

CHAPTER 8 The Lines Are Drawn

'It is a very significant fact', declared the *Southern Sentinel*,

...that while many members of Parliament look upon the demand made by the Council of Churches, as a ridiculous, if not positively dangerous experiment, yet they have yielded to their demand in order to avoid their displeasure, and administer a 'soothing balm' to that section of their constituency.¹

The Adventists wondered how far the politicians would be willing to go.

Since it could not reasonably be doubted that the Convention now would agree to insert a reference to deity into the preamble, the Adventists' only practical resort lay in a revival of something like the suggestion they made in their petition to the Adelaide Convention – that is, that a clause be inserted in the Constitution to ensure that neither the federal parliament nor any state parliament could make any law respecting religion or prohibiting the free exercise thereof.

The Adventists, as early as July, had discovered a powerful secularist ally – the Victorian barrister, Henry Bournes Higgins. Higgins was a senior member of the Victorian equity bar, one of the Victorian delegates to the Federal Convention, a radical democrat, and an influential and respected secularist leader. He had voted against Glynn's amendment at Adelaide, although he did not speak on that occasion. The son of an Irish Methodist minister, Higgins was by now merely a theist. In early life he adhered to conventional Christian views, but was converted from orthodox Christianity through reading George Grote's *History of Greece*. At first a school teacher, he had turned to the study of law, in which he proved very successful.² In 1897 he was one of the two members for Geelong in the Victorian Legislative Assembly. He first publicly became associated with the Adventist campaign in connection with a 7 July attempt in the Assembly to prevent him presenting an anti-recognitionist petition. The prayer of the Adventist petition had been printed rather than, as was customary, hand-written. However, the standing orders of the Assembly (although not of the Council) directed that the text of all petitions be written by hand. The objection obviously was harassment by opportunist recognitionists, and Higgins was annoyed. On 14 July he moved, and by 41 votes to 25 the Assembly agreed, that the select committee on standing orders consider the advisability of receiving printed as well as written petitions.³

When, early in September, the Convention reconvened in Sydney, Higgins had in some measure become the agent and ally in the Convention of the Adventists' counter-campaign. It probably was at some point during the Sydney session, which was relatively short because the Victorian elections were to take place in mid-October, that Higgins placed on the notice paper a proposal to amend Clause 109.⁴ The clause, as he proposed to alter it, would read,

A State shall not, nor shall the Commonwealth, make any law prohibiting the free exercise of any religion, or imposing any religious test or observance.

The relevance of this amendment to Adventist fears of persecution on the Sunday issue was obvious, as was also its relevance to devotees of the 'Continental Sunday'.

Becoming clear at this stage was the structure of the controversy between the recognitionists and their opponents. Each side probably would need to concede something, while striving to minimize that concession. The decision of the Sydney session to postpone consideration of the preamble until after the other clauses of the draft had been debated should be seen partly in this light. Those whose first priority was the federation cause itself no doubt hoped that some mutually agreeable arrangement could be negotiated behind the scenes. Another factor in the postponement may have been the sheer variety of amendments proposed. That both parties expected now to proceed mainly by informal negotiation rather than by public confrontation is indicated by the greatly reduced tempo of public activity on the issue. There was, at both the Sydney and Melbourne sessions, little

'recognition' petitioning⁵ and no counter-petitioning at all. Each side essentially had made its political point.

However, Higgins's personal involvement with other aspects of religio-political controversy in this period was far from diminishing. No sooner had he returned to Victoria to conduct his re-election campaign, than he became acrimoniously involved in a dispute with the National Scripture Education League. A study of what took place will throw light on two crucial issues. The first is the question of what Higgins thought some clerics really were up to in the 'recognition' campaign, and the second is his broad conception of what should be the proper relation between the churches and the State or, more broadly, between religion and government.

In order to understand the conflict between Higgins and the Scripture Education League, one must say something about the previous activities of the League, and also about the political situation during the 1897 election campaign. Victorian state schools legally had been 'secularized' by the 1872 Act. By the eighties this secularization had proceeded so far that the official school reader excluded every religious reference, even the name of Christ. However by 1893, by a resolution of parliament, 'the name of our Lord and Saviour' was brought back into the reader.⁶ In 1895, Alexander Peacock, the minister of public instruction, introduced the *School Paper*, which combined 'moral improvement' with undenominational Christian elements.⁷ In July 1896, George Graham, acting on the League's behalf, introduced in the Assembly a Bill authorizing a plebiscite on the issue of whether the explicitly Christian Irish National Scripture Lesson Books should be used in the state schools. The League claimed to have received forty written and twenty verbal pledges of support from members of the Assembly.⁸ Graham found however that 'a very grave misunderstanding existed among honourable members and, in fact, the community at large, as to the object of the Bill and as to the books referred to in the Bill.' He could obtain scarcely any parliamentary support. Many members who had given pledges declared that the books they had undertaken to support were the religiously innocuous Irish National Readers, rather than the Irish National Scripture Lesson Books.⁹ Also the overwhelming defeat of a similar proposal in a recent South Australian referendum had since become known, and it was clear that the League's case was likely to be a loser. There for a while the matter rested. However, by mid-1897 the League had set in motion a new campaign. This time they did not seek a plebiscite, but simply that parliament authorize the use of the Irish National Scripture Lesson Books during school hours in state schools. The eventual objective probably was to Protestantize the state schools.¹⁰

