as having stated that his intention was to ‘rid it [marriage] of the ecclesiastical garbage with which it has been surrounded for centuries’.

⁸³ ‘Bishop, Clergy Attack Divorce Legislation - Justice Needed’, p1.

and its proponents is strong indeed. When coupled with its overtly negative and pessimistic predictions, the campaign waged by the *ACR* comes across as reactionary, fearful and alarmist.

The contrast between *CS* and *ACR* is most pronounced at the level of words and phrases. Unlike the *ACR*, most of the *CS*'s articles covering the FLB contain moderate, almost benign language. A good example of this is in a 1973 article titled: 'Bishop's warning on divorce law reform'.⁸⁴ The article offers a reproduction of a statement issued by the Conference of Australian Anglican Bishops opposing the proposed reforms. Though their opposition is clear, the language quoted lacks the venom and tenacity found in similar articles in the *ACR*.⁸⁵ An exception to this moderate language can be seen in one particular editorial.⁸⁶ In it, words like "vicious", "less humane" and "sledge-hammer tactics" present opposition to the bill more forcefully than any of the other articles that feature.⁸⁷ Despite this, the language and wording of *CS* articles is for the most part fairly amicable and even-handed. They are clearly looking to avoid inflaming the debate at all.

The *SMH* employs various words and phrases that subtly work to characterise evangelical opposition as both misguided and aggressive. This is clear in a number of examples. Firstly, the phrasing of headlines is significant. One article actually includes a pejorative characterisation in

⁸⁴ 'Bishop's Warning on Divorce Law Reform', p5.

⁸⁵ They warn of "serious long-term consequences", express that they are "strongly of the opinion" that the bill "will inevitable encourage a casual and irresponsible approach to marriage". 'Bishop's Warning on Divorce Law Reform', p5.

⁸⁶ 'Watch It: Divorce Made Cheap!', p2.

⁸⁷ Interestingly, the basis of their forcefully expressed opposition is not upon theological or biblical grounds but rather on its consequences upon Australia's legal system and processes.

the headline itself ('Divorce Bill Criticism 'Hogwash)').⁸⁸ Taken from a Senator's quote appearing in the article, the headline ensures that the negative characterisation receives most attention. More subtly, a number of other headlines employ combative language to portray Church opposition as aggressive: 'Churches join to *attack* family bill'; 'Anglican dean *hits out* at divorce bill'; 'Clerics join in *attacking* family bill' (italics mine).⁸⁹ While the *SMH* is arguably over-emphasising the point, it is important to note that the characterisation is surely fuelled by the use of polemical and 'battle-like' language in certain church publications.⁹⁰

Similar to that of the *CS*, some of the most colourful language in the *SMH* is found in the editorial section. Unlike the *ACR*, the words and phrases that feature are more subtle, yet no less potent in what they suggest. One editorial for instance describes the church as 'bitterly opposed' to the Bill.⁹¹ By including this adverb, the editor is suggesting an unreasonable stubbornness and an insistence to oppose, whatever the cost. Whether it is in editorials, or articles, vocabulary used in the *SMH* paints a critical picture of opposition to the FLB. Evangelicals in particular, appeared to be presented as those who are unreasonable, aggressive and antagonistic to the proposed reforms. Rather than being the faithful *defenders* of family stability, the *SMH* shows them as close-minded *attackers* of social progress.

CONCLUSIONS

⁸⁸ 'Divorce Bill Criticism "Hogwash"', October 17, 1974, p11.

⁸⁹ Gill, 'Anglican Dean Hits out at Divroce Bill'; 'Churches Join to Attack Family Bill', *The Sydney Morning Herald*, September 11, 1974; Gill, 'Clerics Join in Attacking Family Bill', p9.

⁹⁰ David Broughton Knox, 'Dangers Inherent in Proposed Family Law Bill', *The Australian Church Record*, September 19, 1974, p3; 'Bishop, Clergy Attack Divorce Legislation - Justice Needed', *The Australian Church Record*, March 6, 1975, p1.

⁹¹ 'Divorce Reform', p6.

