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"Church State Relations in New Zealand 1940-1990,
with particular reference to the Presbyterian and Methodist Churches"

For the degree of Doctor of Philosophy

Faculty of Theology

John Adsett Evans

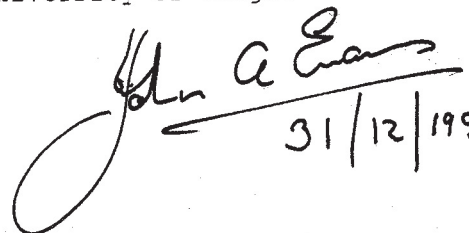
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**"CHURCH STATE RELATIONS IN NEW ZEALAND 1940-1990,
WITH PARTICULAR REFERENCE TO THE PRESBYTERIAN AND METHODIST
CHURCHES"**

John Adsett Evans

A thesis submitted for the degree of

Doctor of Philosophy

at the University of Otago, Dunedin,

New Zealand.

December 1992

ABSTRACT

In the period between 1940 and 1990 church state relations in New Zealand underwent an extensive change. In 1940 New Zealand purported to be a Christian nation, while by 1990 New Zealand was said to be secular and pluralistic. Also in 1940 church and state were separate. No state aid was given for church schools and little other direct state assistance was provided to the church. By 1990 an "integrated" education system operated in which church schools received state funding and the state also provided considerable support for Christian social service work. This thesis examines these and other changes, and describes the forces and factors that contributed to the change. It concludes with an analysis of New Zealand church state relations in 1990.

In examining the period 1940-1990, two aspects of church state relations are considered: firstly, the church's position with the state as an institution within the community which provides educational and welfare services; and secondly, the church's concern for Christian moral or ethical principles, involving such matters as sexual morality and broader justice questions. These two aspects of church state relations are in turn examined in three periods: 1940-1960, which is regarded as benchmark for the study; the 1960's, a decade of new emphases and considerable change; and finally 1970-1990. In examining the relationship within in each of these periods, developments in the law, theology, Christian social ethics, society, political movements and government administration are considered.

By 1990 New Zealand church state relations are seen to be complex and not capable of any easy categorisation. No one factor has alone determined this new pattern of engagement since 1940. Five themes are however, suggested as being relevant: the changing importance of denominational and sectarian rivalry; the growing cleavage between conservative and liberal Christianity over the nature and issues of political involvement; the changing nature of New Zealand state-sector policy and New Zealand's own economic prosperity; the process of secularisation as it has affected the role of religion in legitimating state action; and the increasing recognition by the state of cultural diversity and the plurality of views, or as it is called here, the process of pluralism. By 1990, these factors placed the church in a different position with the state, but not necessarily one of a reduced role or influence.

PREFACE

I have long been interested in questions of justice, peace and church involvement in politics. This thesis reflects that interest. The particular focus for this paper arises, however, from my involvement in a recent incident in Australian church state relations. In 1988 a referendum was put to the Australian people with a proposal to amend, among other things, section 116 of the Australian Constitution. This section enshrines within the Federal sphere the separation of church and state and the proposal was to extend the operation of that section to all other jurisdictions in Australia. As a parish minister and a former lawyer, I was asked by my church, the Uniting Church in Australia, to prepare a paper on the proposal, especially given that there emerged at the time a surprisingly strong conservative Christian campaign for a "No" vote. In the paper, I examined these criticisms and assessed the current legal position of the Australian church under the Constitution. I concluded in this way:

On the wider question of guaranteeing the freedom of religion there is the fundamental question, indeed a theological question, that there should be separation of church and state. It is true that in many respects the church in Australian society does have a favoured status - for example, it receives money for church schools and has rates exemptions. Such a favoured status often does impede her witness and faithfulness to Christ. The problem is as old as Constantine and there is no easy solution. Perhaps the one good thing that will come from all of this is that the whole relationship between church and state can be re-examined and questioned.¹

This thesis, in part, answers this question (albeit with reference to New Zealand, and not Australia). However, as the quote indicates, there are two questions. Firstly, what should be the nature of church state relations, given that the state appears now to be avowedly secular (the problem for the conservative Christians in the referendum campaign)? This, however, presupposes an answer to a prior question: what in fact is the contemporary pattern of church state relations? It is this second question which this history of the church state relationship in the period 1940-1990 endeavours to answer.

¹ Quoted in *Church and Nation*, 250, (24 August, 1988) 9.

As a history, it examines a relationship during a time of considerable social and political change; a relationship which at various times has focused on "moral questions", state aid for church schools, the funding of Christian social services activities, and sensitive political questions of peace, racism and latterly economics. Each of these issues is significant and important in itself, and each could warrant individual treatment, but what is at issue in this study is the broader picture of the whole pattern of church state relations. As such this work at best "puts down shafts"² into a large and complex subject, and as a consequence leaves many unexplored issues. Indeed, this thesis originally was conceived as a comparative study of Australian and New Zealand church state relations. Because of the scope and complexity of church state relations in the 50 years under review, the topic has been narrowed.

At the outset some *caveats* should be noted about the work. I am sensitive to the fact that I am an Australian who has written a New Zealand history. It is not the fact that I am an Australian which causes the difficulty (although that may be debated by some New Zealanders), but that I am an outsider. In these "post-modernist" days, it would seem impossible for any one other than a New Zealander to tell this story "authentically". To a certain extent I accept that. However, there are also at play themes in New Zealand church state relations which are relevant in many different contexts and situations, even Australia. A New Zealand history in this regard is not just for New Zealanders, but is for everyone, as we, or more correctly the church, consider a problem which is as "old as Constantine" in what has become in the last fifty years a completely different circumstance. However, my reserve in writing this history is redoubled when I consider that I have also written of the role of the church in the relationship between the Maori and the state (or Crown). As a pakeha and a foreigner, I am twice removed from any authority to write that part of the story. All I may say is that I am aware of that, and again believe that this aspect of this history is one that needs to be heard in other contexts, and again most particularly Australia.

² An expression referred to by Sir Keith Sinclair in his obituary for Sir Keith Hancock: *N.Z.J.H.*, 23, 1 (1989) 105.

As with such studies, there are many acknowledgements which need to be made. First, and not last as often seems to be the case, to my wife, Jean, and our children, Kate and Emily, I express my heartfelt gratitude. Like no others, they have lived daily with the development of this project. Others also need special mention and thanks: Dr Peter Matheson, who, with great patience and encouragement, has endeavoured to turn a mere lawyer and systematic theologian into a historian; Associate Professor Antony Wood, who, with his generous sharing of his understanding of New Zealand political history, has tried to steer this foreigner through the subtleties of New Zealand politics; others, too numerous to mention, within the faculties of theology, law and arts at the University of Otago; those whom I have interviewed and who have assisted with material for this study; the librarians and archivists at many libraries, but especially at the Hewitson, Hocken and Central libraries of the University of Otago; Mr Philip Somerville who generously helped on the presentation of this thesis; and lastly my former theological college, the Uniting Church Theological Hall, Melbourne, for encouragement and through them, the scholarship from the Alexander and Florence Yule trust which has enabled me to pursue this study.

Indeed it was because of the Yule Scholarship, that I was able to visit Australia, Britain and the United States in 1990 to examine further contemporary developments in church state relations. In this regard I would especially acknowledge the time spent with Professor Duncan Forrester and the Centre for Theology and Public Issues, New College, Edinburgh, and then with Dr James E. Wood, Jr. and Mr Derek Davis of the J.M. Dawson Institute of Church-State Studies, Baylor University, Waco, Texas. Also I would acknowledge others, both church officials and academics whom I saw in Australia and Britain on that study tour. In particular, I would thank Dr Davis McCaughey, Dr Bruce Kaye, Dr Ronald Preston, Dr John Atherton, Dr David Bebbington and the Archbishop of York, Dr John Habgood for the opportunity to meet with them and discuss some of the issues in this thesis.

John Evans,

Maryborough, December, 1992.

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ABBREVIATIONS

<i>A.C.</i>	Appeal Cases
<i>A.J.H.R.</i>	Appendices to Journals of the House of Representatives
<i>A.L.R.</i>	Australian Law Reports
<i>All E.R.</i>	All England Reports
<i>A.N.U.</i>	The Australian National University
<i>C.L.R.</i>	Commonwealth Law Reports
<i>C.C.A.N.Z.</i>	Conference of Churches in Aotearoa New Zealand
<i>CCH</i>	Commercial Clearinghouse
<i>CORSO</i>	Council of Organisations for Relief Services Overseas
<i>F. 2d.</i>	Federal Reporter, Second Series
<i>G.B.P.P.</i>	Great Britain Parliamentary Papers
<i>G.L.R.</i>	Gazette Law Reports
<i>I.C.I.S.</i>	Interdenominational Committee of Independent Schools
<i>M.A.C.</i>	Minutes of Annual Conference of the Methodist Church
<i>N.C.C.</i>	National Council of Churches in New Zealand
<i>N.S.W.R.</i>	New South Wales Reports
<i>N.Z.A.R.</i>	New Zealand Administrative Reports
<i>N.Z.J.H.</i>	New Zealand Journal of History
<i>N.Z.J.P.A.</i>	New Zealand Journal of Public Administration
<i>N.Z.L.R.</i>	New Zealand Law Reports
<i>N.Z.P.D.</i>	New Zealand Parliamentary Debates
<i>O.L.R.</i>	Otago Law Review
<i>P.C.N.Z.</i>	Presbyterian Church of New Zealand
<i>P.G.S.</i>	Proceedings of General Synod of the Anglican Church

<i>S.A.S.R.</i>	South Australian State Reports
SCM	Student Christian Movement
SPCK	Society for Promoting Christian Knowledge
<i>U.S.</i>	United States Supreme Court Reports
<i>V.U.W.L.R.</i>	Victoria University of Wellington Law Review
W.C.C.	World Council of Churches
<i>Yearbook</i>	New Zealand Official Yearbook

Notes on References and Text

Legal References: Legal references will be cited as they appear in legal literature. Square brackets, for example [1983], indicate that the date is also the volume reference. If after square the brackets and prior to the law report reference another number appears, that is a reference to the part of that year's volume. Round brackets, for example (1983) indicate only the date of the volume, and the numeral following indicates the actual volume number.

Presbyterian Church Reports, Minutes and Archives: Reports of Committees of the General Assembly are cited: (Year), Committee Name, *P.C.N.Z.* (page reference). Resolutions of the General Assembly are cited: (Year), Minutes, *P.C.N.Z.* (page reference). Note: The *P.C.N.Z. Archives Office* is located at the Hewitson Library, Knox College, Dunedin.

Non-inclusive Language: Non-inclusive language appearing in quotations will not be acknowledged in this thesis. Such references themselves stand as an indication of when the statements were made, and who made them.

Maori Language References: As Maori is one of the two official languages within New Zealand, Maori words appear in normal type. Where appropriate, a translation in English follows in brackets.

CHAPTER ONE

INTRODUCTION

1. The Problem at Issue

During the dark days of the Second World War, the newly formed National Council of Churches launched in March 1942 its nationwide Campaign for Christian Order.¹ The aim was to make New Zealand a Christian nation. The old order was crumbling. A new order, a Christian order, was needed. There needed to be, as the Bishop of Wellington had said in his address on the occasion of the opening of Parliament in 1941, "a close fellowship between church and state".² The church had to be forthright in its pursuit of Christian principles and have the state recognise them. As one of the Campaign's booklets said "a Church content to remain on the defensive is a Church that has committed suicide. If we think we can keep alive religion inside the walls of our parish churches while we let the thought of our people go pagan, then we are living in a fool's paradise."³

For its part the state accepted this "close fellowship" and welcomed the role of the churches in preventing the people of New Zealand "going pagan". The Prime Minister, Michael Savage, described the war as a battle against "godlessness".⁴ His successor, Peter Fraser, sought and received the advice of the churches. At his suggestion the Inter-church Council on Public Affairs, involving both Catholic and Protestant churches, was established in 1941.⁵ This close relationship between church and state continued in the post-war period. In 1954 the *Mazengarb Inquiry* was established to investigate certain incidents involving teenagers in the Hutt Valley and boldly asserted:

¹ The nature and circumstances of the Campaign are outlined in *Chapter Two*.

² The speech was quoted in *The Outlook* (28 May, 1941) 13.

³ Salmond, J.D. ed., *Campaign for Christian Order: Towards a Christian New Zealand (Studies in Christian Order)* (Auckland: Youth of the Church Committee, P.C.N.Z., 1942) 2.

⁴ Savage, M.J., *A Clarion Call* (Wellington: Government Printer, 1940) 7.

⁵ See *Chapter Two* for the details concerning the establishment of the Council.

At no time in the history of the British Commonwealth have Parliaments or the law-courts endeavoured to impose a system or code of morality on the people. Men (*sic*) are not required by the governing powers to observe the moral law, any more than they are required to attend Divine worship. But Parliament, in the shaping of legislation, and the Judges in the administration of justice, have frequently had regard to that indefinable sense of right and wrong which becomes implanted in the human breast. Furthermore, the law, while not coercing any one into following a particular course of moral conduct has, nevertheless, always been careful to restrain people from acting in such a way as may cause offence to those who do observe the principles of religion or of morality.⁶

The recommendations of the report were quickly adopted and enacted.⁷ New Zealand could claim to be a Christian nation.

By 1990 the situation had come to be radically different. No longer could the church and the state actively exercise any role to prevent "the thought of our people go[ing] pagan". The church was, according to its own assessment, now merely "free to act within the political process as one amongst many voices".⁸ The New Zealand legal system, which, according to the *Mazengarb Report*, would not "cause offence to those who do observe the principles of religion", appealed simply to "the reasonable dictates of social facts". In 1983 Mr Justice Cooke (as he then was) said as much in deciding a case concerning the property rights of parties to a *de facto* marriage.

There may be a lingering sense that the law should refuse to recognise relationships between men and women as having any bearing on property rights if they fall short of legal wedlock. But a function of the Courts must be to develop common law and equity so

⁶ *The Mazengarb Report*, A.J.H.R., 1954 H.47, 50. See *Chapter Two* for a full account of this incident. Note that future non inclusive language references appearing in quotations will not be acknowledged in this thesis. Such references themselves stand as indications of when the statements were made and who made them.

⁷ As a result of the *Mazengarb Inquiry* there was the Child Welfare Amendment Act (No. 2), 1954, extending the definition of delinquency to include the carnal knowledge of a girl under 16 years; the Police Offences Amendment Act, 1954, which banned the sale of contraceptives to persons under the age of 16 years; and the Indecent Publications Act, 1954, which aimed at reducing the availability of "indecent" literature.

⁸ 1981, International Relations, P.C.N.Z. 101. The Joint Working Committee of the National Council of Churches and the Roman Catholic Church, in its "Statement of the Relationship Between Church and State" of 1981 also concluded that "In our country at the present time the Church finds itself within a secular society as one agency among many." *Twenty-Sixth Report, Church and State* (Christchurch: Joint Working Committee, 1982) 3.

as to reflect the reasonable dictates of social facts, and not to frustrate them.⁹

Any "lingering" sense of New Zealand being a Christian nation disappears in the face of a decision such as this. "The dictates of social facts" suggested that New Zealand was secular.¹⁰ There was no explicit or, now implicit, obligation on the court to maintain a Christian understanding of the law of marriage. There were other cultures and value systems to recognise. The Anglo-Saxon heritage, which included its Christian heritage,¹¹ was not the only basis for New Zealand life. In the first Annual Report in 1973 of the Race Relations Conciliator, Sir Guy Powles observed that "the problem is that most institutions in New Zealand are derived from and orientated towards the economic and *spiritual ideals and practices* of the white Anglo-Saxon."¹² He argued that this dominance of white Anglo-Saxons, including their "spiritual ideals and practices", had to end. New Zealand now required the recognition of other cultures, other "spiritual ideals and practices". New Zealand had become a multi-racial and pluralistic society and this had to be recognised in its formal structures.¹³ The desire of the church during the war to re-establish Christendom, was now in fact a "problem". The privileged and pre-eminent position of Christianity and the church had passed.

⁹ *Hayward v. Giordani* [1983] *N.Z.L.R.* 148.

¹⁰ This view is not a recent one. This had been the position of the "free-thinkers" like Robert Stout in the nineteenth century. In his presidential address to the Otago Education Institute in 1879, he argued: "It is said that we are a Christian nation and the Bible is recognised by the State. I deny both propositions. As a nation we have nothing to do with religion. Every religion has equal rights before the law. None are supported by the State, and our own highest offices of state can be held by men not professing the Christian religion. We have had a Jew Premier. . . . We are a Christian nation in the sense that a majority of the citizens are Christian, but in no other sense." Quoted by in MacDonald, D.V., "The New Zealand Bible in Schools League" (unpublished MA thesis, Victoria, 1964) 9.

¹¹ This was the conclusion of Richardson, I.L.M., *Religion and The Law* (Wellington: Sweet & Maxwell, 1962) 61, "There is a certain amount of truth in the statement that Christianity is part of our law. In the first place, the Christian religion has played an important part in shaping our culture, our tradition, and our law. . . . In the second place, . . . the law in many respects favours religion in general and Christianity in particular as against agnosticism and atheism."

¹² Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1973 E.17, 7. (*my own emphasis*)

¹³ *Ibid.* See also Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1980 E.6, 36.

This thesis examines this change. It examines the factors which have brought the relationship between church and state, from being a "close fellowship", to the church being "one amongst many voices". It also considers, given this change, how indeed, can the church state relationship be described by 1990? Are the traditional categories of church state analysis, such as "theocracy", "erastianism" and "separation of church and state" appropriate to New Zealand in 1990?¹⁴ If these categories of constitutional analysis are no longer applicable, are there insights from politics or sociology which can explain the new relationship and elaborate how it has developed?

One such way of describing this change in church state relations is to assert that the process of secularisation has operated in New Zealand.¹⁵ The above change in the years between 1940 and 1990 would appear to be *prima facie* evidence of this process. That is, certain *indicia* of religious influence and importance, such as church influence in the political process and the extent that "Christian principles" (such as those that appertain to human sexuality) are enshrined in the law, are observed to have declined over time. In short the state has become more secular.¹⁶ Some recent studies have drawn this conclusion. The inquiry by Garing, "Against the Tide: Social, Moral and Political Questions in the Presbyterian Church of New Zealand 1840-1970", has argued that secularisation was a "tide" sweeping in, affecting the community and the state, while amid this the church (or more specifically the Presbyterian Church), with its moral statements and political involvement, became increasingly irrelevant.¹⁷ Similarly, Gregory, in his earlier study of Australian church state relations from colonial

¹⁴ See Wogaman, J.P., *Christian Perspectives on Politics* (London: SCM, 1988) 188-195, for an analysis of these three constitutional categories and their contemporary applicability.

¹⁵ See Martin, D., *A General Theory of Secularization* (Oxford: Basil Blackwell, 1978) for a developed account of secularisation as an historical process and Shiner, L., "The Concept of Secularization in Empirical Research", *Journal for the Scientific Study of Religion* 6 (1967) 207-220, for a discussion of some of the issues in establishing the presence of secularisation. As an historical movement see, for example, Chadwick, O., *The Secularization of the European Mind in the Nineteenth Century* (Cambridge: Cambridge University Press, 1975); and Gilbert, A.D. *The Making of Post-Christian Britain* (London: Longman, 1980). For an examination of "the process of secularisation" in the context of church state relations see Medhurst, K. W. & Moyser, G.H., *Church and Politics in a Secular Age* (Oxford: Clarendon Press, 1988) 18-31.

¹⁶ For a fuller discussion of secularisation see p. 32 below.

¹⁷ Garing, M.N., "Against the Tide: Social, Moral and Political Questions in the Presbyterian Church of New Zealand 1840-1970" (unpublished PhD thesis, Victoria, 1989) 17 ff. and 52 ff.

times to the 1970's, concluded that the process of secularisation was the significant factor in determining the changing nature of the relationship.¹⁸ Indeed, he couched his whole history of church state relations in terms of the rise of "secularism",¹⁹ although he did note that the then recent development of state aid for church schools was a possible qualification to this process.²⁰

This study, drawing on the work of Garing, Gregory and a considerable body of New Zealand writing,²¹ therefore initially began with the "working hypothesis" that the process of secularisation had been *the* determinative factor in shaping church state relations in New Zealand in the period 1940-1990. This hypothesis seemed to have been established if one compares the examples given above of church state relations in 1990 with those in 1940. In short, there had been a decline in the church's influence and role in regard to the state, or as Veitch has said "what Christians have been able to achieve in terms of shaping New Zealand society".²² I would suggest, however, that the change in church state relations during the fifty years of this study is not only the result of the process of secularisation defined in this way. Three examples (which will be developed and placed in their appropriate context in later chapters) serve to illustrate that there has been a complexity to New Zealand church state relations which belie the

¹⁸ Gregory, J.S., *Church and State* (Sydney: Cassell Australia, 1973).

¹⁹ *Ibid.* His four key Chapters are "Secularism Emergent, Secularism Triumphant, Secularism Rampant and Secularism Somnolent".

²⁰ With regard to state aid, Gregory, *ibid* 243, observed that "we have moved again, not back to the old situation, but away from total separation towards a new kind of de facto alliance between Church and State." Although he did acknowledge, *ibid* 241, that "one odd thing about this process of renewed commitment by the State to the Church and its schools is that it does not seem to reflect any renewed commitment in society generally to the Church and its teachings."

²¹ See for example, Hill, M., "The Social Context of New Zealand Religion: 'Straight' or 'Narrow'?" and Stuart, W.J., "Secularization and Sectarianism: The Struggle for a Religious Future for New Zealand" in *Religion and New Zealand's Future* edited by Sharpe, K.J. (Palmerston North: Dunmore Press, 1982) 22-46 and 84-91; Veitch, J., "The Rise and Fall of Christianity in New Zealand" in *Finding the Way: New Zealand Christians Look Forward* edited by Reid Martin, M. (Melbourne: Joint Board of Christian Education, 1983) 74-78; Webster, A.C. and Perry, P.E., *The Religious Factor in New Zealand Society* (Palmerston North: Alpha Publications, 1989) 6-11, 16-18, 142-145; and the essays within *Secularisation of Religion in New Zealand* (Wellington: Department of University Extension Victoria University, 1976), for a discussion of the presence of the "process of secularisation" in New Zealand.

²² Veitch, J., "The Rise and Fall of Christianity in New Zealand" 76.

simple conclusion that by 1990 the New Zealand state is secular and the church's role and influence with the state is minimal.

The first is the issue which Gregory noted, namely, state aid to church schools and extends to state aid for church social agencies. In 1940 there was no state funding for church schools in New Zealand. By 1990, there were "integrated" Catholic and Protestant church schools, maintaining their "special character" and being funded by the state. Similarly in 1940 little state assistance was offered to the church for its provision of health and social services. By 1990 large and formidable church agencies operated, which had primarily grown through state funding.²³ The second example is the emergence in the 1980's of a political grouping of conservative Christians, drawn from all denominations, which was reckoned by some commentators to be a new political force within New Zealand politics. This was the so-called New Christian Right. It was the New Zealand expression of a world-wide movement which during the 1980's had considerable political influence, particularly in the United States.²⁴ The third example concerns the role of the church in the re-affirmation of the Treaty of Waitangi as the founding document of New Zealand.²⁵ In 1963 when Queen Elizabeth II attended the commemoration of the signing of the Treaty of Waitangi at Waitangi, the Department of Internal Affairs noted that "the usual [naval] ceremony was varied to include a traditional welcome from the Maori people".²⁶ In 1990, for the national *sesqui* anniversary of the signing of the Treaty, a ceremony which the Queen again attended, the focus of the celebration was a service of worship, with Bible readings, hymns and a sermon given by the Anglican Bishop of Aotearoa, Whakahuihui Vercoe.²⁷ Maori, as the Treaty partners, were now equal participants, and the church, because of its involvement with the Maori, had a major role to play in this national celebration.

These three examples show that the range of church state engagement by 1990 was broad and complex and that neither the traditional constitutional categories of "church state separation" nor "church establishment" are

²³ See Chapters Five and Nine.

²⁴ See Chapter Eight.

²⁵ See Chapter Seven.

²⁶ Annual Report, Internal Affairs, *A.J.H.R.*, 1963 A.22, 6.

²⁷ *New Zealand Herald*, 7 February, 1990, 1, 8-9.

appropriate to this situation. These examples also illustrate that the initial "working hypothesis" of why New Zealand church state relations have developed in the way they have, is open to question. There has been evidence of the process of secularisation but other themes and other influences have also been relevant to this history. For this reason I argue in this thesis that it is more appropriate to speak of a "restructuring" of church state relations.²⁸ By this it is meant that for a variety of reasons, and in a variety of ways, the structure and nature of the church's relationship with the state has been re-ordered, new patterns of relationship have emerged, and in some instances older patterns have re-appeared. The church's relationship with the state has not necessarily become less significant since 1940; however, the nature and the context of that relationship have significantly altered.

Before outlining the possible patterns of this restructuring, and how they will be examined within this thesis, several preliminary matters are first addressed. The remainder of this chapter will consider the historical background of New Zealand church state relations prior to 1940; assess the relevance of this history for the period to be examined; clarify certain terms, such as secularisation, that will be used within the study; and finally outline the way in which this history of church state relations 1940-1990 will be presented.

2. A Brief Survey of Church State Relations prior to 1940

The existence and structure of colonial New Zealand owes much to the church. Indeed, it has been claimed that the church preceded the state in New Zealand.²⁹ The relationship was close, although at times controversial. New Zealand as a colony faced seemingly irreconcilable interests: the needs of the indigenous population, the Maori, the needs of the colonist, and the

²⁸ In this regard particular acknowledgement is given to the work of Robert Wuthnow. See Wuthnow, R., *The Restructuring of American Religion: Society and Faith Since World War II* (Princeton: Princeton University Press, 1988) (A publication in the Studies in Church and State series by Princeton); and Wuthnow, R., *The Struggle for America's Soul: Evangelicals, Liberals and Secularism* (Grand Rapids: Eerdmans, 1989).

²⁹ Morrell, W.P., *The Anglican Church in New Zealand* (Dunedin: Anglican Province of N.Z., 1973) 1, and Kirk, W.R., "The History of the Relations between Church and State in New Zealand" (unpublished MA thesis, Otago, 1942) 13.

need of the colonial power to establish some apparatus of state. The British government sought to meet these conflicting demands, and at various points in that process the church was involved. Meanwhile the church's own status with the new colonial authorities was at issue. All of this was a perplexing conundrum which demanded new approaches and great sensitivity. In time a new and distinctive New Zealand church state relationship did emerge, although at great cost. It took a series of bloody wars which tested the church's credibility with the state, the colonist and the Maori, and bitter sectarian rivalry over questions such as establishment and education, for the relationship to be settled. With the 1877 Education Act church and state were kept separate, although the nation seemed to be still claiming a Christian heritage. The church was left by the state to fight out its own sectarian differences, but at the same time was called on to perform the role of "moral police" in this far-flung British and hence Christian civilization.³⁰ Meanwhile the Maori, far from being a nation with whom the Crown negotiated the Treaty of Waitangi, became just an object of the church's mission, and dominated by the pakeha.

The following sections examine briefly this history of church state relations in the period from the first arrival of the missionaries through to 1940. This is done primarily for two reasons. Firstly, many issues which are significant in the years 1940-1990 began in this early period. Secondly, this earlier time has set the pattern of how church state relations in New Zealand can be understood in the period after 1940. The categories and framework by which church state relations are examined in this thesis comes from an understanding of this earlier time.

i. The Church, the State and the Maori

Apart from sundry whalers, sealers, traders and runaways, missionaries are credited with providing the first organised settlement of New Zealand in 1814.³¹ Samuel Marsden, the chaplain to the convict colony of New South

³⁰ Davidson, A.K. & Lineham, P.J., *Transplanted Christianity*, 2nd Edition (Palmerston North: Dunmore Press, 1989) 226.

³¹ See Davidson, A.K. *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1990) 7-19 and Davidson, A.K. & Lineham, P.J. *op. cit.* 21-69 for a discussion of early missionary activity.

Wales, together with three other missionaries, their wives, children and party, arrived late in that year. They were representatives of the quite recently formed Church Missionary Society (C.M.S.). This society was to bring not merely the Gospel, but also the arts and benefits of Christian civilisation to the world.³² In 1821 the first Methodist minister in Australia, Samuel Leigh, was charged to undertake a new mission field for the Wesleyan Methodist Missionary Society in New Zealand.³³ In 1838 Bishop Jean Baptiste Pompallier arrived to begin missionary work for the Catholic Church.³⁴ Such was the influence and power of the missions prior to 1840, that New Zealand has been described in this period as a theocracy.³⁵

Meanwhile back in London an issue for the mission societies was the unseemly impact of colonisation on the spread of Christian civilization among the Maori, and indeed indigenous populations generally. In their submissions to a committee first appointed by the House of Commons in 1833, the mission societies were quite clear.³⁶ "True civilization and Christianity are inseparable."³⁷ Thus far, however, contact with the European had produced "dehumanising and demoralizing results."³⁸ Indeed if there were to be British sovereignty, there first must be cession of land by open treaty, "the terms of which are understood by the native proprietors of the country, and agreed to by them, and which shall be preserved in writing

³² This was the stated objective of Marsden in recommending New Zealand to the Church Missionary Society as a new field of endeavour: Morrell, W.P., *op cit.* 4.

³³ Davidson, A.K. & Lineham, P.J. *op. cit.* 32.

³⁴ *Ibid* 46.

³⁵ See Kirk, W.R., *op. cit.* 3. McIntock, A.H. *Crown Colony Government in New Zealand* (Wellington: Government Printer, 1958) 31 ff., is particularly critical of the role of the church at this time.

³⁶ For a transcript of the evidence presented by the missionary societies to this committee see, Coates, D. *et al.*, *Christianity the Means of Civilization* (London: Sealey and Burnside, 1837). The terms of reference of the committee were "to consider what measures might be adopted with regard to the native inhabitants of countries where British Settlements are made . . . to promote the spread of civilization among them, and to lead them to the peaceful and voluntary reception of the Christian Religion." (i) The committee was appointed in 1833, its terms of reference were renewed in 1835 and it reported in 1836. The missionary societies were the Church Missionary Society, the Wesleyan Missionary Society and the London Missionary Society.

³⁷ *Ibid* 171: *per* the Rev. William Ellis.

³⁸ *Ibid* 23: *per* the Rev. William Ellis.

for reference, to prevent future quarrels."³⁹ This view of the missionary societies became the policy of the Colonial Office towards New Zealand.

This is most clearly illustrated in the terms of the instructions which were issued to Captain Hobson on his appointment as a Consul to New Zealand.⁴⁰ Lord Normanby, Secretary for War and Colonies, after referring to pressure to "colonise" wrote:

On the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836 to enquire into the state of the aborigines residing in the vicinity of our colonial settlements, and have concurred with that Committee in thinking that the increase of national wealth and power promised by the acquisition of New Zealand would be most inadequate compensation for the injury which must be inflicted on this Kingdom itself by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government... [Thus] the Queen... disclaims for herself and her subjects every pretension to seize on the Islands of New Zealand, or to govern them as a part of the dominions of Great Britain, unless the free and intelligent consent of the native, expressed according to their established usages, shall first be obtained.⁴¹

On this basis, Captain Hobson, soon after his arrival in New Zealand, set about the task of entering into a treaty with the Maori. On 6 February, 1840 at Waitangi a treaty was signed. In this task the missionaries were "powerful auxiliaries"⁴² in effecting the aim of the British Crown. They were crucial in the drafting and execution of the Treaty⁴³ and its subsequent acceptance by the Maori people.

³⁹ *Ibid* 76: per the Rev. William Ellis.

⁴⁰ Of itself Hobson's appointment as a Consul was significant. A Consul is a diplomatic representative to a foreign power. His governorship (initially as Lieutenant Governor to the N.S.W. Governor), was only to be effective on the execution of a treaty with the Maori. See McIntock, A.H. *op. cit.* 118.

⁴¹ Normanby to Hobson, 14th August, 1839; quoted in McNab, R., ed., *Historical Records of New Zealand, Volume 1* (Wellington: Government Printer, 1908) 730-731. Probably these were terms drafted by the permanent Undersecretary, James Stephen and not Lord Normanby himself. (Note fn 36 above: the committee reported in 1836, after being initially established in 1833).

⁴² The description given by Normanby to Hobson of the missionaries: *ibid* 732.

⁴³ See Davidson A.K. & Lineham, P.J., *op. cit.* 52 - 53, and the account of the Rev. Henry Williams of the signing of the Treaty (57-58); and Orange, C., *The Treaty of Waitangi* (Wellington: Allen & Unwin, 1987) 32 ff.

The dream of a new enlightened approach to colonising New Zealand soon faded as pressure from British colonists, primarily for land, increased.⁴⁴ The vision of a new Christian civilization for the Maori faltered as first Governor Hobson and then Governor FitzRoy sought to meet both the expectations of Maori and settler. Within this fading dream, the role of the church, or more accurately, the missionary societies, became increasingly ambiguous. To whom did they owe their allegiance - the ever increasing number of settlers, or the indigenous population? With the granting of representative government in 1852, and then responsible government in 1856, the colonists' call for land and their demand for the control of all matters relating to the new colony, particularly native affairs which had been reserved by the governor,⁴⁵ increased. Matters came to open conflict over land sales in Taranaki in 1855. The ambiguity of the church's position is illustrated by the fact that Bishop Selwyn, against vociferous opposition of pakeha Anglicans in the area, supported the Maori.⁴⁶ As the land wars continued and intensified, "the Bishop Alien" became highly unpopular with the large number of colonists and, even more seriously from his point of view, was seen as a traitor by the defeated Maori tribes.⁴⁷ Within the context of the northern wars of the 1860s, the position of the church was contradictory and vacillating. The church had gone from a position of influence on the treatment of Maori, to a position of being just an awkward and occasional irritant with the state.⁴⁸

⁴⁴ It is arguable that an approach of partnership with an indigenous people failed as early as 21 May, 1840, when Lieutenant Governor Hobson (as he then was) proclaimed sovereignty over the whole country, the North Island on the basis of the Treaty, and the South Island on the basis of discovery. See McIntock, A.H., *op. cit.* 62 ff.

⁴⁵ (1856) *N.Z.P.D.* 350, *per* Mr Hall. Parliament in this year refused to give to the Governor an additional three thousand pounds which he requested for the Maori.

⁴⁶ Davidson A.K. & Lineham P.J., *op. cit.* 120 quotes Bishop Selwyn's pastoral letter on the matter. Selwyn's own tense relationship with the Church Missionary Society also illustrates the ambiguity of the situation: see Morrell, W.P., "Selwyn's Relations with the Church Missionary Society" in *Bishop Selwyn in New Zealand 1841 - 68* edited by Limbrick, W.E. (Palmerston North: Dunmore Press, 1983) 75-91.

⁴⁷ See Howe, K.R. "The Bishop Alien": Selwyn and the New Zealand Wars of the 1860's", in *Bishop Selwyn in New Zealand 1841 - 68* edited by Limbrick, W.E., *op. cit.* 114.

⁴⁸ For example, Selwyn's insistence on the legal rights of Maori was important in the 1865 legislation recognising them as British subjects, and the 1867 grant of the vote: Howe, K.R., *ibid* 114.

The vision of a Christian civilization focused upon a treaty with the Maori had collapsed.⁴⁹ The *de facto* rejection of the Treaty was to be a rejection of a lasting religious base to the New Zealand state. Not only had the evangelical vision of a Christian civilization been diminished, but the Maori's appreciation for a spiritual dimension in life had been overridden. The focus of church state relations thus became the church's status within the newly constituted colony of New Zealand. All the rivalries and presuppositions of the British context were, as Davidson and Lineham say, "transplanted" to the colonial setting.⁵⁰

ii. The Church, the State and the Settlers

There was no doubt that this new British colony was Christian. The above quoted instructions issued to Captain Hobson made that clear.⁵¹ However, what was the status and position of the church within this new regime? What was the institutional relationship between the church and the state? Did the established position of the Presbyterian Church in Scotland or the Church of England in England⁵² extend to New Zealand, or did some new and different possibility pertain? The bringing of Christian civilisation to the Maori was

⁴⁹ Wood, G.A., "Church and State in New Zealand in the 1850's", *Journal of Religious History*, 8, 3 (1975) 270, sums up the close of this phase of church state relations in this way: "...until 1860 parliament was willing to follow government in leaving with the church the major responsibility for Maori welfare. 'The true ends of Church and State are one', declared the minister responsible for native affairs in 1858. 'Christianity and civilization must go hand in hand.' In the 1860s, however, if they still were hand in hand, it was not towards the Maoris that they were advancing. The convulsions of the 1860s left the several churches with their main concern, and their greatest hopes of finding adherents, among the white people."

⁵⁰ Davidson, A.K & Lineham, P.J., *op. cit.*

⁵¹ Numerous other examples could be given of the integral role Christianity had in the colony's day to day administration. Prayers were said at the commencement of the sittings of the nominee Legislative Council by the colonial chaplain, the Rev. J.F. Churton (McIntock, A.H., *op. cit.* 103); and on the occasion of the 1848 Wellington earthquake, there was a government proclamation of a day "of public fast, prayer and humiliation": Wood, G.A., *op. cit.* 257.

⁵² The position of the Church of England was itself undergoing extensive change at this time in England. Politically it was regarded as the "Age of Reform" with the passing of the various Reform Bills. In 1829 both the Test and Corporation Acts were repealed and the Catholic Emancipation Act was passed. In 1833 reform leading to the disestablishment of the Irish Anglican Church began. In the 1830's the Bishop of London, Bishop Blomfield instituted a process which meant that the Church of England could begin to administer its own affairs independently of Parliament. See Chadwick, O., *The Victorian Church*, Part I (London: A. & C. Black, 1966) Chapters 1 & 2.

Hobson's most important task and in this the Crown would contribute towards the expense of the missionaries.⁵³ All missions, and not just the Church Missionary Society, were, according to his instructions, to benefit. Also the Maori were not the only ones to receive the church's ministrations. Lord Normanby indicated to Hobson:

It is, however, gratifying to know that the spiritual wants of the settlers will, in the commencement of the undertaking, be readily and amply provided by the missionaries of the Established Church of England and of other Christian communions, who have been so long settled in those islands. It will not be difficult to secure for the European inhabitants some portion of that time and attention which the missionaries have hitherto devoted exclusively to the aborigines.⁵⁴

The implication seemed clear. The church had a special relationship and responsibility to the Crown. There was no disability placed upon any denomination, and yet there was a special status for the "Established Church of England".

In practice, however, it was not the missions which met the religious needs of the new colonists. The missionaries were too busy with the Maori.⁵⁵ It was what Hobson expected,⁵⁶ even though he was strongly encouraged to rely on the "temporary assistance of the various missions in the island [rather] than to embark on any ecclesiastical arrangements which it might be ultimately impossible to complete."⁵⁷ In time Hobson did endeavour to provide some "ecclesiastical arrangement", but, as predicted, "it was

⁵³ Hobson's Instructions from Normanby: McNab, R., *op. cit.* 735, state: "For their [the Maori] religious instruction, liberal provision has already been made by the zeal of the missionaries and of the missionary societies in this Kingdom, and it will be at once the most important and the most grateful of your duties to this ignorant race of men to afford the utmost encouragement, protection, and support to their Christian teachers. I acknowledge also the obligation of rendering to the missions such pecuniary aid as the local Government may be able to afford, and as their increased labours may reasonably entitle them to expect."

⁵⁴ *Ibid* 738.

⁵⁵ Graham, J., "Settler Society" in *The Oxford History of New Zealand* edited by Oliver, W.H. (Wellington: Oxford University Press, 1981) 126, "Immigrants to New Zealand during the first decade or so of official settlement had the curious experience of arriving in a country where a strong religious presence was already established but where the first objective of that presence was ministry to the indigenous inhabitants, not to the incoming Europeans."

⁵⁶ Letter of Hobson to the Under-Secretary of State, Colonial Department, August, 1839: McNab, R., *op. cit.* 751-2, "I cannot bring myself to believe that they [the missionaries] will consent to give any portion of the time they have hitherto devoted exclusively to that subject for the benefit of the British subjects."

⁵⁷ Lord Normanby to Hobson, August 15, 1839: *ibid* 754.

impossible to complete". His 1842 attempt at indiscriminate establishment foundered due to the want of money.⁵⁸ The result was that the relationship of the church to the state in the new colony was haphazard and not subject to any clear policy, save that there was a "general toleration" of all denominations⁵⁹ and a continued advantaged position of the Church of England.⁶⁰

This favoured position of the Church of England was the focus of church state relations in early colonial times until disestablishment was settled beyond doubt at the time of representative government. The first Presbyterian minister in New Zealand, and indeed the first clergyman specifically for colonists, the Reverend John MacFarlane, scathingly attacked the position of Bishop Selwyn and the Anglican communion within the colony, following a visit by the Bishop to Wellington in August, 1842.⁶¹ Even Bishop Selwyn himself, who had decided Tractarian sympathies, eventually came to realise that the establishment of the Church of England was a quixotic endeavour within the infant colony. After the Sydney Conference of Australasian bishops in 1850 he wrote to Gladstone about the "great benefit" of the separation of church and state.⁶² There indeed was

⁵⁸ Hobson's Church Extension Ordinance of 1842 would have provided "indiscriminate establishment" by providing state assistance for the building of churches and the maintenance of clergy of all denominations. The aim of the ordinance was to "establish good morals in the colony". See Limbrick, W.E., "Transformation and Tradition: Bishop Selwyn and Anglican Foundation" in *Bishop Selwyn in New Zealand 1841 - 68* edited by Limbrick, W.E., *op. cit.* 33. Note however, that Governor Grey's Education Ordinance of 1847 did provide money for Roman Catholic, Wesleyan and Anglican schools: *ibid* 36.

⁵⁹ In subsequent instructions to Hobson, he was asked to guarantee "the most absolute toleration" to all religious denominations: (1841) 311, *G.B.P.P.* 26ff., quoted in Limbrick, W.E., *ibid* 29 -30.

⁶⁰ Various examples could be cited of this continuing advantage for the Church of England. The Bishop of Sydney, Bishop Broughton, assumed jurisdiction in a probate matter when New Zealand was still a part of New South Wales; "colonial Chaplains", who were Church of England clergy, were appointed and paid for from the colonial treasury; Bishop Selwyn's stipend was in part paid by the state, and he was second only to the Governor in colonial order of precedence. For further details of Crown Colony support of the Church of England in New Zealand, see Limbrick, *ibid* 30ff.

⁶¹ His letter of 23 August, 1842 to the *New Zealand Colonist* is reproduced in Dickson, J., *The History of the Presbyterian Church of New Zealand* (Dunedin: J. Wilkie & Co., 1899) 33ff.

⁶² Quoted in Limbrick, W.E., "Transformation and Tradition: Bishop Selwyn and Anglican Foundation" in *Bishop Selwyn in New Zealand 1841 - 68* edited by Limbrick, W.E. 35 - although this support was slow in coming with his tractarian friends; see also Daw, E.D., "Church and State in the Empire: The Conference of Australian Bishops 1850", *Journal of Imperial and Commonwealth History*, 5 (1976-1977) 251.

virtue in not being encumbered with the unsatisfactory side of establishment.⁶³ As he expressed to Gladstone in 1846,

[w]hat we want is not a connexion with the State or much support from it, . . . but the power of organizing our own bodies, without those continual checks which the recollection of a similar power in England encourages the Colonial state to impose upon the Church under circumstances totally different.⁶⁴

This was the significant point: New Zealand was "totally different" to England or Scotland. New solutions and new approaches were required in a range of areas and activities,⁶⁵ including church state relations. In fact one of the earliest measures passed by the House of Representatives of the new General Assembly on its first sitting day on 26 May, 1854 was that: "The House distinctly asserts the privilege of a perfect political equality in all religious denominations."⁶⁶ The House was even careful to make it clear that the very reading of a prayer to commence its deliberations "was not thereby intended to confer or admit any pre-eminence to that Church or religious body."⁶⁷ This religious equality immediately meant that the Crown Colony institution of colonial chaplains lapsed and in 1855, on the first occasion when it was attempted under representative government, the payment by the state of a portion of Bishop Selwyn's stipend was also rejected.⁶⁸ More significantly perhaps, was that the new Parliament in 1858 merely enacted a simple trustee act for the newly constituted United Church of England and Ireland in New Zealand, rather than what was sought, the new Church's actual constitution.⁶⁹ One aspect of the institutional relationship between church and state was clarified through these measures: no church was

⁶³ As he wrote to an English friend in 1845 "My desire is to try what the actual system of the Church of England can do, when disencumbered of its earthly load of seats in parliament, Erastian compromises, corruption of patronage, confusion of orders, synodless bishops, and unorganised clergy." (Quoted in Morrell, W.P., *op. cit.* 48.)

⁶⁴ Selwyn to Gladstone 15th September, 1846, quoted in Morrell, W.P., *ibid* 49.

⁶⁵ It was said by the Colonial Office that many of the new Ordinances devised during the Crown Colony period by Martin and Swainson, were free from those "metaphysical subtleties deduced from the feudal system" which, when transplanted from England, had too frequently taken root in young colonies with dire results. See McLintock, A.H., *op. cit.* 133 - 134.

⁶⁶ See Wood, G.A., *op. cit.* 255.

⁶⁷ *Ibid* 260.

⁶⁸ *Ibid* 265.

⁶⁹ For a detailed account of the status of the Anglican Church in New Zealand and the background to these developments see Morrell, W.P., *op. cit.* 48ff.

established in New Zealand. At law, although in practice it may have been different,⁷⁰ the Church of England was just a voluntary religious association which had no position of privilege within the colony of New Zealand.

The new colony thus adopted an approach which reflected, in the words of Bishop Selwyn, a "totally different" context. The practices and forms of England and Scotland would not serve this brave new experiment. The mere disestablishment of the Church of England, however, was not the final solution to the institutional relationship between church and state. From the earliest days of representative government, sectarian rivalry, seemingly successfully imported from Britain, surfaced in the political process. The state readily adopted a non-denominational or secular stance, lest there be the slightest chance that in acknowledging any religious principle, one party would be favoured against others. This sectarian bitterness was to be shown pre-eminently in education matters, although it was also evident in matters relating to the marriage law⁷¹ and the administration of cemeteries.⁷² However, as education became an increasingly important issue for the new colony, these early disputes grew into matters of deep sectarian bitterness. The result of this was the "secular" 1877 Education Act.

⁷⁰ For example, the Governor was invariably an Anglican and for over a century the main Anglican churches in Auckland and Wellington had a pew set aside for the Governor. Also it was not until 1877 that the Bishop of New Zealand (and subsequently the Bishop of Auckland) was moved from being second only in precedence to the Governor. Moreover, in such matters as the allocation of funds for Maori education, the Anglicans were supported from the Civil List, while the Wesleyans and Roman Catholics relied on a parliamentary vote. See Wood, G.A., *op. cit.* 257, 268.

⁷¹ The 1854 Marriage Act produced the compromise that all marriages were reduced to civil contracts with ministers of religion officiating by virtue of being "honorary deputy registrars". Any religious element was a non-essential extra. *Ibid* 264.

⁷² Dickson, J., *op. cit.* 38.

The Act has been thoroughly researched,⁷³ so only some of the themes in the conflict need to be noted here. At issue in its passing were a variety of factors, and not all dealt with the relationship between church and state. For example, there was the position of the central government after the abolition of the Provinces in 1876. However, the basic issue was the need for a "working" system of education. The simple fact was that children were not being educated in the infant colony.⁷⁴ The options that were canvassed ranged from continuing the existing provincial system,⁷⁵ adopting the so-called "dual system" of having both church and state schools,⁷⁶ through to establishing a single national system of education, such as had been enacted in parts of Australia and the United States.⁷⁷

Implicit in each of these options were issues of church state relations. The first was the question of the institutional relationship of the church with the state. Would the state fund the denominational schools?⁷⁸ In other words, would there be a dual system of education? On the other hand, if the favoured option was a single national system, what then would be the role of Christian moral and ethical principles within that system? Or perhaps, in another way of expressing the issue, could there be religious instruction within a national school system which would not offend denominational

⁷³ For studies dealing with this question see Breward I., *Godless Schools? A Study of Protestant Reactions to Secular Education in New Zealand* (Christchurch: Presbyterian Bookroom, 1967) Chapter One; Mackey, J., *The Making of the State Education System, Passing of the New Zealand Education Act, 1877* (London: Geoffrey Chapman, 1967); Davis, R.P. *Irish Issues in New Zealand Politics 1868-1922* (Dunedin: University of Otago Press, 1974) Chapter Four; McGeorge, C. & Snook, I., *Church, State and New Zealand Education* (Wellington: Price Milburn, 1981) Chapter One; Turley, B. & Reid Martin, M., *Religion in Education* (Christchurch: Churches Education Commission, 1981); and McDonald, D.V., "The New Zealand Bible in Schools League" (unpublished MA thesis, Victoria, 1964).

⁷⁴ By 1877 of 98,000 eligible school age children, only 57,000 were on school rolls and in turn only 38,569 attended regularly. Breward, I., *op. cit.* 11.

⁷⁵ There was no uniform provincial system. For example, within the Nelson Province, churches received public funding for schools, whereas in Canterbury this was not the case: McGeorge, C. & Snook, I., *op. cit.* 8.

⁷⁶ Mackey, J., *op. cit.* 265 ff. This system had in 1870 been adopted in England. Mackey in his analysis saw this as being the "vital question". Was the system to reflect "the unitary nature of the state or one that reflected the diversified community which the state contained." (269)

⁷⁷ The same sectarian division over education arose in the Australian context. See Gregory, J.S., *Church and State* (Sydney: Cassell Australia, 1973).

⁷⁸ The churches were having difficulty meeting their own pastoral needs, let alone operating an educational system from within their own resources: McGeorge, C. & Snook, I., *op. cit.* 7.

sensibilities?⁷⁹ Meanwhile the "secularists" such as the Premier, Robert Stout, were opposed to any role for religion in education.⁸⁰

The debates leading to the eventual passage of the Act did not reflect such a clear categorisation of the issues. Davis has shown, however, that the final form of the Act was a result of shifting coalitions over these two questions.⁸¹ To begin with, a single national system was favoured⁸² and as a consequence, the Catholic Church's desire for state recognition of its schools was defeated.⁸³ The question then became, as Mackey has observed, how would religion be incorporated into the national system. "If Catholic claims in respect to tax support for their schools could not be met, a formula that did not, in the opinion of the rest of the community, exclude Catholics from using state schools, had to be found".⁸⁴ The final solution was "secular" public instruction.⁸⁵

A deep-seated religious rivalry was at issue here,⁸⁶ and the appropriate solution to the impasse was that the state should show disinterestedness to religion. It was more equitable that neither the Catholic nor Protestant be

⁷⁹ The matter was a particular issue to the Catholic Church. The *Syllabus of Errors* of Pius IX, 1864, specifically denounced the view "that the best theory of civil society requires that popular schools, open to children of all classes, should be freed from all ecclesiastical authority." (Quoted in Davidson, A.K., *op. cit.* 65.) A non-sectarian system of instruction was seen by Catholics, especially Bishop Moran of Dunedin, as being "protestantism pure and simple". (Mackey, J., *op. cit.* 274)

⁸⁰ See MacDonald, D.V., *op. cit.* 9.

⁸¹ Davis, R.P., *op. cit.* 79, concludes, "It can be argued that secularists combined with Catholic supporters in making the system entirely secular, while Bible in schools advocates joined secularists in defeating Catholic claims." It should be noted however, that the Bible in Schools League was not formed until 1903.

⁸² See Mackey, J., *op. cit.* 269 ff., for a discussion of the arguments that were relevant to this.

⁸³ The "provincialists" were also defeated in this regard.

⁸⁴ Mackey, J., *op. cit.* 274. Not all Catholic children could be catered for within a parochial school system. For example, children in an isolated area would need to attend a state school.

⁸⁵ The original Bill proposed "religious exercises" as a part of daily instruction. This measure was defeated, and the secular provision (s.84(2)) was passed. See Breward, I., *op. cit.* 17. The Education Act, 1877 however, only applied to primary school education. Hymns, prayers and Bible readings were permitted in secondary schools.

⁸⁶ See Davidson, A.K., *op. cit.* 85-86, for examples of violent sectarian clashes at this time.

satisfied.⁸⁷ This was a conclusion which one Wesleyan minister observed had arisen, due not to irreligious politicians, but "to unbrotherly and unpatriotic Christians."⁸⁸ Apart from the "secularists" there was no hostility to religion as such. But this compromise, although unsatisfactory, was required for the sake of establishing a national system of education.

The die, however, was cast. The 1877 Education Act set the parameters for church state relations through to 1940. On the one hand, church and state were separate. There could be no state aid for denominational schools. The Catholic Church complained bitterly and unsuccessfully that their schools did not receive state funding,⁸⁹ while Protestants were concerned that the education received by New Zealand children was secular. Between 1877 and 1935 42 bills were introduced to modify the secular clause. None was successful.⁹⁰ The state assiduously eschewed any sectarian conflict.⁹¹ With some exceptions in the area of military chaplains and some minor state support for social service work, church and state until 1940 were

⁸⁷ Mackey, J., *op. cit.* 278. He lists at 276 ff., three reasons why the secular clause was passed: there was the need for the state to be impartial on religion; state schools were not in any event going to offer a complete education in that there was still room for family and church to be involved in a child's education; and it was cheaper.

⁸⁸ Beward, I., *op. cit.* 18. This was a solution which had been argued for by some Presbyterians. For example, a writer to the *New Zealand Presbyterian Magazine* suggested that the only way to solve the educational problem was for "the State to provide secular instruction and that alone; leaving to the various denominations the duty - which they should willingly undertake - of providing the religious element, and imparting the peculiar tenets of the religious belief which they severally hold." (*Ibid* 11)

⁸⁹ For example, the Catholic weekly *The Tablet* for 14 years between 31 August 1883 and 2 July 1897 ran a standing editorial in these terms: "The Catholics of New Zealand provide at their sole expense, an excellent education for their own children. Yet such is the sense of justice and policy in the New Zealand Legislature that it compels these Catholics, after having manfully provided for their own children, to contribute largely towards the free and godless education of other people's children!!! This is tyranny, oppression, and plunder." The editorial was written by Bishop Patrick Moran of Dunedin. Four private members' bills were introduced seeking state aid for Catholic schools. None were successful. See Davis, R.P., *op. cit.* 82, and generally his Chapters Four and Eight dealing with this Catholic opposition.

⁹⁰ Barber, L., "The Defence of Secular Education in New Zealand", *Delta* (May 1969) 37. Davidson, A.K., *op. cit.* 66. See generally Beward, I., *op. cit.* for an account of the Bible in Schools and Protestant opposition to the secular clause.

⁹¹ Davis, R.P., *op. cit.* 81, notes that after 1877, "when a regular system of party alignment was only in embryo in New Zealand, educational secularity never became a party issue." This was not to say that individual politicians, and even premiers had no strong personal views over the question.

separate.⁹² How was the state, however, to reflect other moral or ethical concerns of the churches? This was the focus of the period to 1940.

iii. Church and State 1877-1940

Colonial life in the late nineteenth century has been variously idealised as a new paradise, or one riven with chaos, the hallmarks of which were loneliness, drunkenness and violence.⁹³ Within this context, the role of the church has also been seen to be ambiguous. On the one hand church attendance in comparison to Britain, and even Australia, in the period 1874-1896 was low. It rose from 20.2 per cent of the (pakeha) population to a high of 29.4 per cent in 1896.⁹⁴ The church, as Fairburn argues, was not the means of "sewing" together the local community.⁹⁵ On the other hand Graham has contended that, "Christian faith and practice played a fundamental role in the shaping of colonial society. Consciously or unconsciously the greater proportion of the population acted according to what was essentially a Christian code."⁹⁶ Both assessments may in fact be correct. The church represented a continuity with the perceived Christian civilization of Britain, and as such was important in "shaping colonial society". But "the appalling social problems of a predictable kind - loneliness, drunkenness, violence"⁹⁷ which could be easily translated into evidence of godlessness

⁹² There had been military chaplains since the Land Wars. Again during the Boer War and the First World War, all churches supplied chaplains: See Haigh, J.B., *Men of Faith and Courage: The Official History of New Zealand's Army Chaplains* (Auckland: The Word Publishers, 1983). With regard to the church's "charity" work, little state assistance was available. Some was available through the Hospital and Charitable Aid Boards, which had been established by legislation in 1885. See Tennant M.A., "Indigence and Charitable Aid in New Zealand 1885-1920" (Ph.D. thesis, Massey, 1981) 3, and also *Paupers and Providers: Charitable Aid in New Zealand* (Wellington: Allen & Unwin, 1990) - which incorporates aspects of the thesis. Generally this work was performed without state assistance. For example, note the difficulty the Methodist Auckland Central Mission had in obtaining funding for its various relief work during the 1920's and 1930's: Faulkner, I.F., *The Decisive Decade: Auckland Central Mission* (Auckland: Wesley Historical Society (N.Z.), 1982) 5-7.

⁹³ Fairburn, M., *The Ideal Society and its Enemies: The Foundations of Modern New Zealand Society 1850-1900* (Auckland: Auckland University Press, 1989) examines both the "myths" of the "ideal society" and then what he believes to be a more accurate assessment of that colonial society.

⁹⁴ *Ibid* 178.

⁹⁵ *Ibid* 177.

⁹⁶ Graham, J., *op. cit.* 128.

⁹⁷ Fairburn, M., *op. cit.* 12.

and immoral behaviour requiring the application of that self-same "Christian code" - were evident. In this regard the church had a responsibility to preserve certain Christian moral principles and thus readily assumed the role of "moral police".⁹⁸ In either event the church was involved in an endeavour which it took seriously. In turn, it expected to be taken seriously by the community and the state.⁹⁹

Although the concern was for the maintenance of Christian civilization, in practice the church's concern centred on just one or two moral failings and certain denominational interests. As has already been mentioned, "secular" education was one of these problems.¹⁰⁰ Temperance also became an issue later in the century which collapsed all the evils of society under one moral failing.¹⁰¹ The evils of drink became a significant concern of those denominations from a evangelical or puritan tradition, such as the Methodist, Presbyterian, Congregational, Baptist and Salvation Army. Sunday observance similarly was "the foundation of British civilization and the touchstone of true religion".¹⁰² There were also concerns of individual denominations. The Presbyterians were particularly aggrieved over the 1881 Marriage Act which altered the permissible degrees of affinity.¹⁰³ A man could now marry his deceased wife's sister and this for a Presbyterian was in contradiction to his Westminster Confession of Faith and the Larger

⁹⁸ A term employed by Davidson, A.K. & Lineham, P.J., *op. cit.* 226. See also the conclusion of Jackson, H.R., *Churches & People in Australia and New Zealand 1860-1930* (Wellington: Allen & Unwin, 1987) 173, "Protestant and Catholic leaders alike were in the habit of defining the Christian faith in narrowly individualistic and moral terms."

⁹⁹ Cf. Davidson, A.K., *op. cit.* 105.

¹⁰⁰ Breward, I., *op. cit.* 49, after citing some examples of the concern over the issue, concludes "Bible in schools was part of the battle for Christian civilisation and the persistence of the campaigners can only be understood if this motive is given adequate weight."

¹⁰¹ Grigg, A.R., "The Attack on the Citadels of Liquordom" (PhD thesis, Otago, 1977) 375, concludes in his study of the prohibition movement at this time (1880-1920) that it was an attempt "to reform society in one blow". He goes on to say "this concentration on prohibition by the middle class reformers as the chief means of social and economic reform for the poorer section of the community eventually alienated the working class and encouraged it to organise and fight for itself on both the political and industrial stages." See also Bollinger, C., *Grog's Own Country*, 2nd Edition (Auckland: Minerva, 1967).

¹⁰² Breward, I., "1871-1901 Clamant Needs, Determined Battlers" in *Presbyterians in Aotearoa 1840-1990* edited by McEldowney, D. (Wellington: Presbyterian Church of New Zealand) 50. See Jackson, H.R., *op. cit.* 104 ff., for a description of the "British Sunday" in Australia and New Zealand and how it was fought to be preserved.

¹⁰³ See Breward, I., "1871-1901 Clamant Needs, Determined Battlers", *op. cit.* 52; and Garins, M.N., *op. cit.* 179.

Catechism. Sections of the Catholic Church, with a considerable Irish membership, pursued the need for land reform in New Zealand by linking it with the question of home rule for Ireland.¹⁰⁴

Certain features of this church state engagement should be noted. The individual denominations were active in the political process. The Church of England and the Presbyterian Church, both with their establishment heritage, could claim to speak to the state for the whole of society.¹⁰⁵ The Catholic Church, especially through Bishop Moran and Archbishop Redwood became adept at political engagement, particularly over education.¹⁰⁶ Indeed such was their success that during this late nineteenth century period, the folklore of the "block Catholic vote" was born.¹⁰⁷ The Methodist Church also became an active protagonist with the state over moral questions. As Lineham has noted, "temperance campaigning had taught the church how to speak out on public issues."¹⁰⁸ What was also significant during this time, and extending through to the first decades of twentieth century, was the role of the non-denominational and inter-denominational single interest campaigns (at least, those within Protestant denominations).¹⁰⁹ These organisations focused on perceived ethical and moral failings. Secular education was opposed by the Bible in Schools League (1903),¹¹⁰ while its counter organisation, the National Schools Defence League,¹¹¹ saw the state tampering with the church.

¹⁰⁴ Davis, R.P., *op. cit.* 133 ff.

¹⁰⁵ Breward, I., '1871-1901 Clamant Needs, Determined Battlers', *op. cit.* 50.

¹⁰⁶ Davis, R.P., *op. cit.* 215.

¹⁰⁷ *Ibid* 163 ff.

¹⁰⁸ Lineham, P.J., *New Zealanders and the Methodist Evangel* (Auckland: Wesley Historical Society, 1983) 21. The Methodists, however, became not only concerned about questions of personal morality. Lineham further notes that 'as early as 1893 the denomination had 'welcom(ed) all social reform as an essential part of the programme of Christianity'' (*ibid*).

¹⁰⁹ There were similar church related organisations within the Catholic Church. The Hibernian Society formed branches through out New Zealand in the 1870's, and in 1911 the Catholic Federation was formed. See Davis, R.P., *op. cit.* 63-69, 183.

¹¹⁰ Although the League was formed in 1903, there had been previously numerous local and some joint endeavours to reverse the 1877 Education Act's secular clause. The League was originally conceived as an inter-denominational organisation by the Presbyterian, the Rev. Dr James Gibb, who wrote to the heads of churches seeking its establishment. See Breward, I., *Godless Schools* 21 ff.

¹¹¹ Although Catholic Church support for this organisation was considerable, it also had representation from all Protestant churches and including the Seventh-day Adventist Church. Indeed one of the Adventist's full-time ministers, C.K. Meyers, was granted leave by his denomination to campaign full-time for the National Schools Defence League and told by his

Wide Protestant support was also given to the temperance movement (Women's Christian Temperance Union (1885) and New Zealand Alliance (1886)).¹¹² Both the "Bible in Schools" and Temperance movements sought as their initial goal national referenda, and having achieved this, national support for their views. Neither group was ultimately successful,¹¹³ although the Temperance movement came close to achieving prohibition.¹¹⁴ During the early twentieth century these concerns were translated into more virulent sectarian organisations, such as the Protestant Defence Association (1903), and the Protestant Political Association (1917). The Protestant Political Association became in a short period of time, a very significant political organisation. It claimed to have 200,000 members and 200 branches throughout the country.¹¹⁵ These organisations saw as their goal, not so much a Christian nation (this did not seem to be strenuously denied), but a Protestant nation. The *Ne Temere* decree, the exemption granted to Catholic theological students and brothers from conscription, and Catholic influence within the public service were some of its concerns.¹¹⁶ The Association became sophisticated in participating within the political process. Individual candidates for parliamentary election were given questionnaires and depending upon the responses given, gained the organisation's support.¹¹⁷ Generally however, the influence of all of these campaigns

denomination's leader to 'throw all his energies into the conflict of opposing the union of Church and State by the introduction of religious teaching in the State schools'. Quoted by Ballis, P.H., 'Seventh-day Adventists and New Zealand Politics, 1886-1918' in *In and Out of the World: Seventh-day Adventists in New Zealand* edited by Ballis, P.H. (Palmerston North: Dunmore Press, 1985) 63.

¹¹² See generally Grigg, A.R., *op. cit.*, for a discussion of this whole period and the role of the Temperance movement. There was some Catholic support for the Temperance movement, although it was generally viewed with suspicion as a means of attacking the Catholic Mass.

¹¹³ The Bible in Schools League's request for a national referendum was narrowly rejected by the Education Committee of the House of Representatives in July 1914: O'Connor, P.S., 'Sectarian Conflict in New Zealand, 1911-1920', *Political Science*, 19, 1 (1967) 4. With regard to liquor, licensing polls had been established since 1893, and in 1910 a national poll was instituted on the question of continuance or prohibition. Prohibition nationally was not carried: see generally Southwick, L.H., *et al.*, *The Liquor Laws of New Zealand* (Wellington: Butterworths, 1983) Chapter 1.

¹¹⁴ In 1911, when a three-fifths majority was required to pass the prohibition option, 55.8% voted for the option. In 1919, when only a simple majority was required to pass the measure, the prohibition option lost by .03 per cent of those voting.

¹¹⁵ See O'Connor, *op. cit.* 3-16.

¹¹⁶ See Davidson, A.K., *op. cit.* 86-90, for discussion of the specific details of some of these issues.

¹¹⁷ O'Connor, P.S., *op. cit.* 13.

declined during the 1920's as more pressing economic and social questions faced the country.¹¹⁸

Apart from these moral and sectarian concerns, the church, or at least the Protestant church, was reluctant to become involved in wider social problems. Individuals, such as the Reverend Rutherford Waddell, were outspoken over questions of labour and the economy.¹¹⁹ Mostly, though, the church acquiesced in government decisions, except if it was seen to involve explicitly questions of morality and religion. This was pre-eminently shown in the church's response to the Boer War, and then the First World War. Virtually unqualified support, from both Protestant and Catholic, was given to New Zealand's First World War effort.¹²⁰ This church support for the state began to change during the 1920's and the Great Depression in the 1930's. In 1923 the Methodist Church introduced its "Social Creed" covering questions of industry, labour, poverty and citizenship.¹²¹ As the depression deepened, the church which was initially content to support the state as it addressed the economic crisis, became increasingly outspoken. The church changed because it realised that it had to if it wished to maintain the "moral" leadership within the community over worsening unemployment and social dislocation.¹²² Even the confidence of the Labour Party at this time was strengthened, not by the divisions of class, but by "the conscience of the Christian church."¹²³ This was shown in a practical way with three clergy out of the ten who stood for the Labour Party being elected in the

¹¹⁸ Grigg, A.R., *op. cit.* 376, concludes that "by 1928, . . . the prohibition movement faded from the New Zealand social and political scene as a viable means of reform. The harsh realities of 1920's and 1930's were no place for the idealistic panaceas of the 1890's and 1900's."

¹¹⁹ Collie, J. ed., *Rutherford Waddell* (Dunedin: A.H. Reed, 1932); and Breward, I., "1871-1901 Clamant Needs, Determined Battlers", *op. cit.* 63.

¹²⁰ Davidson, A.K., *op. cit.* 95-100.

¹²¹ For a background to this see Hames, E.W., *Coming of Age: New Zealand Methodism 1913-1972* (Auckland: Wesley Historical Society, 1974) 63.

¹²² Reid, A.J.S., "Church and State in New Zealand 1930-1935" (unpublished MA thesis, Victoria, 1961) 78.

¹²³ Quoted from the Labour journal *The Worker* by Reid, A.J.S., *ibid* 135. Reid notes that during the 1920's there is increasing discussion of Christian Socialism. Organisations such as the Student Christian Movement were important in spreading these concerns.

landmark 1935 election.¹²⁴ Clements, in his extensive review of the church during the Depression, has concluded that:

By the end of 1935 every major religious denomination, including the Presbyterian and Anglican, as well as the Roman Catholic and Methodist had advocated radical social and political change in order to initiate a new system where human values, and not cost benefit analyses, would become the major criteria by which economic and political decisions would be made.¹²⁵

The election of the First Labour Government in 1935 provided this "radical social and political change" which the sections of the church had advocated.¹²⁶ At least in the times of economic and social crisis the church showed a wider level of concern and political involvement.¹²⁷

iv. Conclusion: Patterns of Church State Relations

This brief review of church state relations prior to 1940 provides the background to the period under review, 1940-1990. Some issues, such as the church's involvement with Maori over the Treaty of Waitangi, reappear after seemingly disappearing. Also the nature, scope and techniques of the moral campaign make a reappearance many years after it had been thought that these movements had "faded from the New Zealand social and political scene".¹²⁸ Other themes, such as education, with its ensuing deep and divisive

¹²⁴ Davidson, A.K., *op. cit.* 110, although cf. Mitchell, A., 'The New Zealand Parliaments of 1935-1960' *Political Science*, 13, 1 (1961) 27, who suggests a different figure for clergy participation in Parliament and Reid, A.J.S., *op. cit.* 129 ff. who suggests only five clergy candidates.

¹²⁵ Clements, K. P., 'The Religious Variable: Dependent, Independent or Interdependent' in *A Sociological Yearbook of Religion in Britain: Volume 4* edited by Hill, M. (London: SCM, 1971) 44. Clements has isolated three phases of church state engagement during the Depression. The first phase 1929-1931 'was one of tacit and at times explicit support for the *status quo*.' (39). The second phase 1931-1934 'was a period of religious and public dissatisfaction with Government policies'. (41) This dissatisfaction came particularly from the Methodist and Catholic Churches. The third phase 1934-1935 was when 'religious opinion leaders developed new values or modified previously held values which were favourable and positively encouraging to radical social and political change.' (43) For more details see his 'The Churches and Social Policy: A Study in the Relationship of Ideology to Action' (PhD thesis, Victoria, 1970).

¹²⁶ Clements, K.P., 'The Churches and Social Policy: A Study in the Relationship of Ideology to Action', *op. cit.* 351, concluded that the Methodist Church was one of the significant groups within New Zealand society which allowed the development of the Welfare State.

¹²⁷ See also *Chapters Two and Five* for further discussion of some of these measures of the First Labour Government and the church involvement with them.

¹²⁸ Grigg, A.R., *op. cit.* 376.

denominational rivalry, cease to be as significant. Where relevant, these earlier issues in church state relations will be referred to in the subsequent historical analysis.

Nineteen forty was not chosen however, as the starting point for this study because it marked a complete disjunction in the flow of church state relations. Many of the themes and issues of this earlier period continue, although some specific developments within the state, and also the church, do occur around this time. For the state, 1940 is near the beginning of the development of the welfare state and the closer regulation of the economy. By 1940 the immediate economic and social impact of the Depression had passed. The First Labour Government had all but set in place the various pillars of the welfare state. War-time further allowed for close and detailed regulation of New Zealand finance and industry. This was therefore at the beginning of a new phase in the role of the state in New Zealand life. For the church, 1940 also marks the beginning of a different phase of its life. The ecumenical movement, heralded as the "great new fact of our era",¹²⁹ formally commenced in New Zealand with the establishment of the National Council of Churches in New Zealand in 1941. This marked a considerable broadening of horizons for the New Zealand mainline Protestant church and had significant implications for church state relations. 1940, being the centennial of the Treaty of Waitangi, is therefore chosen here as an appropriate beginning to a period of 50 years of significant change in church state relations.

This brief history of church state relations until 1940 provides more than just background to this study. It also provides the framework for understanding the structure and pattern of New Zealand church state relations in this thesis. In other jurisdictions and at other times throughout the history of the Christian church, there is usually an obvious way to begin the consideration of the question of church state relations. In England and Scotland, for example, there is the question of

¹²⁹ Stated by William Temple on his enthronement as Archbishop of Canterbury in April 1942, and quoted by Moore, A.C., 'Religious Pluralism: 'The Great New Fact of Our Era''? in *Faith in an Age of Turmoil: Essays in Honour of Lloyd Geering* edited by Veitch, J. (London: Oriental University Press, 1990) 40 and fn. 1.

"establishment",¹³⁰ while in the United States, the study of the relationship between church and state begins with the interpretation of the First Amendment of the Constitution.¹³¹ As this foregoing historical survey has shown, a similar clear starting point for understanding the church state relationship does not exist in New Zealand prior to 1940. Establishment was rejected early on, while the 1877 Education Act provided only *de facto* separation of church and state. There was no constitutional provision, such as in the United States or Australia,¹³² which explicitly provided for this separation. Indeed, even in the period up to 1940, there were examples in other areas of state activity, such as the provision of military chaplains,¹³³ which appeared to contradict the intended separation of church and state as shown in the "secular" clause of the Education Act. The above history, nevertheless, indicates that certain patterns of church state relations did exist in New Zealand prior to 1940 and need to be considered in analysing the period 1940-1990.

In particular I suggest that two aspects of the relationship have to be considered. The first recognises that the church is an organisation which has certain institutional needs. Put at its most basic, the church requires places of worship and meeting, a certain range of personnel, and possibly other establishments, such as schools and hospitals. It needs to operate as an institution within society and in accordance with the law of the land.

¹³⁰ See for example Hastings, A., *Church and State: The English Experience* (Exeter: University of Exeter Press, 1991); Moyser, G., ed., *Church and Politics Today. The Role of the Church of England in Contemporary Politics* (Edinburgh: T. & T. Clark, 1985); and Medhurst K.N. & Moyser, G.H., *Church and Politics in a Secular Age* (Oxford: Clarendon Press, 1988).

¹³¹ The First Amendment states "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people to assemble, and to petition the Government for the redress of grievances." Both the litigation and literature over this provision is vast. See Wood, J.E., ed., *The First Freedom: Religion and the Bill of Rights* (Waco: Dawson Institute of Church-State Studies, 1990) and the select bibliography for an introduction to issues; and Abraham, H.J., "The Status of the First Amendment's Religion Clauses: Some Reflections on Lines and Limits" in *Readings on Church and State* edited by Wood, J.E. (Waco: Dawson Institute of Church-State Studies, 1989) 109-125, for a brief overview of the important cases.

¹³² Section 116 Australian Constitution. See Ely, R., *Unto God and Caesar: Religious Issues in the Emerging Commonwealth* (Melbourne: Melbourne University Press, 1976); and Pannam, C.L., "Travelling Section 116 with a U.S. Road Map", *Melbourne University Law Review*, 4 (1963) 41.

¹³³ See Haigh, J.B., *Men of Faith and Courage: The Official History of New Zealand's Army Chaplains* (Auckland: The Word Publishers, 1983) for the history of New Zealand military chaplains.

The traditional categories of church state relations have focused on this institutional need of the church. Several of these "models", such as theocracy, erastianism and church state separation, were seen to apply at various stages in this earlier history of church state relations in New Zealand.¹³⁴ For example, there was a theocracy prior to 1840, a variety of establishment during the Crown colony period, and with the 1877 Education Act, as Wogaman says, "separation of church and state - friendly"¹³⁵ (although the Catholic hierarchy would have thought otherwise). In this sense the institutional or constitutional relationship between church and state had been fluid, although by 1940 the presumption was that church and state were separate.

The second aspect of the church's relationship with the state evident from this historical survey concerns the values, teachings and principles of Christianity (such as those concerning Sunday observance and temperance), and how the state reflects and even legislates for, the maintenance of those values. These "Christian principles" have often been implied in the constitutional model which exists in a jurisdiction. For example, if an established church exists, then a certain priority is assumed for "Christian principles".¹³⁶ However, where there is a constitutional or *de facto* separation of church and state (and by implication each Christian denomination is treated the same way) the issue arises as to how, if at all, Christian principles are recognised by the state.¹³⁷ In this thesis, this will be called the "moral" or "ethical" aspect of church state relations. In

¹³⁴ For a discussion of some of these different types of relationship, see Wogaman, J.P., *Christian Perspectives on Politics* (London: SCM, 1988) 188-190, where he 'frames four basic 'models' of church/state relationship that have some importance in different parts of the world': theocracy, erastianism, separation of church and state-friendly, and separation of church and state-unfriendly.