The focal point of the campaign was the October election, and the League's strategy was to obtain 'signed pledges' from voters *not* to vote for any candidate who would not undertake to support the League's request in parliament. The test of the pledge was:

I approve of the introduction of scripture lessons into the State school course, in the form of extracts known as the Irish National Scripture Lessons Books (with a conscience clause as in New South Wales), and I pledge myself to vote for no candidate at the forthcoming general election who will not support this platform in Parliament.¹¹

League pledge gatherers were active in many constituencies; however many candidates, including the premier, Sir George Turner,¹² refused to give the required undertaking. In political terms this was not necessarily foolhardy, since in place of the Protestant votes such candidates would lose they stood to gain both the Roman Catholic and the secularist vote. In Higgins's own electorate the League was particularly active. According to Higgins it obtained about fifteen hundred pledges.¹³

Higgins, as an outspoken secularist and one of the more trenchant critics of the 'Bible in state schools' movement, was a special target of the League. He did not, he told the Geelong electors on 1 October, 'want the people of Victoria to forget the difficulty they had to getting free, secular, and compulsory education.' He was willing to allow, as a concession, that accredited clerics or lay religious instructors be permitted to enter the school in school hours to offer doctrinal instruction to the children of their particular denomination. But he would tolerate no substantive nexus between the state school, as

such, and any religious viewpoint. 'They should', he told the electors, 'open the windows to all denominations, but on no account should they endeavour to put in any particular kind of air or light through those windows.' They were, he further asserted, now faced with a clerical conspiracy:

It was not a time to flinch the subject. They would have to be frank and out with their objection. (Cheers.) There was more in the proposal than they thought in regard to the teaching of the scripture lessons. It was the thin edge of the wedge. That was shown by Mr. Robert Harper, brother of Professor Harper, when he acknowledged that the modicum of religious instruction was small, and failed to meet the objective intended, and added that it was meant to break the extreme secularity of the education system.

Provocatively he also told the electors that he

remembered a passage in one of the gospels where Jesus Christ addressed one of his disciples 'Simon, son of Jonas, lovest thou me?' and Simon said 'Yea, Lord, thou knowest I do.' And Jesus said 'Feed my lambs.' What did they think of the alteration at the present time when those who professed to be his disciples, said 'Let Caesar teach the lambs'? (Cheers.) What would those proud men of the theological halls say to that?¹⁴

The picture that emerges is one of considerable and personalized hostility between Higgins and the League or ultimately, since the League was virtually a subcommittee of the Council of Churches, between Higgins and the Victorian Council of Churches. Higgins believed that a group of militant and resolute Protestant churchmen were engaged in a long-term campaign to protestantize the state schools. One can see Higgin's point: there was, or appeared to be, a pattern to Protestant political activity. First, in 1893, the names of God and Christ had been brought back into the schools. Then, in 1896-7, citing the need for greater 'recognition' of God in state schools, the League vigorously demanded that the scriptures themselves become part of the state school syllabus. The 'logical' next step was Protestantization.

How does the foregoing 'pattern' assist an understanding of Higgin's thinking on the 'recognition' issue? Higgins told the Geelong electors that

a few men had taken up the [recognition question] with a defined object, and he would have preferred them to have had more candour. Their object was not to have respect or reverence to the Almighty... the object... was to bring about religious oppression...¹⁵

What did he mean? The above analysis gives the clue. What, in Higgin's view really was happening was that, just as 'recognition' in the colonial sphere had been the initial 'wedge' in a Protestant plan to desecularize the state schools, so too in the federal sphere, would it be the 'wedge' for achieving desecularization there. In the former case the clerics' ultimate aim was the linking of religion and the State in the state schools; in the latter their ultimate aim was the linking of Church with Commonwealth, largely through the institution of some form of nation-wide Sunday observance.

Yet Higgins was not opposed to 'recognition' as such. As in the 'Bible in state schools' controversy, he was willing to make small concessions. Higgins told the Geelong electors that with 'proper safeguards' he had no objection to pleasing those people who wanted some reference to the Almighty in the preamble.¹⁶ However, the key words are 'proper safeguards'. What did he have in mind?

To find out how Higgins planned to 'open the windows to all denominations', while not putting 'any particular kind of air or light' through those windows, one must look elsewhere. Specifically, one must look to the Melbourne Convention debates on 7 and 8 February and 2 March 1898.