Having now gathered and compared data from each publication – what conclusions might be drawn about Australia’s social and religious landscapes? Firstly, the *Sydney Morning Herald’s* marginal treatment of Christian opposition to the FLB offers an interesting reflection on society at the time. Though they do report on some of the opposition, it is rarely given much prominence. Instead, it is clear that the *SMH* prefers to endorse the Bill and this is in fitting with the strong public support that the FLB enjoyed.⁹² So widespread was the support that it managed to rise above the usual pettiness of partisan politics. This is most aptly demonstrated by the positivity of Harriott’s editorials. By 1975, Australia had been abandoning traditional beliefs and values for over a decade.⁹³ It should therefore not be surprising to find that support for the Bill was high. Most, even amongst its staunchest opponents, agreed that current legislation needed reforming.⁹⁴ The point of disagreement concerned the shape these changes needed to take. Easier access to divorce appeared entirely reasonable to a society increasingly unconcerned by traditional approaches to marriage.⁹⁵ Considering Australia’s social context, the prominence and support given by the *SMH* to the FLB and the derision with which they treated those who stood in opposition, makes perfect sense.

Secondly, the tone and presentation offered by the *Australian Church Record* provides insight into the difficulties facing the evangelical movement during this tumultuous period of change.

⁹² “Opinion polls throughout 1974 and 1975 consistently showed approval levels of 60-70 per cent for the proposed twelve-month separation as the sole grounds of divorce...” Hocking, *Gough Whitlam*, p183.

⁹³ Census data obtained from the Australian Bureau of Statistics revealed a 10% decline in the total number of Christians in the decade between 1966-1976. During this same period the number indicating ‘no religion’ rose more than ten-fold (0.8% to 8.3%). Wilson, *Can God Survive in Australia?*, p25.

⁹⁴ “The present law needs amendment and improvement...” ‘The Family Law Bill (Amended Version)’, p1.

⁹⁵ Between 1966 and 1979, marriages conducted by clergy fell from 89% to 64%. Over this time, the number conducted by civil celebrants more than tripled. Wilson, *Can God Survive in Australia?*, p22.

We see this struggle play out in the pages of the publication, as evangelical leaders forcefully – almost desperately – denounced the proposed changes. The vigor of their arguments and pejorative nature of their language testify to a rapidly reducing public influence. Provocation was required just to be noticed (with mixed success, as evidenced by *SMH*'s scant coverage!). It also speaks of the movement's increased agitation – perhaps even fear – at Australia's trajectory. Further, it gives a tangible example of the struggle they were facing in determining their place and function within an increasingly secular society.⁹⁶

This was a time when the evangelical movement in Australia was losing ground. The enormous gains made by the Billy Graham Crusade in the previous decade, turned out to be the high point, rather than “the harbinger of a brilliant new period”.⁹⁷ The heavy-handed response of the *ACR* against the FLB indicates that this was a reality difficult for some to swallow. With the benefit of hindsight, the major short-coming of the evangelical campaign against the Bill was in failing to be proactive in engaging positively with the new social landscape. In all likelihood, their response came far too late.⁹⁸ The alarmist tone that undergirded many of their arguments made it easy for them to simply be dismissed. It also invited unhelpful caricature at the hands of secular media, who portrayed them as aggressive and close-minded. Ultimately, the most damning indictment of their approach is demonstrated in their failure to stop the Bill.⁹⁹ This offers a

⁹⁶ Stephen Judd and Kenneth J. Cable, *Sydney Anglicans: A History of the Diocese* (Sydney: Anglican Information Office, 1987), p276.

⁹⁷ Piggin, *Evangelical Christianity in Australia*, p171.

⁹⁸ This accusation was disputed at times by writers of the *ACR*. ‘Last Chance for Family Law Bill’ (Dec 12, 1974, p2) it points to an open letter to Members of Parliament (‘Parliament Rejects Call to Delay Divorce Bill’ Nov 28, 1974, p1) to demonstrate their positive contribution. It is willing to admit, however, that such effort came too late.