¹³⁵ *Ibid* 189.

¹³⁶ The nexus between the Church of England being an established church and England being a Christian nation is currently being tested in England. See the Church of England's Board of Social Responsibility's study *Changing Britain: Social Diversity and Moral Unity* (London: Church Information Office, 1987) 64, and Habgood, J., *Church and Nation in a Secular Age* (London: Darton, Longman & Todd, 1983) 176.

¹³⁷ In the United States where there is the constitutional separation of church and state, these two aspects of church state relations, namely, the institutional and the moral or ethical aspects, are enshrined in principles of legal interpretation. Is the First Amendment to be interpreted narrowly, and therefore only prohibiting establishment, or is it to be interpreted broadly, prohibiting legislation on any religious matter. See *Chapter Six*, fn. 25 for a discussion of this issue.

other words to what extent could New Zealand be styled a "Christian nation"? Was New Zealand some far-flung outpost of Christendom? It is submitted that in 1940 New Zealand did explicitly in its laws, and implicitly in its state administration, favour the church and its moral and ethical concerns.

It should be noted however, that this thesis will not specifically judge whether a particular principle is in fact "Christian" or whether "Christendom" is the ideal to which New Zealand should aspire. That is a broader theological question to which there is no straightforward answer and to which only some consideration is given in the concluding chapter. The above historical overview has even highlighted that with some questions, such as temperance, different denominational emphases exist. Given this, a subjective test as to what is "Christian" is used. That is, if the church, or a section of the church, sees a principle or a moral standard being Christian, then in this thesis it is regarded as a "Christian principle". The consequence of this approach means that what is deemed to be "Christian" by one group, may not be accepted as being "Christian" by another. Indeed, it becomes a major theme in this study that what is regarded as being "Christian" changes in the 50 years to 1990, and that fact in turn affects the nature of church state relations during this time.

In conclusion therefore, two aspects of church state relations are used in analysing the period 1940-1990. These two aspects are not strictly exclusive of each, but are primarily used here as a tool of analysis in an area which lacks a clear starting point. The first considers the institutional or constitutional relationship between the church and the state. The second aspect concerns the role of the church and the interest of the state in maintaining Christian principles.

3. The Analysis of Church State Relations 1940-1990

i. Some Theses for Consideration

This thesis is the history of a relationship. It is neither a history of the New Zealand church, nor of the New Zealand state. As a consequence it does not purport to examine all the occasions when the New Zealand church in

its many and varied forms has dealt with the state. The focus is on the history of the relationship, and not on individual incidents, organisations or movements that have all been involved in church state relations.¹³⁸ I concede that individual incidents and the personalities involved are relevant in determining how the pattern of church state relations have changed. This study however, consciously highlights the structure and pattern of the church state relationship, and not, for example, the involvement of Christians in politics. Furthermore it examines the church state relationship from a church perspective. The thesis therefore does make the assumption that it is appropriate for the church to relate to the state and indeed it is hoped that the thesis will contribute to the understanding of how that relationship may develop given the current context.

The thesis is thus part of a wider genre of academic study that deals particularly with church state relations.¹³⁹ Such study traverses issues of systematic theology, ethics, biblical criticism, political science, sociology and law, to name just some of the disciplines involved. For this reason, a history such as this acknowledges that the church state relationship may change because of different theological insights as well as because the nature of the state or the society itself has changed. Reference is therefore made below to Christian social ethics, political controversies, societal changes, state-sector policy and legal developments, for they all impinge on church state relations.

Already a significant change in church state relations since 1940 has been suggested. In general terms this change has been described as a "restructuring" of the relationship. This term is used to emphasise that a variety of influences, and not just one, has been involved. Five historical themes are suggested in this thesis as being a part of this complex mix of influences on New Zealand church state relations. These factors, namely, sectarianism, theological diversity, changes in state sector policy,

¹³⁸ In this regard the thesis is limited by the evidence that is used: see p. 37 for a discussion of this limitation.

¹³⁹ The literature in the field is vast. Since the time of Christ, the relationship between church and state has been in question, and has been considered from many different perspectives. There now are specialist institutes solely devoted to church state studies, such as the J.M. Dawson Institute of Church-State Studies, Baylor University. There are also academic journals specifically devoted to the area, such as the *Journal of Church and State*.

secularisation and pluralism are briefly described below and then examined in more detail within the thesis.

a. Sectarianism. Denominational rivalry had been a determinative feature of church state relations in New Zealand prior to 1940. Its existence was significant in reaching and maintaining the secular compromise of the 1877 Education Act. Sectarianism was also a major feature of the various moral campaigns in the late nineteenth and early twentieth centuries. I suggest that sectarianism continues to be important in the period after 1940, but it ceases to have the determinative effect it once had on church state relations.

b. Theological diversity. As denominational factors cease to have the major bearing on church state relations, I suggest that theological diversity, which of course has always been present within the New Zealand church, becomes a more significant factor in church state relations.¹⁴⁰ Thus the theological basis for church state engagement significantly changes during this period. The range of "moral" or "ethical" concerns raised by the church with the state becomes determined not by denominational criteria (such as with education, and even Sunday observance and temperance)¹⁴¹ but by "theological" criteria. A cleavage which mirrors the split between conservatives and liberals on doctrinal and theological questions arises.¹⁴² As Wuthnow succinctly claims, "old fissures" over theological emphases, become "new fractures" in the context of church state engagement.¹⁴³ I

¹⁴⁰ This is a major thesis of Robert Wuthnow: *The Restructuring of American Religion: Society and Faith since World War II*, (Princeton: Princeton University Press, 1988) 100ff. Davidson, A.K., *op. cit.* 172, also seems to be acknowledging the significance of this point in New Zealand.

¹⁴¹ The problem for Protestants over Sunday observance was the 'Romish laxity of 'Continental Sundays'' (Breward, I., '1871-1901 Clamant Needs, Determined Battlers', *op. cit.* 50). With regard to the temperance movement, Archbishop Redwood in 1914 had claimed that 'the main object of the New Zealand Alliance was to strike at the Mass' by barring the use of wine for sacramental purposes (O'Connor, P.S., *op. cit.* 10).

¹⁴² The word 'mirrors' is used so as not to indicate a direct correspondence. It is possible that a person is theologically conservative, however, be politically active. Similarly a theologically liberal person may be viewed as being conservative, for example over the question of pornography. See Chapter Six for a discussion of this issue.

¹⁴³ Wuthnow, R., *The Struggle for America's Soul: Evangelicals, Liberals and Secularism* (Grand Rapids: Eerdmans, 1989) 19ff.

contend that two different moral and ethical agendas (and how they are to be pursued with the state) emerge within the church by 1990.

c. The "welfare state" and economic prosperity. I suggest that the political and economic changes in New Zealand in the period are also significant factors in the restructuring of the institutional relationship between church and state. The growth and expansion of state functions,¹⁴⁴ coupled with a long period of post-war prosperity, has specifically affected the range and scope of state funding and support for the church in education and Christian social services. Furthermore, as the relative economic prosperity of New Zealand has declined during the 1970's and 1980's, a different understanding and operation of the role of the state has emerged. This revision of the role of the welfare state in turn has affected the nature of the church state relationship.

d. Secularisation. The process of secularisation has been an important influence on church state relations even though defining the process in this context raises difficulties.¹⁴⁵ This thesis does not purport to examine the origin of secularisation (that study is properly located within the history of ideas), but rather observes that there are certain *indicia* of the process which have affected church state relations. In this regard the useful distinction is usually made between the process of "secularisation" and "secularism". As Harvey Cox has observed:

Secularization implies a historical process, almost certainly irreversible, in which society and culture are delivered from tutelage to religious control and closed metaphysical world views. . . . Secularism, on the other hand, is the name for an ideology, a new closed world-view which functions very much like a new religion.¹⁴⁶

However, as noted at the start of this chapter, a difficulty arises if secularisation is defined only in terms of some broadly construed decline in

¹⁴⁴ *Ibid* 3-18, 97-114, examines this relationship with the role of religion in society. He specifically considers Habermas' "civil privatism" theory (Habermas, J., *Legitimation Crisis*, tr. McCarthy T. (Boston: Beacon Press, 1975). The connection here is taken to be wider, because, unlike the United States, there is no constitutional impediment on the financing of church activities.

¹⁴⁵ Note the previous discussion of this term at p.4 above and the references given in fn. 15.

¹⁴⁶ Cox, H., *The Secular City* (London: SCM, 1965) 20-21.

church influence with the state. Indeed there are "contrary indications" to such a "broad" understanding of the process which must qualify Cox's observation in 1965 that the process of secularisation is "almost certainly irreversible". The church has not necessarily ceased to have a role with the state. For this reason in the United States, where there have been similar contrary indications,¹⁴⁷ the process of secularisation has in fact been greatly questioned, or at least extensively re-defined. Hadden, in his Presidential Address delivered to the Society for the Scientific Study of Religion in 1985, observed:

Those who are not yet ready to reassess secularization theory argue that both the persistence and intermittent revival of religion are to be expected, and that the theory implies no timetable. But even a casual effort to be informed about world affairs brings one again and again into dramatic contact with the entanglement of religion and politics around the globe. Whereas the imprint of secularization is clearly apparent everywhere, I do not see compelling evidence for secularization theory's fundamental proposition that religion is receding from the public arena.¹⁴⁸

Hadden was still prepared to acknowledge the "imprint of secularization", but he was not necessarily prepared to draw the final conclusion that this meant a continued and gradual decline of the role of religion in society and public life.

It is submitted that this qualification on the understanding of secularisation also applies in New Zealand. In New Zealand there is clear evidence that the state is more secular, but neither the church nor Christianity generally has ceased to be significant. Hadden, given this observation, therefore has proposed a limited definition of secularisation. He described secularisation as the process

by which religiously-legitimated states are transformed into secularly-legitimated states. Secularization, thus, does not refer to some transformation of beliefs or behaviour, but *only* to the

¹⁴⁷ Two factors in particular are relevant in that jurisdiction: the significant power that the New Christian Right exercised on United States politics (See *Chapter Eight*), and the persistence of high United States church attendance figures see: Chaves, M., "Secularization and Religious Revival: Evidence from U.S. Church Attendance Rates, 1972-1986", *Journal for the Scientific Study of Religion*, 28,4 (1989) 464-477.

¹⁴⁸ Hadden, J.K., "Religious Broadcasting and the Mobilization of the New Christian Right", *Journal for the Scientific Study of Religion*, 26,1 (1987) 2.

*legal and quasi-legal institutional relationships between religion and regime.*¹⁴⁹

In other words, the state may cease to describe itself as being "Christian", but that does not preclude church influence.

In the New Zealand context Professor Geering is one who has consistently drawn this conclusion. He has stated "(t)o claim that New Zealand is a Christian country (in the traditional sense) is steadily becoming more problematical as each year goes by."¹⁵⁰ However, as Hadden suggests, this does not necessarily mean that individual belief and the role of the church cease to be significant within New Zealand. In other words, the context for church state relations changes, but within that "more secular" context, the church still may relate with the state, and in certain instances exercise power and influence with the state.

This study uses this limited understanding of secularisation.¹⁵¹ More particularly, I suggest that secularisation is the significant diminution of the role and place of perceived Christian moral and ethical principles in the legal framework of the state. To use the language of Hadden, New Zealand changes from being a "religiously-legitimated state" to a "secularly legitimated state". Christian moral or ethical principles cease to be backed by the sanction of the law, and the priority or privilege granted to the Christian religion is reduced. Defining secularisation in this way leaves open the question of whether the influence and role of the church with the state has declined, and given a "more secular context" how that relationship is now structured.

¹⁴⁹ *Ibid* 3. Pannenberg, W., *Christianity in a Secularized World* (London: SCM, 1989) 24, observes that the "most important consequence of this new cultural beginning [secularisation] was the emancipation of the political order from its ties with Christianity." He concludes however, "The anxiety that the progress of secularization will turn religion into a peripheral phenomenon which increasingly fades away can be now said to be unfounded and obsolete." (43)

¹⁵⁰ Geering, L.G., "New Zealand Enters the Secular Age" in *Religion in New Zealand* edited by Nichol, C. & Veitch, J. (Wellington: Tertiary Christian Studies Programme, 1983) 171.

¹⁵¹ Such an understanding has also been suggested in the New Zealand church state context: see, for example, Veitch, J., "The Rise and Fall of Christianity in New Zealand" in *Finding the Way: New Zealand Christians Look Forward* edited by Reid Martin, M. (Melbourne: Joint Board of Christian Education, 1983) 78, where he states that "surrounded with a variety of voices, the state is less concerned by its relationship with Christianity, and can move away from its use of civil religion to validate its policies and actions."

e. Pluralism. "Pluralism" is a related theme to secularisation, and again is difficult to define.¹⁵² Without going into the origin of the phenomenon, it is understood in this thesis to be the recognition that within a single society, there are a variety of traditions, cultures, practices and beliefs. Each of these traditions, cultures and practices may legitimately exist within society. For example, in the above quotation from the Race Relations Conciliator in 1973,¹⁵³ he recognised an ethnic, cultural and religious diversity within New Zealand, and saw his role to promote and foster that diversity. This has not always been government policy, and such a change could be described as the process of pluralism.

As an historical theme it is suggested here that pluralism can also be understood at an individual level. This is manifested when greater freedom of choice is sought by individual New Zealanders, and less state restriction is desired in determining matters of one's personal lifestyle.¹⁵⁴ (The economic variant of this process is to argue for minimal state intervention and leave as many matters as possible to market forces.¹⁵⁵) The law has recognised both the group and individual aspect of pluralism with race relations and anti-discrimination legislation and in 1990, the New Zealand Bill of Rights Act. These anti-discrimination laws form the legal underpinning by the state of a pluralistic society.¹⁵⁶

I suggest that the process of pluralism has affected the church in two ways. First, the church's relationship with the state has changed. New Zealand is said to be a "pluralist democracy". Under this theory, power is not solely wielded by individual electors voting for political parties, but

¹⁵² Pluralism may be understood as a particular political ideology, or as a description of Western liberal democratic systems of government. For a discussion of pluralism see Nicholls, D., *Three Varieties of Pluralism* (London: Macmillan, 1974).

¹⁵³ Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1973 E.17, 7.

¹⁵⁴ For an analysis of this understanding of pluralism see Berger, P., *The Heretical Imperative: Contemporary Possibilities of Religious Affirmation* (London: Collins, 1980) 28.

¹⁵⁵ This is called the New Right economic theory, and is discussed in *Chapter Nine*.

¹⁵⁶ See Ronalds, C., *Anti-Discrimination Legislation in Australia* (Sydney: Butterworths, 1979) 1, "Social movements and pressure groups of disadvantaged people emerged . . . in Australia in the late 1960's and early 1970's. . . Anti-discrimination legislation, seen as an interim measure, a significant step towards major social change, or as an end sufficient in itself, is playing an important part in giving rights and remedies to these disadvantaged groups." See *Chapter Six* for a discussion of the impact of this legislation.

rather interest or pressure groups also exercise power with the state.¹⁵⁷ As it has already been noted, the church once regarded itself as having a "close fellowship" with the state, but now sees itself merely "free to act within the political process as one amongst many voices". This change reflects a more pluralistic nature of New Zealand, and that the church itself has become like any other group or organisation in society which becomes involved in the political process. In other words, the church and Christianity, instead of being of the very fabric of the national polity, becomes a pressure group seeking to influence national political life with its own views and concerns.

The second way in which the theme of pluralism has affected the church is in the area of state recognition of ethnic diversity, and specifically the position of Maori under the Treaty of Waitangi. In this regard the question has not been the theme of pluralism, or its ethnic parallel "multi-culturalism", but "bi-culturalism". All the same, this bi-culturalism has featured church involvement with the state and in turn, bi-culturalism affects the future of the church's relationship with the state in New Zealand.

ii. Some Notes on Definitions and Sources

As has been emphasised, this is the history of the relationship between church and state. This, however, presents a difficulty in first understanding what the words "church" and "state" may mean, and, secondly whether conclusions can in fact be made with regard to New Zealand church state relations given the historical sources that have been used in this thesis. The first problem is that when the words "the church" are used, the question arises, "which one?" Why not use the term "the churches" or "denominations" or more specifically "the Presbyterian Church"? In this thesis it is acknowledged that sometimes a reference will need to be

¹⁵⁷ The leading political scientist who represents this view in New Zealand is Richard Mulgan. See Mulgan, R.G., *Democracy and Power in New Zealand* (Auckland: Oxford University Press, 1984) and "Who Should Have How Much Say about What? Some Problems in Pluralist Democracy", *Political Science*, 36 (1984) 113. Cf. the Marxist analysis of Mills, C.W., *The Power Elite* (New York: Oxford University Press, 1959) 126. For a review of this debate in a New Zealand context see Dunleavy, P., "Liberal Democratic Politics: Pluralist and Marxist Views" in *New Zealand Politics in Perspective, 2nd Edition* (Auckland: Longmans, 1987) 366-386.

explicit and refer to specifically just one church or church organisation, but in general, the words "the church", with a small "c", will be used.¹⁵⁸ This usage will be maintained because what is being considered here is a relationship in which "the church" is the counterpart to the state. Within the "church", there will be different emphases, different modes of engagement, and different concerns, but all of these differences together form a particular pattern of church state relations. In the end, I submit that there is such a coherent pattern in New Zealand - not just a series of relationships formed by individual churches, denominations or groupings of Christians with the state. The term "church" therefore will be used in an inclusive way to embrace the spectrum of denominations in New Zealand and to suggest that each denomination or church organisation is a part of some overall pattern of church state relations.

To use the term in this way, however, highlights the second problem: of drawing conclusions relating to "the church" from evidence and sources which, almost by definition, must be partial. If the words "the church" are used, and they are not referring to one church in particular, then what is said must take into account all churches. This is an obvious methodological difficulty, and again it is acknowledged. The major focus of my primary sources has been the Methodist and particularly, the Presbyterian Churches. In this thesis these two churches provide the "continuous thread" through the whole of the period of this study. Both Churches have been important actors in church state questions, and this involvement has been consistently recorded in their committee reports and available archival material. Furthermore both Churches are alone among New Zealand churches in maintaining an active, comprehensive and national denominational involvement in public questions throughout the duration of this study. Both Churches, through their detailed reports and available records of relevant committee deliberations, provide the most accessible insight to church state questions. It has been a conscious decision to let the Methodist and Presbyterian Churches provide this "continuous thread". It is submitted nevertheless, that this "partiality" does not preclude conclusions with

¹⁵⁸ The small 'c' in this instance is also used to acknowledge that this thesis does not address the theological questions that are associated with the Church being the One Church of God, the *Una Sancta*. Cf. Engel, F., *Australian Christians in Conflict and Unity* (Melbourne, Joint Board of Christian Education of Australia and New Zealand, 1984) 16, where the reverse usage is employed.

regard to the overall themes and pattern of church state relations in New Zealand. (Indeed where relevant, other churches are examined as "controls" to confirm that a pattern of church state engagement was consistently present through all denominations.) The point is that in this thesis the focus is on the state's relationship to the "church", and not an individual denomination.

An important exception to the reliance on Methodist and Presbyterian Church sources, has been the use of material from what could be called joint church organisations. Engel has provided a useful typology of these groups and it is employed here.¹⁵⁹ "Ecumenical" is thus used to describe those activities and organisations which primarily exist because the participants assume that there is but one church of God, and that in loyalty to Christ as their common Lord, they should work in unity as a witness to Him and in service for the world. The National Council of Churches in New Zealand and its successor body, the Conference of Churches in Aotearoa New Zealand, are "ecumenical" in this sense. "Inter-church" or "inter-denominational" activities and organisations are those which accept the different denominational positions as given. In such organisations or activities, churches combine to achieve some specific task or goal. The Inter-church Council on Public Affairs, the Churches' Education Commission, and the New Zealand Council of Christian Social Services are examples of this style of organisation. More *ad hoc* arrangements, such as a delegation of church leaders, would also fall within this category. The third style of organisation or activity are those which are "non-denominational". In these, Christians join simply as Christians without regard to church structures or loyalties. A New Zealand example of a "non-denominational activity" would be the 1972 *Jesus Marches*. Many Christian protest groups fall within this category.

The first two of the above categories can readily be included within the understanding of "church". These organisations are indeed representative of the wider church, and in many respects are more significant than denominational contact with the state. Archival and published material from the National Council of Churches, and in particular its Church and Society Commission, the Inter-church Council on Public Affairs and the New Zealand

¹⁵⁹ *Ibid* 15-16.

Council of Christian Social Services, have provided primary source material. The "non-denominational" variety of group or organisation presents more difficulty. To what extent can groups as diverse as the New Zealand Alliance, the Society for the Protection of the Unborn Child, Christians for Peace and the Coalition of Concerned Citizens, be an aspect of church state relations? As organisations they are formally separate from church structures (even though in some instances there are close links). To the extent, however, that these organisations purport to represent Christian principles and values to the state, their actions are relevant and important to church state relations. Their actions affect the church and its dealings with the state.¹⁶⁰ In this study, many non-denominational groups have been examined. They include the Coalition of Concerned Citizens, the Society for the Preservation of Community Standards, the Society for the Protection of the Unborn Child and the Concerned Parents' Association.

A final qualification about the use of the word "church" in this thesis, is that the primary focus of this study is the relationship between the "pakeha church" and the state. It needs to be acknowledged at the outset that there has been a close relationship between Maori religious movements and the position of Maori within the New Zealand polity.¹⁶¹ For example, the Ratana Church, through its four Maori members of Parliament for most of the years of this study, has exerted significant influence on the Labour Party, and indeed New Zealand politics.¹⁶² This is an important area, although beyond the scope of this examination. This thesis, nevertheless, does go further than the "pakeha church" and pakeha-dominated churches when Maori political aspirations become an issue for the state. Although such categories are awkward and imprecise, it is submitted that a "Maori church"

¹⁶⁰ The distinction between these organisations and the church is also frequently not discerned by the state itself. Often the actions of certain Christian protest groups are assumed to be the actions of the church itself. For example, see the correspondence between the Minister of Lands, Jonathan Elworthy and the National Council of Churches over demonstrations at the 1983 Waitangi Day commemorations: Church and Society Commission, *What Happened at Waitangi 1983* (Auckland: National Council of Churches, 1983) 55-59.

¹⁶¹ See Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 45-48.

¹⁶² de Bres, P.H., 'Maori Religious Movements in Aotearoa' in *Religion in New Zealand Society, Second Edition* edited by Colless, B. & Donovan, P. (Palmerston North: Dunmore Press, 1985) 51; and Geering, L.G., 'The Church in the New World', *Landfall* 77 (1966) 24, 29.

has developed within mainline Christianity.¹⁶³ This "Maori church" which exists both at an ecumenical and denominational level, is considered to be an aspect of church state relations, especially as the Treaty of Waitangi becomes an issue during the 1970's and 1980's.¹⁶⁴

An explanation of the word "state" and its usage within this thesis is also required. The "state" can be understood at a variety of levels, and ultimately cannot be defined independently of the ideological preference of the person providing the definition.¹⁶⁵ That these ideological preferences exist is acknowledged, although a detailed examination of them is not germane to this study. What is important to note is that in the context of New Zealand the term connotes a reality which is over and above the visible set of institutions such as the Crown, the Governor General, Parliament, Cabinet, the bureaucracy and the courts. The state is not just one of these components nor, strictly speaking, simply the sum total of them. In addition to these "arms of the state", the state also possesses an authority for the legitimate use of power by these various components of the state. The state must act in accordance with rules and conventions which are accepted by society if it is to be properly regarded and accepted as the state by that society.¹⁶⁶ This societal endorsement of state action in New Zealand is primarily expressed through the electoral system, and the conventions associated with the winning of power. The idea of the state, however, goes beyond this, and includes the sense that it is, as Wogaman says, the "society acting as a whole".¹⁶⁷

This is relevant to church state relations (and again will be discussed in more detail in subsequent chapters). For example, if public opinion does not accept the legitimacy of the state prohibiting a particular form of

¹⁶³ This expression was used by the Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, *Te Kaupapa Tikanga Rua: Bi-cultural Development* (Wellington: Church of the Province of New Zealand, 1986) 11.

¹⁶⁴ See Chapters Four and Seven.

¹⁶⁵ Cf. Plant who has said, "we cannot attain a 'real' definition of politics which can be used independently of the ideological preferences of political agents." Quoted by Wogaman, J.P., *Christian Perspectives on Politics* (London: SCM, 1988) 10.

¹⁶⁶ Hamlin, A. & Pettit, P., *The Good Polity: The Normative Analysis of the State* (Oxford: Basil Blackwell, 1989) 3.

¹⁶⁷ Wogaman, J.P., *op. cit.* 13, 24-26.

behaviour, such as off-course betting on horse races, the state, barring the massive use of force, can no longer proscribe that behaviour.¹⁶⁸ In the example cited at the start of this chapter from the courts concerning the property rights of de facto couples, the same reasoning is evident. The law must be cognisant of the "reasonable dictates of social facts". If this were not the case, the courts would lose their legitimacy and authority. This is not to say that this thesis is just about the relationship between the church and society. What is happening within society, however, can influence, and as will be shown in this study, even determine aspects of the church state relationship.

This deeper reality of the state "beyond" visible institutions also presents difficulties for the historian. As I have already said, this is a history of the relationship between church and state. It is not the history of the relationship between the church and, say, the Labour Party, nor is it simply the history of the church involvement in the political process. Having said that, "government", "politics", "law", "society" and even the broader term "nation"¹⁶⁹ are obviously relevant to any understanding of the "state". Parliament and its laws, the bureaucracy and its administrative actions, or the courts and their legal decision making, may not of themselves be the sum total of the state, but one needs to turn to these institutions and their various records, to examine what is happening within the state. This presents the parallel problem to the above consideration of the word "church". To say the "state" acted in a certain way, may in fact only be supported by evidence from one "arm of the state". It is possible for one arm of the state, such as the courts, to be at loggerheads with,

¹⁶⁸ The relationship between law and public opinion is an important question. For example, the Australian legal writer, Wynes, has commented that "law is shaped by public opinion, which is in turn a reflection of the prevailing moral code, itself dependent upon current religious views in the general sense." Wynes, W.A., *Legislative, Executive Powers in Australia*, 3rd Ed. (Sydney: Law Book Company, 1962) 177.

¹⁶⁹ This is another word which is often assumed to be a synonym for 'state'. It, too, as Sinclair acknowledges, is difficult to define (Sinclair K., *A Destiny Apart: New Zealand's Search for National Identity* (Wellington: Allen & Unwin, 1986) 3). It is here taken to relate to an understanding by residents of a geographical place that they have a shared identity. "Nation" was understood in this broader sense when the Archbishop of York, John Habgood, wrote a book called *Church and Nation in a Secular Age* (London: Darton, Longman and Todd, 1983). It dealt not only with church state issues, such as the establishment of the Church of England, but the churches relationship to society generally.

say, the executive or Cabinet.¹⁷⁰ In part this problem is solved here by referring to what the "government" (or if appropriate, a specific government, say, the "Labour Government") decided, or what a particular court decided. The word "government" implies not only the decisions of the governing party, but also its legislative enactment and administrative decisions. Court and tribunal decisions will be specifically acknowledged.

In this study the primary sources which have been used to determine the relationship between the state and the church, have been the Annual Reports to Parliament from the Departments of Justice, Internal Affairs, Health, Maori Affairs, Social Welfare and Education, and government authorities such as the Human Rights Commission and the Race Relations Conciliator. Other Commissions of Inquiry, Royal Commissions and government sponsored studies have also been examined. Where relevant, parliamentary debates and law reports have also been used.

iii. Thesis Structure

The thesis structure follows both a chronological and thematic approach in considering the history of church state relations since 1940. Chronologically it has been divided into three periods, and within each period the two aspects of the institutional and the moral or ethical relationship between church and state have been considered.

The first period, dealt with in *Chapter Two*, examines the years 1940-1960. This is treated as the benchmark for the study. During this time the institutional and moral pattern of the relationship have strong degrees of continuity with earlier periods. There are, however, the beginnings of some important changes in the church's institutional relationship with the state.

¹⁷⁰ For example in *Fitzgerald v. Muldoon* [1976] 2 N.Z.L.R. 615, Chief Justice Wild held that the Prime Minister, Robert Muldoon, had violated the Bill of Rights, 1689, by purporting to suspend by press statement the 1974 Superannuation Act. The court held that the Prime Minister had no authority to tell anyone not to obey the law. Indeed in some jurisdictions, such as the United States, it is a constitutional principle that there is a system of checks and balances on the various arms of the state, such as the executive, legislature and the judiciary.

The second period relates to the turbulent decade of the 1960's. Indeed perhaps too much is made of these ten years, but during this time both the institutional and moral aspects of church state relations do change. On the one hand the church's "moral police" role is questioned within the mainline denominations, and societal attitudes generally become more "liberal". This transition is considered in *Chapter Three*. On the other hand, there is an emerging interest in a different dimension to the "moral" or "ethical" role of the church. There is a call for the church itself to exercise a "prophetic" role with the state. This renewed emphasis on "social justice" is considered in *Chapter Four*. *Chapter Five* examines the changing nature of the institutional relationship with the state in the area of education, but also in the field of Christian social services, where through increased state funding, a so-called partnership between church and state has now developed. *Chapter Six* reviews this decade and also assesses what is meant by New Zealand being a "Christian nation".

The third period, dealt with in *Chapters Seven, Eight and Nine*, examines the years 1970-1990. These three chapters extend the threefold analysis which was provided for the earlier period of the 1960's. In *Chapter Seven*, the church's "social justice" agenda is explored. In particular, the concern of the church about racism and the Treaty of Waitangi is developed. In *Chapter Eight* the concern of the church about personal and sexual morality is explored. In this section the re-appearance of the moral campaign and the so-called "New Christian Right" is considered.¹⁷¹ *Chapter Nine* returns to the theme of the institutional relationship of the church with the state from 1970, with a particular focus on the developments in the 1980's. A changing relationship develops in these years as the welfare state and state intervention reach their zenith, and then begin to decline. *Chapter Ten* offers a conclusion.

¹⁷¹ *Chapter Eight* substantially reflects the author's essay, "The New Christian Right in New Zealand" in *Be Ye Separate: Fundamentalism and the New Zealand Experience* edited by Gillings, B.D. (Hamilton: University of Waikato, 1992) 69-106.

CHAPTER TWO

THE MAKING OF A RESPONSIBLE SOCIETY 1940-1960

1. Introduction

The inter-war period had been difficult for New Zealand. The Depression loomed large over all aspects of life.¹ It dominated all political, economic and social relations. The churches became mindful of a new and different role to be played within the life of the nation. Issues such as the very nature of the economic and social structure of society were frequently discussed by church councils. Christian socialism became widely debated, particularly by younger church members.² The election of the First Labour Government in 1935 was widely welcomed within the church. The passage of the Social Security Act of 1938, the cornerstone of the welfare state, was described by the then Prime Minister, Michael Savage, as "applied Christianity."³ Arnold Nordmeyer, a Minister in the First Labour Government, spoke of it as the fulfilment of Christ's teaching in the Sermon on the Mount.⁴

These were stirrings that indicated that the church was perhaps entering a new phase in its relationship with the state that went beyond the sectarianism and limited moral campaigns of the previous years. It was, however, the war and its wider context which transformed New Zealand church state relations. The rise of Nazi and Fascist States dramatically confirmed that a new and different understanding of the church's role within society

¹ Morrell, W.P. & Hall, D.O.W., *A History of New Zealand Life* (Christchurch: Whitcombe & Tombs, 1957) 244-253, and Taylor, N.M., *The Home Front: The New Zealand People at War, Volume 1* (Wellington: Government Printer, 1986) 1-2.

² See Sutton, P.E., "New Zealand Student Christian Movement 1896-1936" (unpublished M.A. thesis, New Zealand, 1946); and generally, Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 108-111. Even the subsequent National Party Prime Minister, J.R. Marshall, was an advocate of Christian Socialism in the 1930's, *Memoirs, Volume I: 1912-1960* (Auckland: Collins, 1983) 86.

³ Michael Savage (1938) 252 *N.Z.P.D.* 423.

⁴ Sir Arnold Nordmeyer, quoted in *Crosslink*, 3, 2 (March 1989) 2.

and with the state was required. This chapter focuses on this concern for Christian order and what came to be called a "Responsible Society".

2. The Church and the War

When New Zealand entered the war, the Prime Minister, Michael Savage, on 5 September, 1939, echoed the sentiment expressed at the time of the commencement of the Great War: "With gratitude for the past and confidence in the future we range ourselves without fear beside Britain. Where she goes, we go; Where she stands, we stand".⁵ And one might add, where the state went, the church also went.⁶ This support for the state and the prosecution of the war, nevertheless lacked the jingoistic fervour of the First World War.⁷ During the inter-war years support for a pacifist stance within the churches, especially the Methodist Church, was considerable.⁸ As Hames has noted of the Methodist Church, the war was met with a "mood of sick apprehension".⁹ The Church offered prayers for the nation and the successful conclusion of the war. The cause was seen to be righteous and worthy of support.¹⁰ Indeed, by the end of the war more than 170 ministers and priests served as chaplains during the conflict.¹¹

There were, however, qualifications to this support for the state. In particular, there was concern about the treatment by the state of

⁵ Fraser, B., ed., *The New Zealand Book of Events* (Auckland: Reed Methuen, 1986) 261.

⁶ Taylor, N.M., *op. cit.* 32, states "the churches sonorously proclaimed loyalty to the Throne, co-operation with the State, and the brotherhood of man."

⁷ Morrell, W.P. & Hall, D.O.W., *op. cit.* 283.

⁸ Taylor, N. M., *op. cit.* 171 and Davidson, A.K., *op. cit.* 100-102. This followed the pattern that was evident within England: Wilkinson, A., *Dissent or Conform? War, Peace and the English Churches 1900-1945* (London: SCM, 1986) 85 ff.

⁹ Hames, E.W., *Coming of Age: New Zealand Methodism 1913-1972* (Auckland: Wesley Historical Society, 1974) 86.

¹⁰ 1941, International Relations, *P.C.N.Z.* 189, stated that "in the present crisis, since the church stands for righteousness, she will declare her support to our nation." The Assembly resolved to "pray that the Divine blessing may be upon our people and our allies and all who lead us". A resolution in similar terms (affirming a 1940 statement) was passed by the Methodist Conference: 1942, *N.A.C.* 82-83. Note also Nan Taylor's assessment that "Christian Pacifists found themselves at odds with most other professed Christians": *op. cit.* 208.

¹¹ Davidson, A.K., *op. cit.* 103.

"conscientious objectors".¹² As early as 9 July, 1940, churchmen representing all New Zealand denominations wrote to the Prime Minister seeking recognition of conscientious objection from combatant duties.¹³ How far should freedom of an individual conscience be protected? The Methodist Conference in 1942 recognised "conscience's freedom", for example, but severely restricted its limit by stating that conscientious objectors unwilling to bear arms "should render some form of alternative, sacrificial service to the country in whose privileges of citizenship they share".¹⁴ In that year Ormond Burton was dismissed as a Methodist minister for his refusal to accept church discipline in the face of his pacifist views.¹⁵ The Presbyterian General Assembly on the other hand appeared to take a more expansive view on the position of conscientious objection and pacifism.¹⁶ In 1941 it affirmed a 1935 statement on *The Christian and War* which said that "room must be found in the Church for both the Christian soldier and the Christian pacifist until God reveals some larger truth which is still beyond our understanding."¹⁷ This equanimity was, however, critically received by sections of the Presbyterian Church and also the wider community.¹⁸ In 1942 it was made clear that the Presbyterian Church was not pacifist,¹⁹ although

¹² See generally Grant, D., *Out in the Cold: Pacifists and Conscientious Objectors in New Zealand during World War II* (Auckland: Reed Methuen, 1986); Cookson, J.E., "Illiberal New Zealand: The Formation of Government Policy on Conscientious Objection, 1940-1", *N.Z.J.H.*, 17, 2 (1983) 120-143; and Taylor, N.M., "Human Rights in World War II in New Zealand", *N.Z.J.H.*, 23, 2 (1989) 109-123.

¹³ Taylor, N.M., *Home Front* 248.

¹⁴ 1942, *N.A.C.* 82.

¹⁵ 1942, *N.A.C.* 21. See Crane, E., *I Can Do No Other: A Biography of Ormond Burton* (Auckland: Hodder & Stoughton, 1986) 157-173.

¹⁶ The matter was the issue of considerable controversy within the Presbyterian Church; see Johnstone, B., "The Presbyterian Church and the Second World War 1939-1941" (unpublished BD thesis, Otago, 1988) for an account of the origin and nature of this dispute.

¹⁷ 1941, Public Questions, *P.C.N.Z.* 164. The 1935 Statement by the General Assembly of the Presbyterian Church on *The Christian and War* (1935, Minutes, *P.C.N.Z.* 60) was a result of the increasing acceptability at that time of the pacifist option.

¹⁸ See 1942, Public Questions, *P.C.N.Z.* 176-177, where the committee reviews the nature and extent of the opposition to the 1941 decision.

¹⁹ The Public Questions Committee indicated that the 1941 decision was merely affirming a previous position of the Assembly (*ibid*). The International Relations Committee of the Assembly was not so even handed, and categorically stated that as a church, the Presbyterians were not pacifist: "The Church rejects the view that participation in war is always and necessarily forbidden to Christians, and recognises that the Christian's duty to the State includes readiness to participate in war upon just and necessary occasions. It further reaffirms its conviction that in the present struggle the British Commonwealth is waging a just and necessary

it was still concerned over the conscientious objector. The position of conscientious objection simmered for many years, even well after the war ended.²⁰ The basic position of the church was that the state was to be supported in the time of war, with the proviso that the treatment of the conscientious objector be fair and not vindictive.²¹

The war also brought great changes to New Zealand life.²² Although the actual contribution of New Zealand in terms of personnel and casualties was not as great as during the First World War, it still was significant.²³ Americans in their many thousands passed through New Zealand bringing a degree of social dislocation.²⁴ The economy and community life also became increasingly regulated as a result of the war.²⁵ Light industry grew markedly to replace imports, and by the end of the war, for the first time, more of the labour force were employed in manufacturing than in primary industry.²⁶ The machinery of government now extended into all aspects of life and the nation was becoming increasingly urban. New Zealand began to

war, and acknowledges our immeasurable debt to all who are serving the armed forces." 1942, *International Relations, P.C.N.Z.* 202; and 1942, *Minutes, P.C.N.Z.* 42-43.

²⁰ A feature of the New Zealand handling of conscientious objectors was that one's civil rights, to say vote, were removed. These civil disabilities were of concern to sections of the church. For example, the 1949 Methodist Conference resolved to take up the matter with the government: 1949, *N.A.C.* 68. It also was a concern of the Inter-church Council on Public Affairs: *Minutes June, 1949, Minutes Volume 4, MS y 1837, Alexander Turnbull Library, Wellington.*

²¹ There were a variety of concerns for the churches about the treatment of conscientious objectors; for example, the absence of an adequate appeal system and access to defaulter's camps: 1941, *N.A.C.* 67.

²² See generally Taylor, N.M., *The New Zealand People at War*, Volume 2 (Wellington: Government Printer, 1986) 663-850 (war-time regulation and shortages) and 1053-1115 (role of women).

²³ A total of 104,988 men and women served in the 2nd New Zealand Expeditionary Force. Of these 6,839 died and 15,328 were wounded. In the Great War 100,444 served (representing 10% of the total population) and 16,697 were killed with 41,317 wounded. Fraser, B., *op. cit.* 297, 300.

²⁴ A significant concern of the Inter-church Council on Public Affairs was the moral well-being of the nation with the arrival of so many service personnel on recreation leave: *Minutes June, 1942, Minutes Volume 1, . See generally, Taylor, N.M., The Home Front, Volume 1 621 ff.*

²⁵ Until protests by the churches, this regulation extended even to church newspapers: see 1942, *Public Questions, P.C.N.Z.* 173 and the Inter-church Council on Public Affairs: *Minutes March, 1942, Minutes Volume 1, op. cit.* See Sinclair, K., *Walter Nash* (Auckland: Oxford University Press, 1976) 209-210, for a discussion of some of these changes.

²⁶ By April 1946 25% of the labour force was employed in manufacturing, 22% in primary industry: Fraser, B., *op. cit.* 187.

stand alone in the world of nations, although its links with Britain remained strong.²⁷ These were changes which were also in time to affect New Zealand church state relations.

3. The Need for a Responsible Society

i. Ecumenism and the "Responsible Society"

It was during the height of the Second World War that the New Zealand National Council of Churches was formed. At the same time, the national and far reaching *Campaign for Christian Order* began.²⁸ These two events must be seen as part of the growing international ecumenical movement, and placed in the context of the crisis of yet another world war and the disintegration of Christian Europe. The old order was crumbling. A new order, a Christian order, was needed to assure the future. All the churches, together with the state, were called to meet this challenge.

This concern for a new world order had first been clearly articulated at the 1937 Oxford Conference on *Church, Community and State*. The Conference was to be significant in developing a Christian social ethic which would be used by the church, including the New Zealand church, to face this time of crisis. The Conference itself was a continuation of the *Universal Christian Conference on Life and Work* which had been held at Stockholm in 1925. That Conference had intended to formulate some "united practical action", but had stumbled because there was no clear theological basis for the church's engagement with the state and the world.²⁹ The 300 delegates at Oxford, representing 120 churches from 45 countries, sought to rectify that

²⁷ The realities of this independence were formally recognised in the adoption of the Statute of Westminster and the Constitutional Amendment Act, 1947. The link with Britain was expressed in various ways. The Presbyterian Public Questions Committee in considering film censorship, for example, stated that it preferred British films to American films: Minutes 18 June, 1948, *P.C.N.Z. Archives Office*.

²⁸ The formation and planning for the World Council of Churches itself was delayed until after the War. The first assembly was convened in Amsterdam, 1948.

²⁹ Duff, E., *The Social Thought of the World Council of Churches* (London: Longmans, 1956) 28-31; and Coles, D.J., "Social Ethics in the World Council of Churches" (unpublished MTh thesis, Otago, 1971) 12.

inadequacy.³⁰ Three New Zealanders attended as delegates, the Reverend L. A. North (Baptist), the Reverend A.C. Watson (Presbyterian) and Bishop West-Watson (Anglican) and three were there as "visitors" or "youth delegates", the Reverend A.H. Acheson (Anglican), the Reverend Ian Borrie (Presbyterian) and Alan Brash (Presbyterian).³¹ The three delegates and the other representatives were subsequently significant in the National Council of Churches and its Christian Order Campaign.³²

The Conference was overshadowed both by international developments and by the memories of the ravages of the Great Depression.³³ Each of the reports of the various sections of the Conference began with a recitation of the evils and difficulties of the time. The final message noted:

We meet at a time when mankind is oppressed with perplexity and fear. Men are burdened with evils almost insupportable and with problems apparently insoluble. Even in countries which are at peace unemployment and malnutrition sap men's strength of body, mind, and spirit. In other countries war does its "devil's work," and threatens to overwhelm us all in its limitless catastrophe.³⁴

There was a great sense of urgency that in this situation the church, the whole church, the ecumenical church, be called upon to act for the sake of the world. In 1937 a new relationship was needed:

There are two facts characteristic of the present situation which lay upon the Church the duty of reconsidering its relation to the State and redefining its practical attitude. These are (a) the growing dechristianization of society and (b) the widespread

³⁰ For the Conference report and details of its participants and programme see Oldham, R.H., ed., *The Churches Survey their Task* (London: George Allen & Unwin, 1937) 294 ff.

³¹ Watson, A.C., *Oxford and Edinburgh 1937* (Christchurch: Presbyterian Bookroom, 1938) 6.

³² The Rev. L.A. North, like the other two representatives, came from Christchurch and was influential within the Baptist Church. In 1941 he became the Secretary/Treasurer of the Inter-church Council on Public Affairs: Minutes Volume 1, MS x 2278, Alexander Turnbull Library, Wellington. The Rev. A.C. Watson convened a small committee to investigate the coming together of inter-church bodies in the late 1930's and frequently advocated the need for a "national" church to "speak to the needs of the nation", while it was Bishop West-Watson who formally initiated the discussions on the behalf of the New Zealand Anglican bishops to explore the establishment of a national body: see Brown, C., *Forty Years On: A History of the National Council of Churches in New Zealand 1941-1981* (Christchurch: National Council of Churches, 1981) 13-16; 19-21; and *The Outlook* (29 October, 1941) 23. Alan Brash later became a Presbyterian minister and an influential General Secretary of the National Council of Churches.

³³ The Conference was forcefully reminded of this in that the German delegation was prevented from attending by the Third Reich administration: Oldham, R.H., *op. cit.* 10-11; and their message 275-276.

³⁴ *Ibid* 57.

tendency of the State to control the totality of human life in all its individual and social aspects, combined with the tendency to attribute absolute value to the State itself, to the national community, to the dominating class, or to the prevailing cultural form.³⁵

The church could not just passively stand by and see these developments take place. A response and action was called for. A new style of engagement with the state was needed. There were, however, two restrictions on this. First, the church must not assume the role of the state, or *vice versa*. The chief end of the church was seen "to proclaim the Word of God and to make disciples, and order its own life in the power of the Spirit dwelling in it."³⁶ If the cry was "let the church be the church" then "the state must be the state". This was seen to have been the problem in Germany: the church and state had combined.³⁷ If the church could not be involved with the state, however, then how could a changed social order come about? This tension was worked out at the Conference by placing considerable emphasis, not on the church itself, nor indeed on ordained clergy, but on lay people in their employment as trade unionists, economists, politicians, or whatever, to institute the change. There was a summons to "individual members in their several callings, not only [clergy] but also . . . lay members, men and women, to co-operate with the State in such constructive tasks as may be for the good of the whole".³⁸ This was a call for a new movement - a campaign for Christian order.

The second problem which the Conference faced related to the first. In what matters could the church actually advise and counsel the state, particularly where technical and expert knowledge was required? If the church criticised a particular policy this was to contradict its own request of the state that it let the "church be the church". The Conference recognised this difficulty, saying that the church should offer loyalty and obedience to the state when the action of the state was not contrary to the

³⁵ *Ibid* 80.

³⁶ The final message of the Conference, *ibid* 60.

³⁷ This had been the analysis of Barth: see Barth, K., *Church and State* (London: SCM, 1939) 54, "Thus it is clear that in this very close relation between the existence of the Church and that of the State, the Church cannot itself become a State, and the State, on the other hand, cannot become a Church."

³⁸ Oldham, R.H. *op. cit.* 86.

command of God. The report went on to develop the principles or standards which the state should maintain. These were not particular policies, but principles which would "throw a searchlight on the actual facts of the existing situation"³⁹ and, as such, be criteria to judge the whole of the state's activity. The idea was that the state should adhere to certain principles derived from Christianity, and if it did not, then it was appropriate for the church to draw this to the attention of the state. Considerable focus at the Conference therefore was placed on what these principles were. Indeed the Conference was endorsing the idea of "middle axioms" developed by the American social ethicist John Bennett who was the director of research for the American contribution to the Conference. A middle axiom was more concrete than the universal Christian principle of love but less specific than a programme which included legislation and political strategy.⁴⁰ These "Christian principles" formed the basis of a "Responsible Society": an expression which was subsequently coined by the World Council of Churches.⁴¹

There were many results of the Oxford Conference. The Conference (along with the Edinburgh Faith and Order Conference of the same year) was significant in establishing the World Council of Churches itself.⁴² Also it set the pattern for ecumenical social ethics for the next 25 years. This lasting influence was possible because of the number, and the quality, of the Conference's reports⁴³ and the many other related publications which it

³⁹ *Ibid* 119.

⁴⁰ See Bennett, J., *Christian Ethics and Social Policy* (New York: Scribner's, 1946) 77, for a discussion of the term and a fuller discussion of this method.

⁴¹ Coles, D.J., *op. cit.* 13ff.

⁴² The Conference agreed in principle with the formation of the World Council of Churches, and was prepared for negotiations to continue with representatives of the 1937, Edinburgh Faith and Order Conference: Oldham, R.H., *op. cit.* 276 ff. The final Conference message stated: 'our unity in Christ is not a theme for aspiration; it is an experienced fact. We can speak of it with boldness because our Conference is an illustration of it.' *ibid* 58.

⁴³ Nichols J.H., *Democracy and the Churches* (Philadelphia: Westminster Press, 1951) 235, observes that 'the authority of the Oxford Reports was unprecedented, at least in Protestant social ethics'. In addition to the Conference report, the following volumes also were published (London: George Allen & Unwin, 1937): Visser 't Hooft, W.A. & Oldham, J.H., *The Church and Its Function in Society*; Jessop, T.E. et al., *The Christian Understanding of Man*; Dodd, C.H. et al., *The Kingdom of God and History*; Ehrenstrom, N. et al., *The Christian Faith and the Common Life*; Aubrey, E.E. et al., *Church and Community*; Clarke, F. et al., *Church, Community and State in Relation to Education*; and Marquess of Lothian et al., *The Universal Church and the World*.

inspired.⁴⁴ Most of these books or lectures appeared after the outbreak of the Second World War. Indeed, the war confirmed the fears of the Oxford Conference. The world had been plunged into a state of chaos and disorder and it needed a return to Christian order. The Bishop of Chichester, G.K.A. Bell, began his appropriately-titled study, *Christianity and World Order*, with the words:

A great search is proceeding side by side with the War. It is a search for world order, and for such a world order as shall satisfy the real needs, alike, of the individual and of the community. Indeed it is a search for both Order and Life.⁴⁵

The call in those dark days of the war therefore, was for order, Christian order, and not surprisingly, for peace. A fundamental solution was sought; not just a cessation in hostilities which would break out again after a few short years. "Justice" not "peace" was seen to be the supreme Christian aim. Bishop Bell felt: "It is better to say that the Christian seeks Order; peace being (as Augustine said) 'the tranquillity which springs from Order'. And by 'Order' is meant a 'system of right relations'."⁴⁶ Further, the appeal to "order" implied that a new start, a new order, was the only way out of the impasse in which the world found itself. Oldham said that "the primary task of the church is not to proclaim ideals or tell men what they ought to do, but to be the bearer of the good news of what already is. Its immediate concern is not with the improvement of the old order, but with the bringing of men into a new order."⁴⁷ The old ways had passed, and even with the war raging, the focus was clearly to the future and reconstruction. "It is not Germany versus Western civilization. It is godlessness versus Christianity."⁴⁸

⁴⁴ Five in particular should be noted. These works, published in the years immediately after the Oxford Conference, were repeatedly referred to in the Christian Order Campaign as works that should be studied. Brown, C., *op cit.* 32, indicates that a special bibliography was produced for the Campaign. The works were: Eliot, T.S., *The Idea of a Christian Society* (London: Faber & Faber, 1939); Baillie, J., *What is Christian Civilization* (London: Christophers, 1945); Oldham, J.H., *The Resurrection of Christendom* (London: Sheldon Press, 1940); Temple, W., *Christianity and the Social Order* (Harmondsworth: Penguin, 1942); and Bell, G.K.A., *Christianity and World Order* (Harmondsworth: Penguin, 1940).

⁴⁵ Bell, G.K.A., *op. cit.* 11.

⁴⁶ *Ibid* 73.

⁴⁷ Oldham, R.H., *Resurrection of Christendom* 11. See also Bell, G.K.A., *op.cit.* 140.

⁴⁸ Bell, G.K.A., *op. cit.* 105.

As to what this new world Order would be like, these authors, as at Oxford, were not very specific. Archbishop William Temple, for example, was adamant the church could not advocate specific policies, but must be concerned merely with general principles, the middle axioms that would lead to a Christian nation. He concluded in his *Christianity and Social Order* that:

Freedom, Fellowship, Service - these are the three principles of a Christian social order, derived from still more fundamental Christian postulates that man is a child of God and is destined for a life of eternal fellowship with him.⁴⁹

There needed to be Christian order, or, as T.S. Eliot advocated, a Christian society. Without this Christian society he proffered a paradoxical prospect: "I am concerned with the dangers to the tolerated minority; and in the modern world, it may turn out that the most intolerable thing for Christians is to be tolerated."⁵⁰ In time, it seemed that Eliot's tolerated minority would come to pass in New Zealand, but only after his goal of a Christian society or a "Responsible Society" which applied Christian ethical principles was actively pursued by the church.

ii. National Council of Churches and the Christian Order Campaign

Although New Zealand was far from the turbulence of Europe at this time, these developments were still important.⁵¹ With the advent of the war, parochial issues, such as the Bible in schools movement, Sunday observance, gambling and alcohol, were placed into a broader canvas of the very destruction of Christian civilization itself.⁵² The Oxford Conference, the

⁴⁹ Temple, W., *op. cit.* 74. Here fellowship referred to the need for intermediate organisations, such as trade unions, between the state and the individual. He says, at p. 67, that "neither individualism nor collectivism is compatible with a truly Christian understanding of man or life."

⁵⁰ Eliot, T.S., *op. cit.* 23.

⁵¹ The significance of the Conference was noted in the New Zealand publication by Watson, A.C., *op. cit.* 17. See also, for example, a report about the 1948 Amsterdam Assembly, "Applying Christian Principles", *Church and Community* (May 1949) 7; and a report following the 1954 Evanston Assembly, "Responsible Society", *Church and Community* (July 1954) 7-8. See below for further discussion of this influence.

⁵² It is significant that virtually nowhere in this international ecumenical concern was emphasis placed upon the traditional New Zealand Protestant concerns of Sunday observance,

ecumenical movement and the many programmes and calls for a new Christian order were relevant, even to New Zealand.⁵³ What is more, New Zealand was more able to do something about it because it was not actually subject to the ravages of war, and yet was part of it. For this reason, at the height of the war, the New Zealand National Council of Churches' Campaign for Christian Order was commenced. It was a vision for a Christian New Zealand, and a unique role for the church with the State.⁵⁴ In significant respects the New Zealand church achieved and maintained this ideal until the 1960's.⁵⁵

It is difficult to determine which came first: the ecumenical movement or the Campaign for Christian Order. There had been some earlier suggestions for a New Zealand ecumenical body, such as in 1939 when the New Zealand Methodist Conference had resolved to approach the Congregational and Presbyterian Churches on opening church union negotiations. The need for a united approach, and a "national church" which could "speak" to the state, was recognised.⁵⁶ The formal beginnings of the National Council of Churches, however, came in April 1941 after several overtures and suggestions. On that occasion it was agreed that a Council be formed and a small group was given the task of drafting a constitution. This constitution was adopted on 23 July, 1941, and at that very meeting it was also agreed to establish a commission to plan and carry out a Campaign for Christian Order.

The Campaign however got off to a false start. Indeed one may say it was precipitated by another campaign, the Crusade for Social Justice. This

gambling and alcohol. A grander vision of society was put forward, although emphasis was placed on the role of education and the family.

⁵³ As Park, J.A., "The Ecumenical Movement in New Zealand" (unpublished BA (Hons) thesis, Otago, 1950) 26 ff. acknowledges, there had been previously a variety of co-operating ventures between the churches like the YWCA and YMCA, the Bible Class Movement, Women's Christian Temperance Union and the Bible in Schools League. In terms of the structure and initial thrust of the National Council of Churches, however, the impetus came from these overseas developments.

⁵⁴ During 1941 *The Outlook* ran many articles and stories concerning the need for Christian order: for example, "Rescue Christendom" (18th June, 1941) 18; "Christian Civilization" (2nd April, 1941) 15; and "Totalitarian Christianity" (26th February, 32).

⁵⁵ Cf. Paterson, F., "An Historical Analysis of Issues within the Presbyterian Church of New Zealand 1945 - 1985" (unpublished MTh thesis, Otago, 1985) 10, who argues that events such as the liberalising of the gambling, liquor licensing and Sunday observance showed a declining voice of the church after the Second World War and not at this later period of the 1960's.

⁵⁶ C. Brown, *op. cit.* 14ff.

Crusade, directed by Brian Dunningham, began in 1940 with a "Clarion call to the Church" and in 1941 a call for a Dominion Reconstruction Conference. Its aims also reflected the mood of the Oxford Conference. Primarily it sought to "obtain a Christian Social Order" applying "Christian principles to the problems which are distressing the world today."⁵⁷ The downfall of the Crusade was, however, that it overstepped the mark in assuming there was official church support. The old rivalry between Catholics and Protestants remained. The Catholic Church also supported the Dominion Reconstruction Conference, and Archbishop Liston featured prominently in some campaign literature.⁵⁸ The leaders of the Protestant churches reacted swiftly by distancing themselves from the Crusade. It would seem that the planning by the National Council of Churches was hastened as a result.⁵⁹

Logistically the Campaign, launched on March 22, 1942, was a massive effort, particularly given the restraints of war. It extensively used radio, advertisements in cinemas and newspapers, posters, published its own bulletin, *Faith and Freedom*, produced a series of "Christian Order" booklets, and instituted "Christian Order" weeks.⁶⁰ Although the Campaign ran only "officially" in 1942 and 1943, it continued in later years with locally organised "Christian Order" weeks. The National Council of Churches organised a Christian Order Conference which was to be held towards the end of 1944, but was eventually convened in September 1945.⁶¹ The format and content of the Conference were remarkably similar to the Oxford Conference and the 1941 Malvern Conference. This Christchurch Conference became one of the significant early ecumenical gatherings in New Zealand and set out a broad range of areas in which the church sought to establish Christian order.

⁵⁷ *Clarion Call*, 1 (1941), Ephemera Collection - 'Religion', Alexander Turnbull Library, Wellington.

⁵⁸ See 'Editorial', *The Outlook* (16 July, 1941) 3; and *Clarion Call*, *op. cit.* 1, in which there is a photograph of both Bishop Liston and Archbishop Averill sharing a meal under the heading 'Church Leaders and Prominent Citizens United on Social Reform'.

⁵⁹ See 'Editorial', *The Outlook* (25 June, 1941) 3.

⁶⁰ See Brown C., *op. cit.* 30 ff., for an account of some of the other activities of the Campaign.

⁶¹ See Mirams, G., *Christchurch 1945: An Account of the Conference on Christian Order* (Christchurch: Presbyterian Bookroom, 1945).

The most obvious impact of the Campaign for Christian Order was the establishment of the ecumenical movement itself.⁶² This was understandable given the close relationship between the two. Generally however, the Campaign has been seen to have had only limited impact on church and society,⁶³ but I would contend that this assessment underestimates its consequence on church state relations. The Campaign affirmed for the churches the importance of Christian order and articulating Christian principles. For example, the 1942 Methodist Conference proclaimed its "belief in the Fatherhood of God and in the brotherhood and unity of all mankind. . . It therefore call[ed] upon its people to co-operate with all men of goodwill in seeking to establish a Christian World order."⁶⁴ The Campaign also broadened previously acceptable comment by the church on political matters. The church assumed it had a role in the direction of the state, and not just on narrow religious or moral issues, such as the nature of religious instruction in state schools. Indeed, as the Bishop of Wellington, the Right Reverend Herbert St Barbe Holland, said in his address at the service marking the opening of Parliament in 1941, "a close fellowship between church and state" was needed.⁶⁵ The extent of this relationship was still a sensitive question. There was much consternation at the church becoming "too political", for example, when the director of the Campaign, the Reverend F.H. Robertson, contributed a foreword to a pamphlet entitled *Christianity and the Class Struggle*.⁶⁶ Church involvement however, was the *quid pro quo* of a Christian New Zealand. Perhaps more significantly, the Campaign confirmed that the New Zealand church needed to be organised and have a structure to present its concerns to the state. Not

⁶² Park, J.A., *op. cit.* 152; and supported by Brown, C., *op. cit.* 42.

⁶³ See for example, Brown, C., *ibid* 36; and Davidson, A.K., *op. cit.* 121 and references at fn.32.

⁶⁴ 1942, *N.A.C.* 82. The "brotherhood of man and the Fatherhood of God" was a common shorthand way of expressing the basis for this new Christian Order: see Wogaman, J.P., *Christian Perspectives on Politics* (London: SCM, 1988) 90.

⁶⁵ After quoting William Temple, the Bishop said, "I see nothing but shipwreck ahead for our nation, I can see no prospect of our democratic people being able to offer to the world any alternative to the grim arbitrament of war as a means of settling the manifold issues raised by international relationships unless somehow or other the religious illiteracy of our own people is remedied. Nothing but a close fellowship between Church and State can effect this, for if the church tries, as is the case now, to do it alone, men turn and say that as far as the practical problems of life are concerned the State considers religion an irrelevant issue." Quoted in *The Outlook* (28 May, 1941) 13.

⁶⁶ Brown, *op. cit.* 29, fn. 42. See also the conservative stance the Presbyterian Assembly took over "The Christian's Relation to the Law": 1947, Public Questions, *P.C.N.Z.* 148-149.

only was the new National Council of Churches important in this regard, but also the Inter-church Council on Public Affairs (which is considered further below) was formed at this time.

For its part, the state acknowledged this call for Christian order. In particular, given the context of the war, the state encouraged its citizens to recall New Zealand's Christian heritage. The political leaders of both the Labour and National Parties appealed to the Christian foundations of New Zealand. The then Prime Minister, Michael Savage, frequently used religious language in describing the nation's cause in the context of the war.⁶⁷ His successor, Peter Fraser, would make similar appeals.⁶⁸ The Deputy Prime Minister, Walter Nash sincerely believed that civilization and Christianity were threatened by Nazism.⁶⁹ In the election of 1943, the National Party leader, Sidney Holland, even went so far as to commit the National Party to the goals of the Campaign for Christian Order. He noted that only "through adherence to Christian principles can true political and economic democracy be established."⁷⁰ Both the Prime Minister and the Leader of the Opposition attended the Christchurch Christian Order Conference in 1945.⁷¹

This concern that New Zealand maintain its Christian identity continued in the immediate post-war years. For the 1949 election the Presbyterian journal, *The Outlook*, ran a special election edition in which the views of J.R. Marshall, a future National Party Prime Minister and prominent Presbyterian layman, and Arnold Nordmeyer, a then Labour Party Minister, and a former Presbyterian minister, were expressed. Nordmeyer at the time observed, "Labour does not claim to possess a monopoly of Christian sentiment",⁷² while Marshall, in his memoirs noted, "they [the public] could

⁶⁷ For example, see Savage, M.J., *A Clarion Call to New Zealand: The Prime Minister's Personal Message* (Wellington: Government Printer, 1940) 7, where the war is described in terms of a battle against 'godlessness'. See generally Pickering, M., 'The Insubstantial Pageant: Is there a Civil Religion Tradition in New Zealand' (unpublished MA thesis, Canterbury, 1985) 21 ff. Although Pickering concludes there is a lack of evidence in the New Zealand context for a civil religion, there was a strong case for civil religion in an earlier period say, 1919-1945. (62)

⁶⁸ Fraser, P., *In Time of War* (Wellington: Government Printer, 1946).

⁶⁹ Sinclair, K., *Walter Nash* (Auckland: Oxford University Press, 1976) 205.

⁷⁰ Holland, S., *Passwords to Progress* (Wellington?: New Zealand National Party, 1943) 9.

⁷¹ Park, J.A., *op. cit.* 162.

⁷² *The Outlook* (16 November, 1949) 11.

probably vote for either party and still be Christian."⁷³ At a party political level, it was assumed that Christianity was important and relevant.⁷⁴

It was, however, not long before the grand vision of the international ecumenical movement's "resurrection of Christendom" was lost in the more parochial and denominational concerns of Bible in schools, Sunday observance, gambling, sexuality, and drink.⁷⁵ Perhaps the wider concern of Christian socialism was seen to be already adequately dealt with by the First Labour Government.⁷⁶ At least the need for and relevance of New Zealand being Christian was established and accepted by the state given the international context.

iii. The Christian West and "Godless Communism"

The chaos of the war established the need for order, Christian order. In the late 1940's and 1950's, however, it was the challenge of international communism which determined the need for New Zealand to appeal again to its Christian heritage and be a part of the "Christian West". Apart from the immediate post-war years, the period until the 1960's was one of great prosperity and progress.⁷⁷ What was happening in New Zealand was in marked contrast to what was happening in other parts of the world. Elsewhere, post-war reconstruction, the emergence of communist Eastern Europe and the creation of Communist China, became the international pre-occupations. This contrast between the settled prosperity of New Zealand and the apparent

⁷³ Marshall, J.R., *op. cit.* 136.

⁷⁴ The commentator 'Caleb' in *Church and Community* (November 1949) 2, 3, said of this election: 'I think it would be hard to convince anyone that this coming election provides us with a clear cut choice between the good and the bad, or between the Christian forces and the anti-Christian forces.' He goes on, 'I have said that there are no politics in New Zealand at the present time. But this only because we are enjoying a period of great prosperity with everything in our favour, and also because neither party has the courage to bring to the fore the real issues which will affect the life of every person in this country in the next half of the century.'

⁷⁵ See below '4. *Maintaining a Responsible Society*' at p.63.

⁷⁶ This was the view expressed in an interview with the Rev. Owen Robinson, 26 March, 1991.

⁷⁷ For a personal account of this time see Barnett, S. ed., *Those Were the Days* (Auckland: Moa Publications, 1987) 14, 'If single words can sum up an arbitrarily chosen period of 10 years . . . they would be words like *comfortable, prosperity and contentment.*'

disorder in the world, which had seemingly brought about this growth of communism, guaranteed that the ideal of New Zealand as a Christian nation would continue.⁷⁸ The argument was now, as J.R. Marshall said in the 1949 election campaign, between "Christianity and communism."⁷⁹

This polarisation placed the church in an ambiguous position. Initially, the Christian order movement and the quest to build a "Responsible Society", meant that a new society, not just a return to a pre-war understanding, was envisaged.⁸⁰ On this basis the church should have been concerned with all questions of New Zealand's social, economic and political life. To a limited extent this did occur. For example, in 1944 the General Assembly of the Presbyterian Church approved a "Statement on Christianity and the Economic Order."⁸¹ In 1951 the Methodist Public Questions Committee produced a statement on the "Christian View of Capitalism and Communism."⁸² These statements reflected much of the material from the Oxford Conference, the thinking of people such as Archbishop Temple, and the subsequent World Council of Churches. They neither condemned nor praised capitalism and communism.⁸³ Also, when the Presbyterian Church was required to assess the nature of communism, the General Assembly's International Relations Committee was at pains to point out that it was not "ranged against Communism as a political theory or policy" but only its "ruthless, materialistic and atheistic tyranny as interpreted by Russia."⁸⁴ In fact the next year the committee could say "it is not communism versus Christianity",

⁷⁸ A theme of the Cold War was that the greatest threat to the West and its security, was poverty and hunger of decolonised nations. This was the view of Walter Nash when Prime Minister in the late 1950's. See Sinclair, K., *op. cit.* 322.

⁷⁹ Marshall, J.R., *op. cit.* 134. This was the climax of one of his speeches in the lead up to the 1949 election campaign. The matter was not party political. The Labour Party also had seen communism as a threat. The then Prime Minister, Peter Fraser, strongly campaigned for the "yes" vote in the Compulsory Military Training Scheme Referendum on August 3, 1949. Similarly Labour did not oppose the sending of Kayforce to Korea in 1950.

⁸⁰ See for example. Oldham, J.H., *The Resurrection of Christendom* 9, "[The church's] immediate concern is not with the improvement of the old order, but with the bringing of men into a new order."

⁸¹ 1944, Public Questions, *P.C.N.Z.* 203 ff. and Minutes, *P.C.N.Z.* 21. The statement was reaffirmed in 1959.

⁸² 1951, *N.A.C.* 78-81. This statement supported the 1948 World Council of Churches' statement at the Amsterdam Assembly.

⁸³ An approach which was the basis for the decisions of the First Assembly of the World Council of Churches, Amsterdam, 1948. See Coles, D.J., *op. cit.* 18-19.

⁸⁴ 1950, International Relations, *P.C.N.Z.* 219.

although there were basic errors in its practice which lead Christians to condemn it.⁸⁵

The emerging international situation after the war, however, meant that a more restricted view of what issues should concern the church was adopted. Initially the church desired to apply the principles of the "Responsible Society" to a new Christian order in the context of international relations.⁸⁶ The 1945 General Assembly of the Presbyterian Church received a detailed report of the Los Angeles Conference on the establishment of the United Nations. The words of President Harry Truman were quoted with approval when he said: "[We must] grasp this supreme chance to establish a world-wide rule of reason and create enduring peace under the guidance of God."⁸⁷ The United Nations was seen as the means of bringing this about and the church, through the ecumenical movement, was argued to be both a model for this development, and ideally placed to influence its creation.⁸⁸ In fact, in 1945, the Methodist Conference resolved that the World Council of Churches should even be a party to the negotiations of a peace treaty "so that it may embody Christian principles."⁸⁹ The work and the operation of the United Nations, especially in the early 1950's, was always seen as being worthy of support by the churches of New Zealand.⁹⁰ Church members were frequently encouraged to join the United Nations Associations, and mark the work of the United Nations with special services.⁹¹ The National Council of Churches established a local Commission of the Churches on International

⁸⁵ 1951, International Relations, P.C.N.Z. 276.

⁸⁶ 1945, N.A.C. 82, states "The Conference recognises the deep spiritual issues involved in the War, and is convinced that no righteous or abiding peace is possible apart from the embodiment of Christian principles in the peace Treaty".

⁸⁷ 1945, International Relations, P.C.N.Z. 280

⁸⁸ 1945, International Relations, P.C.N.Z. 277, noted that "There devolves upon the Church the duty of providing the examples of earnestness and intelligence in the search for a new international order. We would press upon the Church the obligation of turning to these large questions which affect the whole international organisation and concern the Church in a quite special way."

⁸⁹ 1945, N.A.C. 82.

⁹⁰ The National Council of Churches through its journal, *Church and Community*, frequently informed its readers about the work of the United Nations and encouraged people to support it. See for example, "What does it mean to you?", *Church and Community* (August 1953) 1; and "The United Nations needs active support by Christians", *Church and Community* (October 1954) 1.

⁹¹ For example, this was a resolution of the General Assembly, 1948, Minutes, P.C.N.Z. 64 and 1950, Minutes, P.C.N.Z. 77-78.

Affairs to advise both itself and the government on matters of international importance.⁹² Through this organ, and also the churches' own committees, advice and encouragement was given on a wide range of international matters.⁹³

This enthusiasm for advocating a new Christian order in international relations became greatly complicated by the presence of international communism. It was one thing to argue for a new order at home and abroad based on Christian principles, but it was another not to support the state (and a Christian state at that) which endeavoured to contain communism. The church had to choose between accepting the state, or having Christian principles which perhaps stood over against the policies and actions of the state. This became most dramatically illustrated in the church's attitude to nuclear weapons. Could the atomic bomb be declared in all circumstances inimical to Christian principles, or did the needs of the state in suppressing the spread of communism override that assessment?

The initial reaction of the New Zealand church was to admit that it did not quite know the significance of this new weapon. The Methodist hope was that it be used only for good.⁹⁴ The Presbyterians suspected its impact would be quite revolutionary, although they thought there was no new principle in the Christian understanding of war.⁹⁵ The 1946 Presbyterian Assembly expressed the problem somewhat starkly: either one is for the state and hence for the bomb, or against the state. Such seemed an impossible choice and no view was offered.⁹⁶ In general, the church, in the climate of

⁹² Under the auspices of the International Missionary Council and the World Council of Churches, the Commission of the Churches on International Affairs was established at Cambridge, England in 1946. Among its aims were to "discover and declare Christian principles with direct relevance to the inter-relations of nations" and to "represent the parent bodies in relations with international bodies such as the United Nations." For details of the work of the New Zealand body see *Church and Community* (October 1950) 3.

⁹³ The range of topics and interests of such committees was sometimes quite broad. Concerns could range from the recognition of Communist China (1952, Minutes, *P.C.N.Z.* 72 and virtually for the rest of the 1950's this resolution was passed by the General Assembly) through to urging the New Zealand government to seek a seat on the Security Council of the United Nations (1953, Minutes, *P.C.N.Z.* 45) and establishing diplomatic missions in Asia (1954, Minutes, *P.C.N.Z.* 38).

⁹⁴ 1946, *N.A.C.* 91.

⁹⁵ 1946, Public Questions, *P.C.N.Z.* 294.

⁹⁶ *Ibid.*

the Cold War, supported the state, even if that also meant the use of nuclear weapons.⁹⁷ The over-riding concern was the spread of communism. In 1954, a visiting Irish Catholic priest, Fr P. Peyton told a crowd of 30,000 in Auckland that prayers to the Blessed Virgin would stop the spread of "godless communism".⁹⁸

This support for the state in the face of the perceived communist threat, was also expressed in other ways. In 1949 the Presbyterian Assembly supported the introduction of compulsory military training by a referendum if the situation facing western democracies was as stated by the government.⁹⁹ The journal of the National Council of Churches only saw conscription "as an excellent opportunity for evangelistic work".¹⁰⁰ Similarly, when New Zealand began the process of entering into the new military arrangements of ANZUS (1951) and SEATO (1954), they were met with the comment that they should "further the cause of peace in the Pacific area."¹⁰¹ Although within the Presbyterian Assembly concern again was raised in the late 1950's against nuclear weapons,¹⁰² particularly with their testing in the Pacific, the prevailing attitude was one of support for the state in the face of uncertainty over decolonisation and the spread of

⁹⁷ For example, 1950, International Relations, *P.C.N.Z.* 221, a majority opinion concluded that now all war was "total war", neutrality was impossible and as a result "it would seem to be the duty of every Christian actively to support the cause to which his country is committed." Although this was not accepted by the Assembly and the committee was asked to reconsider its position in the light of atomic energy and the difficulty now of ever defining a "just war", it generally was the view that prevailed. See also 1951, International Relations, *P.C.N.Z.* 272-273 and 1952, International Relations, *P.C.N.Z.* 174ff. This was not to say that an alternative view was not present. By the end of the decade, the Methodist Church similarly was divided over the nuclear question. In 1958, a report critical of nuclear weapons was just received and not adopted by Conference: 1958, *M.A.C.* 95-97. Although note, a pacifist statement by the Rev. Dr George McLeod in the General Assembly of the Church of Scotland in 1954, was felt to be significant enough to be reprinted in *Church and Community* (October 1954) 9.

⁹⁸ King, M., *After the War: New Zealand Since 1945* (Auckland: Hodder & Stoughton, 1988) 63 and Massam, K., "The Blue Army and the Cold War: Anti-Communist Devotion to the Blessed Virgin Mary in Australia", *Australian Historical Studies*, 24 (1991) 424 ff.

⁹⁹ 1949, Public Questions, *P.C.N.Z.* 122; Minutes, *P.C.N.Z.* 44. The only complaint that the Methodist Church made about the question was that the government had used public funds in the prosecution of the "yes" case in the referendum: 1949, *M.A.C.* 68.

¹⁰⁰ *Church and Community* (May 1952) 8.

¹⁰¹ 1953, International Relations, *P.C.N.Z.* 118a.

¹⁰² The 1958, International Relations, *P.C.N.Z.* 192a-194a report included a statement like the 1935 statement with regard to pacifism, with the two viewpoints set out. On the one hand, the sinfulness of nuclear war was elaborated. On the other hand, the first responsibility was to rely on the state.

communism.¹⁰³ With the aid of this external enemy, church state relations were encouraged and strengthened until, among other things, the threat of communism was reassessed and then questioned in the context of the Vietnam war in the 1960's.

4. Maintaining a Responsible Society

i. The Inter-church Council on Public Affairs

A significant feature of church state relations in the post war years was the role of the new ecumenical organisations, in particular, the Inter-church Council on Public Affairs which was formed in 1941. The Prime Minister, Peter Fraser, had invited all the churches together so that a plan could be devised for providing chaplains to the defence forces.¹⁰⁴ Immediately following this initiative, the National Council of Churches decided on 23 July, 1941 that, subject to the "authorities of constituent churches, an Inter Church Council on Public Affairs be instituted in Wellington for consultation and common action."¹⁰⁵ There would be representatives of the Anglican, Baptist, Churches of Christ, Congregational, Methodist, Presbyterian Churches, the Society of Friends and significantly the Catholic Church on the Council. At a meeting on 28 October, 1941, it was agreed to "create a united body representative of the Christian Churches to watch trends in public life and be able to take action where deemed necessary" and the new body elected the Presbyterian, the Reverend J.T. Macky, as its first Chairman.¹⁰⁶ The Council was enthusiastically greeted by the constituent churches and the new National Council of Churches itself.¹⁰⁷ The Presbyterian Public Questions Committee,

¹⁰³ See 1956, *International Relations*, P.C.N.Z. 140a ff.

¹⁰⁴ McLintock, A.H. ed., *An Encyclopaedia of New Zealand*, Volume 2 (Wellington: Government Printer, 1966) 167, "Inter-church Council of (sic) Public Affairs". This entry was written by a former Secretary of the Council, Mr C. Gibson Young.

¹⁰⁵ Minutes Volume 1, MS x 2278, Alexander Turnbull Library, Wellington. This resolution precedes the first meeting of the Council, Tuesday, October 28, 1941. (Note the Council styled itself the "Inter-church" Council and not the "Inter Church" Council in subsequent minutes and records.)

¹⁰⁶ *Ibid.*

¹⁰⁷ At the 28 October, 1941 meeting it was made clear that the "proposed body would be quite independent of the National Council of Churches." Representatives on the Inter-church Council would not be on the National Council of Churches.

for example, noted that "for the first time the churches of New Zealand have been able through a regularly constituted body to speak with one voice on questions of public and moral import to the Dominion."¹⁰⁸

A close and effective relationship was developed with the state in the early years of the Council. The minutes of the early meetings reveal extensive contact with the state and its various arms. At the first business meeting on 5 December, 1941, for example, "the Bishop [Bishop Holland] agreed to discuss the matter [physical culture clubs] with the responsible officer in the Department of Internal Affairs." The second meeting, 10 days later (the meetings were subsequently held monthly), "sent a deputation to the Minister of Supply re changes in petrol rationing." At the fifth meeting in March 1942 a deputation was sent to the government over wet canteens in military camps, and the Bishop again was to contact "the relevant government official re church paper censorship".¹⁰⁹ Letters were frequently written to the Prime Minister, or the relevant minister, and prompt and detailed answers were given. The requests of the Council for action were usually granted. Within the first six months, the Council had censorship of church newspapers lifted, a decision that in future church halls would not be used for arms storage, a ruling from the Minister of Supply that clergy were an "essential service" and thereby could obtain car tyres, and exemptions to Sunday Homeguard duty were granted. Frequently the government sought the advice of the Council on various matters. For example, the Director of Education attended the September 1942 meeting and among other things discussed the consequences of more mothers in the workforce as a result of the wartime emergency.

The Council raised two basic types of matters with the state. The first was what could be called benign self interest. Although this was not the major interest of the Council, it was considerable. During the war, the church experienced difficulties due to war-time regulations. As a result it was concerned about petrol restrictions and the availability of tyres for clergy, paper for churches, free government insurance against war damage to churches, domestic help in religious institutions, rates exemptions for

¹⁰⁸ 1942, Public Questions, *P.C.N.Z.* 172.

¹⁰⁹ See the minutes of meetings dated 5 December 1941; 15 December 1941 and 31 March 1942: Minutes Volume 1, *op. cit.*

social service bodies, the position of theological students with regard to national service, and the position of mission properties in the New Hebrides and the Solomons. After the war there were similar concerns, such as when the June 1949 meeting agreed to seek the exemption for the widows of clergy from death duty,¹¹⁰ and in 1956, concern was raised over duty payable on religious imports.¹¹¹ Another major post-war concern of the church was town planning and the role of the church in the new housing estates. The Council, in time, handed the matter over to the National Council of Churches which was able to secure favourable treatment from the relevant government officials.¹¹²

The second range of matters concerned the "moral fabric" of the nation. These related to both how the war effort was being conducted, and also the moral standard of community life generally. With regard to the war, the National Patriotic Board Appeal was condemned because it encouraged gambling. American Troops were to be welcomed, but their presence should not change the nature of Sunday observance when special activities and programmes for them were being organised. Many issues concerned the wider question of "moral purity", such as the incidence of "venereal disease", "moral and juvenile delinquency", Sunday sport and the opening of cinemas on Sundays for service people.¹¹³ After the war there were concerns over censorship and indecent publications, gambling and maintaining Christmas as a Christian festival.¹¹⁴

¹¹⁰ Two exceptions to such self interest were the request to the Minister of Justice that the ban on the Jehovah's Witnesses be lifted (March, 1945: Minutes Volume 3, MS y 1836, Alexander Turnbull Library, Wellington), and a request to the Department of Immigration that a priority passage be given to an Assembly of God pastor in Sydney who was to minister to a New Zealand congregation (November, 1952: Minutes Volume 4, MS y 1937 Alexander Turnbull Library, Wellington).

¹¹¹ 1956 Annual General Meeting: Minutes Volume 5, MS y 1838, Alexander Turnbull Library, Wellington.

¹¹² The focal point of this activity was a conference which was held in Wellington on 28th February, 1946 which led to government contacts and an inter-denominational approach to the question. See Brown, C., *op. cit.* 78. The Council did not hand over all responsibility to the National Council Churches. The 1959 Annual Report reveals concern over off street parking for churches (Minutes Volume 6, MS y 1939 Alexander Turnbull Library, Wellington).

¹¹³ See the Minutes for National Patriotic Board Appeal: December, 1941; American troops and Sunday observance: June, 1942; venereal disease: July 1942; moral and juvenile delinquency: December, 1942; Sunday sport: February 1943. Minutes Volume 1, MS x 2278, Alexander Turnbull Library, Wellington.

¹¹⁴ Censorship was a constant cause of difficulty. The Film Censor attended the Council's May 1950 meeting. After the establishment of the off-course betting following the 1949

The relationship between the Council and the state was close. After the defeat of the First Labour Government, the 1949 annual general meeting noted how cordial the relationship with the government had been over the eight-and-a-half years of the Council's operation "and of the courtesy and interest shown in the various matters that have been subject of negotiation".¹¹⁵ A similar relationship was expected to exist with the new Prime Minister, Sidney Holland, and the National Government.¹¹⁶ The following year it observed:

The Council has been a most effective element in the national life of New Zealand since its inception. The fact that it provides a means whereby the whole church in New Zealand can speak with authority has been more and more recognised by government and other authorities.¹¹⁷

A measure of this respect was the extent to which the state sought the opinion of the Council itself. The Minister of Health, Arnold Nordmeyer, had been particularly concerned over venereal disease, and also abortion. Concerning this, the Presbyterian Public Questions Committee reported in 1944 that "the Department expects to institute a campaign against this growing evil [of abortion], and asks for the co-operation of the Churches. We assured the Minister that this would be readily given."¹¹⁸ The church co-operation came through the Inter-church Council. In 1949 the Methodist Public Questions Committee spoke of "a growing confidence between the government and Council. . . . On two occasions the Government invited the Council to meet Ministers for consultation prior to action being taken by the former on which the Council's approval was sought. In the case of the removal of meat rationing, the Prime Minister put the government's case before the Council, and awaited its deliberated decision before dispensing

referendum, the concern turned to state lotteries: see 1952 Annual General Meeting. (Minutes Volume 4 MS y 1837, Alexander Turnbull Library, Wellington) The 1954 Annual General Meeting was concerned about Christmas, and again in 1958 (Minutes Volume 5, MS y 1838 and Volume 6 MS y 1839, Alexander Turnbull Library, Wellington).

¹¹⁵ 1949 Annual Report presented at the Annual General Meeting (Minutes Volume 4, *op. cit.*).

¹¹⁶ *Ibid.* This sentiment was echoed in 1947, Public Questions P.C.N.Z. 262, when it noted that "the Council is given every facility to make contact with the various Government Departments and is, therefore, able to deal expeditiously with matters of urgency."

¹¹⁷ 1950 Annual Report presented at the Annual General Meeting (Minutes Volume 4, *op. cit.*).

¹¹⁸ 1944, Public Questions, P.C.N.Z. 201. Since July 1942, the Council had been in close contact with the Minister of Health over matters of "sexual immorality": Minutes Volume 1, *op. cit.*

with the rationing of this commodity."¹¹⁹ (The other area involved discussions with Walter Nash over a variety of immigration matters.)

Such a close working relationship with the state was not limited to the Inter-church Council on Public Affairs. Individual denominations also enjoyed a close working relationship with politicians and the organs of government. For example, the Public Questions Committee of the Presbyterian Church had during the 1950's J.R. Marshall and Arnold Nordmeyer, both future leaders of their parties, as members.¹²⁰ The then convener, the Reverend J.S. Somerville, has noted that:

There was always a line open from the minister of St Andrew's, Public Questions' convener at that time, to Parliament House. It was a means of facilitating the work of the committee and establishing friendly links which added a great deal to the impact the church could make.¹²¹

There was, however, another aspect to this close working relationship between church and state. The focus of church concern was narrow. For the Inter-church Council this was because its own constitution required that "public action shall be taken by the Council only when there is unanimity on the part of the constituent churches." This meant that no statement was ever made by the Council on controversial questions such as disarmament or nuclear weapons, or the waterfront strike in 1951.¹²² Difficult questions, such as prison reform, were indefinitely postponed.¹²³ The role of the

¹¹⁹ 1949, *N.A.C.* 65. The annual reports of the Council itself for 1949 and 1950 express similar sentiments (Minutes Volume 4).

¹²⁰ The minutes of the Presbyterian Public Questions Committee during the 1950's show that although both were members of the Committee, their parliamentary commitments meant they often could not attend. Rarely were they formally asked to present their party's line on a particular issue, although both specifically presented their opposing views on the 1951 waterfront strike: Minutes, 6 April, 1951, *P.C.N.Z. Archives Office*.

¹²¹ Somerville, J.S., *Jack in the Pulpit: An Autobiography* (Dunedin: John McIndoe, 1987) 129. As an example of this, Somerville noted that on one occasion the Prime Minister, Walter Nash, himself personally made a call "which could have been passed onto a secretary." (138)

¹²² The matter of "atomic weapons" was raised in November, 1954; however, it was deferred because no agreement was possible. Minutes Volume 5, MS y 1838, Alexander Turnbull Library, Wellington. Cf. "Inter-church Council of (sic) Public Affairs" entry in *An Encyclopaedia of New Zealand*, Volume 2 167.

¹²³ The question of prison reform was raised by the Methodist representative, at the July, 1942 meeting (Minutes Volume 1). A Committee was then established in February, 1943 to enquire into the matter (*ibid*). Fifteen years later a report was circulated (Annual Report for

Council was seen to be limited to "questions of public and moral import to the Dominion."¹²⁴

The National Council of Churches was in no better position. In 1943, after just two years of operation, sub-clause III(7) was deleted from its Function and Objects Clause of its Constitution. That clause had read that one of the objects of the National Council of Churches was: "To make such statements or pronouncements on issues of importance as may be presumed to express the common mind and judgement of the Churches."¹²⁵ The reason for this change is unclear. The existence of the Inter-church Council itself possibly meant that this function was no longer required. As it turned out, having the two bodies meant there was much passing of responsibility on more controversial matters between them.¹²⁶

ii. The Principles of a Responsible Society in New Zealand

The idea underlying the Christian Order Campaign and the subsequent ideal of the "Responsible Society" was that there were certain Christian principles which should be the basis of the state and state action. Of course there was great conjecture as to what these principles should be. In some respects the idea of the "Responsible Society" was just an ecumenical compromise between those who were steeped in individual piety and those who wanted to affirm a particular legislative policy.¹²⁷ The New Zealand Protestant church, however, came to see that these "Christian principles"

1958, Minutes Volume 6, *op. cit.*). And after all of this, the 1961 Annual Report could record that there was a useful discussion with the relevant government department (*ibid*).

¹²⁴ 1942, Public Questions, *P.C.N.Z.* 172.

¹²⁵ Brown C., *op. cit.* 272, does not provide the text of this provision. According to Brown, the original constitution is not available. However, if one examines the records of the constituent churches, which were required to approve any change to the constitution, the form of the original constitution is set out. See 1943, Ecumenical Affairs, *P.C.N.Z.* 235, for the provisions which were altered in 1943.

¹²⁶ Brown, C., *op. cit.* 118.

¹²⁷ See Coles, D.J., *op. cit.* 17 ff.

were clear and specific.¹²⁸ They were about Sunday observance, sexual immorality, alcohol and gambling.

In an address to both houses of Parliament for the 1944 "Christian Order" week (a fact which was significant in itself), the Reverend D.C. Herron made the remarkable observation that Hitler would never have been heard of, if the "spiritual temperature" in Germany had not been allowed to fall. And why had it fallen?

For years in France and in Germany they have had what we call the continental Sunday - a day of horse racing, for organised sport, for theatre parties, cinema parties, all manner of pleasures - a day for everything and anything but worship. Beginning there, that departure from worship and a sense of responsibility to God has spread and spread like an epidemic.¹²⁹

Even in war-time, these complaints over moral laxity were seemingly endless. As already noted, the National Patriotic Board Appeal was encouraging gambling. This fact led the editor of the Presbyterian journal *The Outlook* to describe it as "a quisling patriotism". It was "a betrayal of our country and our cause."¹³⁰ There was concern over wet canteens,¹³¹ homeguard training on Sunday,¹³² Sunday sport and other activities for visiting American personnel. As early as 20 October, 1944 the Inter-church Council on Public Affairs agreed to ask the Prime Minister that "hotel bars be closed on the day of victory in the interests of order and decency during such a time of national rejoicing."¹³³ The Prime Minister did not heed the request.

¹²⁸ Cf. the concept of "middle axioms". The representations of churches, especially over temperance questions, was very precise: see, for example, 1953, *M.A.C.* 86, where the Conference urged the government to make it illegal for a grocer to make deliveries on behalf of a liquor wholesaler.

¹²⁹ *Church and Community* (October 1944) 3.

¹³⁰ *The Outlook* (4 June, 1941) 3.

¹³¹ There was particular indignation when a wet canteen was opened for the women services: *The Outlook* (22 October, 1941) 3.

¹³² The argument here was quite simple. The nation was fighting to preserve Christian principles, and yet the very people fighting for those principles were required to break those principles. This breach of Sunday observance was more to be feared than an enemy invasion. The Editor of *The Outlook* (2 April 1941) 3, expressed it this way: "Neither the Government itself nor a great many of the people seem to realise that the greatest danger to our country is not in the possibility of an invasion by some enemy but the spiritual well-being of the nation."

¹³³ Meeting, October 1944: Minutes Volume 3, MS y 1836, Alexander Turnbull Library, Wellington. The Prime Minister's reply was reported at the May 1945 meeting.

These concerns over questions of personal morality continued unabated after the war. They were taken very seriously by the church, while the state also recognised their importance and political sensitivity. Indeed in the years after the war, there were two Royal Commissions and a Commission of Inquiry over such matters. In 1945 a Royal Commission on Licensing was established. One of the Commissioners appointed was the Reverend J.T. Macky, the then chairperson of the Inter-church Council on Public Affairs. This Commission recommended in August 1946 the nationalization of the "drink trade" and some relaxation of licensing provisions, including a closing time later than the then 6.00 p.m.. The nationalisation recommendation was ignored by the government and the closing time recommendation was the only one of the Commission's recommendations to be made the subject of a national referendum. This proposed extension of trading time was defeated.¹³⁴ Generally there was little change to liquor licensing up until the 1960's, even though there was a steady decline in "vote for prohibition" in the triennial licensing polls.¹³⁵ The New Zealand Alliance maintained its opposition to "the drink trade", while some individual churches added their support to these protests.¹³⁶

On the question of gambling, the Royal Commission on Gaming and Racing was established in 1946. The Associated Churches Committee was formed to put a case against liberalising the law before the Commission. This Committee briefed Dr O.C. Mazengarb and J.R. Marshall to represent them.¹³⁷ In 1947 the Commission recommended the establishment of a system of totalisator agencies. Again a national referendum was held concerning the Commission's recommendation to establish a state-run totalisator system. The convener of the Presbyterian Public Questions Committee, the Reverend J.S. Somerville, was given the opportunity to address the nation over radio for the "no"

¹³⁴ See Bollinger, C., *Grog's Own Country, 2nd Edition* (Auckland: Minerva, 1967) 111.

¹³⁵ In the 1943 poll 29.3% favoured prohibition. 22.0% favoured this option in 1960: *Licensing Polls in New Zealand 1914-1963* (Wellington: National Council of the New Zealand Alliance, n.d.) 4. With regard to the local option voting, Oamaru carried restoration in 1957, though seven no-licence districts remained.(3)

¹³⁶ See, for example, the close links that were maintained between the Methodist Conference's Temperance Committee and the Alliance: 1959, *M.A.C.* 104-105.

¹³⁷ Marshall, J.R., *op. cit.* 105.

campaign.¹³⁸ The referendum, however, approved the establishment of the Totalisator Agency Board.

In the 1950's juvenile delinquency was seen to be a particular problem. After a series of incidents in the Hutt Valley in 1954, the government established a Committee of Inquiry, chaired by Dr O.C. Mazengarb (and including J.S. Somerville as a member) to "enquire into and report upon conditions and influences which tend to undermine standards of sexual morality of children and adolescents in New Zealand, . . . and make recommendations to the Government for positive action by both public and private agencies or otherwise."¹³⁹ Submissions were received from all the churches expressing their deep concern over the lack of morality and individual responsibility. The Committee, reporting later in the year, accepted this view and dwelt at length on the interrelationship between religion, morality and the state.

The *Mazengarb Committee* saw that there was no question that "the structure of western society and our codes of behaviour have, in fact, been based upon the Christian faith."¹⁴⁰ Furthermore, "the standard of religious morality is that which is prescribed in the Bible, interpreted perhaps in different ways by different denominations at different times."¹⁴¹ There was thus a place for the law to recognise these principles of morality. However, "the law is not interested in sin, or even immorality, it is vitally interested in the effects of them." Thus "the law has found it necessary to set some limits on the right of an individual to do what he likes with his own person. The community has an interest in the life of every person."¹⁴² Christian principles, therefore, were important and should be enshrined within the law, for the benefit of the whole community.

¹³⁸ Somerville, J.S., *op. cit.* 127.

¹³⁹ *The Special Committee on Moral Delinquency in Children and Adolescents (The Mazengarb Report)*, A.J.H.R., 1954 H.47. See Somerville, J.S., *op. cit.* 134-135; Glazebrook, S.G.M., 'The Mazengarb Report, 1954: Impotent Victorianism' (unpublished MA thesis, Auckland, 1978); and Soler, J.M., 'Drifting towards Moral Chaos: The 1954 Mazengarb Report - A Moral Panic over Juvenile Delinquency' (unpublished MPhil thesis, Massey, 1988).

¹⁴⁰ *The Mazengarb Report*, *op. cit.* 43.

¹⁴¹ *Ibid* 46.

¹⁴² *Ibid* 50.

The recommendations of the Committee were quickly enacted by the government. Contraceptives were only available for those over sixteen. Juvenile delinquency was re-defined to include carnal knowledge of a girl under sixteen, and the Indecent Publications Act was amended.¹⁴³ A copy of the *Mazengarb Committee* report was sent to every home in the nation which received a family benefit.¹⁴⁴ In 1955 the Department of Health produced a booklet called *Sex and the Adolescent Girl* in which the use of contraceptives outside marriage was stated to be wrong.¹⁴⁵ Such measures in time were seen to be ineffective, and they did not stem the "moral drift".¹⁴⁶ During the 1950's, however, they indicated the preparedness of the state to accept that New Zealand was a Christian nation and that certain Christian principles should be maintained.

For the church's part, it was important that the state legislate to preserve certain moral principles. Thus before the Gaming and Racing Royal Commission the Associated Churches argued, "there are certain moral standards to which a Government conscious of its responsibility for the common good must adhere irrespective of the vagaries of popular opinion and taste."¹⁴⁷ It was thus "the duty of the Church to take a lead in creating and maintaining that moral consciousness" in the society.¹⁴⁸ Such arguments were not only because the behaviour was sinful. For example, the Methodist Church during the 1940's, adopted the following "formula" which condemned the "drink trade" and provided the basis for state intervention.

The opposition of the Conference to this traffic is not rooted in prejudice but is based upon reason, upon acquaintance with damaging effects of drink in this country, upon the sound knowledge of the harmful action of alcohol upon the human body and brain, and upon

¹⁴³ See Police Offences Act, 1954; Child Welfare Amendment Act (No.2), 1954; and the Indecent Publications Act, 1954. C.M. Bowden, introducing the legislation, noted that in some respects the government was prepared to go further than the Committee's recommendations: (1954) 304 *N.Z.P.D.* 1944.

¹⁴⁴ Glazebrook, S.G.M., *op. cit.* 3.

¹⁴⁵ *Sex and the Adolescent Girl* (Wellington: Department of Health, 1955) 7, quoted in Glazebrook, S.G.M., *ibid* 13.

¹⁴⁶ Somerville, J.S., *op. cit.* 135.

¹⁴⁷ These comments were reported in 1947, Public Questions, *P.C.N.Z.* 262 (*my own emphasis*).

¹⁴⁸ "Royal Commission on Gaming Laws", *The Outlook* (19 June, 1946) 7.

facts established as a result of sound scientific investigation by world authorities.¹⁴⁹

For good prudential reasons, the government should "take effective measures to restrain this menacing enemy of the nation."¹⁵⁰ The difficulty was that even when, by the church's own admission, the figures were showing that the level of public drunkenness was declining, "the moral and spiritual landslide in the social life of the country" continued.¹⁵¹ It was as if the church had to complain about this question, and it would not be doing its job, in the eyes both of the state and its members, if it did not complain.¹⁵²

A similar problem arose with respect to Sunday observance. The Presbyterian Assembly's 1955 statement on Sunday observance highlighted both the problem and the importance of the church's role with the state.

Our Church takes the view that the Church has no right to legislate as to how non-church members should spend Sunday, nevertheless, our Church feels bound to declare plainly and to all men that it is for their welfare that God has given them this special day each week, to the extent Sunday is misused, individuals and community at large must suffer the inevitable consequences to the detriment of their true welfare. We consider it the duty of the State to legislate in a manner which confirms to the people the right and opportunity to observe the Lord's Day in a manner consistent with its purpose in God's scheme of things.¹⁵³

¹⁴⁹ 1941, *N.A.C.* 66. This form of words was also used in subsequent years, such as in 1942, *N.A.C.* 78, with the embellishments "in the interest of National efficiency and security" in the appropriate place.

¹⁵⁰ 1941, *N.A.C.* 66.

¹⁵¹ In 1943, the following indicator figures were quoted: 1939 - 5,935 charges for drunkenness; 1941 - 4,887 charges for drunkenness. Conference was warned that they did not "reveal the true picture with regard to drunkenness". (1943, *N.A.C.* 72) There was no indication of thankfulness or relief that the situation had indeed seemingly improved.

¹⁵² The Very Rev. Dr J.D. Salmond in writing the "Presbyterian Church" entry for McLintock A.H. ed., *An Encyclopaedia of New Zealand*, Volume 2 865, felt it necessary to add, after describing the strong stands taken on temperance, gambling and Sunday observance, "while protesting against social evils, they have not been lacking in positive social concern". The positive social concerns then cited were the nineteenth century concern of Rutherford Waddell over "sweating" and an interest in South East Asia.

¹⁵³ 1955, Public Questions, *P.C.N.Z.* 58a; Minutes, 57 (*my own emphasis*).

In short, it was not only for the position of the church itself, but also for the whole community, that restrictions on Sunday activities be maintained.¹⁵⁴

During the 1940's and 1950's, despite relaxation in some areas such as off-course betting, most community-wide restrictions on gaming, the drinking of alcohol, Sunday observance and matters of sexuality remained. Indeed, King describes the 1950's as "dull, grey and conformist years".¹⁵⁵ The church was vigilant over these matters, and its role in keeping these principles before the state was respected. An editorial in the *Otago Daily Times*, following the 1949 gaming referendum, illustrates this view. It noted:

The unfortunate possibility . . . [is] that the off-course system will lead to a great increase in gambling. This possibility gravely concerns the churches, which it must be emphasised, are not only entitled to interest themselves in the issue, but would be failing in their duty if they did not do so.¹⁵⁶

This is not to say that the church was not concerned about issues wider than ones of personal morality. As noted above, wider issues of an economic and social nature were considered in the Campaign for Christian Order, and in some churches international matters were keenly watched. The churches had also been "pretty solidly opposed to capital punishment" at the time of its re-introduction in 1950.¹⁵⁷ The churches were anxious, in particular, that there be no referendum on the matter linked with the 1957 General Election. As Garing notes, "there was considerable satisfaction when the government listened to the voice of the church and abandoned the referendum."¹⁵⁸

¹⁵⁴ Other examples could also be cited. A statement on divorce by the 1946, Public Questions, *P.C.N.Z.* 293 appeals to the "interests of the community" in requesting "that the State should not make it easy for the [marriage] bond to be dissolved."

¹⁵⁵ King, M., *After the War: New Zealand Since 1945* (Auckland: Hodder & Stoughton, 1988) 45.

¹⁵⁶ *Otago Daily Times*, 4 March 1949 (*my own emphasis*).

¹⁵⁷ Minister of Justice, T.C. Webb, (1950) 293 *N.Z.P.D.* 4284. See generally, Engel, P., *The Abolition of Capital Punishment in New Zealand 1935-1961* (Wellington: Department of Justice, 1977) 48 ff.

¹⁵⁸ Garing, M.N., "Against the Tide: Social, Moral and Political questions in the Presbyterian Church of New Zealand 1840-1970" (unpublished PhD thesis, Victoria, 1989) 169. In 1956, Public Questions, *P.C.N.Z.* 71a, it had been observed "the whole question of deciding difficult issues by referendum needs careful study. There are grave dangers in too frequent use of such means of ascertaining the mind of the people."

Beginning in 1959, there was concern over racial discrimination, with the church being at the forefront of the "No Maoris No Tour" campaign.¹⁵⁹ On other issues, such as industrial relations, the church played a minor role. In the 1951 waterfront strike, a joint Methodist/Presbyterian deputation met with the Prime Minister and sought a less confrontational approach to be adopted, and a repeal of the emergency regulations.¹⁶⁰ Despite some relaxation in the regulations two days later, the Presbyterian General Assembly confessed that it had not been "a vital force in industrial relations".¹⁶¹ The wider issues foreshadowed by the Oxford Conference and the international ecumenical movement, were rarely pursued with government. Individual Christians raised such issues from time to time, but rarely did the church.¹⁶² As one member of the Anglican Provincial Committee for Public and Social Affairs observed in 1960 with regard to that committee's previous eight years, "it has never been active, has never made a statement, and has not in any way been an asset to the Church."¹⁶³

5. The Institutional Relationship Between Church and State

i. The Ceremonial Role

No other event in this whole period symbolised more effectively the close relationship between church and state than the accession and coronation of Queen Elizabeth II, and her visit to New Zealand in 1954. In nostalgic accounts written of the 1950's, the coronation and the royal visit

¹⁵⁹ For further details of this see *Chapter Four, Section 3(i) "Racism Abroad"* at p. 139. There was the first mention of the "colour question" in South Africa at the Presbyterian Public Questions Committee meeting on 17 November, 1950. It was sent to the International Relations Committee for their consideration: Minutes, *P.C.N.Z. Archives Office*.

¹⁶⁰ See Bassett, M., *Confrontation '51: The 1951 Waterfront Dispute* (Wellington: A.H. & A.W. Reed, 1972) 173; and Garing, M.N., *op. cit.* 451 ff.

¹⁶¹ 1951, Minutes, *P.C.N.Z.* 42. The Methodist Church also expressed its concern over lack of involvement in industrial matters: 1952, *M.A.C.* 70. Cf. Barber, L.H. "The Religious Dimension of New Zealand's History" in *Religion in New Zealand Society*, 2nd Edition edited by Colless, B. & Donovan, P. (Palmerston North: Dunmore Press, 1985) 25.

¹⁶² For example, the Rev. Dr J.D. Salmond complained to the Presbyterian Public Questions Committee on 16 February, 1951 that New Zealand followed the United States "right or wrong": Minutes, *P.C.N.Z. Archives Office*.

¹⁶³ 1961, *P.G.S.* 170. The Provincial Committee had been established in 1940, and had been hindered by the diocesan structure of the Anglican Church. See, Davidson, A.K., *op. cit.* 157.

in 1954 were highlights.¹⁶⁴ They symbolised the inherent Britishness of New Zealand and its still strong colonial ties. The pageantry and pomp were tributes to the prosperity of the time. The change in monarch and coronation also formally marked the link between the Crown, constitutional government, and the church. In the official proclamation which announced the accession of Her Majesty, Queen Elizabeth II, to the English throne, ministers of religion were specifically mentioned, ranking in precedence just below the judiciary and above local government leaders.¹⁶⁵ The National Council, of Churches, and some churches individually, extended their sympathy to the Queen on the occasion of her father's death.¹⁶⁶ The coronation itself was marked throughout the country with church services and civil functions which were strange mixtures of church and state ritual.¹⁶⁷ This wave of enthusiasm for the British throne, and in its British context, its relationship with the church, led the then leader of the Opposition, Walter Nash, to observe that "the coronation gave the people of Great Britain a greater spiritual lift than anything that has taken place for centuries".¹⁶⁸ It also affected New Zealand church state relations.

An interesting problem arose over the itinerary of the royal visit in 1954. Where would the Queen worship? The original itinerary had the Queen only worshipping in Anglican Churches. This gave the impression, according to the Presbyterians, that there was a state or national Church. They argued the Queen was the head of the Church of Scotland too, and therefore should worship with the Presbyterians as much as with the Anglicans. Approaches were made to the Prime Minister. The itinerary was changed. At the 1953

¹⁶⁴ See for example, Barnett, S. ed., *Those Were the Days* (Auckland: Moa Publications, 1987) 94-95.

¹⁶⁵ The public proclamation, made on 11th February, 1952 in part read, "We, therefore, Bernard Cyril Bevan Freyberg, the Governor General of New Zealand, Keith Jacka Holyoake, Acting Prime Minister of New Zealand, and the members of the Executive Council, assisted by members of Parliament, Judges and Magistrates, *Ministers of Religion*, Mayors, Chairmen and members of Local Authorities . . . proclaim [her] to be Queen Elizabeth II . . . beseeching God, by whom kings and queens do reign, to bless the Royal Queen Elizabeth the Second with long and happy years to reign over us." (*my own emphasis*) Quoted in Marshall, J.R., *op. cit.* 203-204.

¹⁶⁶ See *Church and Community* (March 1952) 2 for a full text of this letter.

¹⁶⁷ See Marshall, J.R., *op. cit.* 214, for an account of the festivities at Wanganui. There were hymns, Bible readings and "a civil act of dedication led by the Mayor."

¹⁶⁸ These comments were made at the National Council of Churches Theological Students' Conference in August, 1953: *Church and Community* (September 1953) 11.

General Assembly there was a great "sense of rejoicing" that this had come to pass. The Assembly met in private and finally resolved:

that the Assembly express its appreciation of the fact that recognition has been given to the particular relationship of Her Majesty the Queen with the Presbyterian Church by the arrangement made for her to worship in one of our churches.¹⁶⁹

The Presbyterians, despite their long history of support for the 1877 Education Act and its implied separation of church and state, seemed, amidst all the loyal fervour, to want to be "established". The matter was investigated, and the next year at the General Assembly, the legal opinion of Dr G.P. Barton was tabled. The righteous indignation over the place of the Queen's worship had not been grounded in law. "All Churches with regard to the State are on the same footing at law. They are simply voluntary societies."¹⁷⁰ Any special legal relationship the Church of Scotland (or the Church of England) has with the sovereign, dissolves in New Zealand.¹⁷¹ Importantly, however, Dr Barton noted that "there is a general policy of law to favour and safeguard the Christian religion."¹⁷² No church was established, but New Zealand in the mid 1950's was quite clearly Christian.

The sequel to this was the perhaps peculiarly Presbyterian concern over the order of precedence at state functions, such as the opening of Parliament. The Catholic Archbishop of Wellington, the Anglican Archbishop of New Zealand (the Bishop of Wellington) and the President of the National Council of Churches were invited, but not the Moderator of the Presbyterian Church. Again the Assembly met in private.¹⁷³ Again the Church expressed its "proud association with the State",¹⁷⁴ and the Assembly regretted that the Moderator had not received a place "consonant with his Church's position

¹⁶⁹ 1953, Minutes, *P.C.N.Z.* 70; cf. 1953, Public Questions *P.C.N.Z.* 190a, where the deliverance to the General Assembly in terms that the "Assembly express its sense of rejoicing that arrangements have been made for Her Majesty the Queen to worship in a Presbyterian Church during her visit to New Zealand."

¹⁷⁰ 1954, Public Questions, *P.C.N.Z.* 150a.

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*

¹⁷³ 1954, Minutes, *P.C.N.Z.* 45 and Public Questions, *P.C.N.Z.* 150a-151a.

¹⁷⁴ 1954, Public Questions, *P.C.N.Z.* 151a.

in the community".¹⁷⁵ Letters were sent to the Prime Minister, Leader of the Opposition and the Speaker, and negotiations were begun with the National Council of Churches.¹⁷⁶ Church state relations were important and the ceremonial link between the church and the state was a part of that.¹⁷⁷ Sectarianism, rather than any aloofness by the state, was the hallmark of this era in the formal and ceremonial matters of church state relations.

ii. Education

Sectarianism still dominated the question of education as well. Although there had been outbreaks of sectarian bitterness at various times since the war,¹⁷⁸ it was mainly over education that this rivalry was evidenced. Education, and specifically Christian education, had been a major aspect of the call for a new Christian Order. It was an important part of the Oxford Conference¹⁷⁹ and it was an integral part of the Campaign for Christian Order in New Zealand.¹⁸⁰ However, the two problems which the 1877 Education Act sought to address were still at issue: state aid, and religious instruction within state schools.

¹⁷⁵ *Ibid* 150a.

¹⁷⁶ 1955, Public Questions, *P.C.N.Z.* 56a. The issue resurfaced later in the decade for the Presbyterians. Minutes 6 February, 1959 and 7 August, 1959, *P.C.N.Z. Archives Office*. A deputation went to the Minister of Internal Affairs and the Speaker about the matter.

¹⁷⁷ It is therefore quite ironic that at the same Assembly it could also be resolved that state aid "is calculated to jeopardise the State system of education". 1954, Public Questions, *P.C.N.Z.* 56a and Minutes, *P.C.N.Z.* 45.

¹⁷⁸ For example, the visit of Dr J.C. Heenan, the Catholic Bishop of Leeds, in 1953 was controversial. He observed in a sermon on Sunday 26 April, that "no country that has accepted the reformation has remained faithful". This and the angry Protestant response, was given front page treatment by the *Otago Daily Times*, 29 April, 1953.

¹⁷⁹ Oldham, J.H., *The Churches Survey their Task* 130. Bishop West-Watson was a member of this section of the Conference.

¹⁸⁰ In fact, for some, the whole of the Christian Order Campaign turned on this question. For example, 1941, International Relations, *P.C.N.Z.* 187, could even make a comment about the need for the Christian Order Campaign in these terms: "There is growing up an increasing recognition of the need of reconstituting our national life and of basing it on a more solid religious foundation, and this is clearly shown in growing discontent with the secular tradition in education." (*my own emphasis*) The Rev. Dr J.D. Salmond, who was involved with the Presbyterian Christian education programme, edited several of the study books used for the Campaign. Education featured prominently in them: for example, Salmond, J.D., *The Church Faces Real Issues* (Christchurch: Presbyterian Bookroom, 1944) 32ff.

On this second question, the so-called "Nelson system" appeared to be effectively "circumventing" what had been seen to be the worst features of the 1877 legislation. But for many that still was not good enough. As the Methodist Conference asked in 1943:

The verdict that leaders of the great democracies have given that the war is waged in defence of Christian civilization suggests the question - why in curricula of the national schools is the teaching of Christianity forbidden?¹⁸¹

The next year there was a major conference convened by the Minister of Education under the theme "Education, Today & Tomorrow". At the Conference there was still a "lack of any clear conception in New Zealand generally as to the relationship between church and state in education."¹⁸² This led one commentator to say that the old sectarian bitterness was still the dominating factor in this aspect of church state relations.

The very features of the [1877] Act which we of the Church find most objectionable have had to be written into it on account of the evil that was in ourselves; and it is in us still. Despite our efforts to improve our relations with one another, and with the community at large, our religious differences are still a source of bitterness and sometimes injustice.¹⁸³

Despite the vigorous opposition of certain churches, the National Council of Churches and the Bible in Schools League, the education system remained "secular" during the 1940's.¹⁸⁴ By the end of that decade the Protestant churches placed increasing effort upon working within the existing system, and not endeavouring to overturn it. In 1949 the New Zealand Council for Christian Education was formed. This was linked with the National Council of Churches and took over from the Bible in Schools League. Its aims were wider in scope as it sought "to foster co-operation between

¹⁸¹ 1943, *M.A.C.* 71. The report was reviewing the work of the Bible in Schools League.

¹⁸² *Church and Community* (November 1944) 3.

¹⁸³ Prior, A.N., "Comment", *Church and Community* (February 1945) 3.

¹⁸⁴ Note the discussions of the Methodist Conference in 1942, *M.A.C.* 75; 1943, *M.A.C.* 71; 1944, *M.A.C.* 75-77; 1945, *M.A.C.* 70-71 and 1946, *M.A.C.* 84; and within the Presbyterian Church 1941, Public Questions, *P.C.N.Z.* 158; 1944, Public Questions, *P.C.N.Z.* 197; and the work of the National Council of Churches, Brown, C., *op. cit.* 45. It was one of the first acts of the new Council to approach the state about securing recognition for religious education in the state system.

home, church and school".¹⁸⁵ In particular the potential of the "Nelson system" was exploited. By 1962 80% of primary children received religious instruction under the Nelson system. In 1930 only 10% received such instruction.¹⁸⁶ Increasingly the term "secular" was interpreted to be "non-sectarian".¹⁸⁷ As even the *Currie Commission* noted in 1962 "the Christian ethical base" was an integral part of the system.¹⁸⁸

The state aid question also continued to be important. The matter was brought to a head when in the late 1940's and early 1950's the Holy Name Society organised a large petition for state aid to church schools. The petition was presented in 1956 and examined by the House's Petitions Committee. After considering the matter it handed the petition on with no recommendation and so no change was made.¹⁸⁹ The principle of separation of church and state was maintained.¹⁹⁰

Such a wide movement for state aid did, however, bring repeated statements of opposition from the historic "voluntarist" denominations, such as the Presbyterians and Methodists. At the height of the action of the Holy Name Society, the Presbyterians affirmed that state aid "would inevitably mean the dividing of the State system and the re-introduction (*sic*) of all

¹⁸⁵ Quoted from the *Statement of Aims* of the New Zealand Council of Christian Education: Breward, I., *Godless Schools? A Study of Protestant Reactions to Secular Education in New Zealand* (Christchurch: Presbyterian Bookroom, 1967) 91.

¹⁸⁶ 1962, Public Questions, *P.C.N.Z.* 210a. The information was obtained for the *Royal Commission on Education in New Zealand* (Wellington: Government Printer, 1962) (*The Currie Commission*) 680. For the legal position see Richardson, I.L.M., *Religion and the Law* (Wellington: Sweet & Maxwell, 1962) 22.

¹⁸⁷ At another conference convened by the Minister of Education in 1958 this view had wide currency according to a report presented to the Presbyterian General Assembly: 1958, Public Questions, *P.C.N.Z.* 141a-146a.

¹⁸⁸ *Currie Commission*, *op. cit.* 685.

¹⁸⁹ (1956) 310 *N.Z.P.D.* 2742. See also Simon, E., 'The Church in New Zealand', *The Catholic Record*, 4 (1973) 327.

¹⁹⁰ Professor G.L. Bailey, Professor of Education at Victoria University, in his evidence to the Education Committee of the House of Representatives Committee stated: 'Since 1877 New Zealand has adhered to the separation of Church and State, a decision arrived at after the most thorough and searching examination of its kind. It is a conviction of the great majority of New Zealanders, and accepted by successive governments and that (*sic*) the long and well laid tradition of separation should continue and that the State in consequence should abstain both from teaching religion or from financially aiding the teaching of religion; it should neither hinder it nor promote it.' Quoted by D.M. Rae in the report of the Petitions Committee to Parliament, (1956) 310 *N.Z.P.D.* 2726.

the evils which the publicly controlled system was devised to remove and prevent."¹⁹¹ A fuller statement was issued by the Church in 1959 which "testifie[d] to the strength and value of the public system as a bulwark of our democracy and as an expression of the solidarity of the community."¹⁹² Statements such as these were an affirmation of both New Zealand's monocultural nature and an indication that its Christian heritage was still decidedly Protestant.¹⁹³

This determination to exclude state aid did not pass without comment from those churches' own schools.¹⁹⁴ The Board of Education of the Presbyterian General Assembly (the body responsible for that church's schools) rather prophetically noted in 1953 "the price of independence is very high. Hitherto we have gladly paid it but the day may come when we have to ask if it is not defeating our purpose."¹⁹⁵ Some minor concessions were condoned by the Assembly, but generally it preferred the strict separation of church and state.

iii. Christian Social Services

This determined resistance by certain Protestant denominations was somewhat ironic, not only in the light of subsequent developments in the area of church schools, but what indeed was unfolding at that very time in the church's institutional links with the state. The Baptists in 1951 saw the difficulty.

If the principle which the Roman Catholics wish to apply to education is valid in the one sphere it will be found to be valid in other spheres also. Why should the same argument not be applied

¹⁹¹ 1956, Public Questions, *P.C.N.Z.* 70a, quoting from a pamphlet prepared by the Public Questions Committee during the year.

¹⁹² 1959, Public Questions, *P.C.N.Z.* 79a and 1959, Minutes, *P.C.N.Z.* 40.

¹⁹³ For example, at the 20 October, 1950 meeting of the Presbyterian Public Questions Committee, great concern was expressed over the fact that more Catholics were training for teaching than were Protestants: Minutes, *P.C.N.Z. Archives Office*.

¹⁹⁴ See Insull, H.A.H., *State Aid for Church Schools* (Christchurch: Presbyterian Bookroom, 1949).

¹⁹⁵ 1953, Board of Education, *P.C.N.Z.* 168a.

to hospitals, for instance, or to welfare work, or to some social security benefits?¹⁹⁶

Even at this time, however, "other spheres" of state aid were developing. From the early 1950's churches of all denominations (except the Baptists initially),¹⁹⁷ began to receive quite extensive government funding for their provision of social services. Up until this time money for church social service work came from congregations, and generally the church's own resources.¹⁹⁸ Now the state contributed to the cost of these services.

The Presbyterians, who, like the Baptists, were vigorous opponents of state aid, found themselves in an interesting position. The Reverend Dr J.D. Salmond, one of the great advocates of the national system of education,¹⁹⁹ seemed to acknowledge this when he wrote the following in the foreword to a history of one of his church's social agencies.

The interest of the State in social welfare work is now a marked feature of our New Zealand life with consequent repercussions on the Church's Social Service work. However, the State has wisely assisted the Churches and the Voluntary Associations in their work so that there has grown up in our country a fine co-operation between the Churches and the State in Social Welfare work generally.²⁰⁰

New Zealand regarded itself as a Christian nation and the church had an integral part to play within that society. The welfare state was an expression of a Christian ideal and so it was natural to expect the state to assist. Richardson in 1962 observed that it was because of the growth of the welfare state that this new relationship developed.

¹⁹⁶ The Rev. J.E. Simpson for the New Zealand Baptist Union, replying to Catholic calls for state aid for education, quoted in *Otago Daily Times*, 7 November, 1951.

¹⁹⁷ Edgar, S.L., *A Handful of Grain* (Volume Four 1945-1982) (Wellington: New Zealand Baptist Historical Society, 1982) 48.

¹⁹⁸ P.J. Stewart, *Challenge and Response: The History of the Otago Presbyterian Social Service Association* (Christchurch: Presbyterian Bookroom, 1958) 62. A "mile of pennies" was a favourite method of fund raising in these earlier times.

¹⁹⁹ Belmer, R., *Hewn from the Rock: A Memoir of the Very Reverend J.D. Salmond* (Dunedin: Otago Church Bookstore, n.d.) 37.

²⁰⁰ Stewart, P.J., *op. cit.* 10. The Rev. Dr Salmond had made similar comments about the 1937 Physical Welfare and Recreation Act which had established a physical culture system for youth. The church had used facilities under this program for its own youth work. See Salmond, J.D., *The Presbyterian Adult Fellowship Text Book 1943* (Christchurch: Presbyterian Bookroom, 1943) 69; and "Physical Education", *Church and Community* (March 1952) 1-2.

[I]n the fields of education and care of the sick, aged, and dependent generally, the function of the church and state overlap. Indeed, the churches were active in those fields long before the rise of the modern social welfare state. Thus, in granting aid of this kind the state is acting not so much to promote the religious purposes involved as to foster the vital social functions of assisting education and alleviating sickness and so on through organisations which have for centuries carried on those functions.²⁰¹

It was during the first National Government, and while J.R. Marshall was Minister for Health, that "in April 1950, Cabinet approved of a policy under which, provided certain conditions were complied with, religious or charitable organisations could be granted up to 50% of the cost of establishing homes for old people."²⁰² This scheme (apart from some earlier state assistance for certain church work with Maori and Islanders) was the beginning of the systematic government funding for Christian social services. The initial interest was in the area of aged care, and this has remained as the major area of church involvement with the state in social services. In June 1955 the capital grant for aged care establishments was extended to 75% of the capital cost,²⁰³ while in 1960 it was extended to 100% for approved projects.²⁰⁴ As J.R. Marshall later noted, "the response of the churches [was] immediate and practical."²⁰⁵ In the first year of operation, eight church organisations received £155,456,²⁰⁶ and by the end of the decade, nearly £2 million had been made available to church organisations for the capital cost associated with the care of the aged.²⁰⁷

The 1950's also saw the beginnings of a close church state relationship in other areas of community service. In 1956 the government introduced two schemes of financial assistance for registered children's homes, or, as they were then more commonly called, "orphanages". A capitation subsidy of 10s. per week in respect of each child cared for, and a grant of up to 50% of the

²⁰¹ Richardson, I.L.M., *op. cit.* 14-15.

²⁰² Annual Report, Department of Health, *A.J.H.R.*, 1951 H.31, 4.

²⁰³ Annual Report, Department of Health, *A.J.H.R.*, 1956 H.31, 9.

²⁰⁴ Annual Report, Department of Health, *A.J.H.R.*, 1960 H.31, 73.

²⁰⁵ Marshall, J.R., *op. cit.* 196.

²⁰⁶ Annual Report, Department of Health, *A.J.H.R.*, 1951 H.31, 4.

²⁰⁷ Annual Report, Department of Health, *A.J.H.R.*, 1959 H.31, 127. The amount provided was £1,974,212. Under the scheme, 2,007 aged persons had been accommodated.

cost of approved capital work, were available. By 31 December 1959, 53 out of the 68 registered children's homes were church run.²⁰⁸ Also in June 1951 the government introduced a scheme to provide religious and welfare organisations with 50% of the capital cost for establishing hostels. In the first year nearly £63,000 were given for this purpose.²⁰⁹

A similar link was established in prison chaplaincy.²¹⁰ In 1952 a pilot project began with the appointment of a state paid, part-time chaplain, the Reverend L.C. Clements, to the Invercargill prison. The Secretary of the Justice Department, S.T. Barnett, noted that "religion is, of course, one of the reformatory influences that should have the best possible opportunity of being brought to bear."²¹¹ The pilot project was deemed a success, and "wrought much good and brought to bear much more effectively than ever before the undoubted benefit of a wisely exercised religious influence."²¹² In 1955 the policy was announced that it was the government's wish "to see one chaplain per institution".²¹³ By the time of the resignation of Mr Clements in 1959, the system of prison chaplaincy was well established. Chaplains were working in 13 institutions and a strong relationship between the Justice Department and the National Council of Churches had been forged.²¹⁴ However, even here denominational jealousies were evident. The Anglicans desired their own chaplain, not just a National Council of Churches appointee.²¹⁵

²⁰⁸ Annual Report, Division of Child Welfare, Education Department, *A.J.H.R.*, 1960 E.4, 17.

²⁰⁹ Annual Report, Department of Health, *A.J.H.R.*, 1952 H.31, 7.

²¹⁰ For a history of chaplaincy in New Zealand see Roberts, J.H., "Prison Chaplaincy in New Zealand" (unpublished thesis, Diploma in Criminology, University of Auckland, 1975).

²¹¹ Annual Report, Justice Department, *A.J.H.R.*, 1952 H.20, 13 and see also Brown C., *op. cit.* 104 and *Church and Community* (September 1963) 56. Robson, J.L., *Sacred Cows and Rogue Elephants* (Wellington: Government Print, 1987) 59, notes "Quite early in his administration Barnett declared that religion was one of the best reformatory influences upon inmates."

²¹² Annual Report, Justice Department, *A.J.H.R.*, 1954 H.20, 12. Clements himself thought the scheme worked well: *Church and Community* (September 1954) 8-10. The Secretary of the Justice Department, S. T. Barnett also thought the scheme had worked well, and provision for prison chaplains was made in the Penal Institutions Act, 1954: Roberts, J.H., *op. cit.* 39.

²¹³ Annual Report, Justice Department, *A.J.H.R.*, 1954 H.20 12.

²¹⁴ Brown, C., *op. cit.* 105.

²¹⁵ Roberts, J.H., *op. cit.* 48.

In the 1950's, and in some earlier instances, co-operation between the church and the state was also established for refugees and international aid. The traumatic events of the Second World War had prompted this relationship. At a meeting on 16 August 1944, convened by the Society of Friends, the National Council of Churches and the New Zealand Red Cross, it was agreed to form the New Zealand Council of Organisations for Relief Services Overseas (CORSO).²¹⁶ This body was initially staffed by the state to administer New Zealand's international aid and to support the international relief and reconstruction work of the infant United Nations.²¹⁷ In February 1946 the National Council of Churches established the Inter Church Aid Department, modelled on the World Council of Church's own Department of Reconstruction and Inter Church Aid.²¹⁸ This agency worked closely with CORSO and the state in this period of post-war reconstruction.²¹⁹

The National Council of Churches and the Society of Saint Vincent de Paul were also closely involved with the government on refugee and immigration matters. The Society of Saint Vincent de Paul had helped the government with the settlement of Polish orphans during the course of the war.²²⁰ Early in 1949 there was a confidential meeting with the Acting Prime Minister over the part the Society could play in the settling of "displaced persons". A Joint Committee of Preparation was established to facilitate the arrival of the "displaced persons" in the following years. The experience of the World Council of Churches was used and appreciated by the government.

²¹⁶ Thompson, R. T., *New Zealand in Development: A Record of Overseas Aid* (Wellington: CORSO, 1969) 7. See also Thompson, R. T., *New Zealand in Relief: The Story of CORSO* (Wellington: CORSO, 1965) for a full account of these first twenty one years.

²¹⁷ It was on the 22 November, 1944 that the New Zealand government approved the constitution of CORSO and appointed J.H. Boyes Chairman, while Colin Morrison was seconded from the public service. In the initial years CORSO focused on the work of the United Nations Relief and Rehabilitation Administration (U.N.R.A.A.) and the United Nations International Children's Emergency Fund (U.N.I.C.E.F.). CORSO remained a specific responsibility of government, first the Department of Internal Affairs, and then the Department of External Affairs: Hunn, J.K., *Not Only Affairs of State* (Palmerston North: Dunmore Press, 1982) 127.

²¹⁸ Lovell-Smith, M., *No Turning Back: A History of Inter-Church Aid Work of the National Council of Churches in New Zealand 1945-1983* (Christchurch: National Council of Churches, 1986) 21.

²¹⁹ Examples of this co-operation were that early Inter Church Aid appeals were for CORSO work; and in 1954 the National Council of Churches' representative on CORSO, Rev J. Gilman Dunn, became Chairman.

²²⁰ National Programme, "Connections" broadcast 27 January, 1991.

Later in the 1950's the National Council of Churches established the Consultative Committee on Overseas Aid Programs. In 1958 this became the Consultative Committee on Human Relations and Technical Assistance and advised both the government and the Council.²²¹

Two conclusions can be made about this early period of church state co-operation. The first was that state involvement and support of church activities depended on the enthusiastic and determined support of people within government. For example, J.R. Marshall was instrumental in the state providing capital grants for aged care. In his subsequent memoirs, he looked back on this achievement with some pride.²²² He also was the relevant minister when the prison chaplaincy experiment was expanded in 1955 to have as its goal a chaplain in every New Zealand penal institution. Indeed that whole venture was a result of the enthusiastic support of the then Secretary of the Department of Justice, S.T. Barnett, a keen Baptist layman. In 1951 he had approached the National Council of Churches with the original idea of state-supported prison chaplains.²²³ Later, he and L.C. Clements, still an employee of the Department of Justice after his period as chief prison chaplain, were instrumental in giving state assistance for the operation of marriage guidance.²²⁴ Brown in fact concludes that it was the personal factor which was the difference between the establishment of prison chaplaincies and at the same time the failure to get a similar venture going within psychiatric hospitals.²²⁵

Personal initiative might have begun state funding for church activities, but the continuation of that funding, and its related

²²¹ Lovell-Smith, M., *op. cit.* 105-106. In these early years of post-war refugee re-settlement the New Zealand government actually gave a direct donation to the World Council of Churches for the work it was doing in the area (*ibid* 110).

²²² Marshall, J.R., *op. cit.* 196.

²²³ Brown, C., *op. cit.* 104; Robson, J.L., *op. cit.* 59-60.

²²⁴ Annual Report, Department of Justice, *A.J.H.R.*, 1961 H.20, 10 "During the last few years realization has grown of the need for positive support and assistance by the State for the work of marriage guidance." An advisory committee was set up in 1960, including representatives of the churches to bring this about. For a background to state support of marriage guidance see Robson, J.L. *op. cit.* 63-64 and Houston, S., *Marriage and the Family in New Zealand* (Wellington: Hicks, Smith & Son, 1970).

²²⁵ Brown, C., *op. cit.* 106. In a comparative study of the New Zealand and New South Wales prison chaplaincies, a major distinguishing feature was the initial role of the New Zealand department head. *New Zealand Prison Chaplains Association Magazine*, 12 (September 1979) 29.

regulation, soon became formalised within the machinery of bureaucracy and the demands of the welfare state. This then was the second feature of these early years: the creation of administrative structures by the state in which church state co-operation was carried out. How these structures were set in place often followed a similar pattern. For example, in the area of aged care, the state, after the 1950 decision to fund old people's homes, continued to contribute at significant levels. The scheme had proved popular with the churches, although this state funding was not matched with any overall plan or policy on aged care. So, in June 1955, the government convened a national conference on the care of aged. An immediate result of this was an increase in the percentage of the capital grant to religious organisations, from 50% to 75%. A more significant result was the establishment, in November of that year, of the National Advisory Committee on the Care of the Aged²²⁶ and then in 1958 the establishment of the departmental structure to handle this new work.²²⁷ A structure was now in place for the churches to influence aged care policy directly, and be a part of some national approach to the question.

Other areas of church state co-operation followed a similar pattern. In prison chaplaincy and children services, there also were conferences, the creation of a departmental structure to administer the relationship, and, in turn, a relevant association of the funded or service provider groups was set up.²²⁸ For overseas aid, especially with CORSO, the link with the state was formalised with the appointment of the government leader and the leader of the opposition as the vice patrons of the organisation, and with the Prime Minister invariably launching the annual appeal.²²⁹ As the 1960's

²²⁶ Annual Report, Department of Health, *A.J.H.R.*, 1956 H.31, 9.

²²⁷ In 1958 the care of the aged was placed under a Director of Welfare Services within the Health Department.

²²⁸ With regard to prison chaplaincy a conference was held in February 1957 so that "the resources and insights of religion can be engaged effectively in the reformation of the criminal" (Annual Report, Department of Justice, *A.J.H.R.*, 1957 H.20, 15). The following year it was noted that churches were included in the planning. By 1966 there was the New Zealand Prison Chaplains' Association which produced their own journal. With regard to children's services, the Annual Report, Child Welfare Division, Department of Education, *A.J.H.R.*, 1960 E.4, 18, noted that "during the year [there] was the establishment in the Head Office of the Division a new position for a specialist officer with duties connected primarily with our responsibilities towards private children's homes. . . it is hoped that the new appointment will bring improved liaison with all the authorities controlling children's homes and lead later to the development of an advisory service."

²²⁹ Thompson, R. T., *New Zealand in Development: A Record of Overseas Aid* 7-9.

approached there was thus already a network of formal church state co-operation across a broad range of Christian social services at home and abroad.

6. A Review of the Period 1940-1960

The period from the time of the war to the end of the 1950's was one of growth and prosperity for New Zealand as a nation. It was also a decade of growth for the New Zealand church. By the end of the decade denominations such as the Presbyterians peaked in worshippers and membership.²³⁰ The church had considerable impact and influence within the community and the state. New Zealand was perceived to be a Christian nation and the church desired the state to maintain certain principles, although there was not always universal agreement among the churches as to what these principles were. Temperance was not a major cause for the Anglican or Catholic Churches, nor was gambling a major pre-occupation of the Catholic Church. All churches were, however, concerned over sexual immorality and the related issue of censorship. On the whole the church was successful in maintaining these moral principles within society. It was a respected voice within the community, and as the Oxford Conference had wished, New Zealand had many Christian men and women as its leaders: Prime Ministers, Cabinet Ministers and leading public servants. On behalf of the state, there was first with the war, and then the Cold War, a need to claim that New Zealand was a Christian nation. There was, to quote Dr G.P. Barton again, "a general policy of law to favour and safeguard the Christian religion".²³¹

This vision of a Christian nation in New Zealand, despite some earlier indications to the contrary, tended nevertheless to be narrowly focused. Rarely did the church, through bodies such as the Inter-church Council on Public Affairs, deal with the state on matters other than its own

²³⁰ 1962, Statistics Committee, *P.C.N.Z.* 289a. The report for this year provided detailed comparisons over time of the various statistics for the Presbyterian Church. The period also co-incided with the New Life Movement within the Presbyterian Church: see Marquand, I.G., 'The New Zealand Presbyterian New Life Movement' (unpublished MTh thesis, Otago, 1977) 28, 42, 57 for a discussion of church growth figures; and Davidson, A., '1931-1960: Depression, War, New Life' in *Presbyterians in Aotearoa 1940-1990* edited by McEldowney, D. (Wellington: P.C.N.Z., 1990) 122 ff.

²³¹ 1954, Public Questions, *P.C.N.Z.* 150a.

institutional needs, or questions of personal morality. The church expected the freedom of non-church people in these matters to be curtailed for the "spiritual well-being of New Zealand". The church's role was not to be "prophetic" and criticise the state about, say, nuclear weapons or industrial matters.²³² With regard to the controversial question of education, the state continued to see a sectarian minefield and opted out of the conflict (and in the process possibly confirmed a Protestant bias). This sectarian jealousy was best seen in the old question of precedence at state functions and also was manifest in such areas as prison chaplaincy.

This was not to say that the state did not begin to break down the separation between church and state and assist the church in other ways. The welfare state was a part of a wider humanitarian concern, even Christian concern, and so it was appropriate that there be "co-operation" with the church as it sought to meet the needs of New Zealanders. Indeed the welfare state could be seen as a practical manifestation of a Responsible Society. Religion was important, and so schemes such as prison chaplaincy and marriage guidance were supported by the state. The end of this post-war period marked the zenith of New Zealand as a "Responsible Society" which explicitly acknowledged Christian principles. As the 1960's began, however, both the institutional relationship between church and state and the church's concern over matters of morality were to change.

²³² For example, within the context of the Presbyterian Church, the word "prophetic" seems first to have been used in 1959 by the International Affairs Committee: 1959, International Relations, *P.C.N.Z.* 204a.

CHAPTER THREE

THE CHURCH AND THE ENFORCEMENT OF MORALS IN THE 1960'S

1. Introduction

The decade opened with the election of the Second National Government in 1960. It was elected with a promise that it would preserve freedom of thought, conscience and religion through the enactment of a Bill of Rights.¹ The preamble of this proposed enactment, in part, reads:

Whereas the people of New Zealand uphold principles that acknowledge the supremacy of God, the dignity and worth of the human person, whatever his racial origins may be, and the place of the family in a society of free men and free institutions:

And whereas the New Zealand nation is founded upon the principle that all its citizens of whatever race are one people:

And whereas men and institutions remain free only when freedom is founded upon respect for moral and spiritual values, the rights and freedoms of others, the general welfare and the rule of law. . .²

The Bill of Rights was not enacted.³ In the early 1960's, however, it was clear that the nation was to be held together by a belief in God and spiritual values. Racial diversity, even in a Bill of Rights, was not acknowledged. New Zealand still was, in name anyway, Christian.

As the decade progressed, the understanding of New Zealand as a Christian nation was challenged in many ways. The President of the Methodist Conference in 1966, the Reverend Ashleigh Petch, said "the rapid and radical changes in the contemporary world are compelling the churches to rethink

¹ At the opening of the 33rd Parliament, the Governor General, (1961) 326 *N.Z.P.D.* 12, said: "My ministers are ever conscious of the vital need to protect freedom of the individual and to maintain a balance between human rights and public welfare. A Bill of Rights will be submitted to you."

² The draft was circulated to the Presbyterian Public Questions Committee. See 1964, Public Questions, *P.C.N.Z.* 118a.

³ See Robson, J.L., *Sacred Cows and Rogue Elephants: Policy Development in the New Zealand Justice Department* (Wellington: Government Printer, 1987) 236-240, for a discussion of the perceived problems with the legislation and why it was not passed.

almost everything they have taken for granted."⁴ The Assistant General Secretary of the National Council of Churches, the Reverend R.M. O'Grady, in comparing the initial hope of that Council to build "a Christian nation which would embody all the virtues of Christianity" with the situation in 1967, stated that these two periods were "so far beyond comparison as to be almost two different worlds".⁵ By the end of the decade, this "different world" saw a different role for the church in regard to the state, and the beginning of a different place for Christian moral principles within the laws and practices of the New Zealand state.

This decade has been characterised as being *the* decade of change, even of revolution, within both society and also the church.⁶ Too much, of course, can be claimed for this time, and its impact can be overstated. In some respects the post-war period was the exception, and the 1960's just continued the developments evident earlier in the century.⁷ Certainly within the public, political and economic life of New Zealand there was no great discontinuity between the 1950's and the 1960's. The economic prosperity of the 1950's continued up until the trade difficulties and the devaluation of

⁴ *New Zealand Methodist* (24 November, 1966) 8.

⁵ O'Grady, R.M., "The National Council: Where to from here?", *Church and Community* (August 1967) 8.

⁶ The great changes and political upheavals, particularly of 1968, have been described as "revolutionary": Harman, C., *The Fire Last Time: 1968 and After* (London: Bookmarks, 1988) vii, "Every so often there is a year which casts a spell on a generation. Afterwards simply to mention it brings innumerable images to the minds of many people who lived through it. 1968 was such a year." Within the church, both in New Zealand and internationally, it has been recognised as a decade of change: Veitch, J., *A Church in Mid-Life Crisis* (Dunedin: Presbyterian Historical Society, 1981) 3; Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 167 ff.; and Ahlstrom, S.E., "The Radical Turn in Theology and Ethics: Why it Occurred in the 1960's", *Annals of the American Academy of Political and Social Science*, 387 (January 1970) 1. The topic of this volume was "The Sixties: Radical Change in American Religion."

⁷ In the area of church attendance, for example, it could be argued that the 1950's were themselves the exception. In the United States, this was the case: Chaves, M., "Secularization and Religious Revival: Evidence for U.S. Church Attendance Rates, 1972 - 1986", *Journal for the Scientific Study of Religion*, 28, 4 (1989) 465. In New Zealand also, church attendance and membership figures returned to the pre-war level in the 1960's. See 1963, Statistics, *P.C.N.Z.* 270a; and Garing, M.N., "Against the Tide: Social Moral and Political questions in the Presbyterian Church of New Zealand" (unpublished PhD thesis, Victoria, 1989) 573-593. In some of the tables that Garing has prepared, for example Sunday School and Bible Class participation (578), a decline was beginning in the 1920's, only to be reversed in the late 1930's, peaking in the late 1950's, and then declining. On these figures, the period 1940-1960 was the aberration.

1967.⁸ The National Government regained power in 1960 and remained in government until 1972. New Zealand culture was still homogeneous and strongly Anglo-Celtic, allowing little room for Maori within the mainstream of national life.⁹ A "colonial ethos" was still marked both within national life and the church.¹⁰ Governors General were British until the appointment of Sir Arthur Porritt in December 1967. Royal visits were hugely popular.¹¹ New Zealand willingly helped Britain to disengage from its colonial responsibilities "east of Suez".¹²

For all of that, the 1960's will also be remembered for the social discontinuity that did occur. Many epithets have emphasised this transformation in the social and cultural life of New Zealand and the new vibrancy and confidence which ensued: "the swinging sixties", "the counter culture", "the beat generation", "the permissive society". No single event, such as the Prague Spring, or the Democratic Party Convention riots,¹³ symbolised that change. There were many individual developments which cumulatively marked the decade as a watershed in recent history. New Zealanders began to view themselves differently and express new community expectations. As Chapman says, "the underlying changes in the golden 1960's were social rather than political, technological rather than legislative, individual rather than public".¹⁴ These changes, particularly as they have affected the state enforcement of the principles of Christian morality, are the focus of this chapter.

⁸ Dunstall, G., "The Social Pattern" in *The Oxford History of New Zealand* edited by Oliver, W.H. (Wellington: Oxford University Press, 1981) 399.

⁹ Robinson, A., "The Political Culture" in *New Zealand Politics in Perspective*, edited by Gold, H. (Auckland: Longman Paul, 1985) 15.

¹⁰ See Breward, I., "Have the Mainline Protestant Churches Moved Out of their Colonial Status?" in *Religion in New Zealand Society*, 2nd Edition edited by Colless, B. and Donovan, P. (Palmerston North: Dunmore Press, 1985) 67-80.

¹¹ Queen Elizabeth II and the Duke of Edinburgh toured the country in February, 1963, as did the Queen Mother in April-May, 1966 and the Duke of Edinburgh again in May 1968. The Queen, the Duke of Edinburgh, Prince Charles and Princess Anne again all visited in March 1970.

¹² New Zealand, during the late 1950's and 1960's, had air force and army detachments in Singapore, Malaya and Borneo serving with British forces.

¹³ For an account of these events see Harman, C., *op. cit.*

¹⁴ Chapman, R., "From Labour to National" in *The Oxford History of New Zealand* edited by Oliver, W.H. (Wellington: Oxford University Press, 1981) 365.

2. Social and Legal Changes in New Zealand

i. The Changes within New Zealand Society

The origin of the social changes within New Zealand in the 1960's is difficult to locate, although several developments did occur in the 1960's which greatly affected New Zealand life and the role of the church with the state. The introduction of television on 1 June, 1960, in Auckland, was one of these factors.¹⁵ Although its introduction was comparatively late, restricted in its operation, and quite clearly state controlled,¹⁶ it did have a profound impact. News events from around the world were seen virtually as they happened. The violence of Vietnam was experienced in New Zealand living rooms.¹⁷ New Zealand became a part of these international developments. Local events also immediately became national concerns.¹⁸ Politicians began to use television. Issues affecting the state began to be enunciated through television and moulded by the constraint of that medium. With the introduction of the current affairs television programme "Gallery" in 1968 a new confrontational style in the presentation of issues emerged.¹⁹

¹⁵ Changes in other media also should be noted. For example, in 1962 the first national radio news program commenced. Fraser, B., ed., *The New Zealand Book of Events* (Auckland: Reed Methuen, 1986) 145.

¹⁶ When television began in New Zealand it comprised of two hours of programs two nights a week. In October, 1960 this was extended to five nights a week. In 1967 transmission began at 2.00 p.m., and in 1970 it again was extended to 65 hours a week. During this time television achieved a nationwide coverage. The broadcasts were by the New Zealand Broadcasting Service, which became the New Zealand Broadcasting Corporation in March 1962.

¹⁷ The impact was noted by Tim Shadbolt, one of the leaders of the New Zealand Protest Movement of the 1960's in an article reviewing the period: "The young people especially are witnessing in their own lounges the tanks rumbling through Cambodian villages and turning their massive firepower on small villages. Young people can witness the murdering of four students on their own campus; and it hurt them to see their fellow protesters shot in the name of law and order. These issues are hard to ignore as the roots grow in our society. No longer are these merely debatable impersonal issues for coffee bar academics to discuss. These debates are on our conscience, and unless we do something about them we may consider ourselves to be responsible for them." Appearing in a student pamphlet, June, 1970, Student Christian Movement papers, Hewitson Library, Dunedin.

¹⁸ This was particularly after the establishment of the national "micro-link" in 1969 which enabled news and current affairs to be broadcast "live" nationally: Jackson, W.K., *New Zealand: Politics of Change* (Auckland: Reed Education, 1973) 184.

¹⁹ King, M., *After the War: New Zealand since 1945* (Auckland: Hodder & Stoughton, 1988) 131. Jackson, W.K., *op. cit.* 184, notes that up until the late 1950's controversy "on air" was strictly frowned upon by the then New Zealand Broadcasting Service. The Presbyterian Public Questions Committee was particularly concerned where "churchmen" were taking part in controversial broadcasts, that it should be known that their views were purely personal and did

Robert Muldoon is credited with becoming the nation's first television politician.²⁰ Protest movements quickly saw the power of the television and the need to present issues in terms of a "media event" whether it be a demonstration or some symbolic gesture.²¹ The church itself became "good television" over the Geering heresy trial in the late 1960's.²² Television showed that society could accept many values and possibilities. The church itself increasingly became portrayed as just one, often divided, group within the nation, set against other groups and the government.²³

A related factor was the improvement in travel between New Zealand and overseas. In 1965 the first commercial jet services began across the Tasman and the Pacific²⁴ and, with them, contact with people overseas became quicker and more practicable. Not only did dignitaries such as the President of the United States in October 1966, and representatives of popular culture such as the Beatles in 1964, visit New Zealand, but an increasing exchange of ecumenical and church leaders also developed.²⁵ The Annual Reports of the National Council of Churches even included a special section on visits to

not represent the views of the Church as a whole: Minutes 5 April, 1963 *P.C.N.Z. Archives Office*.

²⁰ Chapman, R., *op. cit.* 367. Muldoon in his autobiography, *The Rise and Fall of a Young Turk* (Wellington: A.H. & A.W. Reed, 1974) 154 ff., describes how he used television. In particular he discusses a clash with Bishop Pyatt on the *Gallery* programme about 'leftish clergymen'.

²¹ A review of 1969 by Guy Galvin of the Wellington Committee of 1½ Aid illustrates how critical the use of the media was for protest groups. He says, "1969 saw us playing a sort of game with the politicians in which we generated a good deal of hot air and headlines, extracting in exchange certain more or less vague promises." (Student Christian Movement papers, Hewitson Library, Dunedin.)

²² Veitch, J., '1961-1990 Towards the Church for a New Era' in *Presbyterians in Aotearoa 1840-1990* edited by McEldowney, D. (Wellington: P.C.N.Z., 1990) 154.

²³ For example, in a television documentary presented and written by Ian Johnstone for Television New Zealand in 1982 called 'Vietnam: The New Zealand Story' the church is specifically referred to as an identifiable, although divided, group protesting against the New Zealand involvement in Vietnam. (Audio Visual Library, University of Otago)

²⁴ Fraser, B., *op. cit.* 120.

²⁵ The increased number of international travellers to New Zealand also internationalised certain domestic disputes. For example, the restrictive nature of New Zealand liquor laws were lampooned and criticised by tourists: *Royal Commission on the Sale of Liquor in New Zealand* (Wellington: Government Printer, 1974) 27, 'The general standard of drinking conditions came under increasing criticism from New Zealanders and increasing ridicule from the less tactful overseas visitors.'

and from New Zealand.²⁶ For the church there grew up a leadership, particularly at an ecumenical level, which was in contact with international developments. An appreciation of these developments was not available to the rank and file of the church.

Advances in science were also significant during this time. The so-called "space race" and the eventual landing on the moon in 1969 captured the world's imagination. In the same way the world's first heart transplant operation seemed to herald hitherto undreamt of scientific and technological possibilities.²⁷ One of those scientific developments which was to affect the role of the church over matters of morality was the start of the widespread use of the contraceptive pill. The pill was to revolutionise sexual ethics and human relationships. For the Presbyterian Church in 1966 the position was stated clearly enough: "there was no new moral factor" involved, although obviously the supply of the pill had to be restricted to married couples.²⁸ The Anglican Church saw no difficulty with it as a method of birth control.²⁹ The Roman Catholic Church in the 1968 encyclical *Humanae Vitae* came to the contrary view. The use of the pill of itself was against God's will. This decision, as Collins describes, was "the turning point in the modern history of Catholicism".³⁰ That Church ceased to be a convincing moral arbiter for the state, and its members refused to abide by its authority. Catholics "assumed responsibility for their own moral behaviour. No longer could they ask the Church to decide everything for them."³¹

As the increasing urbanisation of life continued,³² the population in the 1960's was becoming younger. In 1945 27% of New Zealanders were under 15

²⁶ See for example, National Council of Churches, *1967 Annual Report*, 15-16, where 'visitors to New Zealand' and 'visitors from New Zealand' are mentioned.

²⁷ The topic of 'heart transplants' was the order of the day for the 5 April, 1968 Presbyterian Public Questions Committee meeting: Minutes, *P.C.N.Z. Archives Office*.

²⁸ 1966, Special Committee on Christian Marriage and Related Matters, *P.C.N.Z.* 90a.

²⁹ *Church and People* (23 August, 1968) 3.

³⁰ Collins, P., *Mixed Blessings* (Melbourne: Penguin, 1986) 114.

³¹ *Ibid* 117-119.

³² See Brown, C., *Forty Years On: A History of the National Council of Churches in New Zealand 1941-1981* (Christchurch: National Council of Churches, 1981) 124; and 1961, Public Questions, *P.C.N.Z.* 129a.

years of age, whereas in 1961 the figure was 34%.³³ This was significant in the rise of the youth culture and mood of rebellion which characterised the 1960's.³⁴ The Maori population also grew at a faster rate than the pakeha's,³⁵ and this, coupled with changes in the migration pattern, meant that New Zealand was becoming more ethnically diverse. Between 1948 and 1967 there had been a net immigration to New Zealand of 225,000 of whom the vast majority were from Britain.³⁶ This great European migration ended by the mid 1970's³⁷ and the Polynesian migration began. In the period 1965 to 1966, 1,849 islanders arrived. By 1974-75 this figure had more than doubled to 4,386 a year.³⁸

Commentators have usually pointed to these features and also the increasing affluence of New Zealand,³⁹ and improvements in education, particularly at tertiary level⁴⁰ as the factors which have brought about the social change of the 1960's.⁴¹ The consequence of these influences was a desire for greater personal freedom, or as one commentator says, opportunity of "doing your own thing".⁴² During the 1960's the conformity and uniformity of the post-colonial New Zealand society following the Second World War, in

³³ Dunstall, G., *op. cit.* 401.

³⁴ One other demographic feature of New Zealand at this time was that between 1962 and 1973 the rate of ex-nuptial births grew by one third (*ibid*). This certainly was indicative of social values at the time, and possibly of the declining influence of "Christian values".

³⁵ See McCreary, J.R., "Population Growth and Urbanization" in *The Maori People in the Nineteen Sixties* edited by Schwimmer, E. (Auckland: Longman Paul, 1968) 201; and Pool, D.I., *The Maori Population of New Zealand 1769-1971* (Auckland: Auckland University Press, 1977) 215ff.