⁹⁹ “The Family Law Bill has passed through both houses [...] This represents a failure of the campaign waged”, ‘The Family Law Bill’, p2.

broader reflection on the more general failure on the part of the Church to stem the tide of Australia's secularisation.¹⁰⁰ Hindsight allows judgement to be passed all too easily, and despite the shortcomings of its campaign, it is difficult to fault both the intention and the effort of evangelicals in voicing their opposition. They truly did a remarkable job of mobilising the writing of petitions and consolidating the base. Though they failed to stop the Bill, the campaign rested upon theological convictions, and a genuine concern for the welfare and stability of society. This is worth remembering.

Thirdly, *Church Scene's* curious treatment of the controversy gives weight to the sense that a widening gap was opening up between evangelical and more liberal believers in Australia's Protestant churches. The distinct contrast between *CS's* coverage and the *ACR's* testifies to this. While *CS* was content to let the debate play out, offering little interference itself, the *ACR* heavily involved itself. Whether this was more due to theological differences or to differing ideas on the role of the church in a post-Christian society, is unclear. At the very least, the vastly different manner with which they each covered the controversy seems to confirm the Sydney evangelical 'siege mentality'.¹⁰¹ identified by Thompson.

The 1970s was a time of great social change. One of the largest areas of change was in the growing aversion and suspicion toward traditional values and beliefs. The widespread public support for the introduction of 'no-fault divorce' is just one tangible example reflecting this shift. This finds coherence with the *Sydney Morning Herald's* favourable coverage of the Bill, along

¹⁰⁰ Piggan, *Evangelical Christianity in Australia*, pp190-191.

¹⁰¹ Thompson, *Religion in Australia*, pp120-121.

with their less-than-favourable characterisation of opposition to it, particularly evangelicals in Sydney. At the same time that secular publications were showing their support, the Sydney evangelical publication, the *Australian Church Record*, was waging a campaign in opposition. The nature and tone of many of their articles demonstrates the fear and pessimism pervading the evangelical movement as they grappled with change. In the decades that followed the success of the Crusades, the evangelical movement in Australia found it difficult to respond to the dramatic social revolution taking place. Though well-intentioned and well-coordinated, the evangelical campaign waged against the FLB was too reactionary and too pessimistic to be properly heeded by an increasingly secular society. In barely a decade and a half, the evangelical movement had been relegated to the outskirts of public discourse, a fact that some perhaps remained in denial over. More wisdom was needed in thinking through how to effectively speak from the margins. Today, evangelicalism in Australia continues to exist on the margins of the nation's social and religious landscape. As pressure mounts for the nation to once again reform its concept of marriage, what will be our response? How might evangelicals effectively convey both a conviction for the Gospel and a genuine concern for society's well-being? When the time comes to speak, what might we have learned from the mistakes of the past?

BIBLIOGRAPHY OF SOURCES CITED

Books

- Australian Geographic. 'Whitlam, Edward Gough'. *The Australian Encyclopaedia*. Terry Hills: Australian Geographic, 1996.
- Cameron, Marcia Helen. *An Enigmatic Life: David Broughton Knox : Father of Contemporary Sydney Anglicanism*. Brunswick East: Acorn Press, Limited, 2006.
- Doyle, Helen. 'Family Court of Australia'. *The Oxford Companion to Australian History*. Edited by Graeme Davison, John Hirst, and Stuart Macintyre. Melbourne: Oxford University Press, 1998.
- Grimshaw, Patricia, and Elizabeth Nelson. 'Divorce'. *The Oxford Companion to Australian History*. Edited by Graeme Davison, John Hirst, and Stuart Macintyre. Melbourne: Oxford University Press, 1998.
- Hocking, Jenny. *Gough Whitlam: His Time*. Carlton: Melbourne Univ. Publishing, 2013.
- Judd, Stephen, and Kenneth J. Cable. *Sydney Anglicans: A History of the Diocese*. Sydney: Anglican Information Office, 1987.
- Mayer, Henry. 'Media'. *Australian Politics: A Fourth Reader*. Edited by Henry Mayer and Helen Nelson. Melbourne: Longman Cheshire, 1976.
- Oakes, Laurie. *Whitlam P.M.: A Biography*. Sydney: Angus & Robertson, 1973.
- Piggin, Stuart. *Evangelical Christianity in Australia: Spirit, Word and World*. Melbourne: Oxford University Press Australia & New Zealand, 1996.
- Reid, John R. *Marcus L. Loane: A Biography*. Brunswick East: Acorn Press, Limited, 2004.