³⁶ Dunstall, G., *op. cit.* 400. At the 1961 Census 92% of the population was European, and it was estimated that of the total population, 88% was from Britain or born in New Zealand "of British stock".

³⁷ *Ibid* 398, 401.

³⁸ Fraser, B., *op. cit.* 82.

³⁹ Between 1959 and 1966 there was a period of steady income growth. Real gross domestic product increased per head by 24% over the period, and when the terms of trade were included the figure rose to 30%. Fraser, B., *ibid* 213.

⁴⁰ The expansion of education at the tertiary level in the 1960's was quite significant. The first technical institute was established in 1960 at Petone. In 1961 the constituent colleges of the University of New Zealand gained independence and the University Grants Committee was established following the Hughes Parry Report. In 1964 Massey and Waikato Universities were founded.

⁴¹ For example, Dunstall, G., *op. cit.* 424 lists these factors.

⁴² *Ibid* 428.

large measure influenced by the church, was challenged. There were appeals to break away from the strictures either imposed by the state, or imposed by the values of the prevailing culture, such as the taste in music or the length of hair or skirt.

One appeal for this greater freedom found its authority in the rising movement for human rights (although it would seem that such a philosophical underpinning for this call for freedom was rarely acknowledged at the time).⁴³ Sydney Ahlstrom, in his analysis of the United States in the 1960's, observed that "the revolutionary character of that nation's deep lying pluralism" began to be not just rhetoric but a reality during the 1960's. Pre-eminently this was shown in the "human rights" movement spearheaded by Dr Martin Luther King Jr..⁴⁴ However, his call for freedom was not limited to the black protest movement, and indeed the other protests of the time. It extended to all dimensions of society. Thus young people became involved in a youth culture with its distinctive music, dress and social patterns. (This youth culture was represented as the "Jesus Movement" in the church.⁴⁵) Consumers, with their increased affluence, wanted more choice in what they purchased and how they could spend their leisure. The traditional views of morality and propriety were also challenged in this process.⁴⁶

Although the nexus between protest movements and social changes of the 1960's was not so strong in New Zealand as in the United States, similar connections can be made.⁴⁷ There were groups and individuals calling for the freedom to determine and control their own personal identity and

⁴³ Mitchell, A., 'Politics' in *The Pattern of New Zealand Culture* edited by McLeod, A.L. (Auckland: Oxford University Press, 1962) 83, noted that "abstract concepts such as civil liberties have little practical influence . . . a very high state of trust characterizes the New Zealander's attitude to his government, his officials, and his state."

⁴⁴ Ahlstrom, S.E., *op. cit.* 2.

⁴⁵ See Leech, K., *Youthquake: The Growth of a Counter-Culture through two Decades* (London: Sheldon, 1973) and Thompson, R.J., 'The New Youth Fundamentalism' in *Perspectives on Religion: New Zealand Viewpoint 1974* edited by Hinchcliff, J. (Auckland: Auckland University, 1975) 85.

⁴⁶ These boundaries were usually being challenged by youth and university students. For example, an issue which arose in the context of New Zealand universities in the late 1960's was the question of 'mixed-sex flatting'. Unpublished papers on University Chaplaincy supplied by Rev. Dr Rod Mitchell, Otago University Chaplain.

⁴⁷ However, through improved communication the civil rights movement in the United States itself had its impact on New Zealand. See King, M, *op. cit.* 91.

future.⁴⁸ During the 1960's "the peripheral majority" (to use Sinclair's term)⁴⁹ sought to claim a greater freedom and a right to participate in the mainstream of New Zealand society. The so-called "Maori Renaissance", or Te Ao Hou, is dated from this time.⁵⁰ In a similar way there were signs of gathering strength in the women's movement.⁵¹ The purely "formal" victory of equal pay for equal work was obtained in the public service in 1963 (1972 for the private sector),⁵² and this led to attention to other areas of discrimination and concern. Groups previously not even recognised by the wider society, such as homosexuals, began openly to seek recognition and legal reform.⁵³ Within the arts the focus of concern was how censorship limited the freedom of expression. Generally, New Zealanders began to want and demand greater choice in their lives. This was well illustrated by the success of the "pirate radio station", Radio Hauraki, which in 1969 began broadcasting from the *Tiri* off the top end of the Coromandel Peninsula.⁵⁴ There was a new cosmopolitan flavour entering New Zealand life, made possible by increased affluence, better education, and improved communication, but fundamentally inspired by an increasingly articulated desire for more choice and freedom.

The 1960's also marked the beginning of a decline in church attendance and membership. In the late 1950's and the early 1960's church membership and attendance peaked for the mainline denominations. For example, within the Presbyterian Church, the Statistics Report for 1961 reported a 1.2%

⁴⁸ Dunstall, G., *op. cit.* 424.

⁴⁹ Sinclair, K., *A Destiny Apart* (Wellington: Allen & Unwin, 1986). This is the title of Part VI of his book. For him, Maori, women and children were the "peripheral majority".

⁵⁰ Literally Te Ao Hou means a 'new dawn'; it may also mean brightness and light as opposed to darkness. For an account of this movement see King, M., *Maori* (Auckland: Heinemann, 1981) 249ff.

⁵¹ Dunstall, G., *op. cit.* 427, 428. See also Bell, C., *Women and Change* (Wellington: The National Council of Women of New Zealand, 1985) 122: 'The women's movement re-emerged in New Zealand in the late 1960's. There was increasing attention to what some women saw as their disadvantaged position in New Zealand society.' See Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 148 ff., for changes in this regard within the church during this time.

⁵² See the Government Service Equal Pay Act, 1960 and the Equal Pay Act, 1972.

⁵³ The Homosexual Law Reform Society was formed in 1968. Bishop H.W. Baines was the Vice President of the Society: Ephemera Collection, "Homosexuality", Alexander Turnbull Library, Wellington.

⁵⁴ See Fraser, B., *op. cit.* 147, for an account of private radio diversification.

increase in membership and that "in the 16 post-war years our Roll of Membership has increased nearly 50%."⁵⁵ There were, however, signs that the situation was changing. That year the number of baptisms, professions of faith and those moving to the Bible Class Movement from Sunday School all declined. Despite this the statistician was ever confident and concluded, "we may consider therefore the few decreases as a slight deflection from a general upward trend."⁵⁶ The "general upward trend" was not to be seen again. The Statistics report of the next year's General Assembly (1962) was able to show in fact that the numbers of professions of faith had peaked in 1958/59, the numbers attending worship had peaked in 1960 and that membership had now also peaked.⁵⁷ From that point on, the Statistics Report to the General Assembly became one of alarm and horror at the emerging trends.⁵⁸

ii. Legislative Changes affecting Personal Morality

Although these changes within society were not of themselves instituted by the state,⁵⁹ they were reflected in new laws and administrative arrangements.⁶⁰ A submission of the New Zealand Liquor Industry Council to

⁵⁵ 1961, Statistics, *P.C.N.Z.* 263a.

⁵⁶ *Ibid* 264a.

⁵⁷ 1962, Statistics, *P.C.N.Z.* 289a.

⁵⁸ For example, in 1964 the report stated there is no evidence, 'to correct any of these disturbing trends': 1964, Statistics, *P.C.N.Z.*, 273a. The most dramatic decline came in the area of youth work and the Bible Class Movement. In the space of a decade this work virtually ceased. See Garing, M.N., "Four Square for Christ: The Presbyterian Bible Class 1902-1972" (unpublished MA thesis, Victoria, 1985) and Belmer, R., *Hevn from the Rock: A Memoir of the Very Reverend J.D. Salmond* (Dunedin: Otago Church Bookstore, n.d.) 46. For a general analysis of this decline within the Presbyterian Church see Garing, M.N., "Against the Tide: Social Moral & Political Questions in the Presbyterian Church of New Zealand 1840-1970" (unpublished PhD thesis, Victoria, 1989) 573 ff.

⁵⁹ The role of the law with respect to social change is a controversial topic in itself. The traditional view was that the law should merely reflect public opinion, although during the 1960s increasingly the call came for the law to lead and direct public opinion. This more activist role also was occasionally the call from the church: see, "The Editorial", *New Zealand Methodist* (8th December, 1966) 2, which said "the Government must lead, not reflect public opinion".

⁶⁰ Many changes in the state's involvement in social and personal behaviour arose not through legislative change, but in legal and administrative changes. For example, changes in censorship arose not through constant legislative amendments, but through changing rulings of courts, tribunals and officials, and the administrative procedure of the police.

the 1974 Royal Commission on the Sale of Liquor in New Zealand put it this way:

The legislative history of our present [liquor licensing] law is very much a product of the necessities of fortune, the changing climate of opinion, changing incomes and life styles. In fact the history of our liquor laws more than anything else represents a microcosm of New Zealand social history as a whole.⁶¹

The legislative history of gambling, Sunday observance, censorship, marriage and divorce equally could be used to illustrate how the changing social climate in New Zealand in the 1960's brought about changes in the state regulation of personal and private behaviour. (Of course a certain circularity of argument needs to be recognised here. Often more liberal laws are cited as the reason for a social transformation,⁶² and not themselves a result of one.) This section focuses on what those legislative and administrative changes were, whereas later sections explore how the church responded to this new milieu and why different approaches within the church to the enforcement of morals emerged.

(a) Liquor Laws

When the decade began, liquor laws had hardly changed since the Royal Commission on Licensing in 1945. A great transformation took place in the 1960's. In 1959 a parliamentary select committee on liquor licensing had been established.⁶³ From this committee came numerous recommendations which were adopted and re-stated in the Sale of Liquor Act, 1962.⁶⁴ As a result, liquor, by the end of the decade, could be sold in restaurants (although in 1960 this was limited to only ten restaurants in the whole of New Zealand), places of work and entertainment,⁶⁵ and airports. The fixed maximum number of liquor licences was also abolished, although the "local option, no

⁶¹ Quoted with approval in *The Sale of Liquor in New Zealand, Report of the Royal Commission of Inquiry* (Wellington: Government Printer, 1974) 28.

⁶² For example, King, M, *op. cit.* 123.

⁶³ For a detailed account of legislative changes in liquor laws see Southwick, L.H. et al., *The Liquor Laws of New Zealand*, (Wellington: Butterworths, 1983) Chapter 1.

⁶⁴ This committee's recommendations were seen as a reflection of public dissatisfaction with the then state of New Zealand liquor laws: Southwick, L.H., *ibid.* 8.

⁶⁵ Up until 1960 dancing and entertainment were forbidden in a place where liquor might be sold.

licence districts" remained. The approval of the 1967 ten o'clock closing referendum was the climax of this liberalisation of New Zealand's liquor laws.⁶⁶ The opportunity to purchase and consume alcohol increased enormously during the decade.

(b) Gambling

The changes to New Zealand gaming and betting regulation during the 1960's were more administrative than legislative. The church (or at least the Associated Churches)⁶⁷ had "lost" the battle over off-course betting with the establishment of the Totalisator Agency Board (T.A.B.) in September, 1950 after the 1949 referendum. From this base, the T.A.B. improved and expanded its operation during the 1960's.⁶⁸ Other gambling opportunities also were opened up. The major development was the upgrading of the state run lottery with the launching of the Golden Kiwi. The first tickets for the lottery were sold on 4 December, 1961,⁶⁹ and thereafter, it proved to be a popular and integral aspect of New Zealand life. Lottery board funds also became a main source of funding for many New Zealand sports and charities, thus further complicating the church's attitude to gambling and its relationship to the state. This was of particular concern to the Presbyterian Public Questions Committee during the early 1960's. In its 1964 report to the General Assembly it speaks of the move to lottery funded charitable work as being embarrassing.⁷⁰ Indeed one of the reasons behind the state programme to fund church halls in 1966 appears to be that certain churches refused to receive lottery funds for youth work.⁷¹ At the time it

⁶⁶ 6.00 p.m. closing was first introduced in 1917 as a war measure and was made permanent in 1918. This was still the crucial issue when Bollinger's *Grog's Own Country* (first published in 1959) was re-issued prior to the 1967 referendum: Bollinger, C., *Grog's Own Country*, 2nd Edition (Auckland: Minerva, 1967) xi.

⁶⁷ See *Chapter Two* at p. 70.

⁶⁸ The extension in betting came through improvements in technology, and through a wider range of events on which to bet. For example, mid week racing was re-introduced to New Zealand in 1962 after being banned during the Second World War: Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1962 A. 22, 48.

⁶⁹ Annual Report, Department of Internal Affairs, *A.J.H.R.* 1962 A.22, 50.

⁷⁰ 1964, Public Questions, *P.C.N.Z.* 121a.

⁷¹ See *Chapter Five* at p. 191 for a discussion of this development and the reasons for it.

was said, "the scheme is of especial interest to those churches which do not seek grants from lottery funds."⁷²

(c) Marriage and Divorce

The liberalisation of the divorce law had been controversial in New Zealand.⁷³ Since the 1867 Matrimonial Causes Act, divorce was only possible if there was a "matrimonial offence" proved, such as a wife's adultery, or as was the case then, a husband's aggravated adultery. Over the years what was considered to be a "matrimonial offence" gradually widened (and some of the sexist biases removed), although the innocent party had always been required to prove the fault of the other spouse before the divorce could be obtained.⁷⁴ In 1963 the major change came when even the so-called guilty party could obtain the benefit of a divorce. This was the first acknowledgement that divorce related to the breakdown of the marriage, and not the establishment of a matrimonial offence (against the Christian ideal of the life-long union of a husband and wife).⁷⁵

In 1968 there was further relaxation of the fault requirement. Divorce could now be obtained after a period of separation of four years, as opposed to the previously required period of seven years.⁷⁶ As the Minister of Justice, Ralph Hanan, said at the time "the concept of divorce as a remedy for breakdown of marriage rather than for an often arbitrarily assigned offence by one party is far more in accordance with common sense."⁷⁷ No longer was the essence of the divorce law linked to any biblically inspired jurisprudence.

⁷² Annual Report, Department of Internal Affairs, *A.J.H.R.* 1967 A.22, 53.

⁷³ See generally Phillips, R., *Divorce in New Zealand: A Social History* (Auckland: Oxford, 1981). Phillips notes that Presbyterians favoured the introduction of divorce legislation, while the Catholic Church maintained a vigorous opposition to any opportunity for divorce.

⁷⁴ In 1953 there was a major revision of the divorce law, although Phillips notes that "apart from the provision for divorce based on seven years' living apart, [it] might be regarded as an essentially conservative measure" *ibid* 45.

⁷⁵ *Ibid* 46.

⁷⁶ s.21(1)(o) of the Matrimonial Proceedings Act, 1963 (as amended).

⁷⁷ Hanan, R., "The future of family law" in Inglis, B.D. and Mercer, A.G. eds *Family Law Centenary Essays* (Wellington: Sweet & Maxwell, 1967) 10. (*my own emphasis*)

During the 1960's there was some change with regard to the position of *de facto* marriages. The significant legal prohibitions and disabilities for a man and a woman "to live in sin" continued. For example, as recently as 1960, courts were declaring that agreements between a man and woman to regulate such a relationship were void because these arrangements were seen to promote sexual immorality.⁷⁸ This was the common law still reflecting Christian principles. However, the common law disabilities placed on children who were born outside of wedlock (such as in the law of inheritance) were relaxed. In 1969 the Status of Children Act was passed removing any legal disability.⁷⁹

(d) Censorship and Indecent Behaviour

Major changes took place with regard to what was acceptable behaviour and acceptable language during the decade. There were certain changes to the process of censorship, such as the creation of the Indecent Publications Tribunal in 1963 which took the control over printed matter from public servants.⁸⁰ Generally, however, the legislative or common law definitions as to what was "obscene" or "indecent" did not fundamentally change. These tests depended on what were publicly acceptable standards. Because public taste itself was changing, there came to be a liberalising of what was permitted in the arts and public behaviour.⁸¹ Thus the 1972 Instructions of

⁷⁸ *Ramsay v. Trustees Executors and Agency Co Ltd* (1948) 77 C.L.R. 321, 326-7, per Latham C.J. and *Newcastle Diocese Trustees v. Ebbeck* (1960) 104 C.L.R. 394, 415-6, per Windeyer J.. Also trusts in favour of future illegitimate children were regarded as void because they promoted immorality. Generally see Cheshire, G.C. and Fifoot, C.H.S., *The Law of Contract, 3rd Australian Edition* (Sydney: Butterworths, 1974) 329.

⁷⁹ S.3(1) provided that "for all the purposes of the law of New Zealand the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other, and all relationships shall be determined accordingly." These changes were given support (although not unanimous support) from the Presbyterian Public Questions Committee: Minutes 3 March, 1967 when the matter was raised with the Justice Department, and 4 October, 1968 when the legislation was considered (*P.C.N.Z. Archives Office*). The Anglican Provincial Committee on Public and Social Affairs also considered the question: 1968, P.6.S. 129.

⁸⁰ Robson, J.L., *op. cit.* 242. For the operation of this tribunal see Perry, S., *Indecent Publication Control in New Zealand* (Wellington: McCrae Publishers, 1975); and Tait, G., *The Bartlett Syndrome: Censorship in New Zealand* (Christchurch: Freedom to Read, 1979).

⁸¹ McBride, T., *New Zealand Handbook of Civil Liberties* (Wellington: Price Milburn, 1973) 49ff., illustrates this process with reference to litigation over reputedly obscene material. The film censor in the Annual Reports to Parliament of the Department of Internal Affairs also notes these changes. For example, it is noted that in 1970 "The proportion of controversial

the Commissioner of Police stated that "what the law regards as obscene language has recently become more acceptable to the general public and is commonly used in films, television and written material."⁸² An example of this earlier in the decade was that in 1961 the book *Lolita* by Nabokov was adjudged to be indecent by the Supreme Court, although in 1964 the new Indecent Publications Tribunal thought otherwise.⁸³ Censorship, however, could still be a controversial question, with the film *Ulysses* particularly arousing considerable debate.⁸⁴

(e) Sunday Observance

The changing pattern of New Zealand Sundays was more a social phenomenon than one seen in legislative change. Laws relating to Sunday observance by and large remained. Section 18 of the Police Offences Act, 1927 had made it an offence for any person who on Sunday "in or in view of any public place, trades, works at his trade or calling, deals, transacts business, sells goods or exposes goods for sale". Section 3C of that Act also prohibited the "molestation of a service of worship".⁸⁵ Richardson in 1962 listed many statutory provisions, in addition to the above, which prohibited industry and commerce on a Sunday.⁸⁶ Coal mines could not be operated, nor could one brew wort or operate a still on a Sunday!⁸⁷ Shops could not be opened on a Sunday.⁸⁸ The main focus of church concern was the increased amount of sport that was now played on a Sunday.⁸⁹ Even there, by 1968, the Presbyterian

films submitted for censorship continues to increase" (Annual Report, Department of Internal Affairs, *A.J.H.R.* 1970 A.22, 30).

⁸² McBride, T., *op. cit.* 50-51.

⁸³ Fraser, B., *op. cit.* 379.

⁸⁴ See Annual Report, Internal Affairs, *A.J.H.R.* 1968 A. 22, 46, which noted the 'growing public interest' in 'controversial cinema features', and the increased debate they have generated. The Presbyterian Public Questions Committee sought direct discussions with the film censor over this film: Minutes 2 June, 1967, *P.C.N.Z. Archives Office*.

⁸⁵ The offence also covered the situation where any person 'disturbs or molests any preacher, teacher or person lawfully officiating at any such service or meeting or any persons there assembled.'

⁸⁶ Richardson, I.L.M., *Religion and The Law* (Wellington: Sweet & Maxwell, 1962) 17-19.

⁸⁷ Coal Mines Act, 1925 s.72 and Distillation Act, 1908 s.65.

⁸⁸ Shops and Offices Act, 1955 s.4.

⁸⁹ The Minutes of the Presbyterian Public Questions Committee illustrate that in the early 1960's there was a concern over the emergence of Sunday sport. The appeal was to the wider community, and not specifically to the state. The 1960, Public Questions, *P.C.N.Z.* 111a 'The

Public Questions Committee was not prepared to say that the screening of rugby on Sunday television was a public question.⁹⁰ As such the church was not so much dealing with the state, but with the attitude of the wider community and groups such as sports administrators. Specific approaches still would be made to government departments such as, for example, the Department of Tourism over the running of conducted tours on Sunday.⁹¹ Generally, however, contact between church and state over the matter was minimal. By the 1960's preservation of Sunday was in fact more an industrial matter than one of religious significance alone. Special penalty rates of payment applied to Sunday work and trade unions and employees sought these privileges to be maintained.

(f) Sexual Morality

In the 1959 Crimes Bill, to amend the Crimes Act, 1908, a redrafting of the law of sodomy had been proposed. This bill would have incorporated suggestions made by the 1957 English *Wolfenden Committee* which suggested the decriminalisation of homosexuality between consenting adults.⁹² The churches, however, along with others,⁹³ actively objected and in its final form, the Crimes Bill proceeded without any change to this law.⁹⁴ The then Minister of Justice, Ralph Hanan, noted in the second reading on 3 October 1961 that "the present Bill makes it clear beyond any possibility of misunderstanding that the criminal law will continue to reflect the attitude

Church says simply "Man needs God. Be careful that you do not make it harder for you to get to know Him." Paterson, F., "An Historical Analysis of Issues within the Presbyterian Church of New Zealand 1945-1985" (unpublished MTh thesis, Otago, 1985) 76, notes the issue of Sunday observance in the 1960's was highlighted with sport. Since 1969 it had not been on the agenda of the General Assembly.

⁹⁰ Minutes, Public Questions Committee, 5 July, 1968: *P.C.N.Z. Archives Office*.

⁹¹ Minutes of the Presbyterian Public Questions Committee, 5th June, 1964: *P.C.N.Z. Archives Office*.

⁹² *The Wolfenden Report: The Report of the Committee on Homosexual Offences and Prostitution* (H.M.S.O. Cmd.247, 1957). See Robson, J.L., *op. cit.* 107-111, for a discussion of the legislative history of this proposal.

⁹³ See Garing, M.N., "Against the Tide" 309.

⁹⁴ The Inter-church Council on Public Affairs made representations, as did individual churches. The Presbyterian Public Questions Committee minutes for October 2, 1959 noted that J.R. Marshall "indicated that the redrafting of the clauses dealing with sodomy would meet the objection of the church to the original draft." Again at the 8th July, 1960 meeting, it was noted that the clause re "homosexuality between consenting males, had been deleted" from the 1959 Crimes Bill: *P.C.N.Z. Archives Office*.

of the community towards these unnatural practices."⁹⁵ As Breward noted after the acquittal of two young men for the murder of a homosexual at Hagley Park, Christchurch, in January 1964, "there was little sign outside Parliament that these penalties [for sodomy] were thought to be inappropriate, or that the *Wolfenden Report* had made any public impact in New Zealand."⁹⁶ Again in 1968, the decriminalisation of homosexuality was proposed, following the submission of a petition from the newly-formed New Zealand Homosexual Law Reform Society. The Petitions Committee declined to support the petition, and again the matter lapsed.⁹⁷ The conservatism of New Zealand seemed to militate against any reform.⁹⁸

Abortion also became more widely discussed during the 1960's. But as with the question of homosexuality, the law did not change. There were, however, changes in the Australian legal position in 1969, which became a concern of anti-abortion groups in New Zealand.⁹⁹ The major changes in this area were to come in the 1970's.

iii. The Process of Legislative Change

The liberalising of laws relating to private morality was still a controversial question within New Zealand during the 1960's.¹⁰⁰ Indeed it was because of their controversial nature, and presumably their relationship to religious principles, that moral questions were treated differently to other measures. Since the nineteenth century a distinctive mechanism for

⁹⁵ (1961) 328 *N.Z.P.D.* 2679.

⁹⁶ Breward, I., "Hagley Park Treatment" *Landfall*, 74 (June 1965) 156. Garing, M.N., "Against the Tide", *op. cit.* 309, notes that the question within the Presbyterian Public Questions Committee was not even discussed in the presence of a female member of the Committee.

⁹⁷ (1968) 358 *N.Z.P.D.* 2980. See Rae, S., "The Enforcement of Morals: A Debate Reviewed" *Landfall*, 92 (December 1969) 256-357, for a review of the parliamentary proceedings and the nature of the debate at the time.

⁹⁸ See Robson, J.L., *op. cit.* 100, for the clear observation from Ralph Hanan in 1967 that any amendment of the law with respect to homosexuality was still "premature" in New Zealand.

⁹⁹ Pryor, M., *The Right to Live: The Abortion Battle of New Zealand* (Auckland: Harlen Books, 1985) 32. The Australian changes were the legislative changes in South Australia which liberalised the criminal law, and the case of *R. v. Davidson* in Victoria which widened the defences available for those performing an abortion.

¹⁰⁰ There were, however, no Royal Commissions or special inquiries, as there had been in the post-war period. The next Royal Commission was the Royal Commission on Contraception, Sterilization and Abortion established in 1975.

handling such questions, namely the referendum and the "free vote" for parliamentary members, had developed. Such mechanisms meant that, with changing social attitudes, legislative change on matters of personal morality in New Zealand was virtually inevitable.

The irony was that the nineteenth century prohibition and Bible in schools movements had desired these processes. The prohibition movement had not in the first instance sought the abolition of the liquor trade by legislative *fiat*, but rather the right for people to decide by referendum whether or not the trade would continue.¹⁰¹ Thus, in 1893, provision was made for triennial polls in licensing districts (corresponding to parliamentary electoral districts) on the issues of continuance, reduction and no licence.¹⁰² A majority of 60% was required to carry a "no licence" decision. In 1910 the local option poll question of reduction was dropped and a national poll on the issues of continuance and prohibition was introduced. A majority of 60% was still required to carry prohibition.¹⁰³ By the Licensing Amendment Act, 1919, the form of the national poll on the three issues of continuance, prohibition, and state purchase and control was passed. A bare majority only was now required to carry either state purchase or prohibition.¹⁰⁴ That legislation abolished the local option possibility for prohibition. Those "no licence" districts could now carry restoration with a 60% majority. This legislative structure remained through the 1960's.

Initially local option elections, and then the national poll, gave rise to the very real possibility that the temperance movement would achieve its objective of prohibition.¹⁰⁵ The establishment of referenda on licensing

¹⁰¹ For an account of this legislative history see Southwick, L.H., et al., *op. cit.* Chapter 1.

¹⁰² In that local option poll, Clutha became a "no-licence" district. By this method, 13 of the 76 electorates at that time became "no licence" areas. See McArthur, J.F., *Licensing Trust Development in New Zealand* (Gore: NZ Licensing Trusts Association, 1967) 9ff., for a history of "no licence" districts.

¹⁰³ In the 1911 poll, more than 55% voted for national prohibition.

¹⁰⁴ In the December 1919 poll (there also was a poll in April, 1919) prohibition failed to secure the required overall majority by only 3,263 votes, 0.03% of those voting. For an analysis of Licensing Poll results see *Licensing Polls in New Zealand 1914-1963* (Wellington: National Council of the New Zealand Alliance, n.d.).

¹⁰⁵ As noted in *Chapter One* at p. 23, fn. 113, the quest of the Bible in schools supporters for a referendum was rejected in 1914.

questions was thus an important, and successful, tactic in achieving state action on what was seen to be a grave moral problem. When social attitudes to temperance changed, however, these referenda became a weapon against temperance and other moral campaigners. By the 1960's the vote for continuance (that is against prohibition and state ownership) had reached over 80%, compared with 44% in 1911. When a referendum for the extension of the hours of hotel opening was put before the electorate in 1967, it was carried by a convincing majority.¹⁰⁶ Compared with the decisive defeat for the same proposal in 1949,¹⁰⁷ the changed social attitude was quite clearly discernible.¹⁰⁸

In a similar way the parliamentary mechanism of the "free vote" also meant that legislation dealing with matters of morality would be "apolitical" and generally reflect the prevailing community attitudes. Like referenda "free votes" meant that political parties did not have to have a policy on possibly difficult and controversial questions.¹⁰⁹ The essence of the free vote is that the parliamentary party caucus gives to its individual members the freedom to vote as their conscience dictates on matters before the House. There is no "party policy" on such matters, and the matters have

¹⁰⁶ Such a referendum was not a normal part of the liquor licensing system within New Zealand. The referendum required its own enabling legislation before it could be held. Southwick, L.H. *et al.*, *op. cit.* 2, however, notes that the "lasting significance of [holding referenda] lies in the fact that even today it is often considered axiomatic that on liquor matters, the people should have the right of referendum."

¹⁰⁷ A three to one vote in favour of 6.00 p.m. closing was recorded at the 1949 poll. See *Otago Daily Times*, 10th March, 1949.

¹⁰⁸ Of the 1960's, the *Royal Commission on the Sale of Liquor in New Zealand, 1974, op. cit.* 31, says "The enactment of the Sale of Liquor Act, 1962 marked the commencement of this new era. New types of licences to sell liquor from new outlets have been introduced, the prohibition against dancing and entertainment in hotels and taverns was relaxed, and a cautious trend towards liberalisation was discernible. A definite indication of this trend was the re-introduction of 10 p.m. closing in hotels (the situation up until 1917), taverns and chartered clubs following the 1967 referendum which carried by a convincing majority the extended hours proposal." Another indication of changing attitudes was the fact that "a number of districts which had been 'dry' for many years have carried by the prescribed three-fifths majority the poll for restoration of facilities for the sale and consumption of alcoholic liquor in their area." (32)

¹⁰⁹ This feature is noted in McIntock, A.H., ed., *An Encyclopaedia of New Zealand*, Volume 1 (Wellington: Government Printer, 1966) 866, "Government-Referendum". It states that "from a purely political point of view it relieves a government of a difficult or unpopular decision."

usually dealt with moral issues, such as licensing, gambling, abortion or homosexuality.¹¹⁰

It would seem that the church had seen virtue in the practice of the free vote. The free exercise of the individual's conscience was far preferable to having rigid party discipline enforced on matters of important public morality. There is some evidence that in the 1950's the church lamented the lack of free votes. The 1949 Methodist conference noted "with concern the present tendency of Parliament to make questions of moral welfare party matters, so that discussion in the House of Representatives is stifled and important decisions are taken in caucus rather than on the floor of the House."¹¹¹ Generally, however, it was not until the 1970's and even the 1980's that the exercise of the "free vote" brought about more liberal attitudes towards matters of sexual morality. The mechanism nevertheless guaranteed that the style and content of moral campaigns would be different to the normal range of pressure group activity. The "free vote" meant that in future single-issue politics was a possibility.

3. The Church and the State Enforcement of Morals

i. The Changing Vigilance of the Church on Moral Questions

As the 1960's progressed, the above legislative and administrative changes induced a sense of crisis within the church. For example, the Moderator of the Presbyterian Church of New Zealand's General Assembly, the Reverend S.C. Read acknowledged a new context for the church: "the times in which we live could merit the title the Age of Uncertainty. This is due to more rapid and widespread changes than any previous generations have

¹¹⁰ There is little analysis of the "free vote" in New Zealand. An early study was Kelson, R.N., "Voting in the New Zealand House of Representatives 1947-1954", *Political Science*, 7,2 (1955) 101. The definition of the "free vote" used here comes from this study.

¹¹¹ 1949, *H.A.C.* 68. The particular concern was licensing legislation. The Presbyterian Public Questions Committee was also pleased to note that on the question of the abolition of the death penalty, the National Party was going to allow a "free vote": Minutes 7 July, 1961, *P.C.N.Z. Archives Office*.

known."¹¹² At the beginning of the decade, however, the church still saw the state having an important role in the face of these changes. The state was the bulwark against the erosion of community standards and Christian morals. The state had the task, even the duty, to maintain certain "moral principles" and "Christian values". The church's task was still seen to be the "moral police" of the nation.

The church performed this duty in two ways. On the one hand it would make submissions and representations to government on proposed legislative changes. For example, the legislation creating the Indecent Publications Tribunal, and the Matrimonial Proceedings Act, 1963, received many submissions from a variety of church sources.¹¹³ The church still saw that it had responsibility for the moral well-being of the *whole* of society. For example, in submissions to the government on establishing the New Zealand Broadcasting Corporation (instead of the Broadcasting Service under direct Ministerial control) the Presbyterian Public Questions Committee observed that "the Church's involvement in the question is a moral one, arising from the concern for the welfare of the people and the effect of Television upon them."¹¹⁴

The second and related role of the church was that of complainant to the relevant state authorities with respect to breaches of the existing laws, such as those on gambling, the sale and consumption of liquor, obscenity, and so on. In this, individuals, parishes, or other church bodies, would report the particular offending incident directly to the state or to the relevant church committee. For example, the minutes of the Presbyterian Church's Public Questions Committee for three years from June 1960 reveal concern over the sale of raffles by children, the introduction of "Post

¹¹² *The Outlook* (12 November, 1966) 2. See also the comments of the President of the Methodist Conference in 1966, the Rev. Ashleigh Petch, *New Zealand Methodist* (24 November, 1966) 8-9.

¹¹³ See 1966, P.G.S. 113; and 1963, Public Questions, P.C.N.Z. 165a.

¹¹⁴ 1961, Public Questions, P.C.N.Z. 133a. See also the argument with regard to Sunday: "In everybody's defence, as well as that of practising Christians, the community has a duty to present and future generations, to preserve Sunday as the week's 'Quiet Day.'" (1961, Public Question, P.C.N.Z., 132a); and marriage and divorce: "The matters dealt within this Report are not solely the concern of the Christian Church; they are features of our humanity and factors of the utmost importance both in the lives of individual men and women and in the total life of the community" (1966, Public Questions, P.C.N.Z. 96a).

Office Bonds", Christmas cards which were in effect raffle tickets, the "Cash Box" programme, the use of the expression "My God" in the House of Representatives, dancing being extended into Sunday morning by Wellington dance halls, the liquor licence for two balls held in a high school hall, the magazine "Face and Figure", the broadcasting of "assessed" football results, fund raising for Scouts and the performance of the classical Greek play "Lysistrata". And such is only a sample of the many matters which this committee pursued with the relevant government authorities.¹¹⁵

Many of these representations, at least in the early 1960's, were successful. The submissions that the churches made were often reflected in legislation. For example, the tenor of the Inter-church Council on Public Affairs' submission on the state regulation of television was similar to what was enacted.¹¹⁶ The state still continued to provide information and discuss particular issues with the church. Dr J.L. Robson, the Secretary of the Department of Justice, addressed the Presbyterian Public Questions Committee for its June meeting in 1965, and the Inter-church Council's April 1966 meeting.¹¹⁷ Also when the church complained, it was often successful in stopping the impugned activity. The New Zealand Broadcasting Service ceased broadcasting "assessed" football results after this committee expressed its displeasure.¹¹⁸

¹¹⁵ See Minutes 10 June, 1960 (raffles and the "Cash Box" programme); 5 May, 1961 (lotteries and Sunday sport); 1 September, 1961 ("My God" in the House of Representatives); 6 October, 1961 (fund raising for the Scouts and "Premium Bonds"); 1 December, 1961 (dancing being extended into Sunday); 6 April, 1962 (liquor licences for two balls to be held in schools - the balls were not school functions); 7 September, 1962 ("Face and Figure"); 1 February, 1963 (the broadcasting of "assessed" football results) 3 May, 1963 (censorship); and 5 July, 1963 ("Lysistrata" was obscene and offensive): *P.C.N.Z. Archives Office*.

¹¹⁶ At the time of the introduction of television in New Zealand the church had considered the matter extensively. The *Second Life and Work Conference* had a special section dealing with television. It wanted television "introduced to the country on a moderate and gradual scale. Hours of transmission . . . curtailed to avoid the lowering of standards by sustaining programme schedules with material of inferior quality." (National Council of Churches, *Ardenore* (Christchurch: Presbyterian Bookroom, 1959) 49). The Inter-church Council on Public Affairs in its submission indicated that ownership and control of television should be by the state: 1960 Annual General Meeting, Minutes Volume 6, MS y 1839, Alexander Turnbull Library, Wellington. See also 1960, Public Questions, *P.C.N.Z.* 107a and 1961, Public Questions, *P.C.N.Z.*, 128a, 133a-135a. For church state co-operation over the actual content and nature of broadcasts see Dallard, G., *The "God Slot"* (Wellington: P.C.N.Z., 1989) 25ff.

¹¹⁷ 4 June, 1965 Minutes: *P.C.N.Z. Archives Office* and 22 April, 1966: Minutes Volume 7 MS y 1840, Alexander Turnbull Library.

¹¹⁸ Presbyterian Public Questions Committee for 1 February, 1963: Minutes, *P.C.N.Z. Archives Office*.

As the decade progressed, the previous importance of church protest diminished. Indeed, in some areas protest ceased. For example, in relation to the peculiarly Protestant concern of gambling,¹¹⁹ the Presbyterian Public Questions Committee impugned "Premium Bonds" in 1961 as encouraging gambling. In 1969 the same committee saw no reason to oppose them.¹²⁰ This was despite the best efforts of individuals such as the Reverend Dr J.D. Salmond.¹²¹ Gambling and intemperance ceased to be effectively raised with the state as a serious moral problems.¹²²

Matters of sexual ethics, however, continued to be important for all churches. Censorship in particular was a continuing issue during the 1960's. The Annual Reports of the Inter-church Council on Public Affairs invariably were concerned with some aspect of censorship. In 1960 the concern was over the "sexy atmosphere" in films. Later in the decade the attention turned to indecent publications, while in 1970 the issue was the stage production of the musical "Hair".¹²³

Although these questions of sexual ethics continued to be raised, divisions were emerging within the church on the appropriate role for the state. For example, by the end of the 1960's it was observed that the Presbyterian Public Questions Committee was more liberal than the Inter-church Council on Public Affairs with regard to censorship.¹²⁴ Now material

¹¹⁹ From a Catholic Church perspective this issue and also intemperance were not seen to involve significant matters of Christian principle.

¹²⁰ Minutes 6 October, 1961 and 6 June, 1969: *P.C.N.Z. Archives Office*.

¹²¹ The Rev. Dr J.D. Salmond was a regular correspondent to the Presbyterian Public Questions Committee over the question of gambling during the 1960's. His concern was, as he said in one letter, there was "little public expression of public opinion from the church" on gambling. (Minutes 1 May, 1964 *P.C.N.Z. Archives Office*). He wrote *The Cult of the Golden Kivi* (Christchurch: Presbyterian Bookroom, 1962) to address specifically the issue.

¹²² See pp. 122ff. below.

¹²³ Annual Reports for 1960, 1963 and 1970: Minutes Volumes 6 & 7, *op. cit.* Note also the work of the Presbyterian Public Questions Committee. See Minutes 1 May, 1964 (a serialised story in a reputable newspaper about a "promiscuous spy"); Minutes 3 July, 1964 (Baldwin's *Another Country*); Minutes 4 February, 1966 ("Playboy" and the record of the Indecent Publication Tribunal): *P.C.N.Z. Archives Office*.

¹²⁴ In 1970 a statement on censorship was prepared for the Inter-church Council on Public Affairs. It was generally agreed to, although the Presbyterians (together with the Methodists) felt that it went too far, while the Lutherans believed that it did not go far enough. See Annual Report 1970, Minutes Volume 7.

would be examined and if felt immoral, perhaps complained about. The more usual response became that no further action would be taken.¹²⁵

New divisions also opened up over abortion and homosexuality. In the previous decades all churches had been of the same mind over abortion. As referred to in *Chapter Two*, in October 1944 all denominations on the Inter-church Council on Public Affairs (which included the Catholic Church's representative) had made it clear to the Department of Health that the seeking of an early termination of a pregnancy was criminal, and although the law provided a possible exception, that fact should not be given undue weight in any publication that the Department might publish. The Presbyterian General Assembly called abortion a sin and a "growing evil" in 1944.¹²⁶ In 1966, a special report of that Church on "Christian Marriage and Related Matters" affirmed the then current legal position that abortion was permissible if the "life of the mother would be seriously endangered if the pregnancy ran its natural course."¹²⁷

The emergence of a different approach to the state role was more marked over the question of homosexual law reform. Following the outright rejection of the 1959 proposal for law reform, there developed within both individual denominations and also the Inter-church Council on Public Affairs an interest in possible reform of the law. It had been raised as an issue at the 1961 Methodist Conference. The Conference pressed for the adoption of the *Wolfenden Committee's* recommendations.¹²⁸ The Presbyterian Public Questions Committee appointed a sub-committee to examine the question in February 1962;¹²⁹ and the Anglican Provincial Committee on Public and Social

¹²⁵ For example, the Presbyterian Public Questions Committee, 7 March, 1969 agreed that the paper *Censored* was not to be complained about, but that the usual processes of the law be left to determine whether it was decent or indecent: *P.C.N.Z. Archives Office*.

¹²⁶ 1944, Minutes, *P.C.N.Z.* 21.

¹²⁷ 1966, Special Committee on Christian Marriage, *P.C.N.Z.* 92a; cf. p.93a where it says abortion is only permissible "where it is a question of saving the life of the mother".

¹²⁸ 1961, *H.A.C.* 94-96, 97.

¹²⁹ The Public Questions Committee established the sub-committee 2 February, 1962, and it reported 7 September, 1962: Minutes *P.C.N.Z. Archives Office*. The report concluded that it was not a matter "on which the church can helpfully make a statement at this stage or that the matter altogether qualifies as an immediate 'public question'." Quoted, in Breward, I., "Hagley Park Treatment" *Landfall*, 74 (June 1965) 156. The matter was raised again at its 2 May, 1967 meeting when it was agreed to contact the newly formed Wolfenden Association of New Zealand and seek further information.

Affairs produced a report on the matter.¹³⁰ During 1967 the Inter-church Council on Public Affairs spent considerable time discussing homosexuality, although a proposed conference for 1968 was cancelled due to insufficient registrations.¹³¹ Denominational bodies began to endorse the decriminalisation of homosexual acts. This was done by the Methodist Conference,¹³² the Presbyterian General Assembly¹³³ and the Associated Churches of Christ Conference. The resolution of the Associated Churches of Christ Conference for 1967 - 1968 was typical of this concern:

That Conference (a) commend to all members a closer study of the subject of homosexuality recognising the necessity for decision on the question of moral judgement; the need for medical research; the need for law reform. (b) in relation to law reform this Conference encourages the Government to act as quickly as possible toward a change in the law, so that homosexual acts between consenting male adults in private, be no longer a legal offence.¹³⁴

These churches emphasised that "such recommendation in no way involve the slightest mitigation of the Church's condemnation of sin and moral evil. Such acts are sinful acts. The urgent question is: How can the sinner be helped?"¹³⁵ Homosexuality was "curable" and the criminal sanction just interfered with "any serious move to assist and treat homosexuals".¹³⁶

Despite this support for decriminalisation of homosexuality, extensive opposition arose within the church to these moves. The Associated Churches of Christ subsequently rescinded its resolution supporting decriminalisation,¹³⁷ and the other churches supporting decriminalisation received considerable criticism for their views.¹³⁸ Parliament itself also

¹³⁰ 1968, *P.G.S.* 129.

¹³¹ See Minutes for 23 June, 1967 and 23 August, 1968: Minutes Volume 7.

¹³² 1961, *M.A.C.* 97.

¹³³ 1968, Minutes, *P.C.N.Z.* 46.

¹³⁴ 1967-1968, Reports, *Associated Churches of Christ Conference*, 20. This resolution follows the previous year's decision to investigate "the problem of homosexuality": 1966-1967, Reports, *Associated Churches of Christ Conference* 14.

¹³⁵ Bishop E.A. Gowing, Bishop of Auckland to the June, 1966 Diocesan Synod: *Church and People* (8 July 1966) 9.

¹³⁶ 1968, Public Questions, *P.C.N.Z.* 159a.

¹³⁷ 1974, Minutes, *Associated Churches of Christ Conference* 13.

¹³⁸ See Minutes of Presbyterian Public Questions Committee 29 November, 1968: *P.C.N.Z. Archives Office*; and 1969, Public Questions, *P.C.N.Z.* 155. In Parliament, G.G. Grieve was

was reluctant to abdicate any responsibility for maintaining what it saw to be a moral standard within the community. In the 1968 consideration of the decriminalising of homosexual acts, the chairman of the Parliamentary Petitions Committee, G.G.Grieve, observed "I cannot see any justification for legalising homosexual acts and stating that they are not immoral."¹³⁹ This view was accepted by the Committee. As R.L.G. Talbot concluded, the Committee was "upholding moral standards."¹⁴⁰

Finally, similar division arose with respect to divorce law reform. Denominations such as the Presbyterians and Methodists tended to favour reform while the Catholic and Anglican Church were opposed to such changes.¹⁴¹ As will be explored below, it was new theological approaches which opened up these divisions and led to a different role for the church in the enforcement of morals.

ii. The Demise of the "Responsible Society"

The theological basis for church state engagement during the 1950's had been the concept of the "Responsible Society". It had gained acceptance at the international ecumenical level and also in New Zealand. However, within the international ecumenical movement during the 1960's, the idea of the "Responsible Society" was to be first challenged and then abandoned. This change was also reflected in New Zealand church state relations.

There were in fact two challenges to the concept of the "Responsible Society".¹⁴² The first came from theological liberals in the West who questioned the neo-orthodox presuppositions of the doctrine. The second

¹³⁹ amazed and disappointed at some of the Church leaders throughout New Zealand who advocated a change in the law to permit homosexual activity to be practised': (1968) 358 *N.Z.P.D.* 2981.

¹³⁹ (1968) 358 *N.Z.P.D.* 2981.

¹⁴⁰ (1968) 358 *N.Z.P.D.* 2982.

¹⁴¹ Phillips, R., *op. cit.* 46-47, notes that for the 1968 statute revision it was the Mother's Union of New Zealand, the Catholic Social Services Committee and the Catholic Women's League which strenuously opposed the shortening of the waiting periods in cases of matrimonial offences. The Anglican journal *Church and People* during the late 1960's featured extensively that Church's attitude towards divorce and remarriage of divorced people. See for example, "Anglican View the Strictest", *Church and People* (8 July, 1966) 8.

¹⁴² For a survey of this period of change within the World Council of Churches, see D.J. Coles: "Social Ethics in the World Council of Churches" (unpublished MTh thesis, Otago, 1971).

challenge, and the more enduring critique, came from the churches in the Third World. These churches saw no relevance in a doctrine which presupposed an ordered and established state, when their own context was one of change, revolution and gross violation of human dignity.¹⁴³

In New Zealand the decade began with recognition that the base point for church state engagement was the need for the church to press the state to enforce Christian principles. In May 1959 the Second *Life and Work Conference* for the National Council of Churches in New Zealand took place.¹⁴⁴ One of the international visitors to the Conference, Robert Bilheimer, Associate General Secretary of the World Council of Churches, affirmed that "since 1948, much of the thinking in the ecumenical movement concerning social ethics has turned around the concept of the 'Responsible Society'".¹⁴⁵

Christian responsibility is understood in terms of the whole of mankind. The focus is upon human beings and their welfare, without regard to their particular situation or belief or political judgement or race. Thus the social mission of Christians which is described by the concept of "Responsible Society" is a mission to mankind. Motives and standards are derived from the revelation of God in Christ and not from human considerations; but the field of action is humanity itself, because it is mankind that is the object of God's love.¹⁴⁶

Although the key to the concept was an appeal to "standards" which "are derived from the revelation of God in Christ", Bilheimer believed it could be flexible and alive to emerging situations, particularly in the Third World.¹⁴⁷ Bilheimer's optimism, however, proved to be unfounded. The 1961 World Council of Churches Assembly at New Delhi showed that times had changed since Oxford in 1937.¹⁴⁸ As Coles has noted, "the 'Responsible

¹⁴³ Chapter Four considers the significance of this Third World critique of the 'Responsible Society' for the development of a different basis for church concern.

¹⁴⁴ See National Council of Churches, *Ardenore* (Christchurch: Presbyterian Bookroom, 1959). The first *Life and Work Conference* was Christchurch, 1945.

¹⁴⁵ *Ibid* 28.

¹⁴⁶ *Ibid* 29.

¹⁴⁷ *Ibid* 32-33.

¹⁴⁸ The Preface to one of the four study volumes prepared for the 1966 Geneva Conference on Church and Society stated: "Not since the Oxford World Conference on Church Community and State, has there been a similar world-wide effort to rethink Christian social responsibility." Bennett, J.C. (ed.), *Christian Social Ethics in a Changing World* (London: SCM, 1966) 5.

Society' idea provided little insight regarding alternative methods for Christians to work within oppressive political systems."¹⁴⁹ John Bennett, the American Christian ethicist, summed up the situation well by saying,

the most telling criticism of the adequacy of the concept of 'the responsible society' is that it reflects the older and more stable constitutional societies and that it does not fit the context of nations for which order and unity are priorities or nations that must first go through a period of revolution in which socially transforming justice has priority over freedom. "The responsible society" presupposes an ordered pluralism, constitutional processes of social change, and so is able to magnify the freedom of the person from "interference with elementary human rights".¹⁵⁰

The need for the state to enforce Christian morality was not only being questioned from this third world perspective. The West was also confronting rapid social change and new technical innovation. Was it possible for clear principles to be laid down in such a complex and changing world? In a paper prepared for the New Delhi Assembly of the World Council of Churches, it was in fact argued that "on theological grounds alone one could say that there are no absolute laws to be laid down in the field of ethical decisions and even the cleverest casuist cannot overcome the hurdle."¹⁵¹ The scene was set for a new approach to church state relations.

In New Zealand, the *Consultation on the Mission of the Church* held at Christchurch in November, 1962, under the auspices of the East Asia Christian Conference, confirmed that no longer was the concept of the "Responsible Society" the only approach to church state relations.¹⁵² The Asian speakers brought a perspective, such as the role of the churches in the revolutions which were going on in Asia, which surprised and even shocked those who attended.¹⁵³ In the report of the Conference, the commentator noted the mixed reactions of the participants.

¹⁴⁹ Coles, D.J., *op. cit.* 33.

¹⁵⁰ Bennett, J.C., 'Issues for the Ecumenical Dialogue' in *Christian Social Ethics in a Changing World* 379.

¹⁵¹ De Vries, E., *Man in Rapid Social Change* (London: SCM, 1961) 264.

¹⁵² See Murray, J.S., *Break Camp and Move On* (Christchurch: National Council of Churches, 1963) for a report of the Conference.

¹⁵³ The foreword to the Conference evaluation, *ibid* 5, by the then President of the Council, the Rev. Robert Thornley, describes the document as "disturbing". The three main speakers were Dr D.T. Niles, M.M. Thomas and Dr J. Fleming.

One delegate wrote: 'I sensed among some delegates a negative even antipathetic reaction. On the other hand, especially amongst younger delegates a decidedly sympathetic and enthusiastic response. The elders cautious, the young men headstrong.' For some it was an eye-opener, 'to sit together with men whose theology is so different from one's own understanding, yet whose devotion to the Master is patently obvious.'¹⁵⁴

The Conference was significant because through the comments of these visitors:

[they] made us look at the world again. . . . They pointed us to the growing secularisation, which we are apt to think 'can't happen here,' without seeing how widespread it is already. But they pointed to it not as an offence but as an opportunity. And in this picture they set us, the church, in our true and proper perspective. To them revolution and redemption, salvation and society, identified and identifiable were not contraries but complementary.¹⁵⁵

At the international level one result of the New Delhi Assembly was that the *World Conference on Church and Society* was convened at Geneva in 1966.¹⁵⁶ As the Central Committee of the World Council of Churches said, the churches had "been forced to rethink the nature of their social witness and its theological orientation".¹⁵⁷ The Conference, however, far from determining the matter, highlighted that there were two approaches to Christian social ethics and church state engagement.¹⁵⁸ There were those who still advocated the "Responsible Society" approach,¹⁵⁹ and those who emphasised the context

¹⁵⁴ *Ibid* 48.

¹⁵⁵ *Ibid* 48-49.

¹⁵⁶ The report of the New Delhi Assembly urged the churches to 'renew the study of society, as an attempt to achieve a prophetic interpretation of contemporary events as the acts of God.' World Council of Churches, *The New Delhi Report* (London: SCM, 1961) 179.

¹⁵⁷ *The Minutes and Reports of the 16th Meeting of the Central Committee of the WCC Paris, 1962* (Geneva: World Council of Churches, 1962) 141.

¹⁵⁸ The Conference was followed with interest in New Zealand and the papers associated with the Conference were recommended widely in the church. See O'Grady, R.M., 'The National Council: Where to from here?', *Church and Community* (August 1967) 9 and the Presbyterian Public Questions Committee Minutes for 2 December, 1966 and 5 May, 1967. At the latter meeting, the Conference prompted a consideration of what was a 'public question': Minutes, *P.C.N.Z. Archives Office*.

¹⁵⁹ The most outspoken advocate of this tradition and in turn critique of the conference was Paul Ramsey. His book, *Who Speaks for the Church?* (Nashville: Abingdon Press, 1967) provides a critique of the Conference at which he was a special adviser. He was particularly critical of the specificity of some of the Council's resolutions (especially over Vietnam) because the church lacked the expertise to make such judgements, and he questioned whether the church should get involved at that level anyway.

to which one would bring a Christian understanding. On this reasoning there was no one set of Christian principles. There was rather the "law of love" to apply in different situations. This approach was known as situation ethics, or the "new morality".¹⁶⁰ These positions were fundamentally irreconcilable,¹⁶¹ although the Conference tended to align itself with the "contextualists".¹⁶²

In 1965 the Presbyterian Public Questions Committee's report to the General Assembly began by lamenting it was now difficult to have a single view on moral questions.

We seem to live in a day when the importance of the individual, and individual freedom, are so emphasised by us and are so precious to us, that one wonders whether we have lost sight of an adequate understanding of the Church as the Body of Christ. Some question whether the church can or ought to have a common mind on moral and social problems, and whether there can be any accepted and lasting standards of behaviour and guiding lines.¹⁶³

Quite differing understandings of Christian morality were now possible. Indeed such was the diversity of opinion within the church now that the commonly accepted starting point for church state relations that New Zealand was a Christian nation which had to be preserved, disappeared.

¹⁶⁰ The leading representative of this approach was Joseph Fletcher. He contributed to one of the study volumes for the Conference: Fletcher, J., "Anglican Theology and the Ethics of Natural Law" in *Christian Social Ethics in a Changing World* 310 ff. He says in this contribution, "situational or contextual ethics, the 'new morality', as Bishop Robinson has called it in his *Honest to God* (1963), is not existential, at least in the philosophical sense that a Kierkegaard or a Sartre would suppose. It simply refuses to accept any principle, other than the neighbour concern, as always binding. . . . Indeed, while situationalism is willing to operate with principles or maxims, kept in their proper place, it nevertheless rejects precepts or rules as inevitably rigid and legalistic." (326) See also Fletcher, J., *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966).

¹⁶¹ John Bennett in the Foreword to one of the study volumes, *Christian Social Ethics in a Changing World* 19, somewhat irenically assumes that now "there is a fluid situation by which one feels less imprisoned than was the case with the world that the churches confronted from Amsterdam (1948) to New Delhi (1961)." In his conclusion to the same volume, "Issues for the Ecumenical Dialogue", *ibid* 378, he acknowledges there are differences. However, he concludes that "the ecumenical discussion on church and society should not take a defensive attitude toward a concept that may have served well in the past but that needs to be criticized rigorously today. Perhaps it can be revised in such a way as to meet the criticisms; perhaps it needs to be displaced." See also Coles, D.J., *op. cit.* 52, where he notes that Bennett, now after the Conference, doubts if a theological base can be secured because of the pluralism of theological thought.

¹⁶² This was certainly the view of Paul Ramsey in his book *Who Speaks for the Church*.

¹⁶³ 1965, Public Questions, P.C.N.Z. 162a.

iii. The Hart-Devlin Debate and the Quest for Relevance

This uncertainty over the nature of Christian morality manifested itself with the question of whether the state had any role in the enforcement of morals. This particular issue had been well rehearsed in Britain in what was known as the Hart-Devlin debate¹⁶⁴ arising from the 1957 *Wolfenden Report* on Homosexual and Prostitution Law Reform.¹⁶⁵ On the one hand there was the view, argued by Lord Devlin, that the state did have a role in enforcing morals. He argued that "society is entitled by means of its laws to protect itself from dangers, whether from within or without."¹⁶⁶ Morality, backed by the sanction of the law, was necessary to protect society from internal decay and collapse.¹⁶⁷ On the other hand there was the claim that the state had no role in enforcing morals, except in so far as no one else was affected by that individual's action.¹⁶⁸ In other words, the "victimless crime" had no place. This was the conclusion of the *Wolfenden Report*, of Professor Hart and the English Parliament itself when the *Wolfenden* recommendations on decriminalising homosexual acts were adopted in 1967.

During the 1960's the debate expressed in these terms was not actively pursued in New Zealand.¹⁶⁹ The argument however, need not be limited to

¹⁶⁴ Devlin, P. *The Enforcement of Morals* (London: Oxford University Press, 1965); and Hart, H.L.A., *Law Liberty and Morality* (London: Oxford University Press, 1963). See Mitchell, B., *Law, Morality and Religion in a Secular Society* (London: Oxford University Press, 1967) Chapter 1, for a review of the debate.

¹⁶⁵ *The Wolfenden Report: The Report of the Committee on Homosexual Offences and Prostitution* (H.M.S.O., Cmnd.247, 1957).

¹⁶⁶ Devlin, P., *op. cit.* 13.

¹⁶⁷ Devlin, P., *op. cit.* 25, argued that society must use those instruments which are available to it to maintain morality. "The two instruments are those of teaching, which is doctrine, and of enforcement, which is the law."

¹⁶⁸ In this respect the relevant paragraph of the *Wolfenden Report*, *op. cit.* was concerned with the function of the criminal law: "In this field, its function, as we see it, is to preserve public order and decency, to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against exploitation and corruption of others, particularly those who are specially vulnerable because they are young, weak in body or mind, inexperienced, or in a state of special physical, official or economic dependence. It is not, in our view, the function of the law to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behaviour, further than is necessary to carry out the purposes we have outlined." (par.13)

¹⁶⁹ This was the conclusion of Breward, I., "Hagley Park Treatment" *Landfall*, 74 (June 1965) 155. See Rae, S.H., "The Enforcement of Morals: A Debate Reviewed" *Landfall*, 92 (December 1969) 356-368; Rae, S.H. "Homosexual Law Reform" *Forum*, 22, 9 (1969) 8-10 (essentially a

homosexual law reform. Other issues, particularly gambling and temperance, also can be reduced to these arguments on the state enforcement of morals. For these issues the debate was couched more in terms of the church needing to be relevant. Both those who advocated the need to maintain certain Christian principles, and those who saw that this was no longer appropriate cited relevance to a new social context as being important. Thus, those resisting liberalisation, accentuated the more realistic, or secular and prudential reasons for maintaining restrictions. The "sinfulness" of the behaviour was not the significant reason why the state should restrict or regulate it. The particular activity could not be justified on, say, economic or general policy grounds. For example, the Reverend Dr J.D. Salmond, an ardent opponent to the extension of gambling in all its many forms, wrote in his pamphlet on the Golden Kiwi that:

In framing legislation, Parliament may not be disposed to pay much attention to the moral viewpoint which churchmen must raise, but account should be taken of the Honourable Mr Lake's concern at the falling off of Post Office savings and the complaint of Mr Barker, the secretary of the Master Grocers' Association, that too much of the people's money was going into the TAB and the Kiwi lottery. Diminished savings and bad debt are surely bad for New Zealand's economy!¹⁷⁰

Dr Salmond almost assumes that an argument from the "moral viewpoint" will not succeed. For the sake of the nation's economy, however, his argument should be accepted.¹⁷¹

Those within the church who accepted liberalisation and the removal of state regulation of moral principles, also saw the need to be more relevant to what was happening in society. The relevance this time was the need for the church to be aware of changing community standards. There was also a

shorter version of the *Landfall* article); and McElrea, F.W.M., 'The Legal Enforcement of Non-Utilitarian Morality' *Otago Law Review*, 1, 3 (1967) 198-214, for New Zealand discussions of the debate during this time.

¹⁷⁰ Salmond, J.D., *The Cult of the Golden Kiwi* (Christchurch: Presbyterian Bookroom, 1962) 12.

¹⁷¹ See also the letter of the Presbyterian Public Questions Committee to the Minister of Internal Affairs, Mr F.L.A. Gotz, concerning lotteries. It begins with the proposition "gambling becomes an evil thing that cannot help but cause injury to the individual and the community." The letter then goes on "Further, the Committee knows of no outstanding economist, ethical teacher, social reformer or labour leader who has had a good word to say for gambling. On the contrary, such leaders of opinion point to the injury to industry and business by reducing production and causing bad debts": 'A Letter to the Minister of Internal Affairs', *The Outlook* (30 June, 1962) 5.

need for the church to accept that many of these moral concerns were not relevant to the central core of Christianity. The church thus was not being relevant to the faith. Given this, it was inappropriate for the state to be involved. The Presbyterian and Methodist Churches' actions over temperance, in particular, but also gambling, divorce and Sunday observance, show how these different quests for relevance were argued. These arguments were themselves to be a rehearsal for the later and more controversial debates on sexuality and abortion in all churches.

iv. The Demise of the Temperance Movement

The Methodist and Presbyterian Churches, together with other Protestant denominations such as the Baptist, Associated Churches of Christ and Congregational Churches had been at the forefront of demands for state control of the liquor industry. Both the Methodist and Presbyterian Churches had Temperance Committees, and these committees worked closely with the New Zealand Alliance. During the 1950's the changing attitude towards abstinence both within the church and the community, meant that a new approach to alcohol was emerging.¹⁷² In response the Temperance Committees of both the Presbyterian and Methodist Churches broadened their area of interest and rationale for their opposition to liquor sales. In 1958 the Temperance Committee of the Presbyterian Church became the Committee on Liquor Problems and Alcoholism. It now saw its role as determining what was the most sensible control to be placed over alcohol, not just prohibition because of its sinfulness.¹⁷³ On this basis the church became particularly interested in road safety and the relationship of alcohol to road accidents, and the incidence of the non-medical use of drugs. Even this broadening of interest was not relevant enough. By the end of the decade, the fate of the Temperance Committees themselves showed how marginal this stance of the church was becoming. Within the Presbyterian Church, the new Committee on Liquor Problems and Alcoholism became the Liquor and Drug Problems Committee, and then in 1967 just a part of the Public Questions

¹⁷² The 1959, Liquor Problems and Alcoholism, P.C.N.Z. 59a, report said, "It is quite obvious that the mind of the Church is divided in some aspects of the liquor question, especially the issues involving total abstinence and moderation."

¹⁷³ See Paterson, F., *op. cit.*, 17 ff., for a discussion of the transition from "intemperance is a sin" to the best regulation of alcoholic liquor.

Committee.¹⁷⁴ A similar development took place within the Methodist Church when that church merged its Temperance and Public Questions committees in 1970.¹⁷⁵ The former Temperance Committee became a sub-committee merely with the responsibility of "keeping liquor and drug issues under constant review".¹⁷⁶

Parallel with this broadening of interests, the specific theological rationale for church involvement in temperance campaigns was being questioned. The issue no longer was the "sinfulness" of intemperance, but the social impact of extending hotel trading times in 1967.¹⁷⁷ Also the direct nexus between Christianity and temperance was increasingly questioned. The General Assembly of the Presbyterian Church in 1960 resolved that it was important to distinguish between matters fundamental to the gospel and secondary matters.¹⁷⁸ Indeed in its statement on "The Christian Approach to the Problem of Alcoholic Liquor" it observed that "to attempt to solve this problem by legislation is unwise and unnecessary."¹⁷⁹ Temperance and abstinence were no longer incontrovertibly Christian virtues. There were calls for a changed attitude in the church to temperance, and a change to how the church viewed the state in the matter. In 1962 the Reverend O.T. Jenkin, a Presbyterian minister, argued that the church had distorted its own message by focusing upon the question of temperance, and had failed to see other issues that were affecting society. Because of this, he argued, the church had come to rely on the state in an inappropriate fashion. He concluded,

Therefore, though Christians ought to be concerned with laws governing the sale and consumption of liquor, they have as great a responsibility to probe the very foundations of the social structure as a whole, and to interpret the whole direction of social movements in the light of the Gospel. Too often we assume

¹⁷⁴ 1966, Minutes, *P.C.N.Z.* 61.

¹⁷⁵ 1970, *N.A.C.* 158.

¹⁷⁶ *Ibid.*

¹⁷⁷ 1968, Public Questions, *P.C.N.Z.* 158a.

¹⁷⁸ 1960, Liquor Problems and Alcoholism, *P.C.N.Z.* 136a and Minutes, *P.C.N.Z.* 56. See Jenkin, O.T., *Change Direction: A Critical Examination of the Church's Approach to the Liquor Question* (Christchurch: Presbyterian Bookroom, 1962) 35, in which he says that there had been "confused thinking and hysteria surrounding this problem over the last half century or more and is an indication of how far the social Gospel deviation of which the Temperance movement was a part, moved away from sound theology and biblical teaching."

¹⁷⁹ *Ibid.*

that our society is a Christian one requiring only the odd repair here and there. Our vision becomes so restricted with the irrelevant details that we lose sight of the wide forces at work bent on destruction in the community.

Our church has not really thrashed out what it means by the Gospel, nor has it sufficient confidence in the power of God to deliver, and so we have turned aside and spent our energies in trying to redeem man by law and moral injunction instead.¹⁸⁰

There were two points here. Temperance was not the only question of Christian morality. And second, even if it was a moral question, it was not appropriate for the state to be involved. A correspondent to *Church and Community* (reviewing Dr J.D. Salmond's pamphlet against the Golden Kiwi¹⁸¹) also concluded, that "if the churches wish to reduce gambling in New Zealand, then they should seek to influence individuals and groups directly."¹⁸² The approach to these social problems was not by the church, through the state, enforcing certain perceived Christian virtues. This was not working. The law, and indirectly the church, was being mocked. It was only through personal contact and example that the moral life of the community would be raised. It was fundamentally for this reason that the Methodist Church finally dissolved its Temperance Committee in 1970. The old Temperance Committee declared:

We are conscious of the tremendous problems involving people who are enslaved to alcoholic beverages. As a Church we carry the concern on our hearts, but the responsibility for helping the person in need is much better served by personal and individual action rather than by a committee. Every Christian ought to act in local situations, operating out of personal conviction and compassion.¹⁸³

The liberalisation of the law by the state with respect to alcohol, gambling, divorce, Sunday observance and also to a certain extent censorship within the 1960's, confirmed that religion was an essentially personal and private matter. No longer could the church enforce on everyone what it saw as Christian moral principles. The church could not have it both ways. On the one hand the church could not affirm that temperance and thrift, and

¹⁸⁰ *Ibid* 26, 30.

¹⁸¹ Salmond, J.D., *op. cit.*

¹⁸² *Church and Community* (April, 1963) 6.

¹⁸³ 1970, *N.A.C.* 156. (*my own emphasis*)

indeed Christian belief itself, were personal and private matters, and on the other require legislation for everyone, even though they were not Christians.

4. The Implications for Church State Relations

i. A New Morality?

The acceptance of what may be called the Hart approach by sections of the church gave rise to diverging approaches to state involvement in the enforcement of morals. The logic which was applied to temperance and gambling was also extended to other areas of personal morality. Thus in reviewing the Methodist Church's support for the liberalisation of homosexual and abortion laws since the late 1960's, Colin Clark, after referring to the *Wolfenden Committee*, says this did "not condone or encourage private immorality. On the contrary, to emphasise the private and personal responsibility of the individual for his own actions, and that is a responsibility which a mature agent can properly be expected to carry for himself without the threat of punishment from the law."¹⁸⁴ It was inappropriate for the church to press the state to enforce principles of Christian morality.

The irony was that at the same time as this section of the church was saying that with respect to matters of personal morality state regulation of community behaviour was inappropriate, the church was advocating a wider role for the church in political and controversial questions. The very Methodist Conference which dissolved the Temperance Committee, also received the Public Questions Committee report which began by focusing on the position of the Maori within New Zealand and saying "The Church has a role to play in the restructuring of society. It must acknowledge that the Maori has a part in the growth and development of a Christian society."¹⁸⁵ And later in the report "If racism is to be eliminated, it will require more than private commitment of individuals; the church, indeed the entire moral

¹⁸⁴ Colin Clark, 'Challenge and Response: Social and International Issues' in *Going Places: A Portrait of Methodism in the 70's* (Christchurch: Council of Mission of the Methodist Church of New Zealand, n.d.) 37.

¹⁸⁵ 1970, *M.A.C.* 148.

community, must become committed to an action programme on a broad social, economic and political front aimed at eradicating institutional racism from the society of men."¹⁸⁶ In other words, a new range of Christian ethical principles which the state should recognise was emerging to replace the previous pre-occupation with matters of private morality.¹⁸⁷

ii. A New Role for the Church?

Up until the 1960's it was expected that the church would require the state to maintain principles of Christian morality, even if there were some different emphases among the denominations as to what those principles were. Indeed the church was respected for doing so. By the mid-1960's the church was still seen to be justifiably interested in specifically "moral questions", but its role and function were greatly circumscribed both by changing community attitudes and by the new approach to Christian morality that was being advocated within the church itself.

Two *Otago Daily Times* editorials some 16 years apart illustrate this revolution. The first, which was quoted in the previous chapter, followed the 1949 gaming referendum which permitted the establishment of the Totalisator Agency Board. In it the editor emphasised that the churches were "not only entitled to interest themselves in the issue, but would be failing in their duty if they did not do so."¹⁸⁸ By 1965 the editor saw that the church still had an interest in the moral questions, but it had to be "realistic". This time the issue was liquor licensing, and the possibility of extended hotel trading hours.

Within the next year or two the people of New Zealand are going to vote on an important licensing issue, and the outcome of that referendum will largely decide the conditions and circumstances under which liquor is used here for years ahead. The Church has an opportunity and some influence, and it should use them, to ensure that any change is for the better. If it cannot find a realistic attitude within this concept then its voice, inevitably, will be ignored.¹⁸⁹

¹⁸⁶ *Ibid* 154.

¹⁸⁷ It should be noted that the Catholic Church through this time remained opposed to any liberalisation of the abortion law and the decriminalisation of homosexual acts.

¹⁸⁸ *Otago Daily Times*, 4th March, 1949.

¹⁸⁹ *Otago Daily Times*, 10th November, 1969. (*my own emphasis*)

"Being realistic" meant that the church was not the sole arbiter of the nation's moral standards. The church had to accept prevailing public opinion, or else "inevitably" be ignored.

The implication was that the state began to see during the 1960's that the church was not the only voice in the community to be heard about moral standards in the community. The state became aware of new and different community attitudes. As McElrea has noted, these changed social conditions were the "brute facts of political life",¹⁹⁰ and would be ignored at the government's peril. For example, the Prime Minister, Keith Holyoake, responded to the Presbyterian Public Questions' Committee 1964 request for a Commission to investigate betting and gambling in these terms:

The problem of gambling has been fully ventilated in practically every country and the general consensus of opinion is that the State should only impose restrictions where the situation becomes such that undesirable consequences are likely to arise.¹⁹¹

The Prime Minister here was appealing to principles from the classic liberalism of Bentham and Mill (and also the need for political pragmatism) to avoid applying a perceived Christian principle against gambling.

Furthermore the position of the church itself with regard to the state changed. As the "moral police", the church in the 1950's had worked closely with the state, and its special role was acknowledged, but when the pressure to liberalise the law grew, especially with alcohol and gambling, that special position was increasingly devalued. In one exchange in the mid 1960's between the Presbyterian Church and the Prime Minister, Keith Holyoake, over gambling, the church became merely "a responsible body of public opinion".¹⁹² Other individuals and groups also needed to be taken into account. The state recognised an increasing plurality of moral and ethical standards. The nation was not only left with fewer and fewer "Christian" principles which were enforced by the state, but the church itself also became one voice among many over the operation of those principles.

¹⁹⁰ McElrea, F.W.M., 'The Legal Enforcement of Non-Utilitarian Morality' *Otago Law Review*, 1, 3 (1967) 203.

¹⁹¹ 'Gambling - The Reply', *The Outlook* (10th April, 1965) 2.

¹⁹² *Ibid.*

In the middle of the decade the *Presbyterian Outlook* published a review of the time and a forecast for the 1970's. Although the writer may have been somewhat dramatic, the conclusions do reflect the position of the church at this time.

The church counts for less, carries less weight in the community to-day than it did ten years ago. And its influence is steadily declining. . . Today [Christian moral standards] are not only widely broken; they are also widely denied any authority. . . Nor is the voice of the Church in national and community affairs heeded as once it was. It is true that as a matter of policy the Church's opinion on national issues is respectfully listened to; but in both local and national affairs, what the Church says plays little part in the final decisions that are made. . . From being a foundation of community life, [the Church] has become merely one organisation among others in an increasingly organisation-cluttered society. An organisation towards which there is, to be sure, little antagonism and, positively, very great goodwill; but which is generally regarded - in common with the garden circle and the speleological society - as being of deep interest only for those who are that way inclined, and without which the majority can get along with very nicely.¹⁹³

¹⁹³ Hampton, L.R., "Forecast for the Seventies", *The Outlook* (11 June, 1966) 13.

CHAPTER FOUR

THE EMERGENCE OF A PROPHETIC CHURCH DURING THE 1960'S

1. Introduction

This chapter examines the idea of a "new morality" and in particular the emergence of a new basis for the church's moral or ethical approach to the state. Whereas previously the primary role of the church with the state was to ensure that certain Christian principles of personal morality were maintained in the community, the view developed in the 1960's that the church should be concerned with wider questions of justice and peace both at home and overseas. These concerns were not new and in many respects they mirrored the issues of Christian socialism and the church's concern for a new economic approach which had been argued during the Great Depression. What was different was that the whole church was seen to have a "prophetic" role to perform with the state. In the post-war period the church had been seen to be the "cement" of society,¹ or to be in the rear guard rather than the vanguard of social change.² During the 1960's, a decade of significant social change, there was an increasing call for the church to lead, and to work towards a more just and peaceful world.

By the end of the 1960's sections of the New Zealand church, such as the Methodist and Presbyterian Churches, influential leaders within the Anglican Church such as Bishop Alan Pyatt, and the National Council of Churches, reflected this perspective. Concern was with issues beyond the narrow range of Christian principles which had pre-occupied the church in the 1950's.³ In

¹ See Hill, M., "Religion and Society: Cement or Ferment?" in *Religion in New Zealand* edited by Nichol, C. and Veitch, J. (Wellington: Victoria University, 1983). The argument in this chapter however, differs from Hill, in that the "ferment" comes not so much from the "sectarian pressures" on the mainline churches (Hill cites groups such as *Clergy for Rowling* in 1975)(274), but from developments within the mainline churches themselves.

² Mol, J.J., "Religion" in *The Pattern of New Zealand Culture* edited by McLeod, A.L. (Melbourne: Oxford University Press, 1968) 172.

³ See for example, the "Presbyterian" entry in McLintock, A.H., *An Encyclopaedia of New Zealand*, Volume 2 (Wellington: Government Printer, 1966) 864-865 and quoted at p. 73, fn. 152.

the past individual "prophets" had stood out against injustice in New Zealand society or in world affairs, such as the Methodist Ormond Burton with his pacifist concerns,⁴ or the Anglican prison reformer, the Reverend G.E. Morton.⁵ The difference now was that the whole church was called to be prophetic. Within the church there was a new agenda, a new biblical canon to give backing to these concerns, and a new method for their presentation. This approach brought the church into conflict with the state, and into areas about which it had not previously been concerned. The church in the process became "political". This prophetic concern also highlighted the divisions within the church itself, and within those denominations which adopted this approach.

2. The 1960's: A New Context for Church State Relations

i. International Developments during the 1960's

In the 1960's the passion and hostility of the Cold War remained, but the issues moved to new areas of conflict. The 1950's were dominated by the aftermath of the Second World War, reconstruction and the realignment of the Cold War. In this Christianity provided for the West a bulwark against "godless Communism".⁶ Although Europe was still significant in the 1960's (the Soviet invasion of Czechoslovakia in 1968 being a case in point), conflicts and concerns took on a thoroughly global perspective. Issues arose over decolonisation in Africa, Asia and the Pacific. Indeed New Zealand itself granted independence to Samoa in 1962. The Middle East, with its vast oil reserves, became a centre of controversy and power-play. White-dominated regimes entrenched their control in southern Africa. War, starvation, and oppression were experienced and made known through television to the whole world.

⁴ Crane, E., *I Can Do No Other: A Biography of Ormond Burton* (Auckland: Hodder and Stoughton, 1986).

⁵ Harcourt, M., *A Parson in Prison* (Auckland: Whitcombe & Tombs, 1942). See Roberts, J.H. 'Prison Chaplaincy in New Zealand' (unpublished thesis, University of Auckland, Diploma in Criminology, 1975) 10ff., for other early 'prison reformers'.

⁶ Illustrative of the change in the 1960's is that Christian Marxist dialogues began: see Lochman, J.M., *Christ and Prometheus* (Geneva: World Council of Churches, 1988) 13-40.

This new international situation meant that New Zealand's horizons were widened.⁷ Britain moved towards the European Economic Community, and New Zealand received some financial assistance from the International Monetary Fund.⁸ Humanitarian concerns, which originally were directed to European reconstruction and refugee resettlement, were now called to address the massive difficulties of the Third World. This complex, and at times desperate, international situation greatly affected the church. Also during the 1960's an ecclesiastical decolonization was begun which mirrored the international political situation. The International Missionary Council was absorbed into the World Council of Churches at New Delhi in 1961. This, in turn, prompted a rapid rise in the number of indigenous and autonomous churches throughout the world. A similar process was taking place within the Catholic Church after Vatican II. The Catholic Church ceased to be just perceived as a European church. For example, in 1968 at the second meeting of the General Conference of the Latin American Episcopacy (C.E.L.A.M.) in Medellin, Colombia, the concerns of "liberation theology" were officially endorsed for the first time.⁹

ii. After the "Responsible Society"

Chapter Three has described how, at an international ecumenical level, the idea of the "Responsible Society" was challenged during the 1960's by both the theological liberals of the West and the representatives of the churches emerging in the Third World. These challenges had been significant for the New Zealand church as it reassessed its role with the state in enforcing principles of personal morality. They were also important for the development of a new agenda of church concerns. In this instance the developing international situation, and the position of the Third World

⁷ Levine, S., *The New Zealand Political System* (Auckland: George Allen & Unwin, 1979) 168, notes: "The breakdown of a rigid bi-polar conflict, between the American led 'west' and the Russian led 'east', and the emergence of a world community containing multiple centres of power, has given many nations the opportunity to develop more flexible foreign and defence policies."

⁸ Fraser, B., ed., *The New Zealand Book of Events* (Auckland: Reed Methuen, 1986) 213.

⁹ See Collins, P., *Mixed Blessings* (Melbourne: Penguin, 1986) 10-11, where he notes that beginning in this period the Catholic Church "shifted modes" from "conserving mode" to "prophetic mode". He outlines the impact of Vatican II and "liberation theology" (142 ff.) on the Catholic Church. For a discussion of the impact of liberation theology on church state relations in the West see: Forrester, D., *Theology and Politics* (Oxford: Basil Blackwell, 1988) 171 ff.

church, were of primary importance, although the "contextual ethics" approach coming from the 1966 Geneva *Church and Society* Conference was also relevant.

In New Zealand an immediate outcome of the 1966 Conference was the establishment of a Church and Society Commission within the National Council of Churches in 1967. Although there was continuing dissatisfaction with the performance of the Inter-church Council on Public Affairs with its requirement for unanimity,¹⁰ the Geneva Conference was the important catalyst. In a statement accompanying the establishment of the Commission it was said that,

In order to listen to and speak with the secular world, it daily grows more urgent that a department of Church and Society be established on behalf of the National Council of Churches.

These convictions have been confirmed by the material prepared for and the transactions that took place at the recent Geneva Conference on Church and Society. The issues dealt with there are urgent also in New Zealand life.¹¹

The methodology of this new Commission illustrated a new emphasis in church state engagement. There was a new found importance for understanding the context and gathering all the facts of a situation.¹² No longer was just the simple reiteration of Christian principles needed as the church dealt with the state.¹³ This meant that a new priority was given to lay people and experts in determining social ethical questions. This hitherto had not been the approach in New Zealand. The church's task had been seen to state certain Christian principles and not duplicate secular opinion. For example,

¹⁰ Brown, C., *Forty Years On: A History of the National Council of Churches* (Christchurch: National Council of Churches, 1981) 153.

¹¹ A Statement provided by the sub-committee recommending the establishment of the Commission, and dated 10 November, 1967. National Council of Churches papers, Correspondence 1967-1969: Acc 90-387, Alexander Turnbull Library, Wellington. See also Brown, C., *op. cit.* 153. The statement itself is somewhat confusing because despite affirming the Church and Society Conference, it begins with the claim "From all quarters the church calls for a Responsible Society."

¹² This is clearly illustrated in the function of the new Church and Society Commission. In the document, dated 10 November, 1967 proposing its establishment, it is said, under the heading of "Function" that the first stated function will be: "(a) To promote research into selected aspects of the New Zealand way of life." National Council of Churches papers, Correspondence 1967-1969: Acc 90-387, Alexander Turnbull Library, Wellington.

¹³ See Fletcher, J. "Anglican Theology and the Ethics of Natural Law" in *Christian Social Ethics in a Changing World* edited by Bennett, J.C. (London: SCM, 1966) 327-328.

the Presbyterian Church's International Relations Committee in discussing nuclear weapons in 1960 had said:

With sorrow and some shame we have to confess that in our Committee, and in the Presbyterian Church of New Zealand, as in the Church world-wide, we are unable to give clear guidance to the conscience of our people, as to their attitude to the testing, production and possible use of nuclear age weapons of mass destruction. . . . In the view of the Committee it is necessary for us to realise and admit that, for the present at any rate, we have nothing specifically Christian to say on this particular issue. The church is unable to give any wisdom different from any secular body.¹⁴

The new approach to such questions, following the Geneva Conference, was not to feel constrained by this limitation.

A consequence of this changed approach was that the church needed greater expertise and resources directed into the areas of social and political significance.¹⁵ This was the concern of the new Church and Society Commission of the National Council of Churches, and also of other church agencies dealing with the state. The Inter-church Council on Public Affairs, in May 1967, saw the need for a "full time secretaryship in the sphere of the Church and Public Affairs".¹⁶ Similarly, it was argued in the Presbyterian Public Questions Committee that there should be a "Church and Society Department".¹⁷ The first move came when in 1969 the National Council of Churches appointed Mr Gnansunderam (interestingly with the financial assistance of the East Asia Christian Conference) as the full-time research worker for the New Zealand church in matters of social and political significance.¹⁸ This meant that the range and complexity of issues on which

¹⁴ 1960, International Relations, *P.C.N.Z.* 151a. It should be noted that the report itself was not unanimous.

¹⁵ The Geneva *Church and Society Conference* itself was the first international ecumenical conference where there were more lay people attending than clergy: Coles, D.G., "Social Ethics in the World Council of Churches" (unpublished MTh thesis, Otago, 1971) 53.

¹⁶ 26 May, 1967: Minutes Volume 7 Ms y 1840, Alexander Turnbull Library, Wellington.

¹⁷ 2 September, 1966 Minutes: *P.C.N.Z. Archives Office*. There was however, concern expressed within this committee over the establishment of the new National Council of Churches Church and Society Commission: Minutes 1 March, 1968, *P.C.N.Z. Archives Office*.

¹⁸ Brown C., *op. cit.* 153. There were previous appointments for organisations such as the Bible in Schools League, however, this was the first appointment with a broad interest in all church and society questions.

the church commented, expanded.¹⁹ The church saw itself being relevant to the needs of the world. The new Church and Society Commission itself expressed this desire for relevance when it said,

The conviction that God is active in the world of men grows. As the division between the sacred and secular diminishes, it becomes apparent that the church must listen with perception and speak with wisdom to all aspects of the technical and social revolution going on in our present world.²⁰

The dichotomy between principles and context was however, not the only factor involved in the changing theological climate of the 1960's which affected church state relations. Other theological dimensions were also important as the church moved into different areas of concern. One was the increasing theological weight given to eschatology and another was the call, particularly from the Third World, for revolution and liberation. In effect these developments meant that the principles of the "Responsible Society" were replaced with a new set of Christian ideals.²¹

Coles has noted that by 1966 there was within the international ecumenical movement a growing emphasis on eschatology.²² In 1965 Jürgen Moltmann published his *Theology of Hope*.²³ His study identified the future prospect of a new reality: a future which had already been inaugurated by the resurrection of the crucified Christ. Bauckham, in his review of this work, says:

The *eschaton* is nothing less than the new creation of all things, and cannot therefore be the result of any trends of world history. But it is God's recreation of *this world*, just as the resurrection of Jesus is God's raising of *Jesus* from death. Moltmann's theology

¹⁹ This was the particular concern of Rawsey, P., *Who Speaks for the Church?* (Nashville: Abingdon, 1966) 29ff., following the Geneva Conference. He saw the contextualist approach leading to church statements about specific issues as being beyond the competence of the church.

²⁰ Church and Society Commission, 10 November, 1967: National Council of Churches papers, Correspondence 1967-1969: Acc 90-387, Alexander Turnbull Library, Wellington.

²¹ Coles, D.J., *op. cit.* 86, in fact asks 'Is the talk of revolution a return to the idea of a Responsible Society?'

²² The World Council's Central Committee's meeting in 1962 saw a need to have a deeper understanding of the 'Kingdom of God as revealed in Christ and the hope as well as the disillusionment of contemporary society' (*ibid* 61).

²³ Moltmann, J., *Theology of Hope* (tr. Leitch, J.W.) (London: SCM, 1967). Other influential writers included the German Catholic theologian Johann Metz.

of hope hinges on this expectation, not of *another* world, but of the divine transformation of *this* world.²⁴

Understandably such a theology that "wanted to change the world, rather than explain it"²⁵ necessarily became aware of political processes and became involved in "the need for cooperative political action to realise the hopeful possibilities of and to avert the threats to the common future of humanity."²⁶ Political theology, as this emphasis became known, presupposed change and the church's involvement in it. It called for political participation, not just to maintain static principles of a "Responsible Society", but to change the world.²⁷ Some even called for revolution.²⁸ The more moderate call was for the church at least to lead public opinion.²⁹

This trend for the church to become "more involved" in the political process also was evident in New Zealand. The Church and Society Commission was to provide a lead for the state. In the proposal for its establishment it was said that "Modern man, thrown into the midst of a revolutionary new form of society is more than ever in need of this form of leadership from the church."³⁰ In 1967 the Presbyterian Assembly's Public Questions Committee observed that normally it operated on "emergency call" but "there is a constant need to foresee and initiate improvements in the social life of our country, to see questions before they become problems. The tradition of social prophecy is firmly established in scripture, even if somewhat forgotten today."³¹ The call was for the church to be "prophetic". The

²⁴ Bauckham, R., *Moltmann: Messianic Theology in the Making* (Basingstoke: Marshall, Morgan & Scott, 1987) 38.

²⁵ *Ibid* 46.

²⁶ *Ibid*.

²⁷ See Bauckham, *ibid* 45, for a discussion of the question of whether in Moltmann's view Christian activity in the world actually contributes to the coming of God's Kingdom.

²⁸ For example, Shaull, R., 'Revolutionary Change in Theological Perspective' in *Christian Social Ethics in a Changing World*, *op. cit.* 23 ff. A theory of 'a just revolution' was developed by the Theological Commission of the Prague Christian Peace Conference at Sofia in 1966 to parallel the 'just war' theory: Coles, D.J., *op.cit.* 69ff.

²⁹ For example, the report of the 1961 World Council of Churches Assembly stated that, "Where the churches do not have power to influence events directly, they can often serve to release a body of opinion in a country, or crystallise it, which would otherwise remain unheard because it believed itself friendless." (*The New Delhi Report*, (London: SCM, 1961) 109)

³⁰ Church and Society Commission, 10 November, 1967: National Council of Churches papers, Correspondence 1967-1969: Acc 90-387, Alexander Turnbull Library, Wellington.

³¹ 1967, Public Questions, *P.C.N.Z.* 150a.

church (and not just individuals) was to be like the prophets of the Old Testament and speak out against injustices and oppression. This aspect of being "prophetic" increasingly became an aspect of political engagement from the 1960's and onwards.

The theological underpinning of these "prophetic utterances" of the church came from political theology, and later from the Latin American movement, known as Liberation Theology. (Liberation Theology, although itself clearly originating in the 1960's, did not begin to have its impact upon the international church and New Zealand until the 1970's.³²) International issues such as the Vietnam war, racism, and development, dominated this new prophetic concern within New Zealand. This new prophetic approach of the church was best symbolised with the 1969 World Council of Churches Central Committee's decision to begin the Programme to Combat Racism.³³ A programme which in New Zealand came to typify this new "political" agenda of the church.³⁴

Often, however, the word "prophetic" came to have another meaning. A procedural understanding of being prophetic, unrelated to the actual content of the message, arose. Because the prophets bearing the "Word of the Lord" had often been harassed and ostracized, then, when the church's stand was criticised, or seen to be out of step with community thinking, it was claimed that the church was *necessarily* being prophetic. It sometimes appeared that, the more the opposition, the more prophetic the statement. For example, the Clerk of the Presbyterian General Assembly, in reflecting on the changes of the 1960's and 1970's in the church's attitude to temperance states, "I have felt quite sad that the church had seemingly given away its "prophetic voice" on the issue of alcoholism."³⁵ The church

³² Coles, *op. cit.* writing in 1971, makes no mention of it. At the World Council of Churches the terminology was that of the 'theology of revolution'. Van der Bent, A.J., *Vital Ecumenical Concerns* (Geneva: World Council of Churches, 1986) 233, notes, 'In the history of the World Council of Churches and its various ecumenical constituencies, that there are very few official references to poverty, even less to the ministry to the poor, until 1968.' See Chapter Seven, 2(i) 'The Theological Basis of the Liberal Approach' at p. 232 for a fuller discussion of "liberation theology".

³³ See Best, T.F., *Vancouver to Canberra 1983-1990* (Geneva: W.C.C., 1990) 178, for a description of the programme.

³⁴ See Bryant, G., *The Church on Trial* (Whangarei: Whau Publications, 1986) 71 ff.

³⁵ *The Outlook* (August 1978) 31.

here was seen to have been prophetic because "the earlier voice was heard as only an anti-one".³⁶ At least now conflict, protest and division within the church were not necessarily to be avoided: being prophetic implied such consequences.

iii. Protest Movements and Political Parties

The 1960's also saw a new range of popular protest and action which mirrored many of these new "prophetic" concerns of the church. Protest movements, of course, were not a new phenomenon of this decade, and the involvement of the church in protest also was not new. However, there were features of the protests of the 1960's which were different to those of earlier times.³⁷ The concerns of the protest were over matters of principle. They were not about sectional self-interest, such as labour or the farmers. The actual subject of the protest usually had an international aspect, such as peace, Third World development, apartheid or the environment. Furthermore, the protests themselves were a part of a wider international movement in Europe and North America. The protest groups were also able to use the media, particularly television, in a new way. There was no avoiding a protest, even though it may have only been students protesting against a visiting dignitary in Wellington. The groups deliberately wanted to operate outside the party political structure³⁸ and its constraints. They appealed directly to public opinion and in that way sought to have particular policy changed.³⁹ Protest, particularly towards the end of the 1960's, became part of the domestic political scene and acrostically named organisations, such as PYM (Progressive Youth Movement), HART (Halt all Racist Tours), CARE

³⁶ *Ibid.*

³⁷ For a detailed history of three important New Zealand pressure groups of the 1960's: the Auckland Campaign Against Racial Exploitation, the Wellington Committee on Vietnam and the Wellington Campaign Against Rising Prices, see Williams, C.M., "Three New Zealand Pressure Groups: A Look at Motivation" (unpublished MA thesis, Canterbury, 1976). See also, Taylor, A.C., "The Vietnam Protest Movement in New Zealand" (unpublished MA thesis, Otago, 1990). For a more general account of pressure group politics see Jackson, W.K., *New Zealand: Politics of Change* (Wellington: A.H. & A.W. Reed, 1973) Chapter 11.

³⁸ Williams C.M., *op. cit.* 24.

³⁹ *Ibid* 85.

(Citizens' Association for Racial Equality) and WARD (War against Recreational Disruption) became household words.⁴⁰

The protest movements polarised the community on a variety of issues and inevitably the protesters' concerns became drawn into the realm of party politics. This was shown pre-eminently over the war in Vietnam. Although New Zealand's involvement in the war was only really argued "on the margins" in the 1966 election, by the 1969 election a clear difference between National and Labour had emerged.⁴¹ This polarization between the two major parties became a significant complicating factor in church state relations. The church, simply by commenting on many of the concerns of the protests, was said to have become party political, and that was seen to be inappropriate.⁴² Of course the reverse was never true. If the church supported the government or a party policy, that was not seen to be party political.

In New Zealand this party political element was exacerbated by those special techniques of referenda and the "free vote" which had been developed to handle "moral" questions.⁴³ Questions of temperance, gambling and sexual morality, were not party political. Indeed, the political parties wanted to avoid the division which these issues generated. However, "moral" concerns about justice, racism and peace were seen to be party political. For the church to be concerned about these issues was to be involved in "politics", whereas matters of personal morality, which were justifiably the church's concern, were not seen to be political.⁴⁴ The dilemma was well described by the Presbyterian International Relations Committee in 1966.

Churches that aim to be national Churches must allow for a wide variety of opinions on matters that do not enter into the substance of the faith. At times of political tension many forget this and tend to "unchurch" those who dissent from them. Unfortunately,

⁴⁰ It has been calculated that from January 1967 to the end of November 1970 there were no less than 339 different demonstrations reported in the Christchurch Press: Jackson, W.K., *op. cit.* 164.

⁴¹ Johnstone, I., *op. cit.* Another issue which became party political was the dispute over Lake Manapouri in the early 1970's.

⁴² Muldoon, R.D., *The Rise and Fall of a Young Turk* (Wellington: A.H. & A.W. Reed, 1974) 157.

⁴³ See Chapter Three at p. 106 ff. for an examination of these techniques.

⁴⁴ This was the view of Robert Muldoon, *op. cit.* 157.

there are also many who uncritically accept the decisions of "the powers that be". The reactions of the political left and right to the Vietnam situation demonstrate this.⁴⁵

The dilemma was not resolved for the church during the 1960's. Sections of the church spoke out over these questions, and thereby became political. The new "prophetic" concerns of the church did not accord with what had been the church's traditional role.

3. The Issues of Church State Conflict

Both the political and theological context of the 1960's meant that a new range of ethical concerns were raised by the church. This section considers some of those issues that went beyond the traditional concerns of personal morality. It does not claim to be comprehensive in this. The church involvement in the abolition of capital punishment in 1961, for example, is not examined.⁴⁶ However, the two issues of racism and the war in Vietnam, highlight well the nature of this new role and how church state relations in the process were significantly affected.

i. Racism Abroad

The issue of racism became focused over the 1960 All Black rugby tour of South Africa. The exclusion of Maori players from this touring side poignantly highlighted the question of racism in New Zealand, as well as in South Africa. All of a sudden, a new thing called "race relations" was an issue for New Zealand.⁴⁷ This was not to say that this was a new concern for the church. The International Relations Committee of the Presbyterian Church had expressed its concern in a resolution in 1949, and in 1950 it again reported on the "sinister picture" which was developing in South Africa.⁴⁸

⁴⁵ 1966 International Relations, *P.C.N.Z.* 22a.

⁴⁶ For the involvement of the Presbyterian Church see Garing, M.N., 'Against the Tide: Social, Moral and Political Questions in the Presbyterian Church of New Zealand 1840-1970' (unpublished PhD thesis, Victoria, 1989) 142 ff. Generally see Engel, P.F., *The Abolition of Capital Punishment in New Zealand 1935-1961* (Wellington: Department of Justice, 1977).

⁴⁷ Orange, C., *The Treaty of Waitangi* (Wellington: Allen & Unwin, 1987) 242.

⁴⁸ 1949, International Relations, *P.C.N.Z.* 62 and 1950, International Relations, *P.C.N.Z.* 219.

In 1951 this committee observed that racism was a "sore spot" for the world and even New Zealand would have to look at how "we ourselves handle the Maori".⁴⁹ All the same there was no significant protest from the churches over the exclusion of Maori from the 1948 All Black side to South Africa,⁵⁰ nor indeed was there any problem with the 1956 tour of New Zealand by the Springboks.⁵¹

The 1960 tour was different. On the announcement in 1958 that the New Zealand Rugby Football Union would tour South Africa without any Maori being permitted to be in the team, the churches immediately protested. There were resolutions from Church Councils, Conferences and Assemblies.⁵² The National Council of Churches' *Life and Work Conference* in May 1959 issued a statement condemning the exclusion of Maori from the side.⁵³ In June 1959 an unprecedented statement was issued over the signature of all church leaders in New Zealand (with the notable exception of the Anglican Primate).⁵⁴ In July 1959 the Maori Section of the National Council of Churches made a statement opposing the tour.⁵⁵ By July, 1959 the editorial of the National Council of Churches' journal declared:

Surely there has never been a time when the Churches have been so unanimous, not only in general principle, but in detailed recommendation, as they have been over the matter of the 1960 Rugby football team to tour South Africa. Quite explicitly they have said

⁴⁹ 1951, International Relations Committee, *P.C.N.Z.* 275.

⁵⁰ Thompson, R., *Race Discrimination in Sport* (Christchurch: National Council of Churches, 1969) 5. On the announcement of the 1948 tour the Editorial of *The Outlook* (4 September, 1946) 4, did express the view that if Maoris could not be included, then there should be no tour.

⁵¹ Thompson, R., *Retreat from Apartheid: New Zealand's Sporting Contact with South Africa* (Wellington: Oxford University Press, 1975) 18. Concern over questions of race relations rarely arose during the 1950's. The Inter-church Council on Public Affairs did not consider this issue. At the time of the 1956 tour, *The Outlook* (28 August, 1956), featured a front page photograph of the Springbok player Danie Craven reading a copy of *The Outlook*.

⁵² As early as 1958 the Presbyterian General Assembly adopted the stance that if there could be no Maoris in the touring side, then the tour should not go: 1958, Minutes, *P.C.N.Z.* 56, 57.

⁵³ Thompson, R., *Race Discrimination in Sport*, *op. cit.* 5.

⁵⁴ The statement was signed by Archbishop McKeefry, Catholic; the Rev. Dr J.D. Salmond, Presbyterian; the Rev. M.H. Taylor, Congregational; the Rev. Gordon Peterson, Methodist; Mr L.R. Pugh, Associated Churches of Christ; Mr H.J. Hayward, Baptist; the Rev. Elias Economou, Greek Orthodox and Mr W.S. Metcalf, Society of Friends. Although Archbishop Owen of the Anglican Church did not sign, six of his bishops promptly made their disagreement with their primate known: *ibid* 5-6.

⁵⁵ *Ibid* 6.

separately and together, that either the team should include Maoris, or no team should go.⁵⁶

The churches were at the forefront of initiating and prosecuting the protest against the tour.⁵⁷ The Citizen's All Black Tour Association (C.A.B.T.A.), which led the "No Maoris, No Tour" protest, was formed comparatively late, in June, 1959. This organisation had close links with the churches.⁵⁸ On 26 February, 1960 a petition of some 153,000 signatures was presented to Parliament with a delegation meeting with the Prime Minister, Walter Nash, and the acting leader of the opposition, J.R. Marshall. Church leaders were an important part of this delegation. Ultimately these protests amounted to nothing, with the Prime Minister refusing to intervene and thus leaving the Rugby Union to send its "white only" team to South Africa.⁵⁹

Although the church was outspoken over this issue, its stance still was very narrow. The church's concern arose as much from its sense of nationalism as from its concern over apartheid. New Zealand citizens, Maori, were being excluded from a national side.⁶⁰ Internationally, the church's concern over South Africa was becoming much wider. In Britain, agencies, such as Christian Action, were leading opponents of South Africa and its apartheid policy.⁶¹ The World Council of Churches also during the 1960's became more outspoken against apartheid and, as noted, in 1969 launched its Programme to Combat Racism.⁶² In New Zealand, after the 1960 tour, the church focused on the domestic implication of sporting links with the

⁵⁶ *Church and Community* (July, 1959) 3.

⁵⁷ Thompson, R., *Retreat from Apartheid*, *op. cit.* 19.

⁵⁸ For example, the Rev.s A.M. Richards and D. Storkey were appointed to represent the Presbyterian Church on C.A.B.T.A.: Minutes Presbyterian Public Questions Committee 5 June, 1959, *P.C.N.Z. Archives Office*.

⁵⁹ Thompson, R., *Race Discrimination in Sport* 6, 7, outlines other high level church contact with the government over the issue.

⁶⁰ Thompson, R., *ibid* 5.

⁶¹ The British organisation Christian Action was active in supporting the African National Congress in its 1950's programme of civil disobedience and for the establishment of the Treason Trial Fund in 1956. See Hastings, A., *A History of English Christianity 1920-1985* (London: Collins, 1986) 428-431.

⁶² See de Gruchy, J.W., *The Church Struggle in South Africa*, 2nd Edition (London: Collins, 1986) 128, for the impact of this on South Africa.

Republic. Throughout 1964 and 1965 there were a series of meetings between sporting organisations and an *ad hoc* Joint Churches Committee. The statements emanating from these meetings broke no new ground, and merely highlighted that to push beyond the "No Maoris, No Tour" stance would open up divisions with the sporting bodies, and within the church itself.⁶³

There were, however, indications that sections of the church were prepared to take the matter further and risk dissent in the face of a sports-loving public and a non-committal government. Within the National Council of Churches a more strident level of opposition to apartheid existed.⁶⁴ The Council's former General Secretary, the Reverend Alan Brash, along with six other Protestant clergy, in 1964 advocated an end to sporting links with South Africa.⁶⁵ Further major conflict was avoided, however, when the proposed 1967 rugby tour South Africa was cancelled because Maori would not be allowed to tour. The issue came alive again with the invitation to the All Blacks to tour South Africa in 1970. By the end of the decade individual churches were prepared to take a broader approach to the question. In 1969 the Presbyterian Public Questions Committee, in reviewing this period, acknowledged that there needed to be a change.

Up until 1967 there can be little doubt that most of the thinking was directed more towards the domestic situation. Now our thinking is directed more towards how we can discharge our Christian responsibility towards those whom we cannot play against because of the laws of their country.⁶⁶

To extend church opposition in this way, however, was controversial. The 1969 Methodist Conference resolved by only 194 to 158 votes that it press for the cancellation of the 1970 All Black tour of South Africa "as a

⁶³ After the series of meetings, the three principles agreed to were: (1) national teams should be selected without regard to race; (2) there is value in keeping an open door in sporting relationships with countries where racial prejudice obtains; and (3) that churches and sports bodies should work for the embodiment of Christian principles in the field of international sport. These were interpreted as meaning that the Springboks, who were to tour in 1965, should be received with friendship. See Thompson, R., *Race Discrimination in Sport*, *op. cit.* 8-10.

⁶⁴ *Church and Community* often featured articles and editorials during the 1960's about racism and apartheid: for example, Thompson, R., 'Fellow-Travelling with Apartheid', *Church and Community* (August 1963) 7.

⁶⁵ *The Outlook* (21 March, 1964) 30. In 1964 the World Council of Churches made a similar call: *The Outlook* (12 December, 1964) 4.

⁶⁶ 1969, Public Questions, *P.C.N.Z.* 157.

protest against sporting contests which have become part of the political system of countries denying basic human rights to most of their citizens".⁶⁷ Similar division arose in other churches⁶⁸ and also at the 1969 Annual General Meeting of the National Council of Churches. The Council agreed to condemn apartheid, while at the same time it affirmed "that New Zealand should maintain and develop channels of reconciliation through multi-racial contacts with the people of South Africa." As a result no decision was made to approve or disapprove of the 1970 tour.⁶⁹ Also the Inter-church Council on Public Affairs resolved that there be no action on the 1970 All Black Tour as there was disagreement amongst the Council members.⁷⁰ As the Methodist Church's International Relations committee predicted, the decision to oppose all sporting links "would test the strength of religious, political, commercial and rugby loyalties in the churches and in the associated schools, sports clubs and social clubs."⁷¹

The decade thus ended with the prospect of considerable division within the church over apartheid and sporting contact with South Africa. Tours, and the possibility of tours, were to dominate the church's relationship with the state in the 1970's and 1980's. The early unanimity of the churches and the willingness to lead on this issue were shown to be shallow. When more extreme stances were called for by the international ecumenical movement, the churches of South Africa themselves, and church leaders within New Zealand, divisions within the church opened up.

Despite this hesitancy, the church was accused of being political over the issue. In May, 1972 (when another Springbok tour to New Zealand was in prospect) the then National Deputy Prime Minister, Robert Muldoon, accused the churches of adopting an outspoken stance on apartheid only when the matter itself was a matter of public controversy. There was a quick rebuttal by church leaders who asserted that on the contrary the church had "a very

⁶⁷ 1969, *N.A.C.* 160.

⁶⁸ At the Presbyterian General Assembly, it resolved that it "doubted the wisdom of an All Black tour." An amendment condemning the tour was lost: 1969, Minutes, *P.C.N.Z.* 116. The Public Questions Committee itself was deeply divided over the issue. It could only recommend that New Zealand teams be "non-racial": Minutes 7 March, 1969 *P.C.N.Z. Archives Office.*

⁶⁹ See Brown, C., *op. cit.* 149, 150.

⁷⁰ 20 August, 1969, Minutes Volume 7, MS y 1840, Alexander Turnbull Library, Wellington.

⁷¹ 1969, *N.A.C.* 158.

long record of opposition to apartheid." Racism had long been considered, as these churchmen pointed out, an affront "to the dignity of man", and as such was "a legitimate concern of the church".⁷² Although such a "long record of opposition" to racism is questionable, it was clear that by the end of the decade the church's opposition to apartheid had become a touchstone of its prophetic stance with the state and a lingering sore with the National Party in particular.

ii. Domestic Racism

Significant church state contact over domestic racism and race relations was also beginning. This contact was at two levels. On the one hand there was the institutional relationship between the various denominational and ecumenical Maori sections of the church, and the agencies of the state administering Maori policy. There was a church state relationship with what could be called the Maori church.⁷³ On the other hand, first the Maori church, and then sections of the pakeha church, called into question state race relations policy. By the end of the 1960's, new questions, new approaches and new issues about race relations would feature prominently in the church's relationship with the state for the subsequent decades.

The institutional relationship between the Maori church and the various state agencies administering Maori policy, such as the Board of Maori Affairs and the Maori Purposes Fund Board, was close. In the eyes of the state, these churches had an important role to play in the then policy of "integration". The Prime Minister and Minister of Maori Affairs, Walter Nash, in his 1960 report to Parliament, outlined both his view of how "integration" should be conceived, and how it may be best implemented. Thus he observed that "Maori clubs and church groups perform a very valuable

⁷² The statements of the Deputy Prime Minister were reported on the T.V. Network News, 7.00 p.m. 11 May, 1972. On the 12 May, 1972 Bishop Ashby (Catholic), Mr R.I. Feist, Convener of the Presbyterian Public Questions Committee, the Rev. W.F. Ford, Acting President of the Methodist Church and the Rev. D.M. Taylor, General Secretary of the National Council of Churches, issued a press release rebutting Robert Muldoon's comments. Archbishop Johnston (Anglican) subsequently agreed that his assent to the statement be noted. (Papers of International Relations Committee, *P.C.N.Z. Archives Office*.) This led to the subsequent clash between Bishop Pyatt and Robert Muldoon on the *Gallery* television programme over 'leftish clergymen': Muldoon, R.D., *op. cit.* 154ff.

⁷³ See Chapter One at p. 39, fn.163 for an explanation of this term.

function in this way, especially if, in addition to lending support to the Maori, they encourage him to mix freely with Europeans."⁷⁶ Maori church groups and Maori church schools were often supported financially by the state.⁷⁵ One area of close contact was in the running of hostels for young Maori. Since 1943 a pound-for-pound subsidy had been available from the state on "the cost of such hostels (maximum £600 per head) to religious and welfare organisations on certain prescribed conditions."⁷⁶ As the *Hunn Report* acknowledged, these met an important need in a time of "urban drift" of Maori to the cities.⁷⁷ Such was the involvement of the church in this aspect of Maori policy that the *Hunn Report* itself recommended that there be a hostels committee "with the Council of Churches sometimes co-opted" to offer policy suggestions.⁷⁸

During the 1960's the Maori Section of the National Council of Churches was one of the Maori church groups in this close relationship with the state. The Section not only received direct government funding for its activities,⁷⁹ but also was influential at a policy level.⁸⁰ In 1962 it became

⁷⁴ Board of Maori Affairs, Annual Report, *A.J.H.R.*, 1960 G.9, 6.

⁷⁵ The usual source of funds was the Maori Purpose Fund Board, administered by the Department of Maori Affairs. The annual reports of the Board (*A.J.H.R.* G.11) reveal that during the 1960's frequent grants were made to whole denominations, or individual churches. For example, in 1961 the Methodist Church of New Zealand received £2,000 (*A.J.H.R.*, 1961 G.11, 3) and in 1962 the "Methodist Central Mission £250" and "St Faiths Anglican Church £500" for teaching Maori arts and crafts (*A.J.H.R.*, 1962 G.11, 2). Individual Maori church schools also received funding, such as St Joseph's Maori Girls School (£250 in 1959, *A.J.H.R.*, 1959 G.11, 3) however, from 1964 there was specific funding for Maori church boarding schools. In 1966 there was £5,050 granted for this purpose (*A.J.H.R.*, 1966 G.11, 3). Some of this state aid for Maori church schools pre-dated state aid given to pakeha schools: see Chapter Five for a discussion of state aid for church schools.

⁷⁶ J.K. Hunn, *Report on Department of Maori Affairs (The Hunn Report)* (Wellington: Government Printer, 1961) 44. The *Hunn Report* was also published in *A.J.H.R.*, 1961, G.10. Denominational histories describe something of the relationship with the state over the establishment and running of these hostels: Laughton, J.G., *From Forest Trail to City Street* (Christchurch: Maori Synod of the Presbyterian Church, 1961) 68-76; and Laurenson, G.I., *Te Hahi Meteriana* (Auckland: The Wesley Historical Society of New Zealand, 1972) 238, 248-250, 253.

⁷⁷ *The Hunn Report* 44. This aspect of the report was acknowledged by the Maori Synod of the Presbyterian Church in its response: *A Maori View of the Hunn Report* (Christchurch: Presbyterian Bookroom, 1961) 18.

⁷⁸ *The Hunn Report* 7.

⁷⁹ The Section received grants from the Maori Purpose Fund Board in 1960, 1961, 1962 and 1964 totalling £1,178. See *A.J.H.R.* G.11 for those years.

⁸⁰ Brown, C., *op. cit.* 237.

a life member of the Maori Education Foundation Trust and was also involved in administering a hostel for apprentices on behalf of the state.⁸¹ Individual Maori church leaders also had an important policy advising role to the government and often were members of the various trusts and administrative schemes for dispersing financial assistance for Maori.⁸²

The difficulty was that this close relationship between the Maori church and the state was within the context of an increasingly questioned policy of "integration". This policy was most clearly enunciated in 1960 by the *Hunn Report* itself.⁸³ In the report, "integration" was said to be the combination of "the Maori and pakeha elements to form one nation wherein Maori culture remains distinct".⁸⁴ The trouble was that despite the stated policy, the state's practice on Maori matters was still more like that of "assimilation". There often was the loss of Maori culture, and no separate sense of identity for Maori in New Zealand.⁸⁵ J.K. Hunn himself was impressed with the fact that "six more generations of inter-marriage would blur racial distinctions so much that it would be difficult to distinguish and define which [race] was which. Integration would be well on the way to assimilation."⁸⁶ Ralph Hanan, the Minister of Maori Affairs who undertook to

⁸¹ *Ibid* 239. The Annual Report of the Board of Maori Affairs, *A.J.H.R.*, 1963 G.9, 12, notes that the Maori Section would be specifically approached with regard to running a hostel in Christchurch. As Brown notes, this approach was rejected by the section: *op. cit.* 240. Individual denominations also became "Life Members" to the Maori Education Foundation. The Methodist Home Mission Board and the Wesley College Board became Life Members: Laurenson, G.I., *op. cit.* 256.

⁸² Laurenson, G.I., *op. cit.* 258, particularly mentions the Rev. A.J. Seamer, the former Superintendent of the Methodist Maori Mission, as being "a valued adviser in Maori matters, being consulted by Government and Church leaders on frequent occasions." For membership of government boards, see for example, Annual Report, Maori Purposes Fund Board, *A.J.H.R.*, 1969 G.11, 2.

⁸³ *The Hunn Report* 15-16. For some background to this report see Hunn, J.K., *Not Only Affairs of State* (Palmerston North: Dunmore Press, 1982) Chapter 17.

⁸⁴ *The Hunn Report* 16.

⁸⁵ Analysis of the report itself indicates inconsistencies as to what actually was meant by the term. Colgan, D.M. "The Maori: Integration or Subjugation" in *Racial Issues in New Zealand* edited by Vaughan G. (Auckland: Akarana Press, 1972) 28, notes that in the *Hunn Report* in addition to the quoted definition of "integration" it also stated, "If all Maoris could be established in modern homes . . . the next generation would be virtually integrated" (38); "Miscegenation is inexorably integrating" (18); and "School is the nursery of integration" (25).

⁸⁶ Hunn, J.K., *Not Only Affairs of State* 148.

implement the Hunn Report as "Government policy in its entirety",⁸⁷ in his first report to Parliament observed:

The Treaty of Waitangi, 1840, united Maori and pakeha as one nation. Governor (*sic*) Hobson said as chiefs signed the Treaty: "He iwi kotahi tatou" (We are now one people). We have come a long way in the 121 years since the Treaty was signed, and Maori and pakeha are intermingling ever more into one nation and one people.⁸⁸

This was not "one nation wherein Maori culture remains distinct."⁸⁹ Several years later the stated aim of the Department of Maori Affairs was still "the effective diffusion of the Maori in the occupational and economic life of the country."⁹⁰

The Maori church articulated its "grave concern" over this policy.⁹¹ There had been previous church approaches to government and protests over Maori policy. In 1940, after urging from the Methodist Maori Mission, the Methodist Conference called on the government to statutorily recognise the Treaty of Waitangi.⁹² The Conference resolved that it claim "the right to express itself on this question as it is an indisputable historical fact that our Missionaries, in association with the those of the Church Missionary Society, advised the acceptance and signing of the Treaty and assured the Maori Chiefs that the Treaty would stand for all time and would be honourably observed."⁹³ Again, the 1945 Christchurch *Conference on Christian Order* raised significant concerns over race relations, and made suggestions on Maori policy.⁹⁴ The Conference affirmed that "while it is manifest that the Maori must take his part fully in the economic life of New Zealand and achieve European standards of living, he must continue rightly to have his racial identity honoured and safeguarded. . . We may yet develop

⁸⁷ Hunn, J.K., *ibid* 141.

⁸⁸ Annual Report, Board of Maori Affairs, *A.J.H.R.*, 1961 G.9, 3. The Hobson quote 'we are now one people' was the classic text of integration policy and also for Maori pakeha relations within the church: Poutasi, S.F., 'The Church and the Treaty of Waitangi' (unpublished dissertation for the Presbytery of Dunedin, Hewitson Library, Dunedin, 1984) 53 ff.

⁸⁹ *Hunn Report* 16.

⁹⁰ Ralph Hanan, Annual Report, Minister of Maori Affairs, *A.J.H.R.*, 1967 G.9, 5.

⁹¹ Maori Synod of the Presbyterian Church, *op. cit.* 6.

⁹² Laurensen, G.I., *op. cit.* 234, 235.

⁹³ 1940, *H.A.C.* 151.

⁹⁴ See Mirams, G., *Christchurch 1945: An Account of the Conference on Christian Order* (Christchurch: Presbyterian Bookroom, 1945) 11 - 14.

a common unity - cultural, economic, and social - to which each race will have made its contribution"⁹⁵ The difficulty for the Maori church was that it was operating in the context of the "myth of racial harmony" in New Zealand.⁹⁶ This myth was just as strong within the church, as within the wider community and the policies of the government.⁹⁷ The Maori church often felt as much patronised within its own structures, as were the Maori generally.⁹⁸ For this reason the question of what was actually meant by "integration" in government policy was of central concern.

In the Presbyterian Church's Maori Synod's response to the *Hunn Report*, the policy of "integration", as therein defined, was roundly condemned. A different understanding of the term was needed.

Let it be understood that, while we are willing to join with the Pakeha in becoming New Zealanders, we have no desire whatever to become Pakehas. There is much in the Pakeha way of life which is admirable, and much we wish to live in harmony with and in equality with our Pakeha brethren. But this means co-operation from both sides. For our part we are willing to give as well as take, but we strongly oppose the assumption that we must forget our history, our culture, our racial origins - all that is involved in the word Maoritanga. Only when this is clear to all will there be any true basis for lasting harmony.⁹⁹

⁹⁵ *Ibid* 12. The authors of this report were the Bishop of Aotearoa, Bishop Bennett, and the respective secretaries of the Methodist and Presbyterian Maori Missions, the Rev.s G.I. Launson and J.G. Laughton. These three became influential leaders within the resulting Maori Section of the National Council of Churches, and at the forefront of church concerns on the policy of 'integration'.

⁹⁶ 1958, Maori Synod, *P.C.N.Z.* 51a. Even in the 1945 *Christian Order Conference* at Christchurch, a delegate who raised evidence of 'enmity from pakehas towards Maoris', was dismissed with the assurance that 'he must have struck a bad patch' (Mirams, G., *op. cit.* 13).

⁹⁷ Hunn in his autobiography, for example, states that in 1961 he found only 134 examples of discrimination. 'I found it reassuring. Surely discrimination was minimal if only 134 incidents could be cited from two and a half million people' (Hunn, J.K., *Not Only Affairs of State*, *op. cit.* 145).

⁹⁸ 1961, Maori Synod, *P.C.N.Z.* 214a-215a, observed, 'there will be either an integrated Maori-pakeha nation or a race problem of grave importance. In facing that vital question, the Church has a big responsibility, the more so because the average person does not realise the place or importance of the Church. But the Church itself, must realise it. Does it?'

⁹⁹ Maori Synod of the Presbyterian Church, *op. cit.* 10. A resolution on 'integration' reflecting these concerns was agreed to at the 1961 General Assembly: 1961, Minutes, *P.C.N.Z.* 29.

This was clearly an early statement of what would in time become known as "bi-culturalism".¹⁰⁰ The frustration for the Maori church was that in terms of church state relations, the call for change was not coming from the pakeha church. For the whole church to adopt such a call, the church's own structures with regard to the Maori would need examination, and the New Zealand myth of racial harmony would have to be challenged. As a 1964 National Council of Churches study said: ". . . those of European descent cannot assume that by ignoring the difficulties, or assuming that none exist, the situation will solve itself."¹⁰¹ By the end of the decade there were signs that some movement in this direction had taken place.

From the Maori perspective, there was growing pride in things Maori. This raised consciousness of Maoritanga clashed with the prevailing policy and practice of "integration". As noted above, the protest over the 1960 All Black tour to South Africa was significant in focusing on domestic racism. The 1965 Springbok tour also prompted the observation that "never has there been greater notice taken in the press of the general Maori situation, and of Maori pakeha relations in particular."¹⁰² The 1967 Maori Affairs Amendment Act also brought Maori opposition.¹⁰³ In the late 1960's the Maori Organisation on Human Rights was established in Wellington, and in 1970 the Nga Tamotoa (the young warriors) was formed.¹⁰⁴ These organisations became more strident in their assertion of Maori identity and in time began to call for the honouring of the Treaty of Waitangi.¹⁰⁵ Also the Maori church expressed and asserted more of its own cultural identity within the church, such as in the liturgy and architecture.¹⁰⁶ In this, the place of the church

¹⁰⁰ See Chapter Seven, 3(ii) "Bi-culturalism and the Treaty of Waitangi" at p. 255 for a discussion of this term.

¹⁰¹ Women's Committee of the National Council of Churches, *Maori and Pakeha* (Christchurch: Presbyterian Bookroom, 1964) 9.

¹⁰² 1965, Maori Synod, P.C.N.Z. 430a.

¹⁰³ The 1967 Maori Affairs Amendment Act gave the Maori Trustee the power to take control of Maori land owned by less than four people and to arrange for this property to be transferred into Torrens title and then possibly sold.

¹⁰⁴ Sheehan, M., *Maori and Pakeha* (Auckland: McMillan, 1989) 51.

¹⁰⁵ Orange, C., *The Treaty of Waitangi* (Wellington: Allen & Unwin, 1987) 244, describes the emergence of these organisations and refers to the influence of American Black Power movements and other moves for indigenous people's rights.

¹⁰⁶ Rakena, R.D., *The Maori Response to the Gospel* (Auckland: Wesley Historical Society (N.Z.), 1971) was one of the most forceful advocates of this concern. This has been a theme which he had pursued since the mid 1960's: Brown, C., *op. cit.* 236.

in decolonised Africa and Asia gave inspiration, and significant contact was made with them. In particular, D.T. Niles and the East Asian Council of Churches were important catalysts in the Maori church asserting its own cultural identity within the wider church. The impact of the 1962 Conference at Christchurch sponsored by East Asian Council of Churches¹⁰⁷ was "most marked".¹⁰⁸

These expressions of mana motuhake (ethnic identity) led to a more earnest addressing within the wider church of the role and place of the Maori.¹⁰⁹ Some changes were made. In 1964 the Bishop of Aotearoa was given a full seat on General Synod.¹¹⁰ Also in 1964, the Reverend Hemi Potatau became the first Maori Moderator of the Presbyterian Maori Synod. The 1970 Methodist Conference began a review of its Maori Mission policy which eventually led to the establishment of the Methodist Maori Division in 1973. These structural changes at this time only dealt with the Maori church's desire for its own autonomy. The operation of the pakeha church was largely left untouched. For example, no Maori was on the Joint Commission on Church Union when it was first appointed in 1964.¹¹¹

¹⁰⁷ Referred to in Chapter Three at p. 117.

¹⁰⁸ 1963, Maori Synod, *P.C.N.Z.* 235a. Travel by Maori leaders was also important. Bishop Bennett attended the first Conference of the World Council of Churches. Ruawai Rakana, in 1952, travelled to the World Conference of Christian Youth at Travencore, India, and then the World Council of Churches meeting at New Delhi in 1961. He acknowledges also his indebtedness to D.T. Niles to search out genuine Maori expressions of the Christian faith: Rakana, R., *op. cit.* v. For details of other Maoris attending such international conferences see Brown, C. *op. cit.* 238. It is interesting to note the Maori Purposes Board often gave grants to help these Maori leaders attend these conferences: see Annual Reports, *A.J.H.R.*, 1965 and 1967 G.11.

¹⁰⁹ A brief background to this movement is provided in Davidson, A.K. and Lineham, P.J., *Transplanted Christianity* (Auckland: College Communications, 1987) 172-175. The study by Mol, H., *Religion and Race in New Zealand* (Christchurch: National Council of Churches, 1966) outlines the policies of the churches at this time towards incorporating the Maori within its own structures. Laurenson, G.I., *op. cit.* 264, notes that the pressure for a separate Maori structure in the Methodist Church "was one reaction to the repeated emphasis on 'Integration' which had appeared so frequently in earlier discussions. So often this had been presented in such a way that the Maori people say it was, to all intents and purposes, a policy of 'absorption'."

¹¹⁰ This was still far short of the original 1925 proposal for a Bishopric of Aotearoa: Bishop Holland in Mol, H., *op. cit.* 67-73.

¹¹¹ The Rev. R. Rakana (Methodist) was appointed in 1967 and the first Presbyterian was appointed in 1969. Bishop Bennett was appointed in 1971: see Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 136-137.

Despite this there still was in the 1960's some examination by the pakeha church of race relations within New Zealand. In 1960 the National Council of Churches sought to make its concern over racism a priority. It set as its goal an increase in the level of "understanding based on competent research."¹¹² As a result several important studies in the name of the Council were published, as were studies to be used by small groups.¹¹³ The Presbyterian Maori Synod in 1959 also embarked on a similar education campaign. The success of these reports and studies, however, seems to have been limited. By 1968 the Presbyterian Maori Synod concluded "we are deeply disappointed at the practical results of our efforts over the last nine years."¹¹⁴ However, for that church some change was evident. The question of racial discrimination was one of the resolutions of the national conference with Presbyteries and the Maori Synod in March 1962. The Conference "recognise[d] with shame that there are numbers of cases of racial discrimination in our society."¹¹⁵ The Presbyterian Church's Public Questions Committee was specifically addressed by the Reverend Jim Irwin of the Maori Synod noting that the concerns of the Synod "were divorced from the work of the church"¹¹⁶ and presumably the Public Questions Committee. Some two years later a representative from the Maori Synod was made an associate member of that committee.¹¹⁷

Slowly the pakeha church, and not just the Maori church, was prepared to bring issues before government. In 1967 the Presbyterian Public Question's Committee complained to the Minister of Broadcasting and the Minister of Maori Affairs about the New Zealand Broadcasting Corporation's decision to adopt "common usage" in the pronunciation of Maori names.¹¹⁸ In 1968 the Presbyterian General Assembly resolved to complain to the Minister of

¹¹² Brown, C., *op. cit.* 152. See also 1960, Minutes, *P.C.N.Z.* 42.

¹¹³ Thompson, R., *Race Relations in New Zealand* (Christchurch: National Council of Churches, 1963); Mol, H., *Religion and Race in New Zealand* (Christchurch: National Council of Churches, 1966) and Thompson, R., *Race Discrimination in Sport* (Christchurch: National Council of Churches, 1969). Of the studies the one by the Women's Committee of the National Council of Churches, *Maori and Pakeha* (Christchurch: Presbyterian Bookroom, 1964) should be noted.

¹¹⁴ 1968, Maori Synod, *P.C.N.Z.* 84a.

¹¹⁵ 1962, Maori Synod, *P.C.N.Z.* 277a.

¹¹⁶ Public Questions Committee 2 June, 1961: Minutes, *P.C.N.Z. Archives Office.*

¹¹⁷ Public Questions Committee 3 May, 1963: Minutes, *P.C.N.Z. Archives Office.*

¹¹⁸ Public Questions Committee 7 April and 5 May, 1967: Minutes, *P.C.N.Z. Archives Office.*

Education that not enough was being done in the schools to maintain Maori language and culture.¹¹⁹ This arguably was the first time a resolution of protest about a domestic race relations question had been passed by the highest court of that church. Such questions however were divisive and controversial,¹²⁰ and domestic racism was denied by some to exist, let alone be a concern, even a prophetic concern of the church.

iii. The Church and the Vietnam War

The New Zealand involvement in the Vietnam conflict was cautious and limited.¹²¹ It began in February 1963 with the stationing of a New Zealand surgical team at Qui Nhon and followed in May 1964 with the deployment of a 25 person non-combatant engineer detachment. Priority at the time was given to New Zealand's more traditional role of assisting Britain east of Suez, particularly on the Malay peninsula. Reluctantly, after extensive pressure from the ANZUS partners, Australia and the United States, there was the decision, announced on 27 May 1965, that an artillery battery of 126 men would be sent to Vietnam.¹²² By 1969 this commitment had increased to 550. In total, during the period between 1964 to 1972, 3,800 soldiers served in Vietnam. Thirty-five New Zealanders were killed in the conflict.

The early developments in New Zealand's involvement in the war, before the deployment of combat troops, went virtually unnoticed by the public at

¹¹⁹ 1968, Minutes, P.C.N.Z. 55.

¹²⁰ It was noted that the 1963 General Assembly debate on Maori pakeha relations 'caused quite a stir': 1964, Maori Synod, P.C.N.Z. 254a.

¹²¹ *The New Zealand Army in Vietnam 1964-1972: The Report on the Chief of General Staff's Exercise 1972* (Wellington: Ministry of Defence, 1973) 36, concluded 'the New Zealand attitude to military assistance was cautious. . . . The New Zealand contribution was always seen as largely symbolic.'

¹²² *The Report on the Chief of the General Staff's Exercise*, *ibid* 36, very carefully expresses this reluctance in this way: 'The New Zealand Government was also guided very strongly by the fact that its two ANZUS partners were participating, so that it would reflect badly upon New Zealand if it stood aside. Therefore it was prepared to 'show the flag.' Ian Johnstone in his television series 'Vietnam: The New Zealand Story', 1982 (University of Otago Audio Visual Collection) was far more explicit about this pressure. In late 1964 the Deputy U.S. Secretary of State, McGeorge Bundy, visited the New Zealand Ambassador in Washington. At this meeting New Zealand indicated it was 'non-committal'. On 20 April, 1965 Henry Cabot Lodge, U.S. Ambassador to Vietnam, addressed the New Zealand Cabinet, in Wellington. There was much pressure also from the Australians to 'show the ANZAC spirit'.

large.¹²³ It was as late as Henry Cabot Lodge's Easter 1965 visit that there was any specific protest or demonstration in Wellington against the war in Vietnam, and New Zealand's involvement in it.¹²⁴ At the same time there was no clamouring for New Zealand involvement. The *Report on the Chief of General Staff's Exercise on the Vietnam War* concluded "very little enthusiasm was forthcoming for New Zealand's involvement. . . . [T]he country, in general, was prepared to acquiesce in the Government's decision."¹²⁵ Once troops were sent, public interest in the Vietnam conflict increased. The stance of the Labour and National parties hardened, and the question became more and more polarised and controversial.¹²⁶

The church in these early stages of military involvement in Vietnam seems to have been able to make some contribution to government policy formulation. The New Zealand government, up until as late as 1963, had little first-hand information about Vietnam and the region, and the "information upon which its policy was based was largely derivative."¹²⁷ In that year New Zealand established a limited one-person diplomatic office in Saigon. The church on the other hand had good links with Asia. Asia, and particularly China, had been an important mission field for sections of the New Zealand church. This had led to considerable knowledge and concern for the region. For example, the Presbyterian Church through its Assembly resolutions and the International Relations Committee had since 1952 advocated vigorously for the diplomatic recognition of Communist China and its inclusion within the United Nations. Although this was not accepted, that church's interest and expertise on Asian matters was readily acknowledged.¹²⁸ Of more significance in the 1960's, was the growing

¹²³ *Ibid* 11.

¹²⁴ There was a spontaneous protest arising out of the Campaign for Nuclear Disarmament Easter March. From this demonstration there was formed the Wellington Committee on Vietnam (C.O.V.): Williams, C., "Three New Zealand Pressure Groups: A Look at Motivation" (unpublished MA thesis, Canterbury, 1976) 27.

¹²⁵ *Op. cit.* 16.

¹²⁶ In time the National and Labour parties developed divergent approaches to the Vietnam question. However, in the 1966 and 1969 elections Vietnam "was never really a major issue with the electorate": Johnstone, I., *op. cit.*

¹²⁷ *The Report on the Chief of the General Staff's Exercise, op. cit.* 4.

¹²⁸ Letters from the Prime Minister to the Rev. Owen Robinson, Convener of the Presbyterian Church's International Relations Committee (30.12.1961 and 1.2.1962): Correspondence, *P.C.N.Z. Archives Office.*

ecumenical relationship between the National Council of Churches and the East Asia Christian Conference (E.A.C.C.). Several church leaders had developed an intimate knowledge of Asia, and in turn had ready access to Asian church leaders. The Reverend Alan Brash, the General Secretary of the National Council of Churches, was for a time also an associate secretary of the East Asian Christian Conference.¹²⁹ In the early 1960's New Zealand had a close relationship with the churches of Asia.¹³⁰

This special position of the church became significant in the crucial weeks prior to the 27 May, 1965 commitment of troops. On 10 May, 1965 a delegation of six churchmen, including Archbishop McKeefry, Bishop Baines, and Norman Perry, Moderator of the Presbyterian Church, met with the Prime Minister, Keith Holyoake and the Deputy Prime Minister, J.R. Marshall.¹³¹ At the meeting the leader of the deputation, Norman Perry, offered "the good offices of the E.A.C.C. to explore with Christian leaders in Asia, and if possible in Vietnam, the possibilities of acceptance of President Johnson's offer of 7 April of unconditional discussions." He also offered the assistance of churches to organise an appeal for aid in Vietnam. The offer was accepted by Keith Holyoake, who "gave every encouragement", though it was made clear this was a church and not a government initiative.¹³² The next day the National Council of Churches Executive formally approved this approach, and Norman Perry left on 21 May for Asia where he met with D.T.

¹²⁹ See Brown, C., *op. cit.* 116, for a discussion of this arrangement. In 1957 the National Council of Churches published a study booklet called *Knowing Our Neighbours: Studies on the Churches of South East Asia* (Christchurch: Presbyterian Bookroom, 1957).

¹³⁰ Another significant source of information on Asian developments was the New Zealand Churches' Commission on International Affairs (C.C.I.A.). For example, *Church and Community* (November, 1963) 5, referred to the C.C.I.A.'s concern over the South Vietnamese government's restrictions on religious freedom.

¹³¹ "First EACC move for Peace", *The Outlook* (5 June, 1965) 16. The sequence of events leading to the meeting seems to be that the Rev. Dr Ian Fraser, a corresponding member of the Presbyterian International Relations Committee, wrote to the convener of that committee, the Rev. Owen Robinson on 7 May believing "it was time some further action was taken by the Churches over Vietnam." He specifically suggested that there be a delegation by the heads of churches to the Prime Minister because "the issue is now that of escalation, and whether N.Z. will send troops or aid." On the receipt of this letter Robinson telegraphed the Presbyterian Moderator, Norman Perry (also a member of the Laity Committee of the East Asia Christian Conference) recommending action along the lines suggested by Dr Fraser. (Letter of Norman Perry, 15 May, 1965 to all Presbyterian Ministers: International Relations Correspondence, P.C.N.Z. Archives Office.) Dr Fraser had also written in similar terms to Norman Perry. The text of the telegram to the Moderator was published in *The Outlook* (19 June, 1965) 14. For a general account of the incident see 1965, International Relations, P.C.N.Z. 187a.

¹³² Letter of Norman Perry 15 May to all Presbyterians, 1965 *op. cit.*

Niles, the then General Secretary of the East Asia Christian Conference, and other leaders of the Conference.¹³³

This flurry of church state contact came to nothing. New Zealand announced its troop commitment, even while Norman Perry was in Asia.¹³⁴ It seems, however, the church view was considered as the Government agonised over the question of a troop commitment. Norman Perry was "impressed by Mr Holyoake's deep concern" and believed "the Government was honestly considering all the issues involved and the protest and points of view which have been presented to them."¹³⁵ The church could sincerely assure the Prime Minister "of continued concern and prayers of the Church as [he] carried the burden of decision making" because of the close contact over this issue.¹³⁶ In the National Government's vacillation over the issue¹³⁷ the role of the church seems to have been respected and genuinely considered. Indeed, the contact made by the government with the East Asia Christian Conference was maintained. The Prime Minister wrote to D.T. Niles about the Government's White Paper on its Vietnam policy, and saw him while he was in New Zealand at the end of 1965.¹³⁸

This particular contact between church and state over Vietnam, however, appears to have been the exception. Earlier in 1965 the church had been concerned about the use of napalm. Articles were written, telegrams were sent, and a deputation under the auspices of the Inter-church Council on

¹³³ Brown, C., *op. cit.* 145.

¹³⁴ It would seem however, that Perry was aware that this would happen. In writing to Robinson before departing, he wrote "If they do commit troops I will say we regret this, as I am sure the PM and Government also regret having to make the decision. . . Hope it does not become necessary." Letter 15 May, 1965: International Relations Correspondence, *P.C.N.Z. Archives Office*.

¹³⁵ Letter of Norman Perry, 15 May, 1965, *op. cit.*

¹³⁶ Letter of the Rev. Owen Robinson to the Prime Minister, on the evening of the announcement of a troop commitment (27 May, 1965): International Relations Correspondence, *P.C.N.Z. Archives Office*. This letter assured the Prime Minister that the initiative of Norman Perry would continue, even though the decision had been made to send troops to Vietnam.

¹³⁷ Ian Johnstone, in the television series *Vietnam the New Zealand Story*, makes particular reference to the indecision of the Prime Minister concerning troop involvement. As late as the end of 1964, the United States was informed in Washington that though New Zealand approved of the American involvement, it was felt that it wouldn't achieve anything and that no troops would be committed.

¹³⁸ Brown, C., *op. cit.* 146.

Public Affairs went to the Prime Minister on 1 April, 1965 about this aspect of the war.¹³⁹ Although the delegation expressed its concern, this contact with the government was a portent of the future difficulty the church would experience in speaking about the war. Even at this stage, the war was too controversial for this inter-denominational body, which required agreement of all its constituent churches to speak decisively on the matter. At the time it was observed that "as it was impossible to bring the Council together [the leader of the deputation] seemed hesitant in speaking on their behalf."¹⁴⁰

The National Council of Churches, and its General Secretary, the Reverend David Taylor, were not so hesitant.¹⁴¹ The May 1965 edition of *Church and Community* contained an article on D.T. Niles' opposition to the American position on Vietnam. Again in June much was made of this statement, particularly given that New Zealand had by now joined with the Americans and committed troops to the region. The logic of the international ecumenical movement required the recognition of different views and different criteria for judging New Zealand involvement. "Our churches in New Zealand now know many Asian Churches so well that we can affirm their independence and we respect what they say."¹⁴² In July an appeal for relief in both North and South Vietnam was launched.¹⁴³ The Council, in September, then received a full statement on the war prepared by the New Zealand Churches Commission on International Affairs, and sent it to the Prime Minister and all members of Parliament.¹⁴⁴ The statement, published in *Church and Community* in October,

¹³⁹ Again Dr Fraser was instrumental in organising this deputation. During March he had an article published in three papers concerning napalm: 27 March, 1965 *Christchurch Star*; 30 March, 1965 *Auckland Star*; and 31 March, 1965 *Evening Post*. In a letter to Robinson of 23 March, 1965, he suggested "something should be done". Robinson sent a telegram to the Prime Minister concerning the matter. See Robinson, O.S., "Focus on World Affairs", *The Outlook* (19 June, 1965) 14.

¹⁴⁰ Dr Ian Fraser to the Rev. Owen Robinson 6 April, 1965: International Relations Correspondence, *P.C.N.Z. Archives Office*.

¹⁴¹ From this period on, the National Council of Churches and not the Inter-church Council on Public Affairs had increased responsibility for controversial matters. The Inter-church Council became hamstrung by its requirement of unanimity before a public statement could be made.

¹⁴² "Editorial", *Church and Community* (June, 1965) 3. The Rev. David Taylor was the editor of the journal.

¹⁴³ *Church and Community* (July, 1965) 3.

¹⁴⁴ Brown C., *op. cit.* 145.

1965, was highly critical of New Zealand policy and it urged "upon Christians their duty to speak out candidly against morally unjustifiable actions."¹⁴⁵

David Taylor quickly became one of a group of church leaders who frequently were quoted and seen on television as opposing the war in Vietnam. In a television interview in Autumn 1965 he had already acknowledged "being called a leftist, but [we] must take risks and stick our necks out."¹⁴⁶ Others were also outspoken. Church leaders were included in the early planning for the Wellington Committee on Vietnam.¹⁴⁷ The mailing lists for the Wellington Committee on Vietnam reveals the name "David Taylor - NCC" together with other clergy.¹⁴⁸ Later David Taylor and the Reverend E. Buckle, the Secretary of the Auckland Diocese, were on the platform at the opening of the "Peace, Power and Politics in Asia" Conference, 30 March - 2 April, 1968.¹⁴⁹ Dr Ian Fraser was another who was untiring in his opposition to the war.¹⁵⁰ Ormond Burton, and others from the Christian Pacifist Society were also prominent in protests against the war.¹⁵¹

As the above quote from David Taylor indicates, church leaders such as these realised that their views were out of step with the rest of the church.¹⁵² For example, at the 1965 Synod of the Anglican Diocese of Dunedin, a motion urging "the New Zealand Government to withdraw its artillery unit from South Vietnam" was barely carried by the clergy and

¹⁴⁵ "Vietnam", *Church and Community* (October 1965) 7.

¹⁴⁶ Ian Johnstone, *Vietnam: The New Zealand Story*, *op. cit.*

¹⁴⁷ Williams. C., *op. cit.* 30.

¹⁴⁸ "Vietnam Movement": Ephemera Collection, Alexander Turnbull Library, Wellington.

¹⁴⁹ *Ibid.*

¹⁵⁰ He was instrumental in organising the April and May, 1965 delegations to the Prime Minister. He also contributed articles to national papers and considered in April, 1965 taking out large advertisements in the press outlining a Christian opposition to the war (letter to Robinson 7 May, 1965: International Relations Correspondence, *P.C.N.Z. Archives Office*).

¹⁵¹ Ormond Burton addressed one of the initial anti-war protests from the steps of Parliament, at Easter, 1965: *The New Zealand Christian Pacifist*, 19, 5 (June, 1965) 2.

¹⁵² In a study by Webster, A., *Beliefs, Role Definitions, Attitudes, Social Perceptions and Personality Orientations: A Study of New Zealand Clergy* (Christchurch: National Council of Churches, 1981) 32, he shows that only 16.7% of his sample of clergy were actually involved in protest marches against the Vietnam policy of the New Zealand government.

decisively defeated by the laity.¹⁵³ A church committee such as the Presbyterian International Relations Committee was constantly reminded that the issue gave rise to deep divisions within the church and the community.¹⁵⁴ Even Norman Perry, after his meeting with the Prime Minister, noted that "I have had quite a lot of divided opinion in the Church".¹⁵⁵ This opposition to the war meant the church's relationship with the state was different to its stance in previous wars. This was an acknowledgement of a new phase of church state relations. In 1965 the Presbyterian International Relations Committee argued that it may have a prophetic role to play with the state.

The loyalty we owe to Government is always subordinate to the Kingship of Christ. Examination and evaluation of Government action may well be part of the prophetic role the Christian is called to play in the world. While there is an affinity between democracy and Christianity that can make for a creative relationship there is also a danger of identifying democracy as practised in the West with Christianity.¹⁵⁶

The description of New Zealand as a "Responsible Society" or even being a part of "the Christian West" was now in question. Here was a new role which the church could, indeed for some, should play. In fact, the Reverend Owen Robinson, the author of the above statement, in his private correspondence, was more forthright about this prophetic role of the church. In writing to one of the many who were complaining about this approach of the church he said:

It is the duty of a prophetic Church to challenge, to protest, if need be, defy, any particular government. This is part of the Christian concern for the "Civil Magistrate." It would be grave moral cowardice to fail to do it when necessary.¹⁵⁷

¹⁵³ Diocese of Dunedin, Third Session of Thirty-Third Synod, 1965: Clergy: 21 for, 18 against; Laity: 6 for, 33 against.

¹⁵⁴ This was acknowledged in the Committee's 1965 report to the General Assembly: 1965, International Relations, *P.C.N.Z.* 188a. The archives of the Committee's correspondence during this period bear this out.

¹⁵⁵ Letter to Robinson, 15 May, 1965: International Relations Correspondence, *P.C.N.Z. Archives Office.*

¹⁵⁶ 1965, International Relations, *P.C.N.Z.* 190a.

¹⁵⁷ Letter to Mr Green, 28.5.1965: International Relations Correspondence, *P.C.N.Z. Archives Office.*

This "prophetic" opposition of the church became an important aspect of the church state relations from the time of the mid 1960's. Moderators, Presidents, and Bishops, such as the Anglican Bishop Alan Pyatt, all called on the church to be "prophetic".¹⁵⁸ Church statements and reports, and the editors of church publications emphasised it.¹⁵⁹ However, being prophetic with regard to the Vietnam war meant that the church became divided over the issue. From the seeming wide support for the initiative of Norman Perry and the delegation of church leaders to the Prime Minister in May 1965, the war and the opposition to it brought more and more problems for the church. Individual parishes dissociated themselves from the stances of their church or their leaders. For example, in the Presbyterian Church, the Session of St Andrew's, Wellington on 7 July, 1965, voted to distance itself from the view that Presbyterians should "take every legitimate opportunity to restrain our country from any further military involvement in the present situation."¹⁶⁰ Other courts of that church also expressed their concern. The South Auckland Presbytery on 9 July, 1965 resolved that "the Presbytery, while deeply regretting the necessity to send New Zealand troops to Vietnam, supports and encourages the Prime Minister in this and all other ways he opposes the threat and spread of Communism from Asia."¹⁶¹

The National Government itself began to criticise the church for its opposition, and became less ready to meet with church leaders and discuss the church concerns over Vietnam. Indeed the Reverend Owen Robinson, the convener of the Presbyterian International Relations Committee, believed that the National Government's policy was to isolate church opposition to

¹⁵⁸ For example, the Rev. S.C. Read in his inaugural address as Moderator called for 'a prophetic ministry', *The Outlook* (12 November, 1966) 2-5. In 1971 the Mobilization Committee, (the committee which had responsibility for the nationwide demonstrations against the war), produced a pamphlet 'To Christians: How can we turn New Zealand from this Evil Course' which was endorsed by Bishops Robinson and Gowing, the Rev. Don Borrie of the Student Christian Movement and the Rev. Ron O'Grady of the Associated Churches of Christ: 'Vietnam Movement', Ephemera Collection, Alexander Turnbull Library, Wellington.

¹⁵⁹ See for example, 'Editorial: Revolution', *Church and Community* (September, 1964) 3; and 'Editorial' *The New Zealand Methodist* (2 March 1967) 2.

¹⁶⁰ Garing, M.N., 'Against the Tide: Social, Moral and Political Questions in the Presbyterian Church of New Zealand 1840-1970' (unpublished PhD thesis, Victoria, 1989) 550.

¹⁶¹ Letter to Owen Robinson from Rev. Peter Narrer(?) (author's name is illegible), 21 July, 1965: International Relations Correspondence, *P.C.N.Z. Archives Office*.

the war.¹⁶² A dichotomy between matters spiritual and political was frequently appealed to: "the church has important things to say on moral and spiritual issues, but that does not say it is an authority on matters such as Vietnam."¹⁶³ On 8 August, 1966, another church deputation met the Prime Minister, this time under the auspices of the National Council of Churches. Unlike the May 1965 meeting the result was "disappointing".¹⁶⁴ There were now clear differences of view and emphasis.¹⁶⁵ In correspondence with the Presbyterian Church, the Prime Minister showed his exasperation with the persistent criticism. Gone now was any regret about committing troops to Vietnam. He "never had a moment's doubt concerning the rightness of New Zealand's military and civilian commitment in Vietnam."¹⁶⁶

The hostility of the National Government's criticism and the obvious division within the community over the issue, affected the church's handling of the question. Qualifications were placed on what being prophetic truly meant. For example, the Methodist International Affairs Committee observed that with regard to the Vietnam war "the task of the Christian at this point is not to aggravate divisions . . . rather it is to demonstrate the power of Christ's love to heal and to re-create."¹⁶⁷ The National Council of Churches experienced considerable difficulties when in 1967 it sought to release a statement on the war. The document *To Church People Re Vietnam* was eventually released, though it merely reiterated church statements, such as

¹⁶² Interview with Rev. Owen Robinson, 25 March, 1991. He, as the Convener of the Presbyterian International Relations Committee, was visited by Hugh Templeton (at the time a government official although in 1975 he became a National Government Cabinet Minister) in Geraldine in South Canterbury, to explore differences that existed in the position of the Presbyterian Church and the National Council of Churches.

¹⁶³ J.R. Marshall, quoted from Johnstone, I., *op. cit.*

¹⁶⁴ Press Release of the National Council of Churches, 21 September, 1966: International Relations Correspondence, *P.C.N.Z. Archives Office*.

¹⁶⁵ In correspondence with the National Council of Churches, the Prime Minister described the differences as "minor", however, the Minutes of the Executive reveal a greater divergence than this: Brown, C., *op. cit.* 145, 146 and fn. 46.

¹⁶⁶ Prime Minister Holyoake to Rev. Owen Robinson, 7 December, 1967: International Relations Correspondence, *P.C.N.Z. Archives Office*. In an earlier letter dated 7 August, 1965, also to Owen Robinson, the Prime Minister was critical of that Church's "Declaration of Conscience" (1965, International Relations, *P.C.N.Z.* 188a, which refers to the circulated statement: "current mind of the Committee"). He says, "The problem is how to protect the right . . . The choice is to oppose or submit."

¹⁶⁷ The Methodist International Affairs Committee, 1972, *N.A.C.* 165. Note also the Presbyterian International Relations Committee opined that a "talkative church is not thereby a prophetic church": 1967, International Relations, *P.C.N.Z.* 244a.

those released by the World Council of Churches and the East Asia Christian Conference, "without extraneous comment",¹⁶⁸ "so that the New Zealand community can appreciate that the stand taken by the National Council of Churches in New Zealand is neither isolated nor eccentric but is in harmony with a world wide consensus of Christian churches."¹⁶⁹ Clearly church people had seen the statements of this body as "eccentric" and "isolated". A proposed statement by the Inter-church Council on Public Affairs also could not be released. Its 1968 Annual Report briefly noted "there was objection by several member Churches to sections in the report, so it could not be issued in the name of the Council."¹⁷⁰

In April, 1970 the government announced the criteria for the timing of the New Zealand withdrawal from Vietnam. From that time until 19 December, 1972 troops were gradually withdrawn. The Prime Minister, J.R. Marshall, now expressed his wish that it could have all been avoided.¹⁷¹ New Zealand politics would not be the same again, and the relationship between church and state was also greatly changed.

The war in Vietnam, and New Zealand's role in it, evidenced much of the new forces at play within the world during the 1960's. North and South Vietnam were the product of post-war European decolonisation, and part of the quest for new national independence. In Asia, newly independent nations had a different view as to the role of outside military intervention in the settling of such post-colonial problems, and what was at stake in the Vietnam conflict. For the United States and her allies such as New Zealand, however, the conflict was seen in another way: the containment of communism. Even during the Vietnam conflict, the Cold War rhetoric of the battle between "godless communism" and the Christian West, was still used.¹⁷²

¹⁶⁸ Brown, C., *op. cit.* 146, fn. 50.

¹⁶⁹ *To Church People Re Vietnam* (Christchurch: National Council Churches, 1967) 16.

¹⁷⁰ The New Zealand Inter-Church Council on Public Affairs, Annual Report 1968, 4. The Minutes of the 29 March, 1968 records that "the Salvation Army believes the time is not opportune for such a statement": Minutes Volume 7 Ms y 1840, Alexander Turnbull Library, Wellington.

¹⁷¹ Johnstone, I., *op. cit.*

¹⁷² *Church and Community* (June 1966) 5.

Given this, the Vietnam hostilities created a real dilemma for the church in New Zealand. If the church wished to be authentic in its claim of being part of an international ecumenical movement, it needed to hear what new bodies such as the East Asian Christian Conference (with which the National Council of Churches had very close contact) were saying.¹⁷³ Was the New Zealand church, both Protestant and Catholic, to heed the growing influence of Third World concerns for justice and development in the context of decolonisation? Both Pope Paul VI and the World Council of Churches had issued appeals for peace in the conflict.¹⁷⁴ On the other hand, was the church to support the government, and through ANZUS and SEATO, the Western alliance, and thus somehow represent Christendom against "godless communism"? As it turned out, no single view prevailed within the church about the Vietnam war. The church's response to it however, illustrated that a new phase in church state relations had emerged.

4. The Implications of a Prophetic Church for Church State Relations

By the end of the 1960's there was a new range of ethical concerns that the church raised with the state, and a different way of presenting those concerns. Issues such as racism and the war in Vietnam were at the forefront of the "prophetic" role of the church. The church was prepared to be critical of the state and venture into areas beyond the traditional issues of personal morality and denominational interests. The idea of maintaining a stable, and fundamentally Western, "Responsible Society" was now superseded with priority being given to more global concerns of justice, peace and Third World development. This move came through both the international ecumenical movement and the events that were set in train as a result of Vatican II. In New Zealand this "prophetic stance" of the church was led by the National Council of Churches, although the leadership of individual denominations also reflected these concerns. Indeed this changed emphasis was illustrated by the declining influence of the Inter-church Council on Public Affairs as the main representative organisation of church state

¹⁷³ It was not until 1966 that the Pacific Conference of Churches was formed. Prior to that time the focus of New Zealand concern was the East Asian Christian Conference.

¹⁷⁴ "WCC on Vietnam", *Church and Community* (May 1966) 6 and quoted in *To Church People Re Vietnam*.

contact, and the rise of the National Council of Churches as the main protagonist with the state over "Christian principles". The church's role was seen now not to maintain New Zealand as a Christian nation (as had been the priority of the Inter-church Council on Public Affairs), but to move the state to address both locally and internationally, issues of injustice and suffering. Conflict with the state was expected and involvement in politics and protest was inevitable.¹⁷⁵

This prophetic stance was not accepted throughout the New Zealand church. The church was riven over the opposition to the Vietnam war, as well as over sporting contact with South Africa and issues of domestic racism. By the end of the decade, however, a discernible section of the church supported this prophetic approach. The creation of the Church and Society Commission in the late 1960's, the preparedness of Christians and church committees to be associated with protest movements,¹⁷⁶ and the direct criticism of the state by church leaders, with or without the authority of their church,¹⁷⁷ all indicated that a new agenda of church concern was emerging.

Meanwhile the ruling National Party Government resented the critical attacks on it by "leftish clergy". The state expected support, or at least acquiescence, from the church on decisions such as these. It was argued that the church's competence was limited to spiritual matters and questions of personal morality. Being prophetic meant being political and even "party political". Cabinet Ministers such as J.R. Marshall and L. Adams-Schneider (both active church members), frequently condemned the politicising of the church.¹⁷⁸ Adams-Schneider put it bluntly, "the church shouldn't interfere

¹⁷⁵ For example, in 1967 the National Council of Churches produced a statement on the "Right to Demonstrate": Brown, C., *op. cit.* 151.

¹⁷⁶ This aspect of the church response to issues was controversial. For example, in 1964 the Presbyterian Church was asked to become associated with the Campaign for Nuclear Disarmament. The then Moderator, Right Rev. J.S. Murray, opined that, "I seriously doubt whether the Church should be aligned to such an organisation and . . . that the Church should speak in its own right rather than be part of another group for this purpose." Letter to Rev. Owen Robinson, 14 July, 1964: International Relations Correspondence, *P.C.N.Z. Archives Office*.

¹⁷⁷ Cf. Quinley, H. E., *The Prophetic Clergy: Social Activism Among Protestant Ministers* (New York: John Wiley & Sons, 1974) which analyses the role of clergy in the United States pursuing these "prophetic concerns".

¹⁷⁸ For example, in *The Outlook* (15 March, 1969) 8, there is reference to two Cabinet ministers independently complaining of the church's party political involvement.

in politics."¹⁷⁹ This criticism, however, did not deter those arguing for the church's prophetic responsibility. In a rejoinder to one of these attacks on the church's political involvement, the Reverend Simon Rae noted that,

those who suggest that the Churches should limit themselves to a purely 'spiritual' ministry turn their back on the solid Judaeo-Christian tradition of social righteousness that permeates the Bible, and those who, while recognising the validity of this concern, deny churchmen the right to enter 'party politics' are simply being unrealistic. The party system is basic to New Zealand politics and will be encountered by anyone who takes a serious interest in how the country is governed.

Government will only remain democratic while the will of those who govern is controlled by public opinion expressed by individuals and the multiplicity of pressure groups of which the church is only one.¹⁸⁰

Good biblical authority existed for a prophetic church, just as biblical support could be found for the traditional moral concerns of the church. However, as Rae indicates, the corollary for a prophetic church was that it became a pressure group, like the other pressure groups, contesting government policy. Although it was true that the church was able to maintain certain privileges in its dealings with the state, even over these controversial questions,¹⁸¹ it was now only one among many views. As a pressure group, the church was just like other groups and organisations pursuing its own interests in the political process. It is true that these "interests" were not for the church's own benefit (as is usually the case in pressure group activity) but "other-regarding".¹⁸² Despite this, the subject matter of the concern and how that concern was articulated could not be readily differentiated from other pressure groups within the community. In this period of transition therefore both the nature of the church's concerns

¹⁷⁹ From an interview with an unnamed cabinet minister (who is obviously Lance Adams-Schneider) in Friedlander, M. & McNeish, J., *Larks in a Paradise: New Zealand Portraits* (Auckland: Collins, 1974) 98.

¹⁸⁰ Rae, S. 'Govt. (sic) Demands Show Church Influence', *The Outlook* (15 March, 1969) 8.

¹⁸¹ Protest groups, such as the Wellington Committee on Vietnam (COV), 'lost official channels to government by the end of the first year [1965]': Williams, C., *op. cit.* 67-68. On the other hand, as has been noted, church delegations were still accepted by the government right through the period of the Vietnam conflict.

¹⁸² See Mulgan, R.G., 'Who Should Have How Much Say about What? Some Problems in Pluralist Democracy', *Political Science*, 36 (1984) 116 ff., for a discussion of what is an appropriate interest of a pressure group.

and also how that relationship was structured were transformed. For sections of the church, the church should not now be the "cement" but the "ferment" of society.

CHAPTER FIVE

THE INSTITUTIONAL RELATIONSHIP IN THE 1960'S

1. The Changes in the State Sector

Not all aspects of New Zealand life changed during the 1960's. The prosperity of the 1950's continued and the National Party maintained its political dominance.¹ However, even here developments occurred in state sector policy which affected church state relations. Since the Great Depression, the role of the state in western liberal democracies had largely been determined by Keynesian economics. Keynes called for government intervention and the regulation of fiscal and monetary policy to maintain full employment and economic growth. In this context ideological considerations became less significant in determining government economic policy.² Political preferences of the left or the right were relevant to the extent that they determined the priorities and direction of government largesse and the manner in which government intervention was executed.³ For example, did industry and the farmers benefit or were "average" New Zealanders supported? With the exception of the 1951 waterfront strike, the calls for "class war" and "the socialization of the means of production" faded as political possibilities, and as points of political controversy. In 1927 the New Zealand Labour Party abandoned its commitment for state control of the means

¹ See Chapman, R., "From Labour to National" in *The Oxford History of New Zealand* edited by Oliver, W.H. (Wellington: Oxford University Press, 1981) 365.

² In a controversial and yet influential essay, Daniel Bell in 1960 in fact declared the end of ideology (*The End of Ideology* (New York: Free Press of Glencoe, 1960)), and Anthony Crossland in *The Future of Socialism*, published in 1956, considered that the class struggle was a thing of the past: see Harman, C., *The Fire Last Time: 1968 and After* (London: Bookmarks, 1968) 2. Bell, *op. cit.* 85, was so confident that Keynes had solved all problems he wrote that the means were now available for the 'organisation of production, control of inflation and maintenance of full employment.'

³ An example of the different emphases was that the First and Second Labour Governments preferred the direct control of state instrumentalities through a government department and the relevant minister. National Governments favoured independently constituted statutory corporations.

of production, distribution and exchange.⁴ By 1963 the new leader of the Labour Party, Arnold Nordmeyer declared: "There is no place today for what used to be known as the class struggle."⁵ Meanwhile on the conservative side of politics, the National Party also accepted an important role for the state in the regulation of the economy. During the 1950's and into the 1960's, no major difference emerged between Labour and National over this principle of state intervention and the need for the welfare state (although how that was to be implemented did vary). Oliver, writing in 1960 of this time observed, "National and Labour, in their overall direction of the country's affairs, have proved to be more alike than unlike."⁶

This similar attitude of the two major parties to the role of the state contributed to the state sector's growth since 1940. Webb, writing for the *Centennial Survey of New Zealand* in 1940, only saw a minimal role for the state. He argued that the state only became involved in areas such as education because "the churches had shown themselves too poor in money and administrative resources to carry out the task."⁷ The primary role of the state was a negative one: the removal of hindrances for the individual's happiness,⁸ although he could concede that over the previous century the state had increased its power for promoting social welfare and regulating industry.⁹ Since that time, the social security system became accepted, was refined and expanded. It was never reduced.¹⁰ Other state functions also grew. For example, during the 1950's there was a veritable explosion in the

⁴ See Webber, D.C., "Trade Unions and the Labour Party: The Death of Working-class Politics in New Zealand" in *Politics in New Zealand: A Reader* edited by Levine, S. (Sydney: George Allen & Unwin, 1978) 182 - 195.

⁵ *The Dominion*, 2 April, 1963. For an account of the struggle within the Labour Party over this view see Milne, R.S, *Political Parties in New Zealand* (London: Oxford University Press, 1966) 110-111.

⁶ Oliver, W.H., *The Story of New Zealand* (London: Faber & Faber, 1960) 211.

⁷ Webb, L., *Government in New Zealand* (Wellington: Government Printer, 1940) 141.

⁸ *Ibid* 145. 1940 was perhaps too close to the Social Security Act, 1938 to determine its significance.

⁹ *Ibid* 149. The role of state intervention has been a significant aspect of New Zealand history. The work of Condliffe, J.B., *New Zealand in the Making*, Second Edition (London: Allen & Unwin, 1959) and *The Welfare State in New Zealand* (London: Allen & Unwin, 1959) has emphasised this. For another contemporaneous assessment of the role of the state in 1940 see New Zealand Institute of International Affairs, *Contemporary New Zealand* (Auckland: Whitcombe & Tombs, 1938) Chapter 2.

¹⁰ The Royal Commission of Inquiry, *Social Security in New Zealand* (Wellington: Government Printer, 1972) 49.

number of producer and marketing boards¹¹ - a trend which also continued into the 1960's.¹²

By the 1960's the role of the state was to maintain the good life, and the affluence which New Zealanders had come to expect. The state, the welfare state, was the guarantor of increased opportunities for choice and diversity. Mitchell, writing in the late 1960's, expressed it this way:

[I]ntervention by the State, which alone can satisfy the demand for the good life, protect from the cruel world outside, and develop the country, either by using the stick and carrot on private enterprise, or by going ahead on its own. To turn to the State in this way is a perfectly natural development. In a small community where politics is (*sic*) intimate and retains some of the characteristics of face-to-face days, the State is not an alien abstraction in some remote and unsympathetic capital. It is the community in action.¹³

The state was accepted as "the community in action". The state's growth, unlike the way it was viewed in other contexts, was not seen as being anomalous or threatening.¹⁴ The appointment of Sir Guy Powles as the first Ombudsman in 1962 was an example of the state being made more accountable to the community.¹⁵ New Zealanders welcomed and supported what the state could offer.¹⁶

¹¹ For example, the Wool Commission Act, 1951 had as its main function the guaranteeing of a minimum price for growers. Similar boards were established in 1953 for citrus fruits, eggs and honey. These marketing boards grew out of the war time Marketing Department. For an account of their emergence, see Oliver, W.H., *The Story of New Zealand*, *op. cit.* 209ff.

¹² The state not only was providing the infrastructure for orderly marketing, but also the capital for projects such as the Bay of Plenty pulp and paper plant: Hall, D., *A Portrait of New Zealand* (Wellington: A.H. & A.W. Reed, 1966) 83.

¹³ Mitchell, A., "Politics" in *The Pattern of New Zealand Culture* edited by McLeod, A.L. (Melbourne: Oxford University Press, 1968) 91.

¹⁴ See Habermas, J., *Legitimation Crisis* (tr. McCarthy, T.) (Boston: Beacon Press, 1975).

¹⁵ Within the English speaking world, New Zealand was the first to have an Ombudsman: an independent officer to assist citizens in dealing with complaints against state officials and actions: see Robson, J.L., *Sacred Cows and Rogue Elephants: Policy Development in the New Zealand Justice Department* (Wellington: Government Printer, 1987) 216 ff., for a discussion of the background to the legislation creating the office and its operation.

¹⁶ In a survey in 1963, 95% agreed that the government had a definite duty to see that everybody had a job and a decent standard of living: Bean, C.S., 'A Comparative Study of Electoral Behaviour in Australia and New Zealand' (unpublished PhD thesis, A.N.U., 1984) 22.

As a consequence the nature of the governmental process also changed. At a basic level the number of state employees grew enormously: from 29,000 employees in 1946 to 66,270 in March 1964.¹⁷ If one considered all the arms of government, for example, the Bank of New Zealand, the National Airways Corporation, the Linen Flax Corporation and local government, one in five of New Zealand's labour force was employed by the state.¹⁸ This increased size and range of government activity had a significant effect upon how the government obtained advice from different sectors of society and made decisions about national priorities. With the expansion of the state sector, interest group activity and lobbying also expanded.¹⁹ Interest groups increasingly wanted access to government largesse and to contribute to the decision making processes of the state. The unions, the employers and the farmers were the main actors in this area; however, other national associations of professional and other groups were also formed.²⁰ Of this process Robinson has said:

The period of the nineteen-fifties and sixties has seen the rise of national pressure group politics concerned with altering or defending details of the administration of the controlled economy and the welfare state. The patterns of local pressures, party competition, and pressure group demands combine to make a complex pattern of political participation.²¹

This increased range of government regulation, and the advent of greater pressure group activity, meant that New Zealand political processes had become more complicated. In 1940 Webb made not one reference to the role of the pressure group in New Zealand government. By the late 1960's, through such mechanisms as the National Development Conference (which became the

¹⁷ McIntock ed., *An Encyclopaedia of New Zealand*, Volume 2 (Wellington: Government Printer, 1966) 841, "Government".

¹⁸ These figures are at October, 1965: see Hall, D., *op. cit.* 85.

¹⁹ For an early study of the rise and influence of pressure groups see Moriarty, M.J., "Pressure Groups", *Political Science* 13, 2 (1951) 16 ff.

²⁰ See Biggs, J.R., "Corporatized Pressure Groups in the Welfare State" (unpublished MA thesis, Victoria, 1966) (i), who notes "Government in the modern state has become more pluralistic as its policies cover a broader range of public concerns . . . Almost a thousand local authorities, government sponsored companies, and public and semi-public corporations play a part in directing public policy today in New Zealand." Bell, D., *op. cit.* 207, makes the observation that unions and labour through this process became one interest group among many in the political arena, rather than its former position of a major actor itself within the political process.

²¹ Robinson, A.D. quoted in Levine, S., *The New Zealand Political System* (Sydney: George Allen & Unwin, 1979) 135.

National Development Council),²² the role of pressure groups was said to have been "institutionalised" and even necessary.²³

These were changes which affected all concerned with the state, including the church. No longer was it possible for a bishop to contact the relevant government minister or official and have a particular matter rectified.²⁴ Access to ministers became more difficult, although not impossible.²⁵ There were in the 1960's not only departments of state (which had increased in size and function), but also State Owned Enterprises (as they later were called), regulatory boards and other tribunals. Parliament ceased to be the sole forum for determining the totality of the policy direction for the nation.²⁶ Within this context the church could readily be viewed as just another interest or pressure group. As it had happened with regard to the church's concern over moral questions, it was also to be evident in the church's institutional relationship with the state. The church, like other sectors of the society, sought state assistance and funding. This was particularly the case with regard to education and the welfare services which the church provided.

²² The concept was that each sector of the economy was brought together for planning national goals: see Muldoon, R.D., *The Rise and Fall of a Young Turk* (Wellington: A.H. & A.W. Reed, 1974) 101.

²³ In discussing pressure group activity in the 1960's Mitchell, *op. cit.* 90, concludes that the "quiet life has become institutionalised."

²⁴ See *Chapter Two* at p. 63 for a discussion of the early operation of the Inter-church Council on Public Affairs.

²⁵ Lance Adams-Schneider, a Cabinet Minister in 1972, in an interview with James McNeish (although unnamed it seems obviously to be him) indicated he would see twelve people a day. He compared this to his Australian counterpart who left such work to his staff: Friedlander, M. & McNeish, J., *Larks in a Paradise* (Auckland: Collins, 1974) 94.

²⁶ This was a concern during the 1960's that a "hidden" government was emerging. It is interesting that this was the theme of the maiden speech in Parliament of the Member for Tamaki, and later Prime Minister, Robert Muldoon in 1961. He observed: "Over the years there has been a growth of pressure groups of various sectional interests. They follow a typical pattern of making press statements of a somewhat extravagant nature on matters affecting them. They hold annual conferences preferably attended by a Minister of the Crown so that they can beat more drums and get more free publicity, but any fair-minded man will discount their arguments substantially." Quoted in Levine, S., *op. cit.* 124.

2. The Church and Education in the 1960's and early 1970's

i. The Changing Nature of the Education Debate

The changing fortunes of the church in its relations with the state have usually been manifest in the battles and disputes over the 1877 Education Act. Education during the 1960's and early 1970's continued in that tradition, but with some surprising and inconsistent results. The period began with the *Royal Commission on Education in New Zealand* (the *Currie Commission*, named after its chairperson Sir George Currie) affirming in 1962 the position that there should be no state aid for church schools, and that the secular clause should be maintained, although the so-called "Nelson system" should be recognised. By 1975 the situation had been reversed.²⁷ Not only did an extensive range of state aid for independent schools exist, but also the structure was in place for the "integration" of all private schools within the state system.²⁸ A possibility also existed that religion would be taught within the state system as a part of the curriculum. The separation of church and state had ended, and at last, so it seemed, religion could form an integral part of the nation's education system. Both the Holy Name Society and the Bible in Schools League had won!

These changes were obviously quite fundamental, not only to education, but also to the relationship between the church and the state itself. Given this significance, one would have expected these changes to have been the subject of public and political controversy as had been the situation earlier.²⁹ The reverse was by and large true. Colin McGeorge, himself an opponent of the moves, noted in 1981 that the "citadel [of the secular clause] had fallen, it seemed, not to a better orchestrated blast of trumpets but to a chorus of yawns."³⁰ This was only partially correct. The

²⁷ The period for analysis here extends beyond the end of the decade to 1975. This provides a more coherent period for examining education developments.

²⁸ "Integration" here is used as a technical term. It was the process of incorporating private schools within the state system under the Private Schools Conditional Integration Act, 1975. The background to this legislation and its provisions are discussed below.

²⁹ The same issue in Australia had generated much political controversy. See Hogan, M., *The Sectarian Strand* (Melbourne: Penguin, 1987) 251-255.

³⁰ McGeorge, C. & Snook I., *Church, State and New Zealand Education* (Wellington: Price Milburn, 1981) 25.

citadel was now not quite the same as it used to be. As to the "chorus of yawns", presumably from the state and the public, this drowned out fundamental changes in the church's approach to matters of education.

ii. From Currie to Integration.

The two questions which had traditionally concerned the church over the 1877 Education Act remained. The first was the issue of the need for, and the nature of, religious teaching in state schools. The protagonists for this had been the Protestants and the Bible in Schools League. The second was the issue of state aid for church schools. This was the desire of the Catholic Church and the Holy Name Society. Both Catholic and Protestant had, by and large, been opposed to any concessions being made to the "other side" on each of these questions. In turn, both the Catholic and Protestant church were opposed by the "secularists" and those who represented the professional interests of the state school teacher. Through these shifting allegiances, the initial 1877 compromise had been made and then maintained for over eighty years. Both questions were again considered by the *Currie Commission* which was established on 15 February, 1960 and reported in June, 1962.³¹

On the question of religious teaching in state schools, the Commission concluded that the "secular clause"³² be maintained, "understanding by that principle the exclusion from the officially prescribed primary school curriculum of any instruction in the tenets of any religion or sect."³³ On this basis, "secular" did not just mean "non-sectarian" as submitted by the New Zealand Council for Christian Education. To accept that "would go outside the bounds of common meaning."³⁴ Despite this fundamental re-

³¹ The Commission, among other things, was asked to consider "the question of aid by the State to private schools" and "the question of religious teaching in State Schools": *The Report of the Royal Commission on Education in New Zealand* (Wellington: Government Printer, 1962) 1.

³² The relevant section, then s.56(4) of the Education Act stated: "the school shall be kept open five days in each week for at least four hours each day, two of which in the forenoon and two in the afternoon shall be consecutive, and the teaching shall be entirely of a secular character."

³³ *Currie Commission* 685.

³⁴ *Ibid* 682.

affirmation of the secular clause,³⁵ the Commission believed that the legality of the "Nelson system" should be put beyond doubt (with some provisos), and that there should be no limit on teaching *about* religion (as opposed to teaching a religion).³⁶

A more controversial question was state aid to private schools. At the outset the Commission saw the matter to be really a political question, rather than an educational one. But because it was asked to consider the matter, it offered its opinion.³⁷ Given this hesitation, it was not surprising that the Commission recommended no change to the prevailing position of no state aid to be *directly* given to schools.³⁸ To change that would risk "the preservation of unity among [New Zealand's] citizens" and "heighten once more those differences of a sectarian nature which have in more recent years been noticeably subdued in our public life."³⁹ Further, if state aid was granted, the Commission argued, "competing school systems might well be established". If that was the case, "they could well affect the effectiveness and efficiency of the State school system itself."⁴⁰ It was felt that not only would Catholic schools be funded, but other denominations might establish schools where none existed. For example, the

³⁵ The *Currie Commission* gave four main considerations for the re-affirmation of the "secular clause": (1) the lack of unanimity in the community itself (although the commission noted that "in this matter, which in the past has been a subject of violent disagreement, the tone of debate was on the whole reasonable and helpful" (*ibid* 676); (2) the virtual impossibility of a completely non-sectarian approach to religious teaching; (3) the efficacy of classroom teaching of religion; and (4) the school's role is secondary in the teaching of religion, and that in any event the school is transmitting Christian ethical values (685).

³⁶ *Ibid* 696, 697. The provisos were that parents would "opt-in" to any religious instruction provided by the church, and that no teacher would be permitted to give religious instruction on the school premises.

³⁷ "The consideration of this matter necessarily involves attention to questions of policy lying outside the normal preoccupations of educators. Indeed, the Commission feels constrained to state from the beginning that the ultimate resolution of this problem, which brings up basic questions of the relationship between the State and the churches and between the individual and society, is to be found rather within the realm of politics and of community attitude and belief than of pure logic or educational theory." (*Ibid* 698)

³⁸ By 1962 there was some indirect assistance to schools. This included free textbooks, school transport, boarding allowances and the use of manual training facilities: McGeorge, C. & Snook, I., *op. cit.* 19.

³⁹ *Currie Commission* 707, 711.

⁴⁰ *Ibid* 713.

Commission seemed to be concerned that the Mormon school, Church College of New Zealand near Hamilton, would also seek government funding.⁴¹

The recommendations of the *Currie Commission* on these two questions were accepted by the National Government. The Religious Instruction and Observances in Public Schools Act, 1962 (incorporated into the Education Act, 1964) put the "legality" of the "Nelson system" beyond question, while also maintaining the "secular clause". (Although here, contrary to the Commission's recommendations, state school teachers could, if they wished, take a class period of religious instruction and parents had to "opt-out" of the system, rather than "opt-in".) With regard to state aid, no change was made to the existing situation.

Barely had these recommendations been implemented, when further changes were under way. The change to state aid was the more significant. During the 1960's measures were introduced which provided financial assistance to church schools. The Commission had noted that there was a certain range of benefits which were paid to the parents of private school students, although none were made directly to the school itself.⁴² In February 1964, however, annual *per capita* grants to the schools themselves were introduced to cover school running expenses.⁴³ In February 1969 state assistance was extended to cover non-teaching staff.⁴⁴ During the 1969 election campaign the opposition Labour Party promised state assistance to meet the salaries of teachers.⁴⁵ Although Labour was defeated, the National Party government accepted the concept in 1971 and state assistance was paid for up to 20% of teachers' salaries, backdated from February, 1970. It was further agreed that this

⁴¹ *Ibid* 714. When state aid did become available, the Commission's belief that other denominations would then establish schools proved to be correct.

⁴² In 1962 tax deductions were introduced for payments to private schools by the addition of s.84B(3) to the Land and Income Tax Act, 1954.

⁴³ The subsidy was known as Grant A. See Wilson, M., "The State Aid to Private Schools Issue in New Zealand: 1963-1974" (unpublished MA thesis, Auckland, 1975) for further discussion of these developments. See Hornsby, H.R., "The Independent Schools of New Zealand" in *New Zealand Education Today* edited by Mitchell, F.W. (Wellington: A.H. & A.W. Reed, 1968) 105, for the effect of this grant on church schools.

⁴⁴ This subsidy was known as Grant B.

⁴⁵ Norman Kirk announced this policy on 22 September, 1969 and also introduced for the first time the idea of "integration". See Wilson, M., *op. cit.* 43.

would be incrementally increased over seven years to 35% of teacher salary costs.⁴⁶

The 1972 election again saw state aid as an issue. This time the Labour Party promised to maintain the existing level of aid and extend that to 50% of state school teacher salary costs. It also promised to schools the opportunity of "integration" with the state system and a conference "of interested parties to determine a fair and just solution to this problem."⁴⁷ In May, 1973 Labour, having won the election, convened the *State Aid Conference*. Although the Conference discussed the two issues of state aid to private schools and the integration of private schools with the state system, it was only the Conference committee which dealt with integration which was able, in November 1974, to present a report outlining how the concept could be implemented.⁴⁸ From this report the Private Schools Conditional Integration Act was drafted, and then in October, 1975, rushed through Parliament in the closing weeks of the Third Labour Government's administration.

The fundamental concept behind the legislation was that those private schools which wished to integrate with the state system could do so. In an integrated school the state would bear all the running and maintenance costs (that is the complete payment of teacher salaries). The integrated school would be allowed to maintain its "special character", reserve special teaching positions (such as the principal and teachers of religious instruction) and levy attendance dues (provided these went to meet capital costs.) The facilities of the integrating school however, had to meet the state school standard before it would be integrated into the state system.⁴⁹ Those schools which did not integrate, continued to receive state aid at the previously agreed levels. Thus three "systems" now operated: the state

⁴⁶ These grants were known as Grant C.

⁴⁷ McGeorge, C. & Snook, I., *op. cit.* 46.

⁴⁸ For a full account of the process of this conference and the subsequent committees see Wilson, M., *op. cit.* Also see Atkins, E.A., "The Effects of Integration on New Zealand's Roman Catholic Schools" (unpublished MA thesis, Massey, 1984); and Mulheron, J., *State Aid, Integration and New Zealand's Public Schools* (Wellington: Perangi Books, 1987).

⁴⁹ For a full description of the provisions of the Private Schools Conditional Integration Act see Atkins, E.A., *op. cit.* 19ff. All 258 Catholic schools integrated under the legislation.

school system, the integrated school and the non-integrated private school. Each system received state funding or was state-operated.

Meanwhile there were also changes regarding the question of religious instruction in state schools. The churches continued to service the "Nelson system" following its statutory recognition in 1962. Increasingly, however, the churches experienced difficulty in providing the personnel to maintain the coverage of schools for religious instruction.⁵⁰ Also new educational philosophies which sought to integrate religious education with other subjects and the life experience of students, came to the fore. For example, Breward was particularly critical of the continuing emphasis on the "Nelson system". He observed that:

earlier attempts to justify [secular education] from a Christian viewpoint may have given away too much and separated religion and society too sharply for the good of either. Aspects of modern theologies of the secular may finally demolish any lingering attempts to carve out a safe 'religious' area if we recognise that the churches can no longer claim direction over every aspect of life. Nor should Christians attempt to add a spiritual icing to a secular educational cake. The best guarantee of a religious education is not only a subject called Religious Knowledge, or church schools, but also a willingness to make common cause with all who care about education in depth - an education prepared to examine honestly all that enriches human life.⁵¹

For these reasons new co-operation with the state was sought by the Churches Education Commission (replacing the New Zealand Council for Christian Education) in maintaining a religious presence in state schools.⁵² In February, 1973 the new Commission met with the Education Department and raised the possibility of having a more "mainstream" approach to religion and moral issues.⁵³ Already this approach to religious education had been tried within New Zealand schools, although its strict legality in terms of

⁵⁰ The suggestion is made in McGeorge, C. & Snook, I., *op. cit.* 26, that during this period the difficulty arose 'especially as many liberal clergymen opted out of teaching in it.'

⁵¹ Breward, I., *Godless Schools? A Study of Protestant Reactions to Secular Education in New Zealand* (Christchurch: Presbyterian Bookroom, 1967) 121.

⁵² This view was not universally accepted by Christian educators: Hogg, D., 'Change: The Golden Calf in Education' *The Outlook* (February 1973) 19, 'It has suddenly become 'progressive' to cut the Bible reading, hymn and prayer from morning assembly. Unfortunately, and palpably, the glorious new morality is giving a bitter and nauseous harvest, destroying the basic respect, basic decency and basic goodwill without which there is no happiness.'

⁵³ Turley, B. and Reid Martin M., *Religion in Education* (Christchurch: Churches Education Commission, 1981) 26.

the 1962 legislation was questionable.⁵⁴ In response, the Education Department convened the first of a series of conferences on moral and religious education in 1974.

During this process of consultation on religious education the *Johnson Committee* was established in December 1975 to consider the school curriculum as it applied to health and social education. The controversial aspect of the Committee's brief was the question of sex education in schools, but wider issues were also involved.⁵⁵ The Committee reported in August 1977 and among other things affirmed the importance of the spiritual dimension in education.⁵⁶ It recommended that:

a) the fostering of a non-sectarian spiritual dimension in New Zealand state education be accepted; and b) the necessary in-service courses for teachers, and the compilation of resource materials, be undertaken.⁵⁷

This produced an outcry from both the "secularists", opposed to any state involvement in religion, and conservative Christians.⁵⁸ The consequence was that the Minister of Education rejected this section of the report on moral, spiritual and values education, again preferring to maintain the secular clause.⁵⁹ Despite this, there was still experimentation within the state

⁵⁴ A brochure produced by the Churches Education Commission, *Religious Education in Schools*, December, 1975 outlines some of these new patterns, with the clear caveat 'no one pattern should be regarded as a replacement for 'Bible-in-schools' on a nationwide basis.' Some of the new patterns were that the programme supplements the Social Studies course, or the school visitor takes blocks of an hour and a half a week for a period of six weeks. (Ephemera Collection: Alexander Turnbull Library, Wellington) Of these schemes, McGeorge, C. & Snook, I., *op. cit.* 26, conclude that the Churches Education Commission fostered schemes 'which cheerfully broke the law.'

⁵⁵ The *Johnson Committee* was charged with the responsibility 'a) to identify the conditions under which healthy growth and development may be fostered in schools; and b) to make recommendations on the studies and activities that should constitute school programmes, organisation and relationships.'

⁵⁶ The Committee's report was published as *Growing, Sharing, Learning. The Report of the Committee on Health and Social Education* (Wellington: Department of Education, 1977).

⁵⁷ *Ibid* 37.

⁵⁸ McGeorge, C. & Snook, I., *op. cit.* 32. The nature of this response is examined in more detail in *Chapter Eight, Section 3(ii) 'The New Zealand Beginnings'* at p. 303.

⁵⁹ Turley, B. and Reid Martin, M., *op. cit.* 32, 33.

system using the new "religion in life" approach to religious education, in addition to the "Nelson system".⁶⁰

In part this more relaxed approach to teaching religion in state schools arose because of a provision which was included in the Private Schools Conditional Integration Act, 1975. Section 78A modified the original "secular" clause of the 1877 Education Act, insofar as it allowed, with the approval of the Minister and the agreement of the majority of the parents of the pupils attending a school, additional religious instruction, provided that it was not detrimental to the normal curriculum of the school. Thus in addition to a "Nelson" type of religious instruction with visiting teachers, the school itself could provide religious education. According to McGeorge, the "secular clause" had at last been negated.⁶¹

iii. The Rationale for the Change in Education Policy

At one level these changes in the relationship between the church and state over education were a matter of political expediency. Cynical comments abounded at the time of the passing of the 1975 legislation that it was designed to obtain the "Catholic vote". A reaction which was not without some foundation. The Catholic journal *Zealandia* declared,

It will be to the lasting credit of the third Labour government, that it achieved for private schools a recognition of their place in New Zealand's education system which no previous administration in almost a hundred years had been prepared to concede.⁶²

The Catholic Bishops in a pastoral letter read at masses on 15 December, 1975 endorsed the new Private Schools Conditional Integration Act.⁶³ Also claims of secrecy and collusion were frequently made concerning the process

⁶⁰ In 1977 the Education Department issued a circular to Education Boards and School Committees pointing out what the law with respect to the "Nelson system" actually was. McGeorge, C. & Snook, I., *op. cit.* 35, believe that the actual cause for such an action could have been more the concern of conservative Christians that "biblical principles" were being eroded, than those seeking to maintain the secular principle.

⁶¹ McGeorge, C. & Snook, I., *op. cit.* 28. At a formal level this was correct, however, in practice very few schools took the opportunity presented by s.78A to provide additional religious instruction.

⁶² *Zealandia* (7 December, 1975) 2.

⁶³ Arrowsmith, D., "Christian Attitudes towards Public Questions in New Zealand in 1975" (unpublished MA thesis, Auckland, 1978) 3.

leading to the formulation of the legislation.⁶⁴ One National opposition speaker saw the legislation as being "full of fish hooks and broken glass".⁶⁵ Undoubtedly the fact that there were two evenly-matched political parties meant that state aid would be a politically significant issue. There was a discernible electorate which a political party could tap if a correct policy were formulated.⁶⁶ The importance of the matter was shown in that the National Party was willing in 1970 to countenance state aid when it had not even been a part of its 1969 election policy.

Other factors however, were also involved. Perhaps most significantly, at least from the perspective of the state, was that by the late 1960's, the fear of heated and open sectarian conflict about the issue no longer existed.⁶⁷ Earlier in this decade this was still a possibility. The *Currie Commission* itself feared sectarian conflicts if state aid was granted.⁶⁸ Even while negotiations were well advanced between the state and the church schools, there was still opposition to state aid. In particular the Presbyterian Church remained divided in the mid 1960's over the issue. On the one hand its Board of Education (the body representing Presbyterian schools) advocated the need for more state assistance, while on the other hand its Public Questions Committee questioned the propriety of this at a

⁶⁴ Mulheron, J., *op. cit.* 12, quotes the steering committee on integration as saying 'it would not have helped at all for there to have been public discussion and controversy.'

⁶⁵ Sir Roy Jack, (1975) 402 *N.Z.P.D.* 5213.

⁶⁶ Mulheron, *ibid* 8, in fact sees this as the primary reason for the shift. 'The campaign [for state aid] succeeded in the end when the two main, evenly matched political parties began bidding against each other for the small, but politically significant, single issue votes of the state aid lobby.'

⁶⁷ The hostility between the teachers of the church schools and the state schools also lessened during this period. 'In 1951 there was often a mutual antipathy shown by teachers in both State and independent schools, there is now [in 1968] much more tolerance and understanding': Hornsby, H.R., 'The Independent Schools of New Zealand' in *New Zealand Education Today* edited by Mitchell, F.W. (Wellington: A.H. & A.W. Reed, 1968) 108. Hornsby was the Principal of St Paul's Collegiate School, Hamilton.

⁶⁸ In a submission to the *Currie Commission* the New Zealand Educational Institute expressed the concern that state aid would become 'divisive rather than a unifying factor in our life with all the consequent evils in the social and economic structure resulting from the over emphasis of the sectarian factor'. However, the Commission did not accept the Catholic Education Council for New Zealand's counter argument that there was no evidence for this. On the contrary the Commission felt it quite likely that several denominational education systems could emerge (*op. cit.* 712). Even the statutory recognition of the 'Nelson System' gave rise to sectarian fears. See for example, K. Melvin, in a pamphlet entitled 'The Attack upon the Secular School' (Hewitson Library, Dunedin, 1962?) 2.

time when that Church in principle remained opposed to state aid.⁶⁹ John Macfarlane, the headmaster of Scot's Wellington, claimed that the Presbyterian Church was still motivated by old sectarian hostilities and the fear of the spread of Catholic schools.⁷⁰ "Secularists" also were be opposed to state aid although even here the opposition was muted.⁷¹

Generally, sectarian disputes became less controversial and divisive. The Second Vatican Council (1962-1965) had transformed the relationship between the Catholic Church and Protestant churches. This provided a new opportunity for co-operation across denominational lines. A sense of daring in the 1960's arose as new contacts between Catholics and Protestants were forged. *Church and Community* in April, 1963 declared "every week something happens which was considered impossible two years ago."⁷² As a result, the "trade-off" between Catholic and Protestant over no Catholic support for religious instruction in State schools and no Protestant support for state aid, weakened.⁷³ By the end of the decade, when state aid was available for teachers' salaries, the Presbyterian Church saw "little point in continuing assistance for parents (that church's favoured position with regard to state assistance), now there are grants for teachers."⁷⁴

A significant feature of this new climate of church co-operation was the inter-denominational nature of the lobby group formed to press for state aid. In 1960 the Catholic Education Council for New Zealand had been formed

⁶⁹ 1966, Public Questions, *P.C.N.Z.* 178a. In 1965 the General Assembly's Special Committee on the Church and Educational Affairs affirmed support for the national system of education. A motion, sponsored by the Board of Education, supporting educational grants payable to the parents of pupils attending approved independent schools, was lost. (1965, Minutes, *P.C.N.Z.* 36)

⁷⁰ *The Outlook* (11 June, 1966) 11.

⁷¹ Opposition primarily came from the professional organisations representing teachers. It was not until March 1978 that Jack Mulheron founded with Bob Whyte the Society for the Protection of Public Education.

⁷² *Church and Community* (April, 1963) 12.

⁷³ The *Currie Commission's* recommendation on recognising the legality of the Nelson system was a part of this. On this question, the Commission was able to observe that the tone of this debate was reasonable and helpful (676) and was not riven with sectarian bitterness.

⁷⁴ 1971, Public Questions, *P.C.N.Z.* 108.

with the immediate aim of making submissions to the *Currie Commission*.⁷⁵ In 1963, following the rejection of state aid by the *Currie Commission*, the Interdenominational Committee of Independent Schools (I.C.I.S.) was established.⁷⁶ This rather secretive body consisted of lay representatives from Catholic, Presbyterian, Anglican and Seventh-day Adventist schools. The group itself was rather anomalous given that it had representatives from the Presbyterian Church and the Seventh-day Adventist Church. Both of these churches had had a long history of opposition to state aid,⁷⁷ and indeed the Presbyterian Church dissociated itself from its representative on the committee.⁷⁸

In October 1963 the Interdenominational Committee of Independent Schools made its first approach to government, seeking the 50% funding of teachers' salaries. The Committee was able to claim immediate success with the establishment by the government of "Grant A" assistance in February of the following year. Between 1963 and 1972 this body was recognised by the government as the chief negotiator on behalf of church schools for state assistance.⁷⁹ Ecumenism meant that state aid was now a political possibility. Nineteen seventy two however, marked the end of this phase of church state negotiations. With the establishment of the State Aid Conference in May, 1973 a split developed within the Catholic approach to

⁷⁵ Atkins, E.A., *op. cit.* 3. There were similar representative groups for other churches. There was the Board of Education representing Presbyterian schools and the Church of England Schools Governing Bodies Association representing Anglican schools.

⁷⁶ For an account of the formation of this organisation see Wilson, M., *op. cit.* 32ff.

⁷⁷ The Anglican Church had been opposed to state aid at the time of the presentation of the Holy Name petition to Parliament in 1956 although by 1962 its position had been reversed: see *New Zealand Herald*, 28 April, 1962. The opposition of the Presbyterian Church is noted above. The Seventh Day Adventists had been doctrinally opposed to state aid. They campaigned for a separation between church and state (because of the particular impact of Sunday observance on their followers) and had, since early in the century, had a Department of Religious Freedom. As a denomination the church had been particularly active in the National Schools Defence League which had opposed the Bible in Schools League: see generally Ballis P.H., 'Seventh-day Adventists and New Zealand Politics, 1886-1918' in *In and Out of the World: Seventh-day Adventists in New Zealand* edited by Ballis F.H. (Palmerston North: Dunmore Press, 1985) 55ff.

⁷⁸ The General Secretary of the Presbyterian Church of New Zealand released the following statement on 12 October, 1963: "Reports of a recent deputation, with submissions made, make it necessary to make clear the position of the Presbyterian Church. The Presbyterian member of the deputation had no mandate to appear as a representative of the whole church." (Appendix to the Minutes of the Public Questions Committee, 18 April, 1969: Minutes, *P.C.N.Z. Archives Office*).

⁷⁹ See Atkins, E.A., *op. cit.* 13ff.

state aid. Catholic representatives on I.C.I.S. wanted state aid, as negotiated with the National Party Government, to continue. At the Conference other Catholic forces wanted "integration". Integration became the accepted Catholic approach, and in time Catholic representatives withdrew from I.C.I.S.. Negotiations thereafter were held directly between the Catholic Church and the state over integration and the Interdenominational Committee became the Independent Schools Association (I.S.A.) in 1982.

The primary argument used by the Committee was that the state needed to recognise a parent's "freedom of choice" in the education of their children. This had been the same argument which had been made by the Catholic Education Council for New Zealand before the *Currie Commission*.⁸⁰ On that occasion reference was made to Article 26 of the United Nations' Declaration of Human Rights which stated "parents have a prior right to choose the kind of education that shall be given to their children."⁸¹ The proposition was that because parents chose to send their children to, say, Catholic schools, then they should be supported by the state in that decision. The *Currie Commission* however, saw the import of Article 26(3) differently. It saw it merely as a prohibition on "any law that will place a *legal* impediment in the way of a parent's discharging his responsibility for the education of his children."⁸² It did not guarantee state aid in the exercise of that legal right to choose.

Other variations on this "right to choose" argument were also used. One related to tax equity.⁸³ John Macfarlane, the headmaster of Scot's College, argued that "most politicians recognise that a parent has the right to choose to send his child to an independent or a church school. They also recognise that that right should not deprive the parent of a claim to a share of national expenditure on education, paid by all taxpayers."⁸⁴ This

⁸⁰ 'The Catholic Case for State Aid' was actually appended to the *Currie Commission Report*, *op. cit.* 834-840.

⁸¹ *Ibid* 834.

⁸² *Ibid* 706.

⁸³ 'Tax equity' was also an aspect of the Catholic submission to the *Currie Commission*, *ibid* 839, 840.

⁸⁴ *The Outlook* (11 June, 1966) 10.

view was confirmed by Robert Muldoon, a former Minister of Finance and subsequent Prime Minister, who said "it is sound business sense to help [parents of private school children] because they are taking a very considerable burden away from that same taxpayer."⁸⁵

A related impediment that ceased to be a decisive factor in the 1960's and early 1970's was the need to preserve a sense of national ethos and identity. Mackey had noted that the need to preserve this identity was the main reason why the support of Catholic parochial schools in the first place had been rejected in the 1877 Education Act.⁸⁶ This need to preserve a national system was the major theme in the Presbyterian opposition to state aid. Indeed the *Currie Commission* had rejected state aid because it threatened the ethos of national unity and identity. For exactly those reasons, however, integration was welcomed. An integrated school system illustrated "those qualities of diversity in unity which are such a vitalising factor in the function of a liberal democracy."⁸⁷ Thus education policy now reflected those social changes discussed in *Chapter Three*, and the emerging reality of New Zealand being a pluralistic society.⁸⁸

The church itself had argued for this recognition of greater diversity, albeit with considerable reluctance from within certain denominations, by claiming that parents needed the "freedom to choose" within a liberal democratic state.⁸⁹ The irony was that the ensuing "educational pluralism", which resulted from the state permitting schools with a "special character" within the overall state education system (or still partially supporting

⁸⁵ Quoted from August, 1974 *New Zealand Monthly Review* by Wilson, M., *op. cit.* 15.

⁸⁶ Mackey, J., *The Making of a State Education System: the Passing of the New Zealand Education Act, 1877* (London: Geoffrey Chapman, 1967) 267 ff. See *Chapter One* at p. 17, fn. 76, for a discussion of this issue.

⁸⁷ *Zealandia* (10 August, 1975) 10.

⁸⁸ Some however, saw that the Private Schools Conditional Integration Act was limiting diversity, not enhancing it. Neil Lambie, writing in *Forum*, 28, 10 (1975) 7, described the legislation as "an insidious step to effectively remove yet another distinctive group from the New Zealand scene and correspondingly increase the workings of the bureaucratic machine." The argument here was that integration destroyed the independent school system and thus removed an alternative to the state control of education.

⁸⁹ The Presbyterian Church's Board of Education strongly opposed the Private Schools Conditional Integration Act, arguing that complete independence from the state was desired. "The principal point is that the church schools see themselves as under a duty to keep the choice for parents open": *The Outlook* (October, 1975) 3.

non-integrated schools through grants and subsidies), was now a reason for the church, particularly the Catholic Church, to maintain its own schools. Bishop Cullinane of Palmerston North argued:

A State school is at the service of a pluralist society, and its proper function is to service a society that is pluralist. The pluralistic society, which the state school represents has no higher point of reference for human relationships than what can be enforced by law of convention, therefore it is well nigh impossible to agree on any higher moral ideals . . . the Catholic school is different. The Catholic school brings together more highly committed people.⁹⁰

Perhaps the long expressed concern of the Presbyterians over the demise of the state system was actually vindicated.⁹¹ State aid did destroy any sense of national unity and encourage a diversity of competing systems and values. It did not work out, however, quite as the Presbyterians had forecast. The Catholics did not achieve their "long term aim of building a nation within a nation and ultimately achieve [their] own end".⁹² Protestant supremacy may have ended, but it had not been replaced by any overt Catholic privilege and domination. The move to state aid, and the arguments employed, instead illustrated and reinforced the New Zealand move to a more pluralistic society. Even Bishop Cullinane now saw the alternative to a Catholic school not a Protestant-dominated state system, but a secular and pluralistic one.

These factors, however, are not the complete explanation of why the state in fact did end "the historic religious settlement"⁹³ of church state separation. Ultimately, it seems to have been a matter of economics. During the 1960's when grants to private schools first began, New Zealand was still relatively prosperous. Education, perhaps like other industries, could be subsidised by the state. By the 1970's, if support was not given to the

⁹⁰ Quoted in Atkins, A., *op. cit.* 64.

⁹¹ It was as late as 1970 that the Presbyterian Church reaffirmed the principle 'that the community, not the Church, should be responsible for providing educational services. We believe in the separation of Church and State, a view which calls Christians to live and act as Christians in the life of the community': 1970, Public Questions, *P.C.M.Z.* 188.

⁹² The quote is the 1956 Presbyterian declaration on the State and Private Education: *The Outlook* (2 October, 1956) 2.

⁹³ Quoted from a pamphlet by Melvin, K., 'The Attack on the Secular School' (Hewitson Library, Dunedin, 1962?) 2.

church schools then that system would collapse and even greater state expenditure would be required.⁹⁴ Church schools were financially desperate. As Macfarlane noted, that "without further State aid of a limited and reasonable nature, we will be forced to increase fees still further."⁹⁵ The situation was even more grave within Catholic schools where this was not a viable option. Actual school closures were threatened. The decline of the teaching orders had been dramatic. Atkins has noted that during the 1960's and early 1970's, some 252 teaching Religious left their vocation. This precipitated a financial crisis for Catholic schools when lay teachers had to be employed in their stead. Catholic education faced collapse unless something was done.⁹⁶ As one parliamentary speaker on the Private Schools Conditional Integration Act observed, "inflation has threatened another of our institutions in a free enterprise democracy."⁹⁷ If this private system collapsed, the state would be required to meet this added demand on its own system and resources. Again as Macfarlane stated, "it [was] in the State's interest to maintain an efficient standard in schools outside the State system."⁹⁸ To quote Muldoon again, it was sensible to provide help because the private school was "taking a burden away from the taxpayer."⁹⁹ Integration was a means of avoiding even a greater financial problem for the state.

iv. The Implication of Integration for Church State Relations

The Private Schools Conditional Integration Act, 1975 and the earlier assistance to private schools represented a great change in church state relations. The great battles of church state separation had been reversed.

⁹⁴ In 1971 approximately 9.8% (51,000) of the total primary school population and 15.3% (29,267) of the secondary school population attended private schools. There were 339 private primary schools and 117 secondary schools: Robinson, G.H., "The Structure of the School System" in *Schools in New Zealand Society* edited by Robinson, G.H. and O'Rourke, B.I. (Sydney: John Wiley & Sons, 1973) 222. This represented a significant component of New Zealand education.

⁹⁵ *The Outlook* (11 June, 1966) 11.

⁹⁶ Atkins, *op. cit.* (vii) and 9, dramatically concludes that "a massive transfusion of State moneys might keep the sick patient breathing for a few more years."

⁹⁷ R. J. Harrison (National Party) (1975) 402 *N.Z.P.D.* 5204.

⁹⁸ *The Outlook* (11 June, 1966) 10.

⁹⁹ Quoted from August, 1974 *New Zealand Monthly Review* by Wilson, M., *op. cit.* 15. See Atkins, E.A., *op. cit.* 51 ff., for details of the cost of the scheme of integration to the Catholic Church and the state.

As Gregory observed with regard to similar developments in Australia, there was now a new kind of alliance between the state and the church, even though "it does not seem to reflect any renewed commitment in society generally to the Church and its teachings."¹⁰⁰ In 1877, and earlier in some provinces, the state had assumed the responsibility for education because the church could not effectively meet the educational needs of the infant colony.¹⁰¹ By the 1970's, the state could not meet the full needs of an education system unassisted if the church component were to cease. Accommodation between church and state would be of mutual benefit. What this in turn meant for the relationship between church and state was that the institutional presence of the church was recognised by the state. The church was not supported because it was the church,¹⁰² but because it was the provider of services which the state was not immediately able to provide.

From the church's perspective "integration" had many opponents. The price of integration was seen to be too high for too little return. This has been particularly argued by Atkins with regard to the integration by March, 1983 of all of the 258 Catholic schools.¹⁰³ She has contended that the "spiritual problem" the Catholic Church faced in the 1960's because of the decline in teaching Religious and the numbers of young people generally within the Catholic Church, was translated into a financial one. In turn, it became a political one. Meanwhile the "spiritual problem" for the Catholic Church remained unaddressed, and perhaps even worsened. Not only had the decline in church influence continued, but because the state itself now financed the church,¹⁰⁴ hostility towards the church had been exacerbated.

¹⁰⁰ Gregory, J.S., *Church and State* (Melbourne: Cassell Australia, 1973) 198, 241.

¹⁰¹ Webb, L., *op. cit.* 141.

¹⁰² Wilson, M., *op. cit.* 66, indicates that there was some concern within Cabinet that the negotiations with the Interdenominational Committee could have been viewed as state support for establishment. Phillip Amos, the Third Labour Government's (1972-1975) Minister of Education, showed no such reserve in negotiating with the Committee: see Gustafson, B., 'Education, Health, and Social Welfare' in *Labour in Power: Promise and Performance* edited by Goldstein, R. & Alley, R. (Wellington: Price Milburn, 1975) 67.

¹⁰³ See Atkins, E.A., *op. cit.* and 1984, Education, *Yearbook*, 215. The Atkins thesis was serialised in *The Tablet* ((14 November, 1984) 7; (21 November, 1984) 6; (28 November, 1984) 8; and (5 December, 1984) 3). The series generated considerable controversy within the Catholic Church: see *The Tablet* (10 October, 1984) 5; (5 December, 1984) 9; and (9 January, 1985) 12-13. Bishop Cullinane was particularly damning of the study: *The Tablet* (9 January, 1985) 13.

¹⁰⁴ Teaching Religious now receive a salary at the same level as 'lay' teachers. This payment goes to the various teaching orders. In 1983 this was estimated to be \$15 million. See Atkins, E.A., *op. cit.* 51, 85.

She has shown integration has cost the Catholic Church dearly in terms of money and energy in bringing schools up to the required state standard,¹⁰⁵ and also that these new schools, with half of their lay staff non-Catholics, have in no way guaranteed a "more Catholic" child at the end of his or her education.¹⁰⁶

The new partnership between church and state also was placed under some strain in the area of religious education in state schools. The difficulty arose, however, not from the former sectarian disputes between Catholic and Protestant, but with the theological cleavage between liberal and conservative.¹⁰⁷ New alliances were now opposing the state's direction in "mainstreaming" religious education. The opposition came from the unlikely bedfellows of conservative Christians and the secularists. The conservative Christians saw this as the liberal diminution of the biblical faith, while the secularists opposed anything which derogated from a "value free" approach to education.¹⁰⁸

This development was reinforced by the freer availability of funds for private schools. Now that there was financial support for teachers' salaries for non-integrating private schools, not only could the church schools of particularly the Catholic, Anglican and Presbyterian Churches continue, but also small, often fundamentalist Christian schools and those associated with a particular congregation could begin operation. Beginning in the 1970's there was a large increase in this type of school.¹⁰⁹ As Eric Dunlop, the

¹⁰⁵ Atkins, *ibid* 69, attempts to ascertain what the cost has been to the Catholic Church. At the time of her writing, she estimates that it had cost \$107.9 million, and for the state \$133 million. She quotes Bishop Mackey of Auckland, who in 1982 indicated that in that diocese the Church would need to borrow \$20 million and it would take 30 years to repay it. (37)

¹⁰⁶ Atkins' study tested Catholic children in a state and integrated school on their knowledge of the "Catholic faith" and their attendance at religious observances. On the whole the child in the state school performs better on these criteria than one attending an integrated school: *ibid* 111, 116.

¹⁰⁷ See Chapter Six, Section 3 "Two Approaches to Church State Relations?" at p. 224 for a discussion of these categories as they apply to church state relations.

¹⁰⁸ McGeorge, C. & Snook, I., "Religion in State Schools", *op.cit.* 26.

¹⁰⁹ The first school of this type was Middleton Grange School, Christchurch, which was opened in 1964. During the 1970's several "Christian Schools Associations" were formed, particularly under the auspices of the Reformed Church. During the late 1970's other schools associated with Pentecostal churches opened. See Knowles, B., Chapter 6: "Christian Schools" in "The History of the New Life Churches of New Zealand 1960-1990, in the context of New Zealand Christianity" (unpublished Ph D thesis, Otago, forthcoming). At this time there was also some

principal of the Middleton Grange School (one of the first of these schools) has noted they "differed from the long established Church schools . . . in the insistence that those controlling the schools and teaching in them should be people of clear Christian commitment and purpose."¹¹⁰ Christian teaching and principles permeated the whole life of these schools. In May, 1978 the Association for the Promotion of Christian Schools (A.P.C.S.) was formed in Dunedin,¹¹¹ and later the New Zealand Association of Christian Schools was established.¹¹² These "Christian Schools" were to be a significant response to what was seen to be the passing of New Zealand Christendom and the rise of "secular humanism".¹¹³

3. The State and Christian Social Services

i. From Co-operation to Partnership

During the 1950's the new and growing area of "church state co-operation"¹¹⁴ was in Christian social services. In the 1960's the range and the level of government support for these church activities greatly expanded. In prison chaplaincy, not only did chaplains continue to be stipended by the state, but the state also built chapels within penal establishments. The first was Invercargill prison chapel opened in 1965.¹¹⁵ The number of chaplains also increased. In 1959 there were five full-time and nine part-time Protestant chaplains with twelve Catholic part-time chaplains. In 1969 there were thirteen full-time and five part-time

expansion of the small Seventh-day Adventist schools: Listener, G., 'The Seventh-day Adventist School System in New Zealand' in Ballis, P.H., *op. cit.* 109-130.

¹¹⁰ Dunlop, E.A., 'Christian Schools in New Zealand' (unpublished paper, 1978) 2-3. (A paper made available to the author by B. Knowles.)

¹¹¹ Interview with Dr Bill Lee, first Chairperson of the Board of the Association: 23 October, 1991.

¹¹² Interview with Chris Gousmett, Board Member of the Association for the Promotion of Christian Schools: 16 October, 1991.

¹¹³ See Chapter Eight, Section 3 'Secular Humanism and the New Christian Right' at p. 301.

¹¹⁴ See Salmond, J.D. in the Foreword to Stewart, P.J., *Challenge and Response* (Dunedin: P.S.S.A., 1958) and quoted in Chapter Two at p. 82.

¹¹⁵ In the Annual Report, Department of Justice, *A.J.H.R.*, 1966 H.20, 15, it was noted that the Invercargill chapel had been dedicated and progress was being made on another three chapels.

Protestant chaplains with sixteen part-time Catholic chaplains.¹¹⁶ In 1961 the prison chaplaincy service was recognised in the Penal Institutions Regulations (Regs 96-100). These regulations provided that "any inmate may be required to attend services".¹¹⁷ The chaplains had become an integral part of prison life, and also had a role in policy advice with regard to criminal justice.¹¹⁸

The area of aged care also continued to expand and grow. By the end of the 1960's the state had contributed another \$10.7 million for the building of accommodation for the aged.¹¹⁹ This meant that the number of church-sponsored programmes grew during this time. For example, the number of aged people cared for by Presbyterian agencies nearly doubled during the 1960's.¹²⁰ Hostel accommodation for young people also received increased state support. In 1967 the level of capital assistance to approved schemes for building was increased from 50% to 70% of the capital cost, subject to the limit of £1,000 per young person.¹²¹

New schemes of state assistance were also started. In the early 1960's the National Council of Churches became more concerned over the plight of refugees.¹²² Government support and co-operation was obtained when a re-settlement officer was employed by the Council in 1964.¹²³ These developments prompted the National Council of Churches to observe in its Annual

¹¹⁶ Robson, J.L., *op. cit.* 208.

¹¹⁷ See Roberts, J.H., 'Prison Chaplaincy in New Zealand' (unpublished Diploma in Criminology thesis, Auckland, 1975) 50-51.

¹¹⁸ For example, the chaplains had an important role with regard to the abolition of capital punishment: Robson, J.L., *op. cit.* 161.

¹¹⁹ Annual Report, Department of Health, *A.J.H.R.*, 1969 H.31, 71.

¹²⁰ See 1960, Social Service, *P.C.N.Z.* 78a and 1971, Social Service, *P.C.N.Z.* 98. In 1960 there were 714 people in care, and by 1971, 1,232.

¹²¹ Annual Report, Department of Health, *A.J.H.R.*, 1967 H.31, 72.

¹²² The Appointment of the Rev. David Taylor, first as Associate General Secretary and then General Secretary, was significant in this regard. He had been on the staff of the Australian Council of Churches which had an extensive refugee re-settlement programme. He sought to apply some of these ideas to New Zealand: see Brown, C., *Forty Years On: A History of the National Council of Churches in New Zealand 1941-1981* (Christchurch: National Council of Churches, 1981) 128.

¹²³ Lovell-Smith, M., *No Turning Back: A History of Inter-Church Aid Work of the National Council of Churches in New Zealand 1945-1983* (Christchurch: National Council of Churches, 1986) 111-115.

Report that "the year has seen excellent relations between the NCC and the Immigration Division of the Department of Labour, and we have every reason to express gratitude to the Minister of Immigration for the full co-operation of his Department."¹²⁴ The government had also helped fund the establishment of a home for aged refugees, *The Nansen Home*, in Wellington.¹²⁵

During the 1960's major developments in the area of hospital chaplaincy occurred. In October, 1964 the first Hospital Chaplains' Conference was held in Christchurch.¹²⁶ Although at that stage "the Government in New Zealand has not seen its way clear to pay for the stipends of hospital chaplains",¹²⁷ it was nevertheless hoped that such funding "might be a possibility, especially if there could be some move towards the more official acceptance of ecumenicity in this field by the Churches, by the appointment of N.C.C. chaplains, or of chaplains representing the negotiating churches."¹²⁸ Eventually the Interchurch Advisory Council on Hospital Chaplaincy was created on 8 March, 1971 to lobby and advise the government on the implementation and administration of such a hospital chaplaincy scheme.¹²⁹ This lobbying was successful and from 1 April, 1972 the government was prepared to meet 50% of the expense of hospital chaplains for initially 40 chaplains, expanding to 55 by 1976.¹³⁰ Some government assistance was also available through Hospital Boards for the capital cost of chapels within hospitals, and for chaplains' offices within mental hospitals.¹³¹

¹²⁴ *National Council of Churches Annual Report, 1964*, 7.

¹²⁵ Lovell-Smith, M., *op. cit.* 108.

¹²⁶ 'Editorial', *Forum*, 17, 3 (1965) 1. There were twenty-five full-time hospital chaplains attending the conference.

¹²⁷ Shaw, D.G., 'Church-State Co-operation: an Area for Ecumenical Development' *Forum*, 17, 3 (1965) 14.

¹²⁸ *Ibid.* The Conference indicated that there were some clear differences between the denominations represented. For example, Elley, D., 'Conference News and Highlights' *Forum*, 17, 3 (1965) 10, notes that "One or two Anglicans spoke in such a way about the sacramental ministry, that a few Presbyterian and Methodist hackles were bristling."

¹²⁹ Minutes of the Chaplaincy sub-committee of the Presbyterian Social Service Committee, 7 April, 1971: *P.C.N.Z. Archives Office*.

¹³⁰ Letter of Minister of Health: Minutes of Chaplaincy sub-committee, Presbyterian Social Service Committee, 5 April, 1972: Minutes *P.C.N.Z. Archives Office*.

¹³¹ Reference to this assistance is not made in the Annual Report of the Department of Health, although reference was made to it at a special conference with the Health Department

In the area of youth services, new avenues of church state co-operation also developed.¹³² In 1965 the government established the National Youth Council. This body had strong links with the National Council of Churches and offered assistance to youth organisations.¹³³ This link was quite ironic because the National Council of Churches' own youth work at that time was floundering.¹³⁴ Another quite astonishing development in state assistance with respect to youth, was the agreement by the state to finance the building of church halls. In March 1966, the government approved payment of subsidies to churches for church youth halls and church youth camps, where two-thirds of the cost was already in hand. Up to £5,000 would be made available for halls and £10,000 for camps.¹³⁵ It is difficult to ascertain the government's motive behind this grant. Perhaps it was a desire to repeat the cure of the *Mazengarb Committee* in the face of an increasingly dominant youth culture. As noted in *Chapter Three* a more likely factor was that it was available "to those churches which do not seek grants from lottery funds."¹³⁶ Almost immediately the scheme was suspended "in light of [the] financial situation",¹³⁷ although it was recommenced in July 1969. At that stage some \$25,000 had been paid, with another \$125,000 approved for payment.¹³⁸

In 1966 the Presbyterian Church's Public Questions Committee conducted a survey of all the "aid available from Government to Church groups". It concluded that "notable developments in this field have taken place" and proceeded to outline some of the types of assistance.¹³⁹ An interesting fact

over chaplaincy referred to in the Minutes of the Chaplaincy sub-committee of the Presbyterian Social Service Committee, 1 April, 1970 (which were subsequently corrected at 6 May, 1970 meeting): Minutes *P.C.N.Z. Archives Office*. Since 1962 it had been the practice of the government to make a grant not exceeding \$2,500 to an approved mental hospital chapel committee for a chaplain's office. It should be noted that most of the cost of hospital chapels came from private donations and from health professionals. If public money was used for chapels it would have come from Hospital Boards and not directly from the national government.

¹³² There had been considerable co-operation in this area in the past with the 1937 Physical Welfare and Recreation Act: See *Chapter Two*, fn. 200.

¹³³ Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1965 A.22, 53.

¹³⁴ Brown C., *op. cit.* 143.

¹³⁵ Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1967 A.22, 53.

¹³⁶ *Ibid.*

¹³⁷ Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1968 A.22, 51.

¹³⁸ Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1970 A.22, 54.

¹³⁹ 1966, Public Questions, *P.C.N.Z.* 177a -178a.

was that within its report, the very next paragraph after listing the range of government assistance for the church, the committee reaffirmed its opposition to state aid for church schools. Education was obviously seen to be a significantly different concern. For Presbyterians, New Zealand's national identity seemingly was still at stake: an identity which, as Macfarlane has suggested above, was still firmly Protestant. Care for the infirm, the aged and the orphaned was not likely to influence the direction of national life. The education of the young was. Such however, can only be supposition, for the reasons for increasing church state co-operation in areas of social service were not clearly articulated, nor even was this new partnership perceived to be an issue.¹⁴⁰

ii. The Rationale for Church State Partnership

The churches had, since the earliest times, been major providers of charitable and welfare services. Within New Zealand they also, with other organisations such as benevolent and friendly societies, had been concerned with the indigent and the disadvantaged.¹⁴¹ Generally the cost of the work had been borne by the churches themselves or from private donations of the wider community.¹⁴² The changes that were brought about by the advent of the Social Security Act during the First Labour Government did not greatly alter this position.¹⁴³ The new role of the state in income maintenance and health

¹⁴⁰ In an interview (4 September, 1989) with the Very Rev. Dr J.S. Somerville, who was both a convener of the Public Questions Committee and a member of the Assembly's Special Committee on Education (looking at the question of state aid), he acknowledged that the implication of the juxtaposition of these two matters had not really been considered by the Presbyterian Church.

¹⁴¹ Little is known of nineteenth century New Zealand voluntary aid. For an important account of how it was organised under the Hospital and Charitable Aid Board legislation see Tennant, M.A., "Indigence and Charitable Aid in New Zealand, 1885 -1920" (Ph.D.thesis, Massey, 1981) 395. See also Oliver, W.H., '100 Years of the Welfare State?' in *Towards 1990* edited by Green, D. (Wellington: Government Printer, 1989) 82-90.

¹⁴² Stewart, P.J., *Challenge and Response: The History of the Otago Presbyterian Social Service Association* (Christchurch: Presbyterian Bookroom, 1958) 62 ff., lists the various ways in which the work of the Otago Presbyterian Social Service Association was maintained. There was congregational giving, egg drives and the mile of pennies, together with private gifts and bequests. This early connection with the Regional Hospital and Charitable Aid Boards continued through the regional administration of health. This could account for regional variations in the social service work of the church.

¹⁴³ Rae, S., *From Relief to Social Service: A History of the PSSA Otago 1906-1981* (Dunedin: Otago Presbyterian Social Service Association, 1981) 70, in his history of the Otago

care was, in the words of the then Prime Minister, Michael Savage, "applied Christianity".¹⁴⁴ The safety net was in place and the role of Christian social service would be limited. The state itself would help those New Zealanders in need.

It did not quite work out this way. There was still a role for other agencies such as the church. Even after the beginning of significant government funding for aged care work, the 1955 *National Conference on the Care of the Aged* declared that the problem must be addressed "by the old people themselves, their friends and relatives and their local communities, including local bodies and voluntary welfare and religious groups."¹⁴⁵ Within such a framework the church still had an important and extensive role. The state would co-operate with the church in social service work,¹⁴⁶ but it was fundamentally the church's own work to help those in need.¹⁴⁷ In the 1962 report of the Presbyterian Assembly Social Service Committee it declared "[Presbyterian Social Service] Associations have taken advantage of the initial help provided by the State, but their work still represents the mind and purpose of the Church seeking to express the love of God to those who otherwise experience extreme unhappiness and insecurity in the evening time of life."¹⁴⁸ The work of the church in aged care, children's services and hospital chaplaincy in the late 1950's and early 1960's was a measure of its own vitality and strength. It was argued that the service provided was qualitatively different because the problem of people only can be answered "within the realm of the Christian faith."¹⁴⁹

Presbyterian Social Service Association noted that "the advent of Social Security in 1940 proved not to be the break-through in finance some had hoped for."

¹⁴⁴ (1938) 252 *N.Z.P.D.* 423.

¹⁴⁵ Stewart, P.J., *op. cit.* 82.

¹⁴⁶ 1953, Presbyterian Social Service Associations, *P.C.N.Z.* 154a. In 1954 the reports of the individual associations were incorporated within the new Assembly Social Service Committee which had as one of its major functions to "deal with the Government or its departments on any matters of social service." See 1954, Social Service, *P.C.N.Z.* 163a.

¹⁴⁷ The 1954 Social Service Committee Report said that "while we recognise and warmly commend the contribution of local and statutory authorities, we are not free from the responsibility of providing homes. . ." (1954, Social Service, *P.C.N.Z.* 165a).

¹⁴⁸ 1962, Social Service, *P.C.N.Z.* 28a.

¹⁴⁹ 1963, Social Service, *P.C.N.Z.* 137a. There was another sense in which this was most certainly correct: many of the private rest homes and similar establishments were of poor quality. In this respect the church agencies did provide a better service.

During the 1960's the respective roles of both the church and the state in the provision of social services changed. As has already been noted, the community had an ever expanding expectation that the state would provide for its social and welfare needs. There was also an expanding range of organisations to meet that need. Oliver, in his history of New Zealand social welfare for the 1988 *Royal Commission on Social Policy*, particularly mentions this new role for Christian social services, and in the process discerned a new attitude which the church now had towards the state.

That voluntary societies have come to bulk larger in the social services generally, provides further support for the view that the earlier high hopes that the state would, or indeed could, do all that was required, have receded. Yet there is a paradox here. Many of these groups, from the mainline churches to special interest pressure groups, are directing their demands not to the charitable impulses of the community but to the resources of the state. The level of expectation laid upon the state in the earlier part of this period [the 1960's and early 1970's] has not fallen away.¹⁵⁰

The church agencies during the 1960's therefore became a part of a wider phenomenon: the growth in non-government social service agencies.¹⁵¹ An indication of this growth was the establishment in 1969 of the Federation of Voluntary Welfare Organisations to represent the interests of voluntary associations with the state. Yet this growth was marked by a paradox. It did not arise because of a great outpouring of community compassion or a revitalisation of the church (indeed the 1960's marked the beginnings of a decline in mainline denominations), but because the state was prepared to pay a larger share of the non-government social service sector. The fact that it was the church which was providing the aged care, or the children's home, or surprisingly, even a chaplaincy role in the prison,¹⁵² and subsequently hospitals, did not seem to affect the state support. The churches were meeting a need. The state could not provide it all. Furthermore the tradition of church state separation proved not to be an impediment to this expansion of state support. No restrictions were placed

¹⁵⁰ Oliver, W.H., "Social Policy in New Zealand: An Historical Overview" in *Report of the Royal Commission on Social Policy*, Volume 1 (Wellington: Government Printer, 1988) 42.

¹⁵¹ Oliver, W.H., *ibid* 41, examines "the considerable growth of [voluntary] societies over the last 20 years".

¹⁵² Chaplains were regarded in the initial phase of prison chaplaincy as a "dual appointment: chaplain/welfare officer": Annual Report, Justice Department, *A.J.H.R.*, 1957 H.20, 15.

on agencies because they were religious organisations (although they could not discriminate on the ground of religion): indeed the reverse seemed to be true. The fact that these social service agencies were operated by churches confirmed the merit of the activity.¹⁵³ In short, what was developing during the 1960's was a national welfare system which fostered, and then incorporated, non-government agencies such as Christian social services.

For its part, the church's attitude to the state also changed. Funding was increasingly expected, and even demanded for its activities. In 1965 the Presbyterians bluntly asserted that "we believe that voluntary societies conducting geriatric hospitals save the taxpayer more than £300,000 per annum."¹⁵⁴ This was now the social service variation on the funding of private schools argument. In a rather figurative letter to the Minister of Health in June, 1970, the Presbyterian Social Service Committee reminded the Minister "that the subsidy [for aged care] was never intended to be the jam, but rather the bread to which Church and Voluntary Welfare Bodies added the extra."¹⁵⁵ Or, in other words, the task must be primarily funded by the state, and the church would provide the "top up". As that same letter also argued, aged care "cannot be done by government alone."¹⁵⁶

In 1967 the Inter-church Council on Public Affairs convened a conference to consider the care of the elderly and the inter-relationship of the church and state. Dr J.C. Reid, in the keynote address observed,

Without the work of the Churches in their exercise of their Christian responsibility, the task of the State would be much harder and the plight of the elderly more desperate. In my view, there should not be any conflict between the work of the State and the work of the Churches in care of the elderly. One should complement the other.¹⁵⁷

¹⁵³ Private correspondence from the Rev. Will Falkingham, a founding member of the New Zealand Council of Christian Social Service, to the author dated 28 June, 1990.

¹⁵⁴ 1965, Social Service, *P.C.N.Z.* 99a (quoting from a Social Service Committee submission to the Board of Health).

¹⁵⁵ A letter to the Minister of Health, D.N. McKay, dated 15 June tabled in the Aged Care sub-Committee of the Presbyterian Social Service Committee on 13 July, 1970: Minutes, *P.C.N.Z. Archives Office*.

¹⁵⁶ *Ibid.*

¹⁵⁷ Reid, J.C., "The Church, The Elderly and the Welfare Society" in the *Report of Conference on The Church, the Elderly and the Welfare Society* (Wellington: Inter-church Council on Public Affairs, 1967) 5.

A theme of the Conference was the importance of this partnership. At times the state was criticised because to receive subsidies was "almost [a] cap-in-hand process",¹⁵⁸ but there was a "necessary partnership between Church and State by which each must co-operate with the other in order to achieve the fullest success in the aims of both."¹⁵⁹

A practical consequence of this conference was that the New Zealand Council of Christian Social Services was formed.¹⁶⁰ This Council consisted of all the member churches of the National Council of Churches which undertook social service work, together with the Catholic Church.¹⁶¹ It was concerned with social service funding and policy and "endeavoured to foster a partnership with the State."¹⁶² Similarly the formation of the Interchurch Advisory Council on Hospital Chaplaincy in 1971 was a part of this new partnership which the church now had with the state.

iii. The Implications of Partnership

During the 1960's the church therefore became a partner in attaining certain national health and social welfare goals, even if those goals seemed to lack co-ordination.¹⁶³ For the church this partnership meant that now significant constraints applied to church social service agencies.¹⁶⁴ For

¹⁵⁸ Robertson, A.D., 'The Church's Social Ministry to Elderly People and their Families', *ibid* 22.

¹⁵⁹ Tenn, P.B., 'The Church and the Welfare State', *ibid* 41.

¹⁶⁰ 'Recommendation 8' of the Conference was that a Church Social Service Council be formed: *ibid* 45. See Robinson, B., *NZ Council of Christian Social Services Timeline of Development and Involvement*, 1990.

¹⁶¹ The Anglican, Baptist, Catholic, Methodist, Presbyterian Churches and the Salvation Army were members of the Council.

¹⁶² Private correspondence from the Rev. Will Falkingham, a founding member of the New Zealand Council of Christian Social Service, to the author dated 28 June, 1990.

¹⁶³ Oliver, W.H., 'Social Policy in New Zealand', *op. cit.* 31, 35-36, was critical of the lack of co-ordinated policy. For example, the *Royal Commission on Social Security* (Wellington: Government Printer, 1972) merely affirmed the existing system and did not provide any new overall vision for New Zealand. Although at this time New Zealand was able to afford the expansion of such services.

¹⁶⁴ There had always been constraints. The initial aged care scheme was introduced specifically with the comment "that provided certain conditions are adhered to". However, as the extent of the services expanded, so did the regulations.

example, quality safeguards were incorporated into the granting of funds;¹⁶⁵ the qualification and experience of the providers of the service became a matter of state concern;¹⁶⁶ and the "professionalism" of the service became an issue. Indeed the roll of a skilled workforce in the provision of welfare services became a difficult issue for all church agencies. Volunteers simply were not able to perform a large range of services and as a result costs increased significantly. Generally partnership meant a lack of autonomy for the agency, as it sought to meet a particular need within the constraints of government regulation. A reflection on Methodist social service work stated,

there is an increasing dependence on the State for support. This means a growing partnership between Church and State: it is unrealistic to assume that the State will provide such major funding without writing some of the agenda. Some loss of autonomy to the State is therefore inevitable, and should be accepted as a creative point of tension.¹⁶⁷

This new partnership still provided considerable advantages and new possibilities for the church. The church was able to explore new areas of service and in fact pioneered many different ways of meeting community need. For example, church agencies became involved in the de-institutionalisation of children's services and the development of counselling services. In the process, the church's own involvement in social services grew enormously. Throughout New Zealand, its presence in towns and cities had altered considerably. Many more church-connected institutions such as hospitals, old people's homes and children's homes operated. Hospitals and prisons had chapels and chaplains worked within a variety of state-run institutions. This growth was at a time of decline in church membership and the growth of a more secular society.

¹⁶⁵ The Old People's Homes Regulations were promulgated in 1965: see Annual Report, Department of Health, *A.J.H.R.*, 1966 H.34, 75.

¹⁶⁶ The lack of specialist training for chaplains in psychiatric hospitals was one of the stumbling blocks when the original proposal in this area was suggested (Brown, *C. op. cit.* 106). When chaplaincy was finally provided in public hospitals, an important aspect of its provision was for suitable training to be provided for hospital chaplains.

¹⁶⁷ Penman, J., 'Institutions of Caring' in *Going Places: A Portrait of Methodism in the 70's* (Christchurch: Council of Mission, n.d.) 14. The Presbyterian Church seems to have come to a similar conclusion. In a study on the care of the aged, the following was said: '... we have welcomed and gradually received more and more assistance from the State, until it is obvious that the Church and State will work hand in hand in this sphere of service in the years ahead. We value the voluntary principle very highly... but we are aware we must be prepared to work with the State to provide the best geriatric care': 1970, Social Service, *P.C.N.Z.* 95-96.

Several features of this new partnership with the state should be noted. Firstly, Christian social services now tended to develop their own institutional life beyond the traditional structures of the church. The state needed to relate with a service provider. The fact that it was the church, or any other community or voluntary agency, was not an issue. The efficiency, the professionalism and the effectiveness of the agency were the important factors. The church agencies thus developed their operations in accordance with the state's requirements and the availability of subsidies. Professional providers and administrators became a feature of the church agencies' work, and the nexus between the local congregation, and indeed the wider church, became less significant. The fact that the influence of the church within the wider community was seemingly declining did not, therefore, greatly affect the agencies. On the other hand the church itself had questions about how it related to its own growing, and at times, large social service arm. For example, in the Presbyterian Church each of its Social Service Associations was "for all practical purposes an autonomous body."¹⁶⁸ Indeed an organisation such as the New Zealand Council of Christian Social Services related more to the individual church agencies than it did to the individual churches themselves.

A second feature of this growing partnership with the state was that there was a reluctance to criticise government, or provide any social critique of what was happening in society. Rarely were the Christian social service agencies in conflict with the state over the general direction of the state's social policy. For example, Rae says of Presbyterian social services that they "clung doggedly to their determination to stay clear of questions of social change and the investigation of the fundamental causes of the social ills of the community."¹⁶⁹ He lists as reasons for this, the desire to maintain "political neutrality", the fact that agencies saw themselves as only "offering a service", and that the social work profession was inherently conservative.¹⁷⁰

¹⁶⁸ 1951, Presbyterian Social Service Association, *P.C.N.Z.* 295. Despite various changes in the structures of reporting to the General Assembly (such as the creation of the Social Service Committee in 1954) this position continued.

¹⁶⁹ Rae, S., *op. cit.* 11.

¹⁷⁰ *Ibid.*

Overarching all of this would have also been the awareness that the state was providing an enormous contribution to their work as "service providers". If the church agencies were too critical of government policy, the very nature and extent of their programmes may suffer. There was at least one instance where this almost happened. In 1966 the whole prison chaplaincy system almost came to an end when the Minister of Justice, Ralph Hanan, objected to three prison chaplains publicly expressing their opposition to New Zealand's Vietnam policy.¹⁷¹ The three chaplains had placed their names to a full page advertisement in the *New Zealand Listener*. This co-incided with some severe criticism of the government's Vietnam policy by the National Council of Churches (which co-ordinated the prison chaplaincy work). After intervention from the Secretary of the Justice Department, Dr J.L. Robson and the Senior Chaplain, the Reverend E.S. Hoddinott, a compromise solution was reached. There were subsequently new review procedures for appointments which would be for a limited term.¹⁷²

A more significant illustration of how partnership fostered a passive approach to controversial issues by Christian social services is by way of comparison with the church agencies that dealt with immigration, international development and aid. Up until the early 1960's there had been many examples of close co-operation between the church and the state over refugee resettlement and overseas aid work. But attitudes to the philosophy of international aid work were changing and as has been noted in *Chapter Four*, so was the church's approach.¹⁷³ Initially the stress had been placed upon material relief in the post-war reconstruction in Europe. The refugees were even European.¹⁷⁴ By the mid 1960's, the plight of the Third World was being heard and the international ecumenical movement was at the forefront of articulating this concern. The work of aid agencies turned from providing relief in time of hardship, to encouraging development and alleviating the causes of injustice and oppression. This brought the aid agencies, and the

¹⁷¹ Information concerning this incident is unclear. Roberts, J.H., *op. cit.* 52, 53, has pieced together an account of the matter, and it is used here. Subsequently the major participants in the incident, such as the then Minister for Justice, R. Hanan, and the Senior Prison Chaplain have died.

¹⁷² *Ibid* 53.

¹⁷³ See for example the appeal for Vietnam mentioned in *Chapter Four* at p. 154.

¹⁷⁴ An exception was the request of the New Zealand Government to the National Council of Churches to settle 40 Hong Kong orphans: Lovell-Smith, M., *op. cit.* 110.

church itself, into an uneasy and often controversial relationship with the state. For example, it was Inter Church Aid funds which financed the travel of a New Zealand church delegation to Vietnam in 1965,¹⁷⁵ and it was Inter Church Aid which organised aid appeals for both North and South Vietnam.¹⁷⁶ Later in the 1960's the churches vigorously approached the government to adopt the policy of "1% for Development".¹⁷⁷ In 1970 the Christian World Service (as Inter Church Aid became in 1969) appeal actually asked donors to sign a petition on aspects of government policy.¹⁷⁸ Because of this approach, the refugee and international development work of the churches did not attain the partnership status of domestic social service work. There were still areas of co-operation, but the relationship became more and more uneasy.

A third feature for the church in this work was that, both with domestic social service work and international aid work, the church increasingly became just another pressure group within the growing operation of the state. This development, as outlined at the beginning of this chapter, was almost inevitable. The very structures which the church social services created resembled other pressure groups, such as the Federation of Voluntary Welfare Organisations, seeking a share of government largesse and a say in policy. This was not to say that the state was still not motivated by those Christian ideals which had inspired the earlier expansion of welfare services. The point was that the church's involvement in administering government policy now meant that it was just one of the many groups involved with the Wellington bureaucracy.

4. Conclusion: The New Institutional Relationship

By the mid 1970's the presumption of church state separation in New Zealand was at an end. The "citadel" of the secular clause had fallen and the church and state had become partners in the delivery of educational and

¹⁷⁵ *Ibid* 70-71.

¹⁷⁶ *Church and Community* (July, 1965) 2. The National Council of Churches received hostile opposition to this move. See Lovell-Smith, *op. cit.* 78.

¹⁷⁷ This campaign was supported by both ecumenical bodies and also individual denominations: Lovell-Smith, M., *op. cit.* 82.

¹⁷⁸ *Ibid* 124.

welfare services. Yet the relationship was more complex than some new "close fellowship" which was implied in the church's desire for a Christian nation in the 1940's and 1950's. At one level, this did seem to be the case as the state supported the church in some of its activities. Just as prison chaplaincy had begun in the 1950's because religion was an important factor in the reformation of the criminal, the state still recognised the role and significance of religion in the 1960's and early 1970's. For example, the state continued to stipend prison chaplains and also substantially funded a new program of hospital chaplaincy. Within education, the "special character" of schools was safeguarded and even Catholic teaching orders became directly supported by the state. Churches were also assisted in their ministry to youth through grants for the building of church halls and youth camps. These were all examples of state support for what might be called the "primary" function of the church: the payment of its priests, ministers and other personnel and the passing on of the Christian faith to the young. In these instances a new "close fellowship" had emerged.

At another level, state involvement with the church was not because it wished New Zealand to be, or continue to be a "Christian nation" but because it was necessary for this partnership to exist. In education the financial collapse of the private school system would have had significant consequences for the state. In this instance the state needed the services which the church provided. In like manner, the State could not do without the services which the church provided for the care of the elderly and other groups in need within the community. The state, through the concept of the welfare state, had become committed to extending the care and support of its citizens at different points of their need, and the church, along with other community welfare organisations, could help meet that need. In the process, the state partnership with the church expanded during the 1960's. As a partner, the church still had its own identity within this arrangement (and in education this was statutorily recognised as the "special character" of the school). However, through state regulation and the nature and amount of subsidy that was offered, the church was very much the junior partner. In these instances the church was supported, not so much in its "primary" religious function, but because it provided educational and welfare services for the community as it had traditionally done. There was now a "church sector" within New Zealand.

Several factors led to this new church state partnership: the decline in sectarian rivalry removed a major impediment to state support, particularly in education; the state was prepared to accept greater diversity within society, even in education; the church, with new inter-denominational organisations in education and welfare services, became more effective as a pressure group in seeking state largesse; New Zealand, especially during the 1960's, was able to meet the cost of expanded education and welfare services, and when inflation became a difficulty in the 1970's, it needed the services the church provided; and generally, the underlining ethos of the welfare state meant that New Zealand expanded its services to its citizens, even if they were supplied by the church and in part funded by the state. However, this large change in the institutional relationship between church and state, as McGeorge observed with regard to the passing of the secular clause, had been met "with a chorus of yawns".¹⁷⁹ Religious questions and state aid were not controversial issues as they once had been. Church state separation had perhaps outlived its significance as a political article of faith because the church appeared to be less influential within society. All the same, a new church state partnership in welfare and education by the mid-1970's was an unexpected and paradoxical end-point for declining church influence with an increasingly secular state.

¹⁷⁹ McGeorge, C. & Snook I., *Church, State and New Zealand Education* (Wellington: Price Milburn, 1981) 25.

CHAPTER SIX

THE DECLINE OF NEW ZEALAND AS A CHRISTIAN NATION

1. Introduction

This chapter provides a link between the developments of the 1960s's and the later period of this study, 1970-1990. In particular it reviews the idea of New Zealand being a "Christian nation" and the effect of the process of secularisation on New Zealand church state relations. As *Chapter Two* has indicated, this idea of New Zealand being a "Christian nation" or a "Responsible Society" had been a significant feature in the relationship between church and state in the period 1940-1960. The many changes during the 1960's, however, cast doubt on whether this description itself was still apposite. Certain *indicia* of a Christian nation which were present at the start of the 1960's began to be significantly eroded. Could New Zealand by 1990 still be called a "Christian nation"? In other words, had New Zealand become a "secular state", as opposed to a nation that acknowledged a Christian heritage and gave special recognition to Christian ethical principles?

These changes to New Zealand's status as a Christian nation were also relevant to how the church itself began to respond to secularisation and relate to the state. *Chapters Three* and *Four* have argued that by the end of the 1960's there was a period of transition in the church's relationship with the state. Simply stated, there were those within the church who sought the maintenance and return to the days of New Zealand being a Christian nation, while there were those who, though still concerned about certain Christian ethical principles, did not see that it was necessary for the state to enforce matters of personal morality. Two distinct expressions of church state relations were emerging. This chapter examines these two approaches, endeavours to define them and explores their relevance to the subsequent analysis of the period 1970-1990.

2. A Post-Christian New Zealand?

i. New Zealand in 1962

In 1962 Richardson wrote his study of religion and the law in New Zealand. He concluded that although it could not be categorically said that "the State is a Christian State", there is nevertheless "a certain amount of truth in the statement".¹

In the first place, the Christian religion has played an important part in shaping our culture, our tradition and our law. As Lord Sumner pointed out in *Bowman v. Secular Society Limited* [1917] A.C. 406, 464-465, the family is built on Christian ideals, and Christian ethics have made a tremendous impact on the development of our law, as only natural considering that the majority of New Zealanders come from a Christian background.

In the second place, as has been seen, the law in many respects favours religion in general and Christianity in particular as against agnosticism and atheism. In numerous areas, too, respect for religious scruples is manifest.²

Although Richardson was not able to say that "Christianity is a part of the law of New Zealand"³ he was clearly able to assert that Christianity was the basis of the nation's laws and was specifically favoured by the state. In short, New Zealand was a Christian nation. He was able to come to this

¹ Richardson, I.L.M., *Religion and The Law* (Wellington: Sweet & Maxwell, 1962) 61.

² *Ibid.*

³ In England in the 17th and 18th centuries there was no doubt that Christianity was a part of the common law. In 1797 Kenyon C.J. said that "the Christian religion is part of the law of the land" *Williams Case* (1797) *Howell's State Trials* 654, 703. The Supreme Court of New South Wales in 1884 made a similar observation in *R. v. Darling* when the Chief Justice said, "I do not know that it is necessary to make the remark, but an opinion has been expressed that the Christian religion in any of its forms is not recognised by the law of this country. No greater mistake can be made. It has been frequently and correctly stated both in England and here that Christianity is part of the common law, that our laws are based upon its principles, and that our common law can be traced back to those principles, which run through the whole course of our Statute law as well." (1884) 5 *N.S.W.R.* 405, 411. Such reasoning would have also applied in New Zealand up until the beginning of this century. However, Richardson's qualified support for the proposition that "New Zealand is a Christian state" arises because of the House of Lords' decision in 1917 in *Bowman v. Secular Society Limited*. There Lord Sumner said, "With all respect for the great names of the lawyers who have used it, the phrase 'Christianity is part of the law of England' is really not law; it is rhetoric." [1917] A.C. 416, 464. A more recent Australian case *Grace Bible Church v. Reedman* (1984) 36 *S.A.S.R.* 376, has confirmed this approach in that jurisdiction.

conclusion by examining in some detail the New Zealand law as it appertained explicitly to the church, for example the privilege granted to the church with regard to the payment of rates, and implicitly to Christian principles, such as with regard to the law which affected sexuality, marriage and the welfare of children. In Hadden's view, New Zealand in 1962, even with the separation of church and state presupposed by the 1877 Education Act, was a "religiously legitimated state".⁴ This 1962 survey of New Zealand law is taken here as a bench-mark. The subsequent changes to the law as they have affected both the privileged and legitimating function of Christianity within the law of New Zealand are then considered.⁵

ii. The Church's Privileged Legal Position

In 1962 the church was in a privileged position within the New Zealand polity. Apart from state aid for education and Christian social services (examined in *Chapter Five* and also in *Chapter Nine*) there were other state concessions to the church. By 1990 some of these privileges continued, others were modified and some were abolished.

In New Zealand at 1990, the Queen was still styled as "Elizabeth the Second by the Grace of God, Queen of New Zealand and Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith".⁶ Prayers were said in Parliament.⁷ "God Defend New Zealand" was made the national anthem, along with "God Save the Queen" in 1977.⁸ Oaths on the Bible also continue

⁴ Hadden, J.K., "Religious Broadcasting and the Mobilization of the New Christian Right", *Journal for the Scientific Study of Religion*, 26, 1 (1987) 3.

⁵ For a discussion of the role of Christianity in the law see Mason, K. *Constancy and Change* (Sydney: Federation Press, 1990) 1-30.

⁶ The Royal Titles Act, 1974, s.2.

⁷ Standing Orders of the House of Representatives (Wellington: Government Printer, 1985) Clauses 19(a) and 66(2). The prayer since 1962 has been "Almighty God, humbly acknowledging our need for Thy guidance in all things and laying aside all private and personal interests, we beseech Thee to grant that we may conduct the affairs of this House and of our country to the Glory of Thy holy name, the maintenance of true religion and justice, the honour of the Queen, and the public welfare, peace and tranquillity of New Zealand, through Jesus Christ our Lord, Amen": quoted in Lambert, M., *Air New Zealand Almanac*, 5th Edition (Wellington: New Zealand Press Association, 1988) 6.

⁸ *Ibid* 6.

to be part of the practice of Parliament and the courts.⁹ Sunday, however, has ceased to be protected, although public holidays remain for Christmas and Easter. The various restrictions on Sunday observance referred to in *Chapter Three* have been repealed. The 1981 Summary Offences Act repealed the Police Offences Act, 1927 which had contained the prohibition of a person trading and working on a Sunday.¹⁰ The Shop Trading Hours Act Repeal Act, 1990 decisively marked the end of any protection for Sunday.¹¹ Virtually any activity could be legally performed on a Sunday.

There was also a significant change in the legal understanding of the word "religion". Within English law the church, or more generally the Christian religion, had always had a special position.¹² The law of trusts has long held that trusts for the "advancement of religion" are charitable trusts. Religion along with education, the relief of poverty and generally "purposes beneficial to the community", have been the only purposes which can claim to be charitable purposes.¹³ The practical consequence of this was that certain rigours of the law did not apply to the financial and legal structures of churches.¹⁴ Also, as the state itself has granted certain taxation concessions to charities to foster their operation, such benefits also have applied to the church. For example, under the Land and Income Tax Act, 1954 (and later the Income Tax Act, 1976), income derived by trustees in trust for charitable purposes was not regarded as income for the purposes

⁹ Note however, 1990, Minutes, *P.C.N.Z.* 299, when the General Assembly agreed "to request the New Zealand Government to abolish the practice of swearing oaths on the Bible at occasions of public and judicial testimony."

¹⁰ Section 18, Police Offences Act, 1927. The offence of "molestation of a service of worship" (s.3C) was also repealed by the 1981 Act.

¹¹ The Employment Contracts Act, 1991 further emasculates any protection for Sunday within labour law. There is now available the option for employers (and to which employees can agree) to engage employees without any penalty payment for Sunday work.

¹² A New Zealand legislative provision which illustrated the privileged provision of Christianity, but also showed how that privilege was qualified, was s.391 of the Municipal Corporation Act, 1954 and s. 406 of the Counties Act, 1956. These sections (which were the same) provided that "The powers of making and enforcing bylaws shall be subject to the following limitations and provision . . . (b) No bylaw shall be valid if a breach thereof would involve a breach only of some religious or moral rules". Thus, as in *Doyle v. Whitehead*, (1917) 36 *N.Z.L.R.* 308, when only a "religious rule" (in this instance the bylaw prohibited the playing of golf on a Sunday) was imposed, it was held not to be a valid bylaw.

¹³ *Commissioner for Purposes of Income Tax v. Pemsel* [1891] *A.C.* 531, 583.

¹⁴ See generally Richardson, *I.L.M.*, *op. cit.* 8-12.

of taxation.¹⁵ A church therefore was not taxed on the income it derived from its investments if that income was to be applied to the "advancement of religion", nor was it liable under the Stamp and Cheque Duties Act, 1971 for stamp duty.¹⁶ Similarly the Rating Act, 1967 provided exemption for "churches and chapels",¹⁷ and since 1962 donations up to a specified limit have been allowed as a tax deduction for taxpayers.¹⁸

In general terms these special privileges continued through the 1970's and 1980's. "The advancement of religion" is still a charitable purpose within New Zealand. Although the economic reforming zeal of the Fourth Labour Government sought to change the privileges that charities had under the tax laws,¹⁹ the privilege for the church with respect to rates, income tax and stamp duty has remained. However, what the law has regarded as "religion" in the phrase "the advancement of religion" has changed. The definition of "religion" has been significantly broadened to include beliefs and practices which hitherto had not been so regarded.

The operation of legislation granting concessions for "religious institutions", "churches and chapels" or trusts for "charitable purposes" (which includes "the advancement of religion") has usually been straight forward. The difficulty has arisen as to whether such concessions apply to sects such as the Mormons or even para-psychological organisations such as the Scientologists. Originally the matter was clear. These concessions applied to the Christian religion and no other group or body. Again to quote Richardson, "the law in many respects favours religion in general and Christianity in particular as against agnosticism and atheism."²⁰

¹⁵ Section 86(1) Land and Income Tax Act, 1954.

¹⁶ *Centrepoint Community Growth Trust v. Commission of Inland Revenue* [1985] 1 N.Z.L.R. 673.

¹⁷ *Church of Jesus Christ of the Latter Day Saints Trust Board v. Waipa County Council* [1980] 2 N.Z.L.R. 710.

¹⁸ Section 84B(2) and (3). This provision was continued under s.56A of the Income Tax Act, 1976. This provision was first introduced as a concession to parents who sent their children to private church schools.

¹⁹ This proposal is examined in detail in Chapter Nine, Section 3(iii) "The Taxation of the Church" at p. 338.

²⁰ *Op. cit.* 61.

In 1983 the New Zealand High Court was required to review this situation and determine whether a commune known as the Centrepoint Community Growth Trust, Auckland was a trust for a charitable purpose and thereby exempt from conveyancing duty.²¹ The Centrepoint Community was established, *inter alia*, "to assist the efforts of our fellow man to advance the spiritual education and humanitarian teaching of all the messengers of god, and in particular of Herbert Thomas Potter".²² The case thus required a ruling as to how in fact "religion" should be defined at law, and by implication, how the state perceives its role with respect to religion. This was the first time that the question had been tested in New Zealand.²³ Indirectly there was at stake the same issue as that which has been litigated under those constitutions which guarantee the separation of church and state and the freedom of religion, such as in the United States and Australia. In those jurisdictions the question has been: what does their "non-establishment" clause mean?²⁴ Does it mean that the state should have no role in religious matters and remain completely neutral on such questions: the so-called broad interpretation? Or does it mean that the state may concern itself with religious questions and practices (and in the United States that means the Christian religion and its practices and principles), but not favour, or establish, one or perhaps several denominations as opposed to others: the narrow interpretation?²⁵ This issue arose in the *Centrepoint Case* in determining whether the definition of "religion", for the purposes of the legislation, needed to contain any reference to the worship of the

²¹ *Centrepoint Community Growth Trust v. Commission of Inland Revenue* [1985] 1 N.Z.L.R. 673.

²² *Ibid.*

²³ *Ibid* 691.

²⁴ See generally Davis, D., *Original Intent* (New York: Prometheus Books, 1991).

²⁵ The United States position is that in *Wallace v. Jaffree* ((1985) 472 U.S. 38) a majority of the Supreme Court struck down an Alabama Statute providing for school prayers, thus confirming a long line of cases adopting the "broad view" of original intention. There are however, indications that the balance may be changing on the Supreme Court with the appointment of Mr Justice William Rhenquist as Chief Justice, and other conservative justices. The Chief Justice had been in the minority in the *School Prayer Case*. See Laycock, D., "Original Intention and the Constitution Today" in *The First Freedom: Religion and the Bill of Rights* edited by Wood, J.R. (Waco: Dawson Institute of Church-State Studies, 1990) 87-112. In Australia the High Court in considering s.116 of the Australian Constitution (a provision in similar terms to the United States First Amendment) has adopted the narrow interpretation: *Attorney General (Vic.) v. Ex rel Black v. Commonwealth* (1981) 146 C.L.R. 559 (*The Defence of Government Schools Case*).

Christian's God, or indeed any reference to the worship of a god at all.²⁶ Should the definition of religion be solely "value free" and phenomenologically based?²⁷

Mr Justice Tompkins held that the Centrepont Community Growth Trust was in fact a trust for the advancement of religion and as such was exempt from conveyancing duty. To reach that decision he ruled that the appropriate definition of religion did not require the particular religion to be the Christian religion, nor necessarily a religion which had a belief in God. Rather there were several objective tests or *indicia* which could be applied, and if they were satisfied, then the particular practices were a religion for the purposes of the Act. In the circumstances of this case these tests were satisfied.

To determine what these tests were, Mr Justice Tompkins relied heavily on the Australian High Court decision in *Church of the New Faith v Commissioner for Pay-roll Tax (Vic.) (The Scientology Case)*.²⁸ In that case the High Court ruled that Scientology was a religion, and put forward various criteria that needed to be met if a group or a practice were to be called a religion. The decision held that religion should not be limited to theistic religions, nor was it necessarily wide enough to include any beliefs which someone claims to be a religion. On this basis, Acting Chief Justice Mason and Mr Justice Brennan concluded:

We would therefore hold that for the purposes of the law, the criteria of religion are twofold: first, belief in a supernatural Being, Thing or Principle; and second, the acceptance of canons of conduct in order to give effect to that belief, though canons of conduct which offend against the ordinary laws are outside the area

²⁶ The relevant English authority was *Barralet v. Attorney-General* [1980] 3 All E.R. 918, 924, in which Dillon J. concluded "Religion, as I see it, is concerned with man's relations with God, and ethics are concerned with man's relations with man. The two are not the same, and are not made the same by sincere inquiry into the question, what is God? If reason leads people not to accept Christianity or any known religion, but they do believe in the excellence of a quality such as truth, beauty and love, or believe in the Platonic concept of the ideal, their beliefs may be to them the equivalent of a religion, but viewed objectively they are not religion." He went on to say that the essential qualities of a religion was a faith in a god and worship of that god. (Quoted in the *Centrepont Case*, 695.)

²⁷ This was the way the United States Supreme Court had approached the matter: *Malak v. Yogi* (1979) 592 F. 2d. 197.

²⁸ (1983) 49 A.L.R. 65.

of any immunity, privilege or right conferred on the grounds of religion.²⁹

Mr Justice Murphy in the *Scientology Case* was also cited by Mr Justice Tompkins with approval. Mr Justice Murphy, after examining United States Supreme Court judgements, affirmed that "the law knows no heresy, and is committed to the support of no dogma, the establishment of no sect."³⁰

With these criteria and qualifications in mind Mr Justice Tompkins then examined more closely the beliefs and practices of the Centrepoint Growth Trust. In doing so he relied on the expert testimony from the Reverend Dr George Armstrong, a lecturer in systematic theology at the College of St John the Evangelist, an Anglican theological college in Auckland. Dr Armstrong concluded that within the Centrepoint Community there was a belief in some form of the supernatural, and that there were standards and codes of conduct for those who shared that belief.³¹ Given this, Mr Justice Tompkins ruled that the Centrepoint Community Growth Trust was for the advancement of religion.

Here was perhaps the clearest indication that the New Zealand state gave no privileged position to the Christian religion. It went beyond the "secular clause" of the 1877 Education Act. That clause, despite the arguments of those like the secularist Robert Stout,³² was never widely accepted to mean that New Zealand's religious heritage was terminated at that point. It generally accepted, as Richardson has indicated, that the state was not completely neutral when it came to matters and practices which had religious implications. In other words the "narrow view" of Article I of the Bill of Rights applied in New Zealand. Time and again preference was given to the Christian churches in New Zealand and laws were enacted in the name of Christianity. In the light of the *Centrepoint Case*, however, it could be argued that there is now a broader understanding of the secularity of the state. The law does not presuppose that Christianity is the only religion. Indeed it is now even possible to say that in New Zealand if

²⁹ *Ibid* 74. (Quoted in the *Centrepoint Case*, 693.)

³⁰ *Centrepoint Case*, 694. The quote of Murphy J. (*Scientology Case*, 85) comes from *Watson v. Jones* (1871) 80 U.S. 679, 728.

³¹ *Centrepoint Case*, 696-697.

³² See *Chapter One* at p. 3, fn. 10, for reference to his views.

"adherents themselves see the collection of ideas and/or practices as constituting a religion" then it *could* be a religion.³³ It now is not the role of the state to determine the content and shape of a religion. The state is neutral on such questions. Certainly, following this decision, there is no "favouring" of the Christian religion as Richardson suggested in 1962. Furthermore, given the importance of the evidence of Dr Armstrong in the case, one can assume that sections of the church also accepted that the state was secular.

By and large the priority given to the Christian religion had been removed by 1990, although certain concessions and practices did remain. Even here, however, these concessions could be explained by reference to some wider principle of law or national tradition. For example, it could be argued that the taxation concessions to churches continued, not because they were churches, but because they were charities. Unless the state changes the definition of a "charity", the benefits which the state believes it is appropriate to afford to charities, accrue also to churches. The position of the Queen, prayers in Parliament and the national anthem, arguably represent only a ceremonial aspect of the nation's life, although here too the traditional position of the church has been extensively reduced. In the 1960's, the Order of Precedence at state functions placed "Bishops and Heads of New Zealand religious bodies" at number thirteen, ahead of military and public service heads and behind the various orders of knights.³⁴ In 1990 "Religious heads" ranked at twenty, and now second last, in front of those same orders of knights.³⁵ Perhaps this is evidence that the church (along with the knights of the realm) is now acknowledged, not because it is the church, but because it represents a part of the heritage of this nation and so is to be respected. Such privilege for the church could only be regarded as vestigial and token.

³³ *Ibid* 694, quoting from Wilson and Deane JJ. in the *Scientology Case*, 106.

³⁴ Petersen, G.C., *Who's Who in New Zealand*, 8th Edition (Wellington: A.H. & A.W. Reed, 1964) 39.

³⁵ *New Zealand Almanac* 7.

iii. "Christian Principles" and the Law

A more significant development has been the decline in the appeal to Christian principles as the basis of the law of New Zealand. The major point of the *Mazengarb Report*, and later of Richardson, was that even if at law it could not be said that Christianity was a part of the law of New Zealand, at least its statutes and common law heritage were drawn from Christianity.³⁶ This particularly applied to family law and matters relating to sexuality. Previously the nexus was also seen to apply to liquor licensing, gambling and Sunday observance. In the 1970's and 1980's the last of these constraints due to "Christian morality" were removed. These usually involved legislative change and as such, their amendment was public and often controversial. Two major controversies stand out. The first was the codification of the abortion law following the 1977 *Royal Commission on Contraception, Sterilization and Abortion*. The second was the eventual decriminalization of homosexual acts in 1985. These two disputes are considered in more detail in *Chapter Eight* as they were a focus of certain church concern over the decline of New Zealand as a Christian nation. Other legislative changes could also be cited. For example, the final removal of fault as a criterion for a divorce in 1980, replaced "Christian" principles with a "more secular" ground for divorce.³⁷

The derogation from "Christian" principles was not always so public. The common law also changed, as the courts themselves re-interpreted what was appropriate for New Zealand. An illustration of this is the legal recognition and regulation of *de facto* marriage relationships. As *Chapter Three* has noted there used to be significant legal prohibitions and disabilities for a man and a woman "to live in sin". These disabilities had continued up until the 1960's.³⁸ During the 1970's and 1980's, however, the position changed quite extensively. Usually there were two legal problems

³⁶ Mason, K., *op. cit.* 6, 7, provides examples of where the common law was based on direct application of biblical principles. For example, the fact that the husband and wife "shall be one flesh" (Matt 19:5) was translated into the principle that by marriage husband and wife were one person in law. Thus there could be no rape in marriage, and a spouse could not sue or give evidence against the other.

³⁷ See Phillips, R., *Divorce in New Zealand: a Social History* (Auckland: Oxford University Press, 1981) 47 ff. The ground for divorce was now the breakdown of the marriage.

³⁸ See *Chapter Three* at pp. 102-3.

for *de facto* couples. The first was the resolution of property disputes after the ending of the relationship, and the second was the custody, care and support of children born to a *de facto* couple. Contracts and agreements covering such matters traditionally had not been recognised because they promoted immorality. Divorce and custody legislation also did not extend to those who were not married.

Following a line of English cases in the 1970's,³⁹ New Zealand courts now readily address the first of these problems.⁴⁰ By using trust law, the courts will grant to an aggrieved party in a *de facto* relationship an interest in the "matrimonial home" even though a person may not be legally the owner of it. (Such a ruling is possible for those who have been legally married.) In *Hayward v. Giordani* Mr Justice Cooke (as he then was) was prepared to give an interest in property even though the plaintiff was not the legal owner, and was not married to its owner. In coming to that decision he observed:

There may be a lingering sense that the law should refuse to recognise relationships between men and women as having any bearing on property rights if they fall short of legal wedlock. But a function of the Courts must be to develop common law and equity so as to reflect the reasonable dictates of social facts, not to frustrate them.⁴¹

The "reasonable dictates of social facts" had again removed the Christian underpinning of the law, although this time it was done by the courts and not the legislature. As President Cooke said in the later case of *Pasi v. Kamana* the consideration of the property rights of *de facto* marriage partners now "must focus on whether there has been a sufficient direct or indirect contribution by one *de facto* partner to a specific property - usually the home - to carry an interest in it."⁴² In other words, the issue was now fairness in the particular circumstances, and not adherence to any overarching principle which may uphold the Christian ideal of marriage.

³⁹ *Pettitt v. Pettitt* [1970] A.C. 777 and *Gissing v. Gissing* [1971] A.C. 886.

⁴⁰ The procedures which the courts follow have not been formalised by statute such as they have been in New South Wales, Australia, with the De Facto Relationships Act, 1984.

⁴¹ *Hayward v. Giordani* [1983] N.Z.L.R. 148.

⁴² [1986] 1 N.Z.L.R. 605.

The process of recognising *de facto* relationships was completed in 1986 when, for certain purposes relating to the guardianship of children under the Family Proceedings Act (the second area of difficulty for *de facto* couples), "marriage" was defined to include "a relationship in which the parties are or have been living together as husband and wife, although not legally married to each other."⁴³ In like manner the Human Rights Commission has considered that *de facto* spouses can be discriminated on the grounds of "marital status". In May, 1984 the Commission issued a policy statement as to what was meant by "marital status" and indicated that "complaints on the basis of *de facto* relationships are being considered on a case-by-case basis."⁴⁴ On the basis of these developments the secularisation of the law of marriage and divorce was complete. The courts now recognised a stable *de facto* relationship and when any problem arose within that relationship, they examined what was fair and just in the circumstances.⁴⁵ In fact it is arguable that the state need not be involved at all now in the regulation of "family life" through divorce and marriage laws. Relationships can be determined on an individual contractual basis and if there are any subsequent difficulties, then that agreement may be litigated. Given that matrimonial questions were once in the sole jurisdiction of the ecclesiastical courts, this is a clear illustration that the state has moved from being "religiously legitimated" to being secular.

Indeed what is happening to the common law generally (areas of contract and tort law) is that judges are increasingly not just declaring what the pre-existing law is, but are applying principles such as "what is fair in the circumstances" on a case by case basis.⁴⁶ Sir Robin Cooke, President of the Court of Appeal, in a paper he gave to the Australasian Universities Law Schools Association Conference in 1989, described this process which the courts were now following when a new issue came to be determined.

⁴³ The Family Proceedings Amendment Act, 1986 provided for this new definition of marriage in s.7A.

⁴⁴ Annual Report, Human Rights Commission, A.J.H.R., 1985 E.6, 24. The example given was of a *de facto* husband and wife and their child being excluded from a family sessional pass at a swimming pool (25, 26).

⁴⁵ Again in *Pasi v. Kamana* [1986] 1 N.Z.L.R. 605, Cooke P. observed, "We have no statute as has been enacted in New South Wales, the De Facto Relationships Act, 1984. Whether New Zealand needs one is debatable; it is a field in which perhaps justice may be better achieved in the end by proceeding cautiously on a case by case basis."

⁴⁶ See Mason, K., *op. cit.* 125 ff.

Judges are not accustomed to speak of legal positivism, yet undoubtedly there have been many and still are some who think instinctively that there is probably only one true answer to a new question, as if developing the law were like solving a crossword puzzle. . .

There is now a more open acknowledgement that deciding a new point may not be primarily a process of deduction; and that the search is rather for the solution that seems fair and just after balancing all the relevant considerations. Some lawyers, possibly many lawyers, find this disturbing. It affronts their sense or hope or ideal that the law exists apart from the individuals who make it.⁴⁷

This is the legal equivalent of the challenge which "situation ethics" issued to the concept of Christian principles within the "Responsible Society" in the 1960's. The concept that there is only "one true answer to a new question", let alone, there is "one true answer to a new question" based on a Christian moral principle, is now questioned. The law (or more correctly the judges who declare the law) is now more consciously seeking principles which are relevant, fair, or just in the circumstances. The idea that a Christian nation is a nation which recognises in its legal system certain immutable principles relating to matters of personal morality, has now passed.⁴⁸

Having said this, some, although limited, examples do remain of where Christian principles are specifically preserved within New Zealand statute law. For example, the crime of "blasphemous libel" is still an offence under the New Zealand Crimes Act,⁴⁹ although, as Richardson noted even in 1962, this "might more appropriately be treated as a crime against public order" than a crime against religion.⁵⁰

⁴⁷ Cooke, R., "Fairness" (unpublished paper given to Australasian Universities Law Schools Association Annual Conference, Wellington, 1989) 2-3 (available at the Law Library, University of Otago).

⁴⁸ This is the conclusion of Mason, K., *op. cit.* 1-30, who calls it the 'myth of an inherently Christian legal system'.

⁴⁹ Section 123. The only reported decision in New Zealand concerning the offence is *R. V. Glover* (1922) 24 *G.L.R.* 185.

⁵⁰ *Op. cit.* 30-31. See also Inglis, B.D., "Religious Freedom and the Modern Law of Blasphemy", *V.U.W.L.R.*, 2, 4 (1958) 230, who argues that the crime of blasphemy began 'not so much in a desire to protect ecclesiastical doctrine, as in a desire to protect public order'.

iv. Race Relations and Human Rights Legislation

As noted in *Chapter Three*, New Zealand society became more diverse and pluralistic during the 1960's. Greater ethnic and cultural diversity was identified. Alternative lifestyles, the so-called counter culture, were tolerated. The mono-cultural presuppositions of New Zealand life were being questioned. The rights of women and other minorities were increasingly heard. A part of this process was the enactment of the Race Relations Act in 1971. As the Department of Justice report says for that year "this piece of legislation is the first general expression of the policy of full equality between the various racial groups that make up our multicultural society."⁵¹

The act was specifically directed at the issue of racism. Discrimination on the grounds of race was not permitted in employment, housing or education. The legislation undoubtedly had its shortcomings,⁵² but as Trlin concluded "the Act appears to have worked reasonably well."⁵³ There was at least an acknowledgement that New Zealand was a multicultural society, indeed a "melting pot" of ethnic diversity.⁵⁴ If this was the case, then the dominant position of the Anglo-Celtic section of society was affected. The First Annual Report of the Race Relations Conciliator put it this way.

The problem is that most institutions in New Zealand are derived from and orientated towards the economic and spiritual ideals and practices of the white Anglo-Saxon. The status of the individual in the New Zealand scene depends largely on conformity with those ideals. Are we to move in the direction of true multi-racialism, which may require significant changes in the attitudes of the dominant culture?⁵⁵

⁵¹ Annual Report, Department of Justice, *A.J.H.R.*, 1972 H.20, 22.

⁵² There was some church criticism of the legislation in that it only dealt with discrimination and not 'institutional racism': see Borrie, D., "A Pakeha Perspective on N.Z. Race Relations, 1972: Part I", *New Zealand Monthly Review*, 13, 133 (1972) 8. See also Thompson, R., "The New Zealand Race Relations Act" quoted in Trlin, A.D., "The New Zealand Race Relations Act: Conciliators, Conciliation and Complaints (1972-1981)", *Political Science*, 34, 2 (1982) 170. Borrie was the General Secretary of the Students' Christian Movement and Thompson had written extensively for the National Council of Churches on racism.

⁵³ *Op. cit.* 190. Trlin concluded that despite its shortcomings at least "the Race Relations Act has provided a viable source of redress for discriminatory acts in certain specified fields."

⁵⁴ For example, see the Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1974 E.17, 11. It is interesting that the metaphor 'melting pot' was used in this context. Usually it has been associated with assimilationist ethnic policies.

⁵⁵ Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1973 E. 17, 7.

As the operation of the legislation unfolded, increasingly the answer to Sir Guy Powles' question was "yes".⁵⁶ A consequence was that the "spiritual ideals and practices" of the dominant culture could not be accepted as of right.⁵⁷ Christianity within this framework no longer had any pre-eminence. People who practised other religions, and even those who professed no religion, had equal right to practise their faith and not be discriminated against because of that. In the subsequent Human Rights Commission Act, 1977 a specific ground for complaint over discrimination was "ethical belief". This was defined by s.2 of the Act to mean "the absence of a religious belief whether in respect of a particular religion or religions or all religions." The Commission limited this phrase to mean "beliefs such as rationalism, humanism, agnosticism, and atheism."⁵⁸

The enactment of the Human Rights Commission Act on 21 November, 1977 confirmed that New Zealand was a secular and pluralistic state. At the time this enactment was stated to be due to the strength of two international movements. The first was that which grew out of the Universal Declaration of Human Rights, and the second was the women's movement.⁵⁹ The New Zealand church itself, in the 1970's, was affected by these developments. In 1974 the National Council of Churches established its own Human Rights Commission to examine human rights' abuses in overseas jurisdictions.⁶⁰ In 1975 the National Council of Churches Women's Committee also produced *Enquiry into the Status of Women in the Church*⁶¹ to mark International Women's Year. It

⁵⁶ Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1980 E.6, 36, stated "It is our feeling also that New Zealand is now on the brink of realising its true multi-cultural identity."

⁵⁷ Of course this was not solely because of the existence of this legislation. But the legislation was still important. Irwin, *op. cit.* 190, concluded that "the Race Relations Act has provided a viable source of redress for discriminatory acts in certain specified spheres."

⁵⁸ Annual Report, Human Rights Commission, *A.J.H.R.*, 1980 E.6, 23.

⁵⁹ These movements were acknowledged to be the source of the legislation in the first Annual Report, Human Rights Commission, *A.J.H.R.*, 1979 E.6, 3-4. In 1975 the Parliamentary Select Committee on Women's Rights also tabled its report, *The Role of Women in New Zealand Society*.

⁶⁰ For a discussion of the work of this Commission within the National Council of Churches see Brown, C., *Forty Years On: A History of the National Council of Churches in New Zealand 1941-1981* (Christchurch: National Council of Churches, 1981) 212-215. A practical reason for the rise of this work of the National Council of Churches was that the Churches Commission on International Affairs ceased to meet in 1971: 1976, Public Questions, *P.C.N.Z.* 180.

⁶¹ Cornack, J. ed., *Enquiry into the Status of Women in the Church* (Christchurch: National Council of Churches, 1976).

was therefore not surprising that the Human Rights Commission Act was welcomed by sections of the church "as a part of the continuing process by which the moral force of the Universal Declaration of Human Rights is expressed in legislation designed both to educate and protect."⁶²

The Act, with certain exemptions, outlawed discrimination in employment, housing and education on the grounds of "sex, marital status, religious or ethical belief".⁶³ This complemented the earlier outlawing under the Race Relations Act of discrimination on the grounds of "race, colour and national or ethnic origin". The initial Annual Reports of the Commission indicated that most of its work was in the area of sex discrimination, although the first Annual Report noted that "a small but steady flow of complaints has reached the Commission alleging the existence of some degree of religious intolerance in New Zealand."⁶⁴ Such complaints usually involved the treatment of members of various minor religious sects and did not really call into question the hitherto perceived position of Christianity or the church within New Zealand. The case of Eric Sides Motors Ltd,⁶⁵ coming as it did immediately after the Commission's establishment, soon illustrated, however, that Christianity could not be accorded any special privilege at law.

On Saturday 3 March, 1979 Ian Robinson, who was then 16, responded to an advertisement in the *Christchurch Press* for a "keen Christian person 16-18" to work for Eric Sides at his service station. In the telephone conversation which Robinson had with Sides, Robinson was asked if he was a Christian and if he attended church regularly. Robinson replied he was a Christian but did not attend church. At the conclusion of the conversation, as it was subsequently held before the Equal Opportunities Tribunal, "Mr Robinson obtained the clear impression (a) that he was being refused an interview, and (b) that this was because he did not go to Church regularly (or,

⁶² 1977, Public Questions, *P.C.N.Z.* 197.

⁶³ For an account of the operation of the legislation see CCH, *Australian and New Zealand Equal Opportunity Law and Practice* (Sydney: CCH, 1988).

⁶⁴ Annual Report, Human Rights Commission, *A.J.H.R.*, 1979 E.6, 10.

⁶⁵ *Human Rights Commission v. The Eric Sides Motor Company Limited and Others* (1981) 2 *N.Z.A.R.* 447.

alternatively, was not a Christian in Mr Sides' terms).⁶⁶ Robinson eventually laid a complaint before the Human Commission under s.15(1) of the Act which made it unlawful to refuse to employ any person by reason of the "religion or ethical belief of that person".

The Commission investigated the matter and found in favour of the complainant and sought a settlement from Sides. Sides, however, was adamant that he had the right to advertise for "committed Christian staff".⁶⁷ This was particularly so given that the Human Rights Commission had ruled in August 1979 that the employment of Moslem slaughtermen had not constituted a breach of the Act.⁶⁸ Sides therefore refused to settle, and the matter was taken before the Equal Opportunities Tribunal. In addition to Sides, the two newspapers which had initially carried the offending advertisement were also joined in the action.

The Tribunal unanimously ruled that to advertise for a "keen Christian person" was in breach of the Act. "Christian" in this instance did not have its secondary meaning of "kind or humane".⁶⁹ On the crucial question of whether Sides himself discriminated against Robinson on the ground of religion, the Tribunal ruled that although on the evidence it was a significant factor, other factors, such as the complainant's work experience could not be ruled out as also being relevant to Sides refusing to proceed to an interview.⁷⁰ This decision led one commentator to conclude "that [the Tribunal] was perhaps unduly influenced by an awareness of treading over a legal and political minefield".⁷¹

In reaching this decision, the Tribunal had to consider the contention by Sides that his business was really "a platform for giving witness to the Lord's work, and for drawing of people together in Christian fellowship".⁷²

⁶⁶ *Ibid* 451.

⁶⁷ *Ibid* 452.

⁶⁸ *Ibid*.

⁶⁹ *Ibid* 460.

⁷⁰ *Ibid* 457.

⁷¹ Jones, M., "Questions of Ethical and Religious Belief: Human Rights Commission v. Eric Sides Motor Company Ltd and Others", *V.U.W.L.R.* 13 (1983) 308.

⁷² *Sides Case*, 461.

The point being that he was exempt under s.15(7) of the Act. That subsection allowed churches and certain organisations to have preference for "clergymen, priests, pastors or officials" in the employment of personnel. It had indeed been because of this section that the Commission had permitted the employment of Moslem slaughtermen involved in the Hallal meat trade. This argument from Sides was rejected.

Indeed the desire of a Christian to live the whole of his life as a Christian does not appear in any way to conflict with the requirements of the Act. It is, however, a different thing to contend that the job of a forecourt attendant, even in a business said to be entirely devoted to Christianity, must be performed by a Christian, ie that Christianity is an essential qualification for the job.⁷³

The Tribunal therefore dismissed any special place for Christianity and activities considered by an individual Christian to further his or her faith. They rejected Sides' own subjective assessment that he needed to have a Christian forecourt attendant, and so agreed that "it is not imperative to pray before pouring petrol."⁷⁴ On this important point the Tribunal observed that "many of the defence witnesses stated they were against any discrimination between, for example, Catholics and Protestants, yet saw that situation as distinct from discrimination between Christians and, for example, Buddhists. In our view the Act permits no such distinction."⁷⁵

I would submit that the Commission and Tribunal erred in treating this contention of Sides and the case of the Moslem slaughtermen differently. The point of the Moslem slaughtermen case was that Islam required meat to be prepared in a certain way and by Moslems. Because of this, only Moslems could perform this task of killing sheep, and thus were exempt under s.15(7). In the *Sides Case* pouring petrol was held to be a religiously neutral task. One may have thought killing sheep could similarly be thought to have been a religiously neutral task. What the Commission did however, was to accept what that religion, in this instance Islam, said about the killing of animals. There was a subjective test as to what had to be done in the slaughtering of sheep. A subjective test as to what Sides, even

⁷³ *Ibid* 461.

⁷⁴ *Ibid* 463.

⁷⁵ *Ibid* 463.

mistakenly, thought was essential to the Christian faith, was not allowed. Being a garage attendant, so the Tribunal ruled, has nothing to do with the Christian faith. Quite rightly the Tribunal saw that there would be difficulties if only a subjective test were applied. It instanced the problem if someone held "a sincere belief in the supremacy of a particular racial or ethnic group". Such a belief "would not justify a person (who desired to employ only members of that group) in saying that membership of the racial group was an essential qualification for employment because he or she was running a business devoted to establishing the racial supremacy of that group."⁷⁶ The tribunal even saw "difficulties in New Zealand if there were such discrimination, for example in the case of a large employer who desired to employ only members of one religion or denomination."⁷⁷ On this basis one can agree with the Tribunal's decision in the *Sides Case*. However, one can also see that Sides does have an arguable point in claiming the Commission was inconsistent in the two cases.

The sequel to the case was a public outcry and amending legislation. The Prime Minister, Robert Muldoon, described the decision as a "farce" and the newspapers affected in the decision called for the legislation's amendment.⁷⁸ The Human Rights Commission Amendment Act, 1981 extended the exemptions available in situations where there was discrimination on the grounds of religious or ethical belief. In particular, a more subjective test now applied as to whether it was permissible to specify that an employee could be an adherent of a religion or practice for a position.⁷⁹ The theory was that Eric Sides would now be able to specify that he sought a "Christian" for his garage because it was necessary to the nature of his enterprise and his intention to use his garage as a place of missionary

⁷⁶ *Ibid* 462.

⁷⁷ *Ibid* 463.

⁷⁸ See Jones, M., *op. cit.* 308-311, for a description of this protest. For reactions specifically of conservative Christians see Chapter Eight, Section 3(ii) 'The New Zealand Beginnings' at p. 303.

⁷⁹ A new s.7A was added to the principal Act, stating "Nothing in this section shall apply to preferential treatment based on religious or ethical belief where - (a) That treatment is accorded by an adherent of a particular belief to another adherent of that belief; and (b) Having regard to special circumstances that - (i) Govern the manner in which the duties of the position are required to be carried out; and (ii) Make it reasonable to require those duties to be carried out in that manner, - it is reasonable to accord that treatment to a person of the same belief."

outreach. It remains to be tested in the courts as to whether this rather vaguely worded amendment did in fact achieve that result.⁸⁰

A further development in the New Zealand recognition of human rights was the passage of the New Zealand Bill of Rights Act, 1990. This enactment of a Bill of Rights had had a long gestation. Ralph Hanan, the then Minister of Justice, had proposed some thirty years before that New Zealand have a Bill of Rights.⁸¹ This had been rejected at the time and the later measures of the Race Relations Act and the Human Rights Commission Act only went part way in guaranteeing human rights within New Zealand. The 1990 Act itself has also been criticised for not adequately providing a safeguard against the breach of human rights.⁸² That issue aside, the New Zealand Bill of Rights Act illustrates that the place of religion in New Zealand is also treated differently to the early 1960's.

Chapter Three began with a quotation from the preamble to the proposed legislation in the 1960's. The spiritual heritage of the nation and the supremacy of God was then acknowledged. In 1990 the preamble simply stated that the Bill of Rights was "to affirm, protect and promote human rights and fundamental freedoms in New Zealand; and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights."⁸³ The Bill of Rights Act guarantees four rights with respect to religion. Section 13 provides that "Everyone has the right to freedom of thought, conscience, religion and belief including the right to adopt and to hold opinions without interference." Section 15 gives every person the right "to manifest that person's religion or belief in worship, observance, practice or teaching, either individually or in community with others, and either in public or in private." Section 19 is a re-expression of the Human Rights Commission Act's provision against discrimination on the grounds of

⁸⁰ Jones, M. *op. cit.* 317, argues that the new exemption would not apply to Sides. See also Elkind, B., 'The Human Rights Commission Amendment Act', *New Zealand Recent Law* (1981) 381.

⁸¹ See *Chapter Three* at p. 90 for a discussion of this proposal.

⁸² The usual criticism is that it may be amended by any subsequent act of Parliament. The actual legislation is also limited. Courts cannot strike down legislation, and s.5 provides a qualification on the operation of the Bill if the restriction on freedom is ruled to be justified. See Hastings, W.K., 'New Zealand Bill of Rights and Censorship', *New Zealand Law Journal* (November 1990) 384-387.

⁸³ New Zealand Bill of Rights Act, 1990.

"religious or ethical belief". Finally, section 20 recognises the religious rights of minorities and provides that "a person who belongs to an ethnic, religious or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion or to use the language of that minority."

The effect and impact of this legislation is still too early to determine. Although the Bill of Rights Act cannot be used to strike down legislation, its potential is wide. One commentator, in discussing the legislation before it had been enacted, illustrated the possible scope of the legislation with regard to the role of religion in New Zealand.

Persons may seek to challenge decisions made by local government to place nativity scenes on public land at Christmas time, or crosses at Easter, arguing that that type of action is denied by cl 12 of the Bill (freedom of religion)[now section 13 of the Act]. This argument would be greatly assisted by invoking the Supreme Court of Canada's decision in *R. v Big M Drug Mart* ((1985) 18 CCL (3d) 385) to the effect that freedom of religion includes the freedom from the imposition of religious values by the state.⁸⁴

If such will be the impact of the Bill of Rights Act, it is submitted that the new legislation would further confirm that New Zealand was a secular state.

v. Conclusion

By 1990 New Zealand could no longer claim to be a Christian nation. New Zealand moved from being a "religiously legitimated state" to being a "secularly legitimated state".⁸⁵ From the late 1960's political scientists also observed that religion had ceased to be a major factor in politics, although denominational affiliation continued to have a slight impact upon party allegiance.⁸⁶ A study of the 1975 general election showed that one

⁸⁴ Rishworth, P.T., "The Potential of the New Zealand Bill of Rights", *New Zealand Law Journal* (February, 1990) 72.

⁸⁵ Hadden, J.K., *op. cit.* 3.

⁸⁶ See Mitchell, A.V., *Politics and People in New Zealand* (Christchurch: Whitcombe & Tombs, 1969) 210-211; and Bean, C.S., "A Comparative Study of Electoral Behaviour in Australia and New Zealand" (unpublished PhD thesis, A.N.U., 1984) 274.

could no longer realistically speak of the "Catholic Vote".⁸⁷ It concluded that "those elements of the Catholic Church hierarchy who would have preferred respondents to vote for the National Party in November, 1975 were unable to command a great deal of influence."⁸⁸

This conclusion however, does not mean that through the processes of secularisation and pluralism, did the church's influence on the state cease in the period 1970-1990. As will be argued in *Chapters Seven and Eight* the church and state continued to interact on moral and ethical questions and in some respects, the relationship intensified at this time. Likewise *Chapter Nine* will show that the institutional relationship between church and state also continued during this period. The forces of secularisation and pluralism had created a new setting for church state relations in which other factors would also operate.

3. Two Approaches to Church State Relations

Within this context an important emerging factor was the difference within the church itself as to how it approached an increasingly secular and pluralistic state. In the 1960's the opposing emphases within the church to the state enforcement of personal morality and also the emergence of the "prophetic church" were evidence of two approaches to church state involvement. This dichotomy has often been noted by commentators,⁸⁹ although not all have agreed on how they may be labelled and described. In New Zealand Davidson has argued that a new division, not necessarily along "the Catholic and Protestant divide" emerged in the 1960's.⁹⁰ He says "from the

⁸⁷ Higgins, C.S., 'An Investigation into the Voting Behaviour of Roman Catholics in the Woolston and Lyttleton Parishes in the 1975 General Elections' (unpublished MA thesis, Canterbury, 1977) 1, 81-82.

⁸⁸ *Ibid* 64. A similar study by Wallace, S.M., 'An Investigation of the Political Attitudes of Members of Plymouth Brethren and Pentecostal Churches in Christchurch' (unpublished MA thesis, Canterbury, 1977) 42ff., came to the same conclusion with regard to Brethren church members, although Pentecostal Church leaders did have influence on the voting pattern of members.

⁸⁹ This is not to say there are only two approaches. For example, Richard Niebuhr in *Christ and Culture* (New York: Harper Torchbooks, 1951) argues that five approaches are discernible. Philip Wogaman in *Christian Perspectives on Politics* (London: SCM, 1988) 31 ff. argues that there are four.

⁹⁰ *Ibid* 172.

sixties, a new dimension became more apparent, with a developing radical divergence on matters of politics and morality both within and between the churches and the wider society."⁹¹ In the United States Wuthnow also has discerned the emergence of two approaches to church state relations. He uses the categories of "liberal" and "conservative" to describe the dichotomy.⁹² Also Wogaman, again reflecting on the American situation, speaks of "generating centres of Christian political thought" of which "mainstream liberal perspectives" and "neo-conservative Christian perspectives" are two.⁹³

Within this thesis, it is argued that from the 1960's two approaches to church state relations are evident in New Zealand and they are called here the "liberal" and "conservative" approaches respectively. It is recognised that to describe these two approaches in this way is fraught with difficulty. For example, some theologically conservative Christians may adopt liberal political views.⁹⁴ Other Christians may adopt liberal views on some matters, but pursue a conservative approach on other issues. For instance many within the Catholic Church would support the liberal position on issues of peace and Third World development, but at the same time follow a more conservative line on questions of human sexuality. However, for all the difficulty and qualification, these two terms best describe both the nature and, to a certain extent, the origin of two distinct approaches to church state relations.

On the one hand, the liberal approach emphasises the individual's freedom and, in particular, freedom to act independently from a rigid theological orthodoxy.⁹⁵ Theological liberals do not use the Bible as a prescriptive norm for all ethical behaviour. Therefore liberals would argue

⁹¹ *Ibid.*

⁹² Wuthnow, R., *The Restructuring of American Religion* (Princeton: Princeton University Press, 1988) 241 ff.

⁹³ Wogaman, J.P., *op. cit.* (London: SCM, 1988) 72-103. Wogaman here is not so much describing a history of United States church state relations, but presenting four theological perspectives on the church's relationship with the state.

⁹⁴ Note for example, Ronald Sider (*Rich Christians in an Age of Hunger: A Biblical Study* (New York: Inter-Varsity Press, 1977)) is a theological conservative, but has consistently adopted the liberal agenda on questions of international development and peace.

⁹⁵ For a fuller understanding of the term "liberal" see Miller, D.E., *The Case for Liberal Christianity* (London: SCM, 1981) 32 ff.

that the state should not support and sanction any biblical condemnation of licentiousness, drunkenness, divorce and so on. This means that liberals would not oppose, indeed may welcome, the process of secularisation. They would argue that both the state and the church are more clear about their respective roles in a secular environment. The church in this context can focus on what is central to its message.⁹⁶ However, as it has already been shown with regard to the 1960's, the liberal approach did not preclude an emphasis on a prescriptive biblical base. The state needed to be aware of the biblical witness to the life and teaching of Jesus of Nazareth relating to peace and social justice. The liberals' canon thus emphasised the Old Testament prophets and such passages as Jesus's opening sermon at Nazareth recorded in Luke 4: 16-30.⁹⁷ In short, there was a political dimension to the Christian gospel which sought a more just and peaceful world.⁹⁸ This went further than the earlier ideal of the "Fatherhood of God, and the Brotherhood of man" which had inspired much of the post-war concern for a "Responsible Society".⁹⁹ That vision within the ecumenical movement had presupposed the discredited ideal of the Christian West. Peace and justice now took on a fully global dimension and this meant challenging New Zealand's part in maintaining unjust and inhumane structures at home and abroad. There were, perhaps paradoxically, "liberal principles" which were important.

This fact that the liberal approach often contained a strong prescriptive element indicates that possibly another label should be applied to this category. Terms such as "radical", "progressive", "prophetic" and

⁹⁶ The *locus classicus* of this view was provided by Dietrich Bonhoeffer who saw 'the only way to be honest is to recognise that we have to live in the world *etsi deus non daretur*. . . So our coming of age forces us to a true recognition of our situation vis à vis God. God is teaching us that we must live as men who can get along very well without him.' Bonhoeffer, D., *Letters and Papers from Prison* (tr. R.H. Fuller)(New York: Macmillan Paperbacks, 1962) 219. See generally Smith, R.G. ed., *A Symposium on Dietrich Bonhoeffer: World Come of Age* (London: Collins, 1967).

⁹⁷ See for example, 1974, International Relations, *P.C.N.Z.* 98, which stated that 'our Lord's own mission is to set at liberty the oppressed (cf. Luke 4: 14-30)'.

⁹⁸ As Chapter Four noted there developed during the 1960's a theological emphasis known as 'political theology'. Within the international ecumenical movement the term used to describe this approach was "political ethics": see Raiser, K., "Continuing an Old Discussion in a New Context" in *Perspectives on Political Ethics: An Ecumenical Enquiry* edited by Srisang, K., (Geneva: W.C.C., 1983) 9ff.

⁹⁹ See Wogaman, J.P., *op. cit.* 90 ff. for the importance of this idea for the category of church state engagement he calls "mainstream liberal".

even "Christian Left" may be thought to be more appropriate. Already in this thesis it has been noted that the church as a whole began to claim a "prophetic" heritage in the 1960's. Although this heritage was primarily rooted in the concerns of the Old Testament prophets over injustice, it also has been noted that a procedural understanding of the term emerged.¹⁰⁰ "Prophetic", like the word "evangelical", can be claimed by all sections of the church and thus becomes a difficult term to use in describing one particular approach to church state relations. There are also difficulties with the terms "progressive" or "radical". These terms do not necessarily describe the basis and content of a specific political stance of the church. What once was progressive, say with regard to the church's stance on temperance, may later appear to be outmoded and quaint. Indeed the word "radical" can be claimed by either liberals or conservatives. As this thesis will show, radical policies of the Right, as well as of the Left, emerged during the 1980's.

This leaves the term "Christian Left" as a possible label for this approach to church state relations. It is true that the term highlights the substance of the concerns of this approach and also says something about where the church stood in relation to other groups and organisations involved in politics. Pacifism, racism, state control and regulation of industry and a less nationalistic outlook were features of the Left agenda from the 1960's and these also were concerns of sections of the church. As noted previously, the National Party often fulminated against Left-leaning clergy.¹⁰¹ The difficulty with this term, and with its cognate the "Christian Right", is that it focuses church involvement solely on the political process. Although the church, and organisations related to the church, did become involved in politics, as a general principle the primary focus of the church was not political involvement. As the Oxford Conference affirmed, the chief end of the church was "to proclaim the Word of God and to make disciples, and order its own life in the power of the spirit dwelling in it."¹⁰² The church may have been involved in politics, but that was a subsidiary and not primary aim. However, where there was conscious,

¹⁰⁰ See Chapter Four at p. 136.

¹⁰¹ See Chapter Four at pp. 143 and 163.

¹⁰² The final message of the Conference: Oldham, R.H., ed., *The Churches Survey Their Task* (London: George Allen & Unwin, 1937) 60; see Chapter Two at p. 50.

planned and continuing political involvement, this thesis does use the terms "Christian Left" or the "Christian Right".

Given the inadequacy of these other terms, the more general term "liberal" is preferred because it indicates something of both the approach's theological origin and its political perspective. In other words "liberal" (as well as "conservative") has both a theological and political connotation. In this sense the term "liberal", to rephrase Wogaman, describes a "generating centre" of thought and action.

On the other hand the use of the term "conservative" is equally as vexing. Again, this term first and foremost implies a certain attitude to biblical interpretation and orthodoxy. Conservatives adhere to a more strict and biblically literal stance. (If one was only considering the theological dimension of this approach, the terms "evangelical" or "fundamentalist" could possibly have been used. These terms however, infer a certain Protestant bias when Catholics also can be conservative.) On this view, New Zealand's Christian heritage was important and needed to be maintained.¹⁰³ Conservatives resist the secularising tendencies of the modern state. As Roger Scruton, a conservative philosopher, has said, "there is a way out of this barrenness of modernism, and it is not a way forward into the unknown, but backwards into the familiar".¹⁰⁴ An aspect of this conservatism is therefore a reluctance for the church to be politically involved. The priority of the conservative Christian is the salvation of the souls of individual men and women. On this basis national righteousness is best preserved or gained by winning New Zealand for Jesus and not by involvement with the state.¹⁰⁵

A difficulty with this term "conservative" however, emerges as the decade of the 1980's unfolds. During the 1980's neither of the above

¹⁰³ The post-war concern for Christian Order or a "Responsible Society" did not necessarily presuppose a biblical fundamentalism. That approach was argued from the basis of Christian social ethics.

¹⁰⁴ Scruton, R., *The Philosopher on Dover Beach* (Manchester: Carcanet, 1990) vii. See also his *The Meaning of Conservatism* (London: Macmillan, 1980) 175, where he concludes that "the restoration of the Church may well become a serious political cause" following the vacuum left within Britain after religion's decline.

¹⁰⁵ See also *Chapter Eight* at p. 283.

hallmarks, namely, a narrow biblical focus on matters of personal morality and a reluctance to become politically involved, are necessarily apposite. Many conservative Christians became interested in a broad range of issues and many became politically active in pursuing those concerns. Indeed, as with the term "liberal" and "Christian Left", in this context it becomes more appropriate to speak of the category "Christian Right" and so the term is used. For all that, the "generating centre" for political involvement is from a conservative understanding of theology and political involvement.

A final reason for using these terms "liberal" and "conservative" is that they provide continuity with earlier aspects of New Zealand church history. The two terms have been used to describe differences over theology and biblical interpretation within the church. In the 1960's this theological cleavage was most dramatically (and very publicly) shown in the heresy trial of Professor Lloyd Geering within the Presbyterian Church.¹⁰⁶ This was the New Zealand aspect of the world-wide theological ferment which was occurring at this time.¹⁰⁷ In this regard, to use Wuthnow's expression, the old fissures between liberals and conservatives became fractures in New Zealand over doctrinal issues such as life after death and the nature of the resurrection of Christ.¹⁰⁸ This fracture which was happening over theological and doctrinal issues was also being mirrored in the church's approach to social ethics and involvement with the state. The pre-existing fissures between liberals and conservatives became fractures when the church's involvement in controversial questions such as the Vietnam war or the state enforcement of personal morality arose during the 1960's. Although there had always been different emphases in church involvement with the state (for example, Christian pacifism had had since the First World War a strong following in many churches),¹⁰⁹ the more liberal views became recognised by the end of the 1960's as a discernible and mainstream approach

¹⁰⁶ For an account of the Geering heresy trial see Veitch, J., *A Church in Mid Life Crisis* (Dunedin: Presbyterian Historical Society, 1983).

¹⁰⁷ See generally Ahlstrom, S.E., "The Radical Turn in Theology and Ethics: Why it Occurred in the 1960's", *Annals of the American Academy of Political Science and Social Science*, 387, (January 1970) 1.

¹⁰⁸ Wuthnow, R., *The Struggle for America's Soul: Evangelicals, Liberals and Secularism* (Grand Rapids: Eerdmans, 1989) 19ff.

¹⁰⁹ Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington: Education for Ministry, 1991) 100-102.

within the church. The church was now divided in how church state relations should be conducted.

CHAPTER SEVEN

JUSTICE, PEACE AND THE INTEGRITY OF CREATION

1. Introduction

The years 1970-1990 cover a diverse period of New Zealand political history. At the beginning of the period New Zealand still had troops committed to the American effort to halt the spread of communism in Vietnam. By 1990, the relationship between Soviet communism and the West had thawed. In the turbulent year of 1989, Eastern Europe threw off its post-war legacy of Soviet domination and control. Amidst these geo-political shifts New Zealand became nuclear free. Domestically there had been three National Governments and two Labour.¹ These changes produced new policies on international questions such as relations with South Africa and on questions of peace and disarmament. On economic questions both the major parties abandoned their support for the mixed economy of the post-war period. Generally New Zealand struggled to maintain its post-war prosperity.² Race relations and the Treaty of Waitangi became significant and highly divisive issues.

These and other political developments were issues which also became the subject of church comment and reaction, and in many instances led to church involvement with the state. Many of these issues were a part of the liberal approach to church state relations. It is however, beyond the scope of this thesis to examine in detail the role and place of the church as all of these changes within the New Zealand state unfolded. Rather the focus in this chapter is first to examine very briefly some of the church's concerns after

¹ The Second National Government, led until February 1972 by Keith Holyoake, and then by John Marshall, was defeated in November, 1972. The Third Labour Government (1972-1975) was led by Norman Kirk, until his death in August, 1974. He was succeeded by Wallace (Bill) Rowling. The Third National Government (1975-1984) was led by Robert Muldoon. The Fourth Labour Government (1984-1990) was led till 1989 by David Lange and then by Geoffrey Palmer and in 1990 by Mike Moore. A National Government was elected in October 1990 and is led by Jim Bolger.

² See *Chapter Nine, Section 1 'Introduction'* at p. 322 for a discussion of this change and its impact on church state relations.

1970, such as peace and the environment, and then more specifically the church's response to questions of racism, race relations and the Treaty of Waitangi.

At the outset a particular difficulty in examining the liberal approach should be noted. Almost by definition, this concern of the church mirrors (albeit for different reasons) many of the political concerns of other groups and organisations such as Halt All Racist Tours (HART) or even a political party, such as the Labour Party. To assess the church's significance to the state within this context is difficult because other groups and organisations are also representing those interests. This is different to the church arguing perceived issues of Christian morality such as censorship. In these instances the church is seen to have the clear authority to argue and press such moral questions. A consequence is that the influence of the conservative approach on the state can be more readily determined than with the liberal approach.

2. The Liberal Approach after 1970

i. The Theological Basis of the Liberal Approach

With the demise of the "Responsible Society" concept during the 1960's the international ecumenical movement searched for a new basis to social ethics and church state relations. The new approach that emerged was described simply as "political ethics".³ New weight was given, not just to study and reflection, but to initiatives for change.⁴ Whereas the concept of the "Responsible Society" had particularly emphasised order, Christian order and freedom, "the central notion since the Uppsala Assembly [of the World Council of Churches in 1968] has become justice in its economic, social and progressively also its political dimensions, and the concern for freedom is now being expressed in terms of 'human dignity'".⁵ New areas of concern, typically with an international dimension, arose to which this concern for

³ See Srisang, K., ed., *Perspectives on Political Ethics: An Ecumenical Enquiry* (Geneva: World Council of Churches, 1983) and especially Raiser, K., "Continuing an Old Discussion in a New Context" 1-13.

⁴ *Ibid* 4.

⁵ *Ibid* 5.

justice and human dignity applied. Beginning in the 1960's, issues such as human rights, racism, poverty and peace began to dominate the concerns of the World Council of Churches and its various agencies. At the 1968 Uppsala Assembly President Kenneth Kaunda of Zambia and Barbara Ward (Lady Jackson) addressed the meeting on "The Rich and Poor Nations".⁶ These issues of Third World development became linked with questions of militarisation and nuclear weapons proliferation. Van der Bent, in reviewing this period of the international ecumenical movement, says that "from the seventies onwards it was increasingly recognized that the tensions and conflicts between East and West, and North and South, are intimately related to one another and condition one another. There can be no peace without justice, and there will be no justice without peace."⁷ During the 1970's the call of the World Council of Churches was thus for a "just, participatory and sustainable society".⁸ At the 1983 Vancouver Assembly of the World Council of Churches the emphasis became encapsulated in the phrase, "justice, peace and the integrity of creation". These emphases became the priority for the World Council during the 1980's.⁹

These international issues also became the focus of the liberal church concern in New Zealand in the period after the 1970's (and the phrase "peace, justice and the integrity of creation" is therefore used in this chapter to represent the essence of the liberal church agenda). It was, however, primarily "liberation theology" from Latin America which gave the theological underpinning to the church's prophetic stance with the state over these questions.¹⁰ The international significance of this movement dates from the second meeting of the General Conference of the Latin American Episcopacy (C.E.L.A.M.) which was held in 1968 at Medellin, Colombia, and was attended by Pope Paul VI. Although the Conference drew heavily on the documents of Vatican II, it looked directly at the Catholic

⁶ Van de Bent, A.J., *Vital Ecumenical Concerns* (Geneva: W.C.C., 1986) 233.

⁷ *Ibid* 140.

⁸ *Ibid*. In 1976 the Central Committee of the World Council of Churches made the "Search for a Just, Participatory and Sustainable Society" a major programme emphasis of the Council. See Srisang, K. *op. cit.* 6 and 174 ff., for the report of the advisory committee on the "Search for a Just, Participatory and Sustainable Society".

⁹ See Best, T.F., *Vancouver to Canberra: 1983-1990* (Geneva: W.C.C., 1990) 147-151.

¹⁰ Other factors were also involved, such as the role of European political theology movement, involving J. Moltmann and J.B. Metz: see *Chapter Four* at pp. 134ff.

Church's role in the context of the vast poverty of that continent. As Gutiérrez has said in his *Theology of Liberation*:

Vatican II speaks of the underdevelopment of peoples, of the developed countries and what they can and should do about this underdevelopment; Medellín tries to deal with the problem from the stand-point of the poor countries, characterizing them as subjected to a new kind of colonialism. Vatican II talks about a Church in the world and describes the relationship in a way which tends to neutralise the conflicts; Medellín demonstrates that the world in which the Latin American church ought to be present is in full revolution. Vatican II sketches a general outline for Church renewal; Medellín provides guide-lines for a transformation of the church in terms of its presence on a continent of misery and injustice.¹¹

Liberation theology emphasised the church's "preferential option for the poor".¹² Indeed, it offered a new hermeneutic which drew on Marxist analysis for understanding social and political questions.¹³ Thus as the document on *Justice* coming from Medellín declares:

it is the same God, who in the fullness of time, sends his Son in the flesh, so that He might come to liberate all men from the slavery to which sin has subjected them: hunger, misery, oppression and ignorance, in a word, that injustice and hatred which have their origin in human selfishness.¹⁴

The gospel was one of liberation. The church was to be in solidarity with those who were oppressed, and to work for their liberation.

These insights from liberation theology were readily used in New Zealand, as the church formulated and argued its liberal agenda with the state. For example, in 1973 the Presbyterian International Relations Committee saw that the church in the face of unjust structures at home and abroad had to struggle for "economic justice, political freedom and cultural renewal as elements in the total liberation of the world through the mission

¹¹ Gutiérrez, G., *A Theology of Liberation* (Maryknoll: Orbis Books, 1973) 134.

¹² The Medellín document stated "we ought to sharpen the awareness of our duty of solidarity with the poor, to which charity leads us. This solidarity means that we make ours their problems and their struggles, that we know how to speak with them": quoted in Villa-Vicencio, C., *Between Christ and Caesar: Classic and Contemporary Texts on Church and State* (Grand Rapids: Eerdmans, 1986) 132.

¹³ See generally, *ibid* 132 ff.

¹⁴ Medellín Conference, 1968: "Justice", reprinted in Villa-Vicencio, C., *ibid* 137.

of God."¹⁵ The fact that liberation theology arose in the largely Catholic context of Latin America was not a limitation to this Committee using its insights. Indeed liberation theology was significant in removing the Protestant Catholic divide in the pursuit of the liberal church agenda. In 1974 that same Committee again affirmed that:

the Church responds in commitment to the God who acts in history as liberating, reconciling and saving grace . . . The Church is committed to the battle for human dignity because mankind is made in God's image, which is confirmed in God's Son; to liberation for the oppressed as God is the God of Exodus . . .¹⁶

The Joint Working Committee, a committee of theologians and theological college teachers sponsored by the National Council of Churches and the Catholic Church, acknowledged in 1981 the importance of the "painfully won insights and spirituality of the Church in the Third World, women and ethnic minorities"¹⁷ as it considered matters of church and state in New Zealand. These insights were not only relevant to international questions. For example, the Catholic layman, Manuka Henare in 1982 saw that,

liberation theology emerging from the life experience of the poor of Latin America, Asia and Africa will have a profound effect on the development of an authentic Maori response to the gospel. This response will have its impact within the Maori community and, consequently, within the social, political, economic and cultural structures and institutions of the dominant Pakeha society.¹⁸

Liberation theology also challenged the place and position of the church within the state. In the same report of the Joint Working Committee quoted above, the Reverend Dr George Armstrong saw the church in New Zealand as a part of "an elitist society which doesn't consider the poor."¹⁹ The church

¹⁵ 1973, International Relations, *P.C.N.Z.* 230.

¹⁶ 1974, International Relations, *P.C.N.Z.* 98. The 'exodus motif' was a common theme within liberation theology.

¹⁷ "Statement: Authority, Power, Law and Gospel" in Joint Working Committee, *27th Report: Church and State* (Christchurch: National Council of Churches, 1982) 16.

¹⁸ Henare, M., "The Option for the Maori" in *Toward an Authentic New Zealand Theology* edited by Ker, J. & Sharpe, K.J. (Auckland: Auckland University Chaplaincy Publishing Trust, 1984) 67. Henare was the director of the Catholic Commission for Justice, Peace and Development. See also the contribution of the Rev. Michael Elliot, the first director of the Ecumenical Secretariat on Development (E.S.O.D.), to the same volume. He noted that "nobody today can ignore the claims of liberation theology": "Liberation Theology and Social Change", *ibid* 59.

¹⁹ Quoted in the discussion to the paper by Hucker, B., "Good News to the Poor? The Gospel and the New Zealand Church" in *27th Report: Church and State* 15.

was a part of the "white, rich and male side" of society and "needs salvation as much as society does".²⁰ The church's own participation in these unjust structures was therefore queried.²¹ In this context, the fact of secularisation was not necessarily a problem. It may have been an advantage as "the Church ha[d] been called and is called, to the costly and risky task of constant interaction with the State on behalf of all peoples in all places."²² The church was to be prophetic, to support the poor and the oppressed, and to stand along side those upon the margins of society.

ii. The Issues of Liberal Concern

As the 1970's began, the relationship between the church and the state continued in much the same way that it had been conducted in the previous decade. Statements were issued, delegations were sent to relevant government ministers, and submissions were made.²³ A church, such as the Presbyterian Church, did not necessarily forsake what had been its more traditional concerns about personal morality. For example, in 1970, the Public Questions Committee still reported on such issues as censorship, abortion, alcohol and state aid for church schools.²⁴ There were, however, a growing number of issues (and the way in which the church considered them), which reflected the liberal agenda in the church's dealings with the state.

²⁰ *Ibid.*

²¹ This issue was reflected in the investment policies of the church itself. For example, in 1973 the Presbyterian General Assembly established a 'Special Committee on Investments' which was required, among other things, to "examine Church investments in companies with South African connections": see 1974, Special Committee on Investments, *P.C.N.Z.* 42 ff. After considerable debate and division, the report and recommendations of this Committee were agreed to: 1974, Minutes, *P.C.N.Z.* 101-2.

²² 'Statement on the Relationship between Church and State' prepared by the Joint Working Committee in December 1981: *26th Report: Church and State* (Christchurch: National Council of Churches, 1982) 3.

²³ For example, the International Relations Committee of the Presbyterian General Assembly in 1972 tabled detailed correspondence between the Committee and the Prime Minister, J.R. Marshall, and also notes that there were during the previous year, three different deputations to the Prime Minister; one to the Minister of Defence and one to the Under Secretary of the Department of Defence: 1972, International Relations, *P.C.N.Z.* 143 ff.

²⁴ 1970, Public Questions, *P.C.N.Z.* 182 ff.

The Vietnam conflict still raged in the early years of the 1970's and was the basis of continued dispute between the church and the state.²⁵ International aid and questions of development also became increasingly important for the church and its aid agencies.²⁶ Racism and the questions of sporting contact with South Africa (as outlined in *Chapter Four*) continued to be a major issue. In 1973 a proposed tour by the Springboks to New Zealand was cancelled after the new Labour Government eventually refused to issue visas for the tour.²⁷ The French testing of nuclear weapons in the Pacific was also a major concern during the time of this government.²⁸ In this regard the policies of the Third Labour Government (1972-1975) were welcomed and in general reflected the liberal church agenda.²⁹ This "left-wing" tendency of the liberal position was clearly confirmed when forty two individual clergy from several denominations formed the "Clergy for Rowling Campaign" in support of then Labour Prime Minister, Wallace (Bill) Rowling, at the time of the 1975 general election.³⁰

The National Government and the leadership of Prime Minister, Robert Muldoon (1975-1984), was marked by significant conflict between the state and the church's pursuit of a liberal church agenda. The 1981 tour of the Springboks perhaps best epitomised this conflict.³¹ The nation was riven over the Springbok tour. In late July, when a game was cancelled as a result

²⁵ In 1971 a church leaders' delegation visited South Vietnam. See 1971, International Relations, *P.C.N.Z.* 137-139, for a review of this visit.

²⁶ See for example, 1971, International Relations, *P.C.N.Z.* 143-144, for background to the church's interest and involvement in the area.

²⁷ See Bassett, M., *The Third Labour Government* (Palmerston North: The Dunmore Press, 1976) 36-42.

²⁸ See *ibid* 46 ff. and Clements, K., *Back from the Brink: The Creation of a Nuclear-Free New Zealand* (Wellington: Allen & Unwin, 1988) 50-51.

²⁹ See for example, 1973, International Relations, *P.C.N.Z.* 228-9 and 1974, International Relations, *P.C.N.Z.* 97.

³⁰ See Rowe, K, "Clergy for Rowling-The Almost Politicians" in *Dialogue on Religion: New Zealand Viewpoints 1977* edited by Davis P. and Hinchcliff J. (Auckland: Third Religious Colloquium, 1977) 31-35.

³¹ Nichol, C. & Veitch, J., "Rucking for Justice: Apartheid, the Churches and the 1981 Springbok Tour" in *Religion in New Zealand, Second Edition* edited by Nichol, C. and Veitch, J. (Wellington: Tertiary Christian Studies Programme, 1983) 294. For an account of church involvement in the tour see Anderson, C. "Church Militant", *Comment: A New Zealand Quarterly Review* 14 (November 1981) 3-5. For an account of the tour itself see: Chapple, G., *1981: The Tour* (Wellington: A.H. & A.W. Reed, 1984) and Newnham, T., *By Batons and Barbed Wire* (Auckland: Real Pictures, 1981).

of demonstrations and the police made heavy use of batons against anti-tour demonstrators, New Zealand, including the church, became divided into two warring camps.³² Of the many issues which emerged during the tour (apartheid, sporting contacts with South Africa, law and order), the role of the church in politics itself became an issue. Clergy were prominent in the various citizens' groups created to oppose the tour. For example, in Auckland twelve clergy, including Anglican priest Andrew Beyer as the chairperson, were active in M.O.S.T. (the Mobilization against the Springbok Tour).³³ It was not merely individual clergy or lay people who were outspoken. Individual churches themselves also opposed the tour and on 2 July, 1981, a "heads of churches" statement was issued condemning the tour.³⁴ As the Joint Public Questions Committee of the Methodist and Presbyterian Churches said of this combined opposition, "In common memory there has been no other issue in which so many Churches have witnessed together in unity."³⁵ On the other hand, the Prime Minister's assessment of this involvement of the churches was that they were "much less important than they used to be and much less important than they should be."³⁶

Peace and disarmament were at this time also significant issues for those concerned with the liberal agenda. In the early 1980's international tension over the possibility of nuclear war grew. NATO (the North Atlantic Treaty Organisation) began deploying tactical nuclear weapons in Europe, a factor which significantly affected the previous "balance of terror" argument of nuclear deterrence. In response there was increased opposition to nuclear weapons around the world, including opposition from New Zealand.³⁷ In October 1980 the first meeting of what was eventually to

³² See 1981, Public Questions, *P.C.N.Z.* 156-7 for a review of church involvement in the protests against the tour.

³³ Anderson, C., *op. cit.* 3.

³⁴ The churches that joined in opposition to the tour were Anglican, Associated Churches of Christ, Baptist, Catholic, Methodist, Presbyterian, Society of Friends, together with the National Council of Churches.

³⁵ 1981, Public Questions, *P.C.N.Z.* 155. This report outlines the various stages of combined church involvement and reproduces the text of statements and submissions made.

³⁶ *Auckland Star* 3 November, 1982, 2 (reporting an interview with the Prime Minister, Robert Muldoon, on the National Radio programme, "Faith and Works".)

³⁷ Young, N., "Peace Movements in History" in *Towards a Just World Peace: Perspectives from Social Movements* edited by Mendlovitz, S.H. & Walker, R.B.J. (London: Butterworths, 1987) 151, describes this as "the second awakening" of anti-nuclear movements after the 1958-1963 period.

become Peace Movement Aotearoa (P.M.A.) was held. This was an "umbrella organisation" for the many and varied peace groups which were formed throughout New Zealand.³⁸ Many of these groups were church related and inspired, and included organisations such as Christians for Peace, the Christian Pacifist Society and the international Catholic group, *Pax Christi*.³⁹ Again individual churches, despite division within their membership, pursued with the state policies calling for nuclear disarmament and a nuclear free Pacific.⁴⁰ The actions of the Fourth Labour Government (1983-1990) in barring in February, 1985 the *U.S.S. Buchanan*, a ship capable of carrying nuclear weapons, and eventually enacting the New Zealand Nuclear Free, Disarmament and Arms Control Act in 1987⁴¹ were in accord with the liberal church agenda.⁴² Indeed, in 1986 Rinny Westra, one of the leaders of many of these liberal concerns, felt confident to assert that on the question of disarmament (and some other areas), New Zealand offered "signs of hope" for the world.⁴³

³⁸ Clements, K., *op. cit.* 114.

³⁹ See *Peacelink*, 9 (May, 1983) 57 ff., where peace groups in the North Island were listed. Of these, 13 were obviously church-related organisations, for example, St Peter's Peace Group. Of the other groups listed there were the Church and Society Commission of the National Council of Churches and the Joint International Relations Committee of the Methodist and Presbyterian Churches.

⁴⁰ In 1983 the Presbyterian and Methodist Churches sought a ban on nuclear vessels to New Zealand: 1983, Minutes, *P.C.N.Z.* 142-3; 1983, *M.A.C.* 641. Indeed the Methodist Conference, then meeting in Auckland, adjourned and joined in a protest over the visit of the *U.S.S. Phoenix*: Bryant, G., *The Church on Trial* (Whangarei: Whau Publications, 1986) 129. For a discussion of the division within the church about this issue see Bryant, G., *ibid* 127-128.

⁴¹ See Alley, R., "ANZUS and the Nuclear Issue" in *The Fourth Labour Government: Radical Politics in New Zealand* edited by Boston, J., and Holland, M. (Auckland: Oxford University Press, 1987); Clements, K., *op. cit.*; Lange, D., *Nuclear Free the New Zealand Way* (Auckland: Penguin, 1990); and Mack, A., *Denuclearisation in Australia and New Zealand: Issue and Prospects* (Canberra: Peace Research Centre, 1988).

⁴² For the liberal church concern over peace and disarmament see Armstrong, G., "Peace Squadron: Life Against Death in the Pacific Ocean of Peace" in *Finding the Way: New Zealand Christians Look Forward* edited by Reid Martin, M. (Melbourne: Joint Board of Christian Education, 1983) and Galvin, R., *The Peace of Christ in a Nuclear Age* (Auckland: G.W. Moore, 1983). Churches themselves also passed resolutions on the matter. For example, 1986, Minutes, *P.C.N.Z.* 188-189, resolved "that Assembly, recalling its Declaration on Peacemaking . . . and the decisions of 1984 and 1985 affirming opposition to nuclear armed and powered warships entering New Zealand ports, commends the Government in its attempts to legislate for a nuclear free New Zealand".

⁴³ Westra, R., *Signs of the World to Come: The Aotearoa Experiment* (Auckland: Interface Press, 1984).

New Zealand's worsening economy during this period, also meant that economic questions increasingly featured as a liberal concern. Since the days of the Cold War, however, no real examination of economic theory had been undertaken by the church.⁴⁴ There was little need. New Zealand until the 1970's had a stable and prosperous economy. The New Zealand church, with the possible exception of the Catholic Church and its heritage of economic analysis,⁴⁵ found response to New Zealand's changing economic position difficult. In particular, the economic changes of the Fourth Labour Government (1984-1990) were unexpected. On the one hand this government pursued many concerns of the liberal church agenda - disarmament, human rights and Treaty issues, and yet on the other hand, it followed conservative monetarist, or "right wing", economic policy.⁴⁶ The church was concerned over the impact of unemployment,⁴⁷ but the liberal church's response in the mid-1980's to these new policies was equivocal. In 1984 the National Council of Churches' Church and Society Commission found "unemployment difficult to come to grips with".⁴⁸ In 1987 the Joint Methodist and Presbyterian Public Questions Committee saw that the variety of economic possibilities "appeared to be too diverse".⁴⁹ All that could be said was that "ideologically the Committee remains open to a variety of approaches - be it socialist or capitalist. We believe the critical question is whether the approach assists in the elimination of poverty, alienation and human suffering."⁵⁰ However, as *Chapter Nine* sets out, by 1990 the church had become significant opponents of the "neo-conservative" economic policies of the Fourth Labour Government. Church leaders such as Cardinal

⁴⁴ See *Chapter Two* at pp. 59ff., for a discussion of the church's analysis of the competing political systems of "capitalism" and "communism".

⁴⁵ See Henriot, P.J. et al., *Catholic Social Teaching: Our Best Kept Secret* (Australian Edition) (Melbourne: Collins Dove, 1992). In this regard the 1987 pastoral letter of the United States Catholic Bishops on *Catholic Social Teaching and the U.S. Economy* was particularly important (*ibid* 112 ff.).

⁴⁶ For a fuller discussion of this policy see *Chapter Nine, Section 3(i) "The Nature of the Economic Reforms"* at p. 343.

⁴⁷ For example, see 1980, Public Questions, *P.C.N.Z.* 111.

⁴⁸ 1984, Church and Society Commission Papers, Acc 90-387, Alexander Turnbull Library, Wellington.

⁴⁹ 1987, Public Questions, *P.C.N.Z.* 138.

⁵⁰ *Ibid*, 139.

Thomas Williams became outspoken critics of this direction in government economic policy.⁵¹

The environment, or the "integrity of creation", was another important political issue which arose from 1970 onwards. The protests in 1968 and 1969 over the flooding of Lake Manapouri had heightened awareness of this issue in New Zealand. However, the environment was not immediately seen to be an issue within the liberal agenda. As late as 1968 the Presbyterian Public Questions Committee held that the environment was only a "public question" when jobs and homes were affected.⁵² After Manapouri the major environmental concern for New Zealand was the continued French nuclear testing in the Pacific. In 1973 H.M.N.Z.S. *Otago* sailed as a protest to Mururoa. Concern for the environment became a major aspect of the anti-nuclear movement. The sinking at Auckland of the *Rainbow Warrior* in July 1985 again focused New Zealand's involvement in environmental concerns. By 1990 the environment was still a major issue, with the church showing a greater interest in the question. For example, in 1990 the Anglican Synod in Auckland appointed a "co-ordinator for environmental education for the diocese"⁵³ and the Presbyterian Church agreed to begin a re-afforestation project in co-operation with government in the East Cape region of the North Island.⁵⁴

In May 1990, the Anglican and Catholic Churches convened a conference on New Zealand's future: *Te Ara Tika: The Way Ahead*.⁵⁵ The Conference saw that there was "the need to create a new vision for the future".⁵⁶ Cardinal Thomas Williams outlined to the Conference six areas which concerned the church: the environment, education, the economy, social equity, a bi-

⁵¹ For example, see *Otago Daily Times*, 2 February, 1988. In 1990 he was a member of the "Sweating Commission". This was organised by the Trade Union movement to mark the centenary of the original Commission. On that occasion it was the leading Presbyterian churchman, the Rev. Rutherford Waddell who had been involved.

⁵² Minutes of the Presbyterian Public Questions Committee, 1 March, 1968, *P.C.N.Z. Archives Office*.

⁵³ Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington, Education for Ministry, 1991) 185. See also "Peace with God and Creation" *New Zealandia Catholic Review*, 3 (May 1990) 2.

⁵⁴ "Church Goes Green", *Crosslink*, 4, 5 (1990) 1.

⁵⁵ *Te Ara Tika - The Way Ahead* (Wellington: Symposium Steering Committee, 1990).

⁵⁶ "Introduction", *Ibid* 1.

cultural society, and human rights.⁵⁷ This was hardly a "new vision", but it was a clear reaffirmation of the liberal agenda for justice, peace and the integrity of creation by the New Zealand church.

iii. The Presentation of Liberal Concerns

During the 1970's and 1980's, these liberal concerns were represented within all mainline denominations, the National Council of Churches, and that Council's agencies, such as the Church and Society Commission and Christian World Service.⁵⁸ Individual denominations, with varying degrees of commitment, followed aspects of this agenda. Some denominations such as the Methodist and Presbyterian churches were willing to follow this course perhaps more than others. Indeed, the Methodist Church was particularly accused of "fraternising with social-political activism"⁵⁹ and not preaching the pure gospel. The Catholic Church also embraced many of these concerns and was criticised for doing so.⁶⁰ In 1979 the New Zealand Catholic Bishops established the Evangelisation, Justice and Development Commission which explored many of the issues of the liberal church agenda.⁶¹ Also organisations such as CORSO and the New Zealand Student Christian Movement, became more strident in their condemnation of injustice.⁶² In fact in 1979 CORSO lost government support for its aid and development work because it

⁵⁷ *Ibid* 3-4.

⁵⁸ See Chapter Four with regard to the establishment of the Church and Society Commission. Christian World Service was formed in 1969 from Inter Church Aid. In the early seventies this agency began to emphasise the importance of justice in its work: see Lovell-Smith, M., *No Turning Back: A History of the Inter Church Aid Work of the National Council of Churches in New Zealand 1945-1983* (Christchurch: National Council of Churches, 1986) 131, 219.

⁵⁹ Bryant, G., *op. cit.* 133. See also Norman, E., *Christianity and the World Order* (Oxford University Press, 1979) for a critique of aspects of the liberal agenda.

⁶⁰ See "A Catholic Affair of HART", *Auckland Star*, 7 May, 1981, and "Priest Power", *New Zealand Listener* (30 May, 1981) 22-24. "Veritas", *The Tablet* (31 October, 1984) 6, writing with regard to the possibility of another Springbok tour, hoped that "this time the Hierarchy and the E.J.D. [Evangelisation, Justice and Development] Commission will develop a strategy less likely to alienate so many people."

⁶¹ Catholic Commission for Justice, Peace and Development, *Ten Steps Towards Bi-cultural Action: A Handbook on Partnership in Aotearoa New Zealand* (Wellington: C.C.J.P.D, 1990) 117. Since it has been established it has published, among other papers: *Apartheid: Sport, Relations and Christian Responsibility* (1980); *New Hope for Our Society* (1985); and *the Treaty of Waitangi and its Significance for Social and Health Policy* (1990).

⁶² See Moore, A., "Religious Pluralism: 'The Great New Fact of Our Era'?" in *Faith in an Age of Turmoil: Essays in Honour of Llyod Geering* edited by Veitch, J. (London: Oriental University Press, 1990) 40-55, for a discussion of the New Zealand SCM.

was seen to be promoting political causes.⁶³ At the time there was widespread church support for CORSO in the face of this government action.⁶⁴

A feature of the liberal agenda was the emergence since the 1960's of many new agencies and church committees which specifically pursued concerns of justice and peace. (A growth, which the next chapter illustrates was matched by the conservative side of the church.)⁶⁵ Many of these bodies were ecumenical or inter-denominational such as the Church and Society Commission,⁶⁶ the Ecumenical Secretariat on Development (E.S.O.D.),⁶⁷ and *ad hoc* arrangements such as Christian Action Week.⁶⁸ There were also many issue-oriented groups which were non-denominational such as "Clergy for Rowling" and many peace groups. These agencies and organisations often shared their personnel,⁶⁹ and a "network" of those involved in many of these issues developed.

A result of this process was that these agencies charged with the responsibility of pursuing the liberal agenda perhaps became distant from the average church member. For example, in the 1970's and 1980's every few years either the Public Questions or the International Relations Committees of the Methodist and Presbyterian Churches presented a theological basis for their involvement in politics because they had been challenged over their

⁶³ See "Why CORSO Got the Axe", *Star Weekender* Saturday 6 October, 1979, 5.

⁶⁴ The Catholic Bishops supported CORSO (*Auckland Star*, 11 October, 1979) and the Joint Methodist and Presbyterian Public Questions Committee offered its support: 1980, Public Questions, *P.C.N.Z.* 113. The tax deductability of donations to CORSO was restored by the Fourth Labour Government: *Otago Daily Times*, 20 September, 1984.

⁶⁵ This has been an important feature of the changes in church state relations in other jurisdictions: see Wuthnow, R., *The Restructuring of American Religion* (Princeton: Princeton University Press, 1988) 100 ff.

⁶⁶ In 1969 the first full-time officer was appointed: see *Chapter Four* at p. 133.

⁶⁷ E.S.O.D. arose from the 1973 Joint Working Committee on development. This Committee observed that the church was "challenged to renewal which involves fresh awareness and action on behalf of those who are oppressed". Lovell-Smith, M., *op. cit.* 137-8.

⁶⁸ Christian Action Week was jointly sponsored by Christian World Service, the Catholic Commission on Evangelisation, Justice and Development and co-ordinated by the Ecumenical Secretariat on Development.

⁶⁹ For example, the Rev. Dr George Armstrong, the founder of the Auckland Peace Squadron, was also a member of the Church and Society Commission and the Joint Working Committee.

particular stance.⁷⁰ In 1984, the Joint Public Questions Committee of these two churches again observed that "we have been condemned for giving too much attention to issues which our critics consider are not the concern of Christians."⁷¹ However, such opposition, far from deterring the committees, sometimes actually strengthened their resolve. Back in 1978 the Joint Methodist and Presbyterian Public Questions Committee, after noting it was "called by Jesus to be a *prophet in society*", went on to observe that "traditionally there has been conflict between prophets and the People of God but, with hindsight, it is clear that the prophets were the ones who spoke and acted for God - and the People often acted in accordance with the custom and prejudices of their day."⁷² Opposition and division within the church was to be expected and was a part of pursuing the liberal cause.

Conflict both with the state (especially during the Muldoon Administration (1975-1984)) and within the church became a feature of this liberal approach to church state relations. The Joint Working Committee, reflecting on the 1981 Springbok tour, saw the issue being what was the "church": the people or the protesting clergy?⁷³ Although church leaders had been against the tour, it was noted "many individuals within the churches [were] very much in favour of the Tour."⁷⁴ Also related to this was the

⁷⁰ In 1970, International Relations, *P.C.N.Z.* 126-127; 1973, International Relations, *P.C.N.Z.* 229-231; and 1974, International Relations, *P.C.N.Z.* 98, the theological basis for the church's involvement in often controversial questions was presented. In 1978 the Public Questions Committee produced a major paper on "Church Involvement in Politics" after the question had been discussed in the previous year's Assembly (1978, Public Questions, *P.C.N.Z.* 279-282). In 1981 the International Relations Committee produced its own "Wrestling with Principalities and Powers: The Church and Politics - A Discussion Paper" (1981, International Relations, *P.C.N.Z.* 99-104). That year the Public Questions Committee produced a remit on "The Local Church and Social Action" (1981, Public Questions, *P.C.N.Z.* 171-176). In 1983 the Public Questions Committee made a recommendation that "It is a Christian responsibility to work to remove existing injustices and 'powerlessness' in our world and if necessary participate in non-violent protest against such situations" (1983, Public Questions, *P.C.N.Z.* 161). The General Assembly changed that to read "it is a Christian responsibility to work to remove sin and injustices in our world and to initiate creative transformations of such situations" and after further amendment "this includes the right to non-violent protest" (1983, Minutes, *P.C.N.Z.* 120).

⁷¹ 1984, Public Questions, *P.C.N.Z.* 158.

⁷² 1978, Public Questions, *P.C.N.Z.* 280, 281.

⁷³ *26th Report, Church and State*, 13; from comments by Committee members on a paper by Ken Booth.

⁷⁴ *Ibid* (a comment by Fr Gifford). The correspondence columns of church journals frequently reflected the view that the tour should proceed. For example, L.M. Robins, *The Outlook* (June 1981) 4, stated "once the team arrives I believe that we must receive them and

problem of "who speaks for the church?".⁷⁵ For example, by what authority could the Moderator, or the convener of the Public Questions Committee, speak on behalf of all Presbyterians.⁷⁶ Usually the question was answered with respect to the constitutions of the respective churches and what their Public Questions Committee's terms of reference were.⁷⁷ However, again dissent "should not be used to deny the right of the Churches to be involved in politics or to avoid the consequences of decisions responsibly made."⁷⁸

Churches and their committees had not been unmindful that their statements were "unable to reflect the breadth of opinion held by Church members."⁷⁹ After all, one of the themes of liberation theology was the task of "concientización" and social education.⁸⁰ In the 1970's those groups within the church pursuing the liberal agenda, increasingly sought to involve the wider church in formulating policy on questions of church state engagement. During this time, the Public Questions and International Relations Committees of the Presbyterian and Methodist Churches began to send many more reports back down to the various courts of their churches for comment.⁸¹ This did not solve the problem of "who spoke for the church", but

welcome them in the name of Christ as we would do to any Samaritan" and C. Hamilton, *The Outlook* (September 1981) 4, said "if we are talking in terms of 'love' then the Springbok footballers are as deserving of our love as anyone."

⁷⁵ 26th Report, *Church and State*, 8-9.

⁷⁶ This again was a constant theme of protest in the correspondence columns of church journals. For example, P.A. Macnab, *The Outlook* (September 1981) 5, stated "I wish to protest at the wording in which Assembly committees have expressed through the Moderator, the 'thought of Presbyterian people' with regard to the Springbok tour and apartheid. . . Sir! I protest (*sic*) that Presbyterians are usually allowed to judge for themselves, and are not dictated to over matters of conscience."

⁷⁷ For example, 1974, International Relations, *P.C.N.Z.* 98, the position of the convener was discussed. Also in 1978 the General Assembly sent down a document prepared by the Joint Public Questions Committee on "The Church and Involvement in Politics". Two of the questions that the paper addressed were "Who should speak for the Church?" and "What can they say on behalf of all the members?" The paper answered the question with reference to the constitutions of the Presbyterian and Methodist Churches and the terms of reference of the Public Questions Committees (1978, Public Questions, *P.C.N.Z.* 279).

⁷⁸ 1978, Public Questions, *P.C.N.Z.* 279, 282.

⁷⁹ 1987, Public Questions, *P.C.N.Z.* 129.

⁸⁰ Medellín, Justice quoted in Villa-Vicencio, C., *op. cit.* 138-9. The visit of the Brazilian educator, Paulo Friere in 1974 was important in promoting this aspect of the liberal church agenda: see Davidson, A.K., *op. cit.* 173.

⁸¹ The practice was not a development which was new to the 1970's and 1980's. What was new was that in the 1970's the style of operation of the Public Questions and International Relations Committees was to annually send down up to four or five position papers, on often

it indicated a sensitivity to the issue. The Baptist Union adopted a more extreme approach. In 1973 it prohibited its Public Questions Committee from making any public statements. Its Committee assumed solely an educative function.⁸²

A consequence of this opposition within the church to liberal concerns, was that the role of the previously dominant ecumenical church bodies in presenting controversial stances to the state declined during the 1980's. This became a significant aspect of the cooling in ecumenical affairs generally at this time. The Church and Society Commission was one such organisation which seemed to become unsure of its role within the National Council of Churches and the wider Christian community. The Reverend Dr Alan Brash (a former General Secretary of the Council), who in the early 1980's staffed the Auckland office of the National Council of Churches and as such was secretary of the Church and Society Commission, said of the period 1982-1984, "The structures and staffing still are a mystery. . . we intend to survive."⁸³ A couple of years later the Commission ceased operation. The replacement of the National Council of Churches by the Christian Conference of Churches in Aotearoa New Zealand meant not only the passing of the Church and Society Commission in December 1987, which had a full time executive officer,⁸⁴ but also the loss of the role which the National Council of Churches itself had performed.⁸⁵ Indeed one of the reasons why the Baptist Union and the Associated Churches of Christ declined to join the new Conference of Churches was that the majority within these Churches objected

controversial topics, for comment and discussion. In this way it was unlikely that such a Committee would enter discussion on an issue without having first sent some statement to other councils of the Churches.

⁸² Edgar, S.L., *A Handful of Grain*, Volume 4: 1945-1982 (Wellington: N.Z. Baptist Historical Society, 1982) 68.

⁸³ Church and Society Commission Papers, Acc 90-387, Alexander Turnbull Library, Wellington.

⁸⁴ The *Church and Society Newsletter* (December 1987) was the last newsletter of the Commission. In the reorganisation there ceased to be a full time paid staff person dealing specifically with public questions. Unit 1 "Building Community" of the new Conference, had responsibility for public issues, including "the devolution of Maori affairs". This was now a voluntary action group. The Programme on Racism continued; however, this, as it had largely been before, was independently funded: Conference of Churches in Aotearoa New Zealand, *From Vision to Voyage* (Wellington: CCANZ, n.d.) 3.

⁸⁵ The new ecumenical body, The Conference of Churches in Aotearoa New Zealand was in its initial years particularly concerned about funding and establishing itself: interview with Ms Jocelyn Armstrong, General Secretariat, Wellington, 23 May, 1989.

to the political stands of the former National Council of Churches.⁸⁶ Also at this time the Wellington-based Inter-church Council on Public Affairs finally faded away completely.⁸⁷

This declining interest in ecumenical arrangements, and indeed division between the more conservative denominations (such as the Baptist Union and the Associated Churches of Christ) and the more liberal denominations on these issues (Anglican, Catholic, Methodist and Presbyterian Churches), had been evident as early as November, 1978 when the various Public Questions and Social Affairs committees of the member churches of the National Council of Churches met together for the first time with those ecumenical agencies also working in the area. One participant observed that "given that each church still wants to 'do its own thing', the areas where Public Questions Committees can actively work together must be limited."⁸⁸ A consequence was that as the 1980's progressed there was an increase in purely denominational concerns for justice and peace issues, and if there was church co-operation, it tended to be on a bi-lateral basis. The Methodists and the Presbyterians merged their Public Questions Committees in 1977⁸⁹ and their International Relations Committees in 1980, although the latter Committee itself was subsumed in a new structure in 1986. In 1977 a part-time executive secretary was available for the first time for the work of the Joint Public Questions Committee.⁹⁰ As noted above, the New Zealand Conference of Catholic Bishops in 1979 established the Evangelisation, Justice and Development Commission,

⁸⁶ *Accent* (December 1986) 22; and *Accent* (February 1987) 22, 23. In December, 1986, at the time of the formation of the Conference of Churches of Aotearoa New Zealand, the Commission itself recognised that "its style of work has provoked a range of opinions among member churches": Church and Society Commission Papers, Acc 90-387, Alexander Turnbull Library, Wellington.

⁸⁷ As has been noted, the Council was limited by the requirement of unanimity. As public questions, such as those concerning censorship, Vietnam, or apartheid arose in the late 1960's, the Council could not agree on a common approach. Because of this, it began to increasingly send difficult questions back to the respective churches in the early 1970's (e.g. Minutes of 11 August, 1971: MS y 1840, Alexander Turnbull Library, Wellington). The work of the Council was subject to disdain from other Public Questions bodies. In a conference of such bodies in 1978 it was asked whether the Inter-church Council "was performing any useful role at all?" (Report of meeting P. Denee, 22 November, 1978, Church and Society Minutes: Acc 90-387, Alexander Turnbull Library, Wellington).

⁸⁸ The report of P. Denee, see fn. 87 above.

⁸⁹ In 1977 a Joint Public Questions Report was issued to the Methodist and Presbyterian Churches for the first time: 1977, Public Questions, P.C.N.Z. 196.

⁹⁰ *Ibid.*

which in turn became the Commission on Justice, Peace and Development. In 1990 the Anglican Church appointed a full time Commissioner for Social Responsibility.⁹¹ The Anglican and Catholic Churches co-operated in the convening of a symposium in May, 1990 on New Zealand's future: *Te Ara Tika: The Way Ahead*.⁹²

3. Race Relations, Justice and the Treaty of Waitangi

i. The Policy of Multi-culturalism

The 1970's began with a heightened awareness of race relations both as an international and as a domestic concern. Internationally the focus was still upon southern Africa. In New Zealand this was translated into the seemingly perennial and divisive issue of sporting contact with the Republic of South Africa. New Zealand church support for the Programme to Combat Racism of the World Council of Churches further raised apartheid as a domestic race issue, and indeed the whole manner of church involvement in politics.⁹³ Meanwhile, as *Chapter Four* has concluded, the concern of the Maori church to be granted greater autonomy and recognition within the structures of the Anglican, Methodist and Presbyterian and later the Catholic Churches kept domestic race relation questions before those churches.

In the 1970's a new dimension for the church and society was that New Zealand was seen to be multi-cultural because of migration, particularly from the Pacific.⁹⁴ The churches were directly affected by this as most

⁹¹ The appointment of the Rev. Richard Randerson as Social Responsibility Commissioner for the Province was announced in *Province to Parish: Newsletter*, 2, 2 (1990) 4.

⁹² *Te Ara Tika - The Way Ahead* (Wellington: Symposium Steering Committee, 1990).

⁹³ In 1970 New Zealand churches were asked by the National Council of Churches to support the fund. The Presbyterian Church gave \$1000 (1971, *Ecumenical Affairs*, P.C.N.Z. 132). Opposition to the programme particularly focused on the grant to the Zimbabwe Patriotic Front, then fighting the Smith regime in Rhodesia. There was a decline in giving to the National Council of Churches Christmas Appeal (see Brown, C., *Forty Years On* (Christchurch: National Council of Churches, 1981) 188) and considerable division within New Zealand churches (see 1975, *Ecumenical Affairs Committee*, P.C.N.Z. 94-95).

⁹⁴ See Arbuckle, G. & Faisandier, *The Church in a Multi-Cultural Society: Sociological Survey. The Pastoral Needs of Maoris and Polynesian Immigrants in New Zealand* (mimeograph for the New Zealand Catholic Bishops Conference, 1976).

Pacific Islanders had some church connection.⁹⁵ These Islanders, like the Maori, sought to maintain their own identity within the life of their European, or *palagi*, dominated church. For example, the first report of the Presbyterian Pacific Islanders Affairs Committee noted "the great hope is that our people as they move around the country, . . . will be able to integrate, hold to their customs and ways of worship and yet gain a great deal from joining with their brethren in the Presbyterian Church of New Zealand".⁹⁶ Like the Maori, Pacific Islanders also experienced discrimination in housing, employment, education⁹⁷ and particularly were affected by New Zealand's immigration policy.⁹⁸

The New Zealand government policy during the 1970's was to promote a pluralistic and multi-cultural society. As noted in *Chapter Six* the legislative framework for achieving this, the Race Relations Act, 1971 and later the Human Rights Commission Act, 1977, focused on preventing discrimination against the individual in areas of employment, education and housing. Needless to say, the legislation did not create a multi-cultural society and race relations, as the problem was then known, was seen to be a continuing sore in New Zealand life.⁹⁹ The 1970 Annual General Meeting of the National Council of Churches made the eradication of racism, in fact the phenomenon it described as "white racism", a major objective for the

⁹⁵ Davidson, A.K., *op. cit.* 162. Within the Presbyterian Church (which now included congregations from the Congregational Union) the 1972 General Assembly established the Pacific Islander Affairs Committee. The first report of the Committee, 1973, Pacific Islander Affairs, *P.C.N.Z.* 112, provides a history of the Pacific Island churches, then within the Presbyterian Church. The second report, 1974, Pacific Islander Affairs, *P.C.N.Z.* 188, noted that whereas in 1943 there was one minister among islanders, in 1974 there were 17. The Methodist Church also created a Samoan Policy Committee and a specific Tongan Fellowship.

⁹⁶ 1973, Pacific Islander Affairs *P.C.N.Z.* 113.

⁹⁷ Levine, S., *The New Zealand Political System* (Auckland: Allen & Unwin, 1979) 149, notes that during the 1970's "complaints by Pacific Islanders have tended to occupy an increasingly substantial share of the Race Relations Conciliator's workload."

⁹⁸ In 1972 the government began to locate and deport work permit "overstayers", estimated in that year to be between 10,000 and 12,000: Fraser, B., *The New Zealand Book of Events* (Auckland: Reed Methuen, 1986) 84. The issue of "overstayers" became a significant problem as the decade unfolded.

⁹⁹ In the first Report of the Race Relations Conciliator, Sir Guy Powles noted that although the preamble to the 1971 Act stated that it was "to affirm and promote racial equality in New Zealand", the legislation was "inadequate to fulfil the declared objective of the Act": *A.J.H.R.*, 1973 E.17, 6, 8.

1970's.¹⁰⁰ Its newly formed Church and Society Commission agreed to concentrate on race relations in its work.¹⁰¹ The Presbyterian Church saw that the problem was serious enough to create in 1974 a new standing committee to deal specifically with race relations.¹⁰² Following the 1975 election, in which the National Party had featured immigration as a major issue, the New Zealand race relations situation was seen by the Presbyterian Race Relations Committee to have become serious.¹⁰³

Both church and state saw the goal for race relations as "the attainment of a just and harmonious multi-racial society in New Zealand."¹⁰⁴ The conflict arose over how this was to be achieved. The tendency for the state was still to favour the "melting pot" image for New Zealand's race relations policy.¹⁰⁵ Even with the structure of the Race Relations Act in place, the vision of the then Prime Minister, Robert Muldoon, was that all of the various ethnic groups should be integrated, or melded, into one, single New Zealand identity. Near the end of his term as Prime Minister, he said at the 1984 Waitangi Day celebrations:

New Zealanders are a mixed people who have travelled vast distances to a new land, displaying courage and initiative in doing so. That character was inherited; and the cultures they brought were melded. We take our culture from all the ancient tribes of Britain, as well as from the ancient tribes of Maoridom; but in addition, the Dalmatians who came to dig gum and later made the wine; the Chinese who came to work the goldfields; the Dutch, post World War Two; the refugees, first from Nazi bestiality, and subsequently from communist terror in eastern Europe and South East Asia. Modern

¹⁰⁰ Church and Society Commission, 1971 Annual Report, dated 2 August, 1971: Acc 90-387, Alexander Turnbull Library, Wellington. Such an approach was rejected in the First Annual Report of the Race Relations Conciliator. "I think there is little racist intent in New Zealand either among the citizens, or in the system, or in the way of life." Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1973 E.17, 7.

¹⁰¹ Church and Society Commission, 1971 Annual Report, dated 2 August, 1971: Acc 90-387, Alexander Turnbull Library, Wellington.

¹⁰² 1974, Race Relations, *P.C.N.Z.* 94. Its terms of reference were "(1) to give attention to all matters affecting race relations in N.Z. (2) to provide information to enable the Church to make mature judgements on racial issues. (3) To represent the Church's position to the Government and society at large."

¹⁰³ 1976, Race Relations, *P.C.N.Z.* 165.

¹⁰⁴ 1977, Race Relations, *P.C.N.Z.* 144.

¹⁰⁵ See for example, Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1974 E.17, 11. The Race Relations Committee of the Presbyterian Church saw this concept of mixing into one racial identity in a "melting pot" as being one of the major impediments to creating a multi-racial society in New Zealand: 1977, Race Relations, *P.C.N.Z.* 144.

waves of Polynesian migration have also washed our shores. So we are a mixed people.¹⁰⁶

This view was rejected by the church. The church's own experience with Maori, and also Pacific Islanders, led it to argue that individual ethnic groups had a right to their own identity.¹⁰⁷ For this reason it was prepared to argue that no priority should be accorded the dominant Anglo-Celtic culture. The Presbyterian Public Questions Committee in 1972 observed that "in spite of the Church's good intentions, the Church shares the difficulties of the nation as a whole in that pakeha norms and standards still tend to predominate whether we want it or not."¹⁰⁸ Racism was now more than just "the sporadic acts of individuals".¹⁰⁹ Racism involved those structures which excluded people from housing, careers and educational opportunities. Its eradication, the church argued, required the dominant culture to change in attitudes. To achieve this there needed to be affirmative action programmes for ethnic minorities, such as Maori and Pacific Islander, who then could be part of that society from which they were excluded.¹¹⁰

The favoured policy was "multi-culturalism" which endeavoured to recognise the racial and cultural identity of each ethnic group in New Zealand. Church concern did not just involve the Maori. For example, when the Presbyterian General Assembly established its Race Relations Standing Committee in 1974, the significant race issues of the day were thought to be: Maori land, the discriminatory nature of New Zealand's immigration

¹⁰⁶ Quoted (with some punctuation changes) in Sharp, A., *Justice and the Maori* (Auckland: Oxford University Press, 1990) 44.

¹⁰⁷ For example, the Joint Commission on Church Union saw a specific need to develop policies with respect to the proposed new New Zealand Church so that it would be a "multi-racial Church". 1974, Joint Commission, *P.C.N.Z.*, 163.

¹⁰⁸ 1973, Public Questions, *P.C.N.Z.* 244.

¹⁰⁹ Borrie, D., "A Pakeha Perspective on N.Z. Race Relations, 1972: Part 1", *New Zealand Monthly Review*, 13, 133, (1972) 7, 8. This article by the then General Secretary of the New Zealand SCM., was subsequently referred to as being significant in "student, church and Race Relations Council circles": Mairn, M., "Changing My Mind - Transitions in Pakeha Thinking" in *Honouring the Treaty*, edited by Yensen, H. et al. (Auckland: Penguin, 1989) 82.

¹¹⁰ Such recommendations were not universally endorsed in the church. A 1977 recommendation from the Presbyterian Race Relations Committee "That Assembly recommend to the government that it take urgent action to increase the number of Maori and Pacific Islanders working in the public service at all levels" went to the recording of the vote and was carried by 124 to 69: 1977, Minutes, *P.C.N.Z.* 135.

policy, and the education of pakeha or *palagi* within the church about race questions.¹¹¹ The problems of Pacific Islanders featured as much in church concerns with the state as those of the Maori. In particular New Zealand's immigration policy, and how it affected Pacific Islanders, became a major concern of the church.¹¹² Thus in 1976 a joint church delegation of the Catholic Church's Archbishop Delargey, and the Reverend W.B. Watt, the Moderator of the Presbyterian Church, met with the Prime Minister, Robert Muldoon, about the question of "overstayers".¹¹³ However, the rise of Maori activism and protest during the 1970's, such as with the 1975 Land March,¹¹⁴ meant that peculiarly Maori concerns became the focus of church interest.

In the mid 1970's questions over Maori land became a new and threatening issue, even to the church. The pakeha church gave only muted and qualified support. For example, when Bastion Point in Auckland was occupied by its traditional owners the Ngati Whatua, the Presbyterian General Assembly rejected its Race Relations Committee proposal that it recommend "to the government that it increase considerably its offer of land at Bastion Point in order to meet the just claims of the Ngati Whatua people". Rather it agreed to "commend the Government and the Ngati Whatua people on their current negotiations and assure them of the Assembly's continuing interest in and support for a just settlement of the land issue at Bastion Point."¹¹⁵ There was a similar "less than unanimous result" achieved in the Executive of the National Council of Churches over the issue,¹¹⁶ although in August 1978 the Executive did agree "that the issue of Maori land is of major continuing importance for Church and State in New Zealand."¹¹⁷ Rather,

¹¹¹ 1975, Race Relations, *P.C.N.Z.* 178-181. See also Arbuckle, G. & Faisandier, J., *op. cit.* for how a broad 'multi-cultural approach' was taken within the Catholic Church at this time.

¹¹² 1976, *N.A.C.* 131-132.

¹¹³ Minutes of Church and Society Commission, 3 November, 1976: Acc 90-387, Alexander Turnbull Library, Wellington.

¹¹⁴ The land march went from Te Haupa at the far north of the North Island to Wellington. It was led by Te Matakite O Aotearoa (The Seers of New Zealand). Somewhere between 20,000 to 30,000 joined in the march. The central concern was that 'not one acre more' should be lost: Sharp, A., *op. cit.* 8.

¹¹⁵ 1977, Race Relations, *P.C.N.Z.* 150, and 1977, Minutes, *P.C.N.Z.* 135-6.

¹¹⁶ Brown, C., *op. cit.* 212, fn. 61.

¹¹⁷ Church and Society Commission papers: Acc 90-387, Alexander Turnbull Library, Wellington. At the time of the Bastion Point protest, the Maori Section of the National Council

protests and action came from individual clergy, or agencies such as the Ecumenical Secretariat on Development (E.S.O.D.). For example, when eviction of the Maori protesters at Bastion Point was imminent, the Secretariat sent a telegram to the Prime Minister, Robert Muldoon, "expressing deep concern over government's handling of the Bastion Point issue and urges that the rights, tradition and dignity of the Maori people be respected."¹¹⁸

Rarely during the 1970's was there any reference to the Treaty of Waitangi in the church's interest in Maori grievances, or reference to it as being the basis of New Zealand race relations. For example, within the Presbyterian Race Relations Committee, the first reference to the Treaty of Waitangi was made in its 1980 Report.¹¹⁹ Even when the church expressed its problem with the alienation of Maori land, this was couched in general terms and not with reference to the breach of specific Treaty provisions.¹²⁰ In 1977, when Bastion Point had become an issue, the Maori were recognised by the Presbyterian Race Relations Committee as tangata whenua, people of the land, though such ownership was not tied to the Treaty of Waitangi.¹²¹ The same appears to be true of the various sections of the Maori church. For example, following the demonstrations at Waitangi for Waitangi Day in 1972, Brown narrates how the Maori Section of the National Council of Churches became involved in "even a newer issue" of advising how the Maori language might be used at those services.¹²² When Bishop Manuhua Bennett, the then Bishop of Aotearoa, referred to the Treaty at the Waitangi Day celebrations on 6 February, 1972, he was more concerned that "Her Majesty's Government in New Zealand will some day give fuller recognition to the significance and

of Churches urged the government to "place an immediate moratorium on the future alienation of remaining traditional Maori land": Brown C., *op. cit.* 247, fn. 20.

¹¹⁸ Bryant, G., *op. cit.* 94.

¹¹⁹ 1980, Race Relations, *P.C.N.Z.* 174. An exception was the Church and Society Commission of the National Council of Churches. Its 1972 Annual Report noted it "was collecting information on the Treaty of Waitangi and its meaning to the people of New Zealand today." Church and Society Commission papers: Acc 90-387, Alexander Turnbull Library, Wellington. However, even in this instance, the Treaty was not seen as a basis of argument for Maori justice, but as having "meaning to the people of New Zealand."

¹²⁰ For example, in 1975 the Race Relations Committee noted that land was a point of conflict between Maori and Pakeha because it had "different significance in the two cultures. For the pakeha it has become primarily a commodity . . . For the Maori it is a sacred trust held for generations to come. . . It is a source of his sustenance, manhood and meaning": 1975, Race Relations, *P.C.N.Z.* 179.

¹²¹ 1977, Race Relations, *P.C.N.Z.* 147.

¹²² Brown, C., *op. cit.* 246.

sacredness of February 6th"¹²³ than that it would one day honour the Treaty to remedy Maori grievances and place the Treaty as the foundation of the New Zealand polity.

Indeed, the Maori church was comparatively quiet during the 1970's.¹²⁴ It still continued to have contact with the state with regard to the various hostels and schools that it operated.¹²⁵ There was also a submission to the *Royal Commission on the Sale of Liquor in New Zealand*.¹²⁶ This apparent reticence of the Maori church in the 1970's could be explained by the fact that it was pre-occupied with domestic denominational concerns. In 1973 the Methodist Church inaugurated the Maori Division, with the influential Reverend Ruawai Rakena becoming its first Tumuaki.¹²⁷ In 1975 the Annual Conference of the Methodist Church was held at the Turangawaewae Marae. For Anglican Maori, the Bishopric of Aotearoa was constituted in 1972, although the bishop was still a suffragan of the Bishop of Waiapu. There was a further unsuccessful attempt to amend this in 1976, and then finally in 1978 Te Pihopatanga o Aotearoa was established.¹²⁸ As Bishop Bennett said, this "provide[d] the church with a proper Maori voice and fuller participation in

¹²³ Quoted by Winiata, W, "The Treaty of Waitangi and its Challenge to the Bishopric of Aotearoa" in *He Ioenga Whatiwhatinga* edited by Paterson, J. (Rotorua: Bishopric of Aotearoa, 1983) 66.

¹²⁴ Cf. the 1960's, when, for example, the Presbyterian Maori Synod was outspoken in its opposition to the *Hunn Report* and active in promoting race relations questions within its own church. The National Council of Churches also did not match its concern in the 1960's for race relations in this decade. In his review of the Maori Section, Brown even asks, "Is [wonderful fellowship] enough to justify the Maori Section eking out an existence sometimes substantial, sometimes shadowy?": Brown, C. *op. cit.* 250.

¹²⁵ The Annual Reports of the Maori Synod to the General Assembly of the Presbyterian Church, or Maori Division to Annual Conference (after 1973) within the Methodist Church, always featured an account of the various hostels and schools that were operated by those sections of the Church. There were even some moves into other areas of social service work: Brown, C., *op. cit.* 245.

¹²⁶ *Ibid.*

¹²⁷ For a history of Maori Division see Rakena, R.D., "Methodism Among the Maori" in *Towards a Bicultural Church: Te Hahi Mēteriana O Aotearoa: A Resource Book* (Auckland: Joint Committee on Bi-culturalism, n.d.) 56-64. Ruawai Rakena himself had been President of the Methodist Conference in 1975; in 1976-77 he chaired the National Council of Churches, and he had also been a member of the Joint Commission on Church Union.

¹²⁸ "A Brief History of the Maori Church" in *Te Kaupapa Tikanga Rua: Bi-cultural Development (The Report of the Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi)* (Wellington: Church of the Province of New Zealand, 1986) 11.

its processes."¹²⁹ The three mainline churches with significant Maori involvement (excluding the Catholic Church) had, by the late 1970's, created "a parallel structure" for Maori.¹³⁰ In 1977 there was even a proposal within the National Council of Churches for a "National Maori Church".¹³¹ After that failed, the Maori Section of the National Council of Churches increasingly sought to be more autonomous and independent from its parent body, a move that was reinforced in 1980 when Catholic delegates were received as full members. Although these matters were about denominational and ecumenical church structures, they reflected, albeit imperfectly, the reality that the church was becoming increasingly a bi-cultural institution. This was to be important as the whole church became more involved in the calls to honour the Treaty during the 1980's.

ii. Bi-culturalism and the Treaty of Waitangi

In the 1980's the context of race relations policy in New Zealand changed completely. No longer was the explicit goal "the attainment of a just and harmonious multi-cultural society."¹³² The goal for New Zealand race relations was to be defined in the context of the Treaty of Waitangi. Another way of describing this change, is that Maori themselves changed from being in the 1970's "just a pressure group" seeking a certain recognition of their own distinctive culture. For example, Ranginui Walker, one of the leading Maori activists of the 1980's, writing in the late 1970's, said of Maori that only "through the normal process of mounting political pressure in the manner of mainstream pressure groups, they will gradually modify the social institutions of society so that they more adequately reflect the bi-cultural mix of the nation."¹³³ By the 1980's Maori viewed themselves not as a pressure group, but because of the Treaty, as partners with the Crown.

¹²⁹ Bennett, H, 'The Bishopric of Aotearoa - A Maori Dimension' in *He Toenga Whatiwhatinga* 17.

¹³⁰ This was the phrase that was coined by the Joint Commission on Church Union. For a discussion of the role of the Maori church in these negotiations see Davidson, A.K., *op. cit.* 137.

¹³¹ Brown, C., *op. cit.* 242-251.

¹³² 1977, Race Relations, *P.C.N.Z.* 144.

¹³³ Walker, R. J., 'Educational Replanning for a Multicultural Society' in *Schools in New Zealand Society*, Second Edition edited by Robinson, G.H. & O'Rourke, B.T. (Auckland: Longman Paul, 1980) 239.

This indeed was the reverse of what was happening to the church, or at least the pakeha church. No longer was the church at the centre of the national polity, but was itself now a pressure group within the political process.

All race relations came to be seen within the partnership or bi-cultural framework that was created between the Crown (or pakeha) and Maori by the Treaty of Waitangi in 1840. The report of the *Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi* defined this process of bi-cultural development as the "process whereby two cultures grow and develop within one nation in a spirit of mutual respect and responsibility."¹³⁴ Multi-culturalism was now, as defined in the background information to the *Church Leaders' Statement for 1990*, "the network of completed bi-cultural negotiations" between the Maori and those people who came later to New Zealand (the Tauwiwi).¹³⁵ The Treaty of Waitangi had become the starting point for all race relations in New Zealand.

The speed of this transition was breathtaking. The implications of the policy shift for New Zealand have been vast, and in many respects they are still being worked out.¹³⁶ Commenting on this change, the New Zealand Race Relations Conciliator, Chris Laidlaw, placed the New Zealand development within the global context of the "Third Wave" of interest in human rights since the Second World War. The first "wave" was the process of

¹³⁴ The Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, *Te Kaupapa Tikanga Rua: Bi-cultural Development* (Wellington: Church of the Province of New Zealand, 1986) 25.

¹³⁵ The Conference of Churches in Aotearoa New Zealand, *A Church Leaders Statement for 1990: A Backgrounder* (Wellington: Conference of Churches in Aotearoa New Zealand, 1990) 11. A similar statement had been made by the Presbyterian Race Relations Committee in its paper "New Zealand a Multi-cultural Society": 1983, Race Relations, *P.C.N.Z.* 120-121.

¹³⁶ The literature on the Treaty and its contemporary relevance for New Zealand is also vast. James Bellich has described this as "the Treaty industry, the new boom field in New Zealand studies": "Review Article: Hobson's Choice" *N.Z.J.H.*, 24, 2 (1990) 200. The books primarily used in this analysis are: Kawharu, I.H. ed., *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi* (Auckland: Oxford University Press, 1989); Kernot, B. and McBride, A., eds *Te Reo O Te Tiriti Mai Rano: The Treaty is Always Speaking* (Wellington: Tertiary Christian Studies Programme, 1989); Kelsey, J., *A Question of Honour? Labour and the Treaty* (Wellington: Allen & Unwin, 1990); Mitchell, R., *The Treaty and the Act* (Christchurch: Cadsonbury Publications, 1990); Mulgan, R., *Maori, Pakeha and Democracy* (Auckland: Oxford University Press, 1989); Sharp, A., *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980's* (Auckland: Oxford University Press, 1990); Temm, P. *The Waitangi Tribunal. The Conscience of the Nation* (Auckland: Random Century, 1990); Walker, R.J., *Struggle Without End* (Auckland: Penguin, 1990); and Yensen, H. et al., *Honouring the Treaty* (Auckland: Penguin, 1989).

decolonisation, the second was the interest in individual rights and particularly in the area of race and sex discrimination, and the third wave has been the concern for ethnic minorities, and in particular the position of indigenous people.¹³⁷ In many respects this also reflects how the interests of the international ecumenical movement have developed.¹³⁸ Within New Zealand however, the starting point for the consideration of the Maori's position has not been from a particular view of human rights, but it has been from the point of reclaiming the place of the Treaty. The church, in particular the Maori church, in its relationship with the state, was a crucial catalyst in regaining this perspective.¹³⁹

The Treaty of Waitangi had of course never been forgotten, either by Maori or by the Crown. It simply had been remembered and used by the two parties in different ways.¹⁴⁰ For the Crown, as Orange says, "the Treaty became a kind of an ideological base for the claim that New Zealand had treated its indigenous race well."¹⁴¹ The words of Captain Hobson "He iwi kotahi tatou - we are now one people", became not a gloss on the Treaty but the essence of the Treaty itself.¹⁴² This meant that policies which promoted the assimilation of Maori identity into the dominant European culture were in accordance with the Treaty, the very founding document of this new

¹³⁷ Public Lecture, University of Otago, 14 June, 1990.

¹³⁸ Within the Programme to Combat Racism the initial focus was the existence of racial discrimination and apartheid in Southern Africa. Now a major focus of the Programme has become the position of indigenous people and their struggle for land rights: Best, T.F., *Vancouver to Canberra: 1983-1990* (Geneva: W.C.C., 1990) 180-182.

¹³⁹ The role of the church has generally been acknowledged by commentators to have been significant. Such a view has come from those who have offered criticism of New Zealand's bi-cultural development such as Mitchell, *op. cit.* 106, "biculturalism in New Zealand seems to have started in the churches, most notably the Methodist Church, and spread from there into the Government and hence into society generally"; through to those who offered a more sober assessment of the development, such as Sharp, *op. cit.* 110-111, who noted that the role of the National Council of Churches, and of "church people", dominated protests on Waitangi Day in the early 1980's. The Maori academic, Sidney Mead, observed in 1982 "the National Council of Churches is also taking up the same fight and will no doubt be condemned by the nation for helping 'Maori protesters'": "Maori-Pakeha Relationships: an Obstacle Race" in *Towards Maturity, 1982 Turnbull Winter Lectures* (Wellington: Victoria University Press, 1982) 51.

¹⁴⁰ See Binney, J., "Maori and the Signing of the Treaty of Waitangi" in *Toward 1990* edited by Green, D., (Wellington: Government Printer, 1989) 28.

¹⁴¹ Orange, C., "The Treaty: Competing Views" in *Te Reo O Te Tiriti Mai Rano: The Treaty is Always Speaking* 23.

¹⁴² For example, in the Annual Report, Race Relations Conciliator, *A.J.H.R.*, 1980 E.6, 36, the Race Relations Conciliator, was able to say, "The Treaty of Waitangi states 'He iwi kotahi tatou - we are one people'".

British nation in the South Pacific.¹⁴³ On the other hand, the Maori saw the Treaty as a document recognising their own culture and spirituality, the Maori way of life and their land. In particular they remembered that Article II of the Treaty (in the Maori version) gave to "the Chiefs, Tribes, and all the people of New Zealand, the full chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious)".¹⁴⁴

During the 1970's the Maori demand was not for the Crown to "honour the Treaty". The Treaty came into prominence in the 1980's only when two other developments took place. The first was that Maori themselves became a political force. The "Maori renaissance" had to be translated into a reality affecting the whole of New Zealand, and not just the Maori.¹⁴⁵ In this regard the Maori concern about the land, and its further alienation, was crucial. Land was on the one hand an immensely practical question. The decline in Maori land holding reflected a decline in the economic well-being of the Maori people.¹⁴⁶ On the other hand, land was a highly symbolic issue.

¹⁴³ The statement by the Governor General, Sir David Beattie at the 1981 Waitangi Day commemorations, was therefore highly significant. He said "I am of the view that we are not one people despite Hobson's oft quoted words, nor should we try to be. We do not need to be." Quoted in the Waitangi Tribunal decision in the *Motunui Case*: Temm, P., *op. cit.* 40.

¹⁴⁴ At the signing of the Treaty in 1840 two versions were prepared: an English one and one in Maori. Most Maori appended their names or marks to the Maori version. The two versions of the Treaty are considerably different, especially with regard to the scope of Crown privileges granted under Article II to the Maori. It has been to the Maori version of the Treaty that Maori have looked in claiming their position in New Zealand society, while the Crown had long assumed that, to the extent to which it was relevant, the English version was to be used. The work of Ruth Ross, in an important paper in 1972, "The Treaty of Waitangi on the Ground" in *The Treaty of Waitangi, its Origins and Significance* (Wellington: Victoria University, 1972) 16-34, brought into prominence the actual role and place of the Maori version of the Treaty. The paper by Ross was presented at a Conference organised by the Victoria University Department of Extension. That Conference itself became a significant step in kindling academic interest in the Treaty and its position in New Zealand. The National Council of Churches was represented at that conference by Mr A. Gnanasunderam of the Church and Society Commission and Bishop Manuhua Bennett from the Maori Section: Brown, C. *op. cit.* 246. The English of the Maori version quoted here was prepared by *Project Waitangi*.

¹⁴⁵ For a concise statement of these developments see Walker, R.J., "The Maori People: Their Political Development" in *New Zealand Politics in Perspective* edited by Gold, H. (Auckland: Longman Paul, 1985) 251-265.

¹⁴⁶ The figure quoted during the Land March was that from owning 60,000,000 acres, Maori then owned only 3,000,000 acres: Sharp, A., *op. cit.* 8. In 1970 a review was undertaken to see if the various targeted funding recommendations of the *Hunn Report* had in fact helped the position of the Maori in such areas as health, education and employment; the general assessment being that there was no improvement, except possibly for the establishment of the Maori

Maori were tangata whenua, the people of the land. Land, and the Maori relationship to the land, went to the very identity of Maori people. The previous conflicts about land had been local, or directed at specific legislation, such as the Maori Affairs Amendment Act of 1967.¹⁴⁷ Such concern did not touch the pakeha population. The Land March of 1975 and then the highly public conflicts over land at Bastion Point in 1977,¹⁴⁸ and in 1978, the Raglan golf course,¹⁴⁹ were different. Even the presence of gangs¹⁵⁰ also meant that now Maori grievances became well known and that their concerns and problems were extensive.

The second development was that the Treaty itself, and importantly, the Maori understanding of the Treaty, became accepted by the state and to a lesser extent, the pakeha community. The Treaty in the 1970's still was as much a symbol of pakeha dominance as it was a statement of Maori identity and self determination. The focus of groups such as Nga Tamatoa (The Young Warriors), was that the treatment of the Maori under the Treaty was nothing to be "celebrated" each year on Waitangi Day, or New Zealand Day, as it became known during the Third Labour Government.¹⁵¹ The Treaty indeed was a fraud. In 1971 the Nga Tamatoa proclaimed that unless the Treaty was ratified the Maori would declare Waitangi Day a day of mourning. The Treaty's significance and history for the Maori needed to be reclaimed. It was argued that at the very least, the Treaty needed to be ratified and

Education Fund: Kenworthy, L.M., Martindale, T.B. & Sadaraka, S.M. "The Hunn Report: A Measure of Progress on Aspects of Maori Life", *N.Z.J.P.A.*, 33, 1 (1970) 31-54.

¹⁴⁷ An important study published at this time was Kawharu, I.H. *Maori Land Tenure* (Oxford: Oxford University Press, 1977). The Presbyterian Race Relations Committee particularly endorsed this book and emphasised the importance of the land question: 1979, Race Relations, *P.C.N.Z.* 87.

¹⁴⁸ For a chronology of the Bastion Point occupation see Fraser, B. ed., *op. cit.* 47, and Waitangi Tribunal, *Orakei Report* (Wellington: Department of Justice, 1987) 106-109. The 1977 Race Relations Committee presented a history of the disputed land: 1977, Race Relations, *P.C.N.Z.* 147-149.

¹⁴⁹ On 12 February seventeen protesters were arrested after 150 people set up camp on the Raglan golf course: Fraser, B., *op. cit.* 47.

¹⁵⁰ Gangs were popular among disaffected Maori youth. In August, 1979 there were some highly publicised clashes between rival gangs. After these the Minister for Maori Affairs, Ben Couch, convened a "gang summit" in the Parliament Buildings: Fraser, B., *ibid* 45.

¹⁵¹ In 1976 the new National Government changed the name back to Waitangi Day. See Rata, M., "The Waitangi Tribunal: Political and Constitutional Implications" in *Te Reo O Te Tiriti māi Rano: The Treaty Is Always Speaking* 57-58, for how Rata saw a national public holiday for New Zealand Day as a concession for the passing of the Treaty of Waitangi Act, 1975.

incorporated within the law of New Zealand.¹⁵² In one sense this was achieved in 1975 with the passage of The Treaty of Waitangi Act which established the Waitangi Tribunal. However, the Tribunal could examine only Maori grievances arising after the date of the legislation. When the first claim by a Maori was dismissed (a claim heard in the Intercontinental Hotel in Auckland), many Maori rejected the Tribunal as an effective mechanism to remedy their grievances.¹⁵³ The Tribunal had apparently changed nothing and the protests continued. There was still nothing to celebrate on Waitangi Day. At least by the early 1980's, the whole of New Zealand, and not just the Maori, was aware of the Treaty of Waitangi, even if it was unclear whether its signing should be celebrated or mourned.

As the 1980's began, race relations in New Zealand was said by the church, and even by the Race Relations Conciliator, Hiri Tauroa, to be in crisis. In 1980 the Presbyterian Race Relations Committee began its report to the General Assembly with the observation that "since its inception the committee has witnessed a growing deterioration in ethnic relations in New Zealand as racial tension and bitterness has increased."¹⁵⁴ In Tauroa's *Race Against Time*, he began with the observation "We are at the turning-point in regard to harmonious race relations."¹⁵⁵ Within this context, the church became involved in conflict with the state, or more accurately in this instance the Crown, in two ways. The first concerned how Waitangi Day was to be marked. The argument was that Waitangi Day should not be a day of celebration, but of mourning. There had been a long tradition of naval involvement at the ceremony, and until the 1970's little or no Maori participation.¹⁵⁶ The campaign over this issue was in the main led by the

¹⁵² Walker, R.J., "The Treaty of Waitangi as the Focus of Maori Protest" in *Waitangi: Maori and Pakeha Perspectives on the Treaty of Waitangi* 276.

¹⁵³ Rata, M., *op. cit.* 64.

¹⁵⁴ 1980, Race Relations, *P.C.N.Z.* 171.

¹⁵⁵ Office of the Race Relations Conciliator, *Race Against Time* (Wellington: Human Rights Commission, 1982) 1. The "Haka party incident" on 1 May, 1979, involving Auckland University engineering students and the Maori group He Taua, led to a national debate on race relations and the extensive involvement of the Race Relations Conciliator. See Blackburn A. ed., *Racial Harmony in New Zealand - A Statement of Issues* (Wellington: Human Rights Commission, 1979(?)). Indirectly this led to the publication of *Race Against Time* which highlighted the critical nature of New Zealand race relations.

¹⁵⁶ The Department of Internal Affairs' report of the 1963 Royal visit and attendance at Waitangi Day states, that "because the presence of the Queen was of special significance to the

National Council of Churches and associated ecumenical organisations.¹⁵⁷ In 1980 the Council, through its Church and Society Commission, set yet another five-year priority to be concerned with racism in New Zealand.¹⁵⁸ The second source of church involvement with the state was from the Maori church itself. As Maori sought to have the Treaty recognised within the very structure of the New Zealand polity, the church, as a significant organisation within Maoridom, assumed an important and respected role.

The nature of Waitangi Day, however, was the first area of conflict. In 1979 the Waitangi Action Committee was established.¹⁵⁹ This small group of Maori activists began to organise demonstrations against the pomp and ceremony, and the inappropriateness of the government-sponsored Waitangi Day celebrations. The previously sporadic protests about the commemoration of Waitangi Day now took on a keener and more vociferous edge. Also that year, the Presbyterian Moderator, the Reverend Dr Alan Brash, expressed his unease at being involved in the service.¹⁶⁰ In 1980 the Governor General, Sir Keith Holyoake, was jostled by demonstrators.¹⁶¹ In 1981 the Methodist President, the Reverend Loyal Gibson refused to attend.¹⁶² That year the Waitangi

occasion, the usual [naval] ceremony was varied to include a traditional welcome from the Maori people": Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1963 A.22, 6.

¹⁵⁷ During this period there were several ecumenical organisations concerned with Maori issues: the Church and Society Commission of the Council itself; Te Ropu Tomokia - a Land Research Sub-Committee of the Maori Section of the Council (jointly funded by the Wellington Catholic Archdiocese Commission for Evangelisation, Justice and Peace, the Christian Conference of Asia and the Programme to Combat Racism of the World Council of Churches); the Ecumenical Secretariat on Development (E.S.O.D.) (jointly funded by the National Council of Churches and the Catholic Commission for Evangelisation, Justice and Peace); the National Council of Churches Programme on Racism; and various other arrangements such as Christian Action Week (jointly sponsored by Christian World Service (the aid and development arm of the National Council of Churches), the Catholic Commission on Evangelisation, Justice and Development and co-ordinated by the Ecumenical Secretariat on Development).

¹⁵⁸ *Church and Society Commission Newsletter*, 1, (n.d. 1980(?)) 1. It had set such priorities in 1960, and again in 1970.

¹⁵⁹ Walker, R.J., "The Maori People: Their Political Development" in *New Zealand Politics in Perspective* edited by Gold, H. (Auckland: Longman Paul, 1985) 260.

¹⁶⁰ Bryant, G., *op. cit.* 81. In 1979 Brash became the Secretary of the Church and Society Commission of the National Council of Churches. This organisation was to actively campaign on Treaty issues during the early 1980's. In particular, it produced three publications: *What Happened at Waitangi 1983* (1983); *Waitangi 1984: A Turning Point?* (1984) and *The Pakeha and The Treaty: Signposts* (1986).

¹⁶¹ Fraser, B., *op. cit.* 46.

¹⁶² Bryant, G., *op. cit.* 82.

Action Committee protested under the banner "The Treaty is a Fraud".¹⁶³ Later, in July 1981, the National Council of Churches called for:

- (a) a re-study of our New Zealand history in terms of the promises in the Treaty;
- (b) changes in the shape of the official "celebrations" at Waitangi; and
- (c) a clear emphasis on repentance and hope in our approach to the whole matter.¹⁶⁴

On the one hand this renewed concern of the National Council of Churches over race relations meant a redoubled effort to raise the understanding about racism and now about the Treaty, within the churches and the community. Publications such as *Our Own Backyard* (1981), which linked concern over the Springbok tour and domestic race issues, and *Racism: A White Problem* (1982) were produced and widely distributed throughout the churches.¹⁶⁵ In 1982 the National Council of Churches' Programme on Racism gained a full-time paid secretary, the Reverend Bob Scott, to provide community education on racism.¹⁶⁶ On the other hand, the resolution meant increased church efforts to change the nature and emphasis of Waitangi Day itself. To this end the National Council of Churches issued a statement on 4 February, 1982 calling for no church participation in the 1982 Waitangi Day celebrations.¹⁶⁷ The primary concern of the Council was with the "overall situation of injustice in the years since the Treaty."¹⁶⁸ As the publication *Our Own Backyard* said "the signing of the Treaty cannot be celebrated until

¹⁶³ Kelsey, J., *op. cit.* 22.

¹⁶⁴ Reprinted in Church and Society Commission, *What Happened at Waitangi 1983* (Auckland: National Council of Churches, 1983) 12. The interest in the matter came from the 38th General Meeting of the National Council of Churches which set up a committee to examine how Waitangi Day was to be marked: *The Outlook* (March, 1981) 14-15.

¹⁶⁵ *Our Own Backyard* was produced by the National Council of Churches itself. It was widely distributed (450,000 copies), although the Salvation Army refused to distribute it: *Church and Society Commission Newsletter* 4 (December 1981) 1. *Racism: a White Problem* was produced as a part of Christian Action Week, 27 June-4 July, 1982.

¹⁶⁶ Mitzi Nairn, subsequently also involved with this programme, observed that with this appointment and later other appointments in the public service "consideration of racism began to move out of 'hobby' and weekend time. It was no longer a preoccupation of 'cranks' but belonged in the agenda at work and could be addressed seriously and officially" in: "Changing My Mind - Transitions in Pakeha Thinking" in *Honouring the Treaty*, edited by Yensen, H. *et al.* (Auckland: Penguin, 1989) 87. The Programme itself was in part funded through the World Council of Churches Programme to Combat Racism.

¹⁶⁷ 1982, Race Relations, *P.C.N.Z.* 109.

¹⁶⁸ *Ibid.*

its spirit is embodied in the legislation, government and life of our country."¹⁶⁹ There were however, further demonstrations and the ceremony continued in much the same way. In response to this, a different approach was taken in April of that year. The National Council of Churches issued a proposed format for the day, jointly prepared by Archbishop Williams of the Catholic Church and Archbishop Reeves of the Anglican Church. The idea of the two Archbishops was to reduce the role of officials and the navy, while increasing the role of Maori.¹⁷⁰ The Minister of Lands, Jonathan Elworthy, received the proposals, together with others put forward by the Tai Tokerau District Maori Council, the local Maori community. In the end however, the changes which were implemented were seen to be just a reshuffle of proceedings by placing the Maori "entertainment" before, rather than after the "naval celebration".¹⁷¹

Waitangi Day in 1983 was on a Sunday. Churches throughout New Zealand were encouraged to use a liturgy of repentance within their normal Sunday worship.¹⁷² Meanwhile at the actual government ceremony in Waitangi, there was considerable police presence and people were arrested. Nine members of the Churches Action Group, an Auckland-based group concerned about the nature of Waitangi Day celebrations, were among those arrested. Before and during the official service, they attempted to present their own liturgy of repentance.¹⁷³ Although this protest was not a National Council of Churches action, the Council showed clearly in correspondence with the Minister of Lands (who asked if it was a Council activity), that the aims of the protesters were "not inconsistent with the consensus of official church statements that Christians should give serious consideration to the whole issue of the Waitangi Day celebrations and that the theme of repentance and hope should be emphasised."¹⁷⁴ This response of the National Council of

¹⁶⁹ *Our Own Backyard* 1.

¹⁷⁰ 1982, Race Relations, *P.C.N.Z.* 109.

¹⁷¹ This was the view expressed in Church and Society Commission, *What Happened at Waitangi 1983* (Auckland: National Council of Churches, 1983) 13.

¹⁷² *Ibid* and 1982, Race Relations, *P.C.N.Z.* 109.

¹⁷³ See Moynihan, C., "Eye Witness Account" in *What Happened at Waitangi 1983* 25-28.

¹⁷⁴ In the letter dated 21 February, 1983 from the Minister of Lands, Jonathan Elworthy, asks "Would you please let me know if the National Council of Churches played any part in, or had any prior knowledge of, the disgraceful performance displayed by some members of the clergy during that church service." The General Secretary, the Rev. Angus MacLeod, replied in the

Churches to the Waitangi Day protests, and its public dispute with the government, placed the Council in the forefront of opposition to government policy over the Treaty. Ranginui Walker, in his history of Maori activism in this period, makes the seemingly surprised comment that, "even the National Council of Churches supports the protest movement with a call to replace the celebrations with a day of repentance."¹⁷⁵

The church, and in particular the National Council of Churches, was severely criticised however, by the government, and also by many from within the church. The Prime Minister, Robert Muldoon, (in addition to his concern about "left wing" clergy) saw the National Council of Churches as creating division within New Zealand where there was none.¹⁷⁶ There was even a complaint lodged with the Race Relations Conciliator that material prepared by the Ecumenical Secretariat on Development was itself racist.¹⁷⁷ This did not deter the Council, and in 1984 it called for a total "moratorium" on church involvement in Waitangi Day celebrations. The Council instead supported Te Hikoi, a march, which travelled north to Waitangi under the banner of Kotahitanga, the Maori rights movement which began in the nineteenth century.¹⁷⁸

In a review of these 1984 Waitangi Day celebrations, the Church and Society Commission tentatively concluded that perhaps now New Zealand was at a turning point in its history of race relations.¹⁷⁹ One reason for the Church and Society Commission's optimism was that the Maori calls for

quoted terms in a letter dated 25 February, 1983: *What Happened at Waitangi 1983* 58; see generally 55-59.

¹⁷⁵ Walker, R.J., "The Maori People: Their Political Development", *op. cit.* 261. It was not only the National Council of Churches which supported the protests. "In November, 1982, the National Catholic Commission for Evangelism (sic), Justice and Development granted the radical Waitangi Action Committee \$2,000": Bryant, G., *op. cit.* 83; *Otago Daily Times* 19 November, 1982.

¹⁷⁶ Bryant, G., *op. cit.* 76. A common saying of Robert Muldoon was that many clergy were "closer to Marx than Christ": "Muldoon Fails to Ruffle the Churches", *Auckland Star* 4 November, 1982.

¹⁷⁷ Bryant, G., *op. cit.* 76.

¹⁷⁸ See Walker, R.J., "The History of Kotahitanga" in *Waitangi 1984: A Turning Point*, *op. cit.* 43-46.

¹⁷⁹ Church and Society Commission, *Waitangi 1984: A Turning Point* (Auckland: National Council of Churches, 1984).

autonomy within "the Pakeha dominated churches" was being heeded.¹⁸⁰ And indeed it was this "stronger Maori church" which did play an important part in calling for an honouring of the Treaty and a new bi-cultural New Zealand. At an ecumenical level the Maori Section of the National Council of Churches was reconstituted and re-invigorated as the Te Runanga Whakawhanaunga I Nga Hahi O Aotearoa (the Maori Council of Churches) in 1982. This body