Souter, Gavin. *Company of Heralds: A Century and a Half of Australian Publishing by John Fairfax Limited and Its Predecessors, 1831-1981*. Carlton: Melbourne University Press, 1981.

Thompson, Roger C. *Religion in Australia: A History*. Melbourne: Oxford University Press, 1994.

Wilson, Bruce. *Can God Survive in Australia?* Sydney: Albatross Book, 1985.

Newspaper Articles

The Australian Church Record

'Australian Divorce Law - Background'. *The Australian Church Record*, March 21, 1974.

'Bishop, Clergy Attack Divorce Legislation - Justice Needed'. *The Australian Church Record*, March 6, 1975.

Christmas, Gerald R. 'Divorce and the Law'. *The Australian Church Record*, May 17, 1973.

'Divorce Law Reform and Overseas Trends'. *The Australian Church Record*, March 21, 1974.

'Family Law Bill Is Attack on Our Society'. *The Australian Church Record*, March 21, 1974.

Knox, David Broughton. 'Dangers Inherent in Proposed Family Law Bill'. *The Australian Church Record*, September 19, 1974.

'Last Chance for Family Law Bill'. *The Australian Church Record*, December 12, 1974.

'Parliament Rejects Call to Delay Divorce Bill'. *The Australian Church Record*, November 28, 1974.

'Public Concern at Issues Relating to Family Law Bill'. *The Australian Church Record*, September 8, 1974.

'The Family Law Bill (Amended Version)'. *The Australian Church Record*, January 23, 1975.

The Family Law Bill'. *The Australian Church Record*, May 29, 1975.

Church Scene

'Australian "Step Forward" in Family Law Thinking'. *Church Scene*, October 10, 1974.

'Bishop's Warning on Divorce Law Reform'. *Church Scene*, November 22, 1973.

"Don't Knock Divorce Reform," Methodist Advises'. *Church Scene*, March 11, 1974.

'Family Law, Rights Bills Faulted in Synod Charge'. *Church Scene*, July 4, 1974.

'Murphy's Intentions with Divorce Changes Were Good'. *Church Scene*, May 10, 1973.

'Watch It: Divorce Made Cheap!'. *Church Scene*, March 9, 1973.

'We Have the Family Law Bill: Now to Make It Work'. *Church Scene*, February 27, 1975.

The Sydney Morning Herald

'Church Help on the New Law Sought'. *The Sydney Morning Herald*, September 10, 1974.

'Churches Join to Attack Family Bill'. *The Sydney Morning Herald*, September 11, 1974.

'Divorce Bill Criticism "Hogwash"', *The Sydney Morning Herald*, October 17, 1974.

'Divorce Law Reform'. *The Sydney Morning Herald*, December 17, 1973.

'Divorce Reform'. *The Sydney Morning Herald*, September 10, 1974, sec. Editorial.

'Family Law Reform'. *The Sydney Morning Herald*, February 20, 1975, sec. Editorial.

Gill, Alan. 'Anglican Dean Hits out at Divorce Bill'. *The Sydney Morning Herald*, February 6, 1975.

_____. 'Churchmen Disagree on Family Law Issue'. *The Sydney Morning Herald*, December 6, 1974.

_____. 'Clerics Join in Attacking Family Bill'. *Sydney Morning Herald*, February 6, 1975.

'Move to Stall Family Law Bill Rejected'. *The Sydney Morning Herald*, November 20, 1974.

Sydney University Law Society. 'Backing for the Family Law Bill'. *The Sydney Morning Herald*, October 19, 1974.

The Age

Larkin, John. 'It's a Hard Road for Religious Press'. *The Age*, July 6, 1972.

Other

Enderby, Kep. 'The Family Law Act 1975'. *Australian Law Journal* 49 (August 1975): 477–87.

Commonwealth Hansard, Senate and House of Representatives, On-Line version,

http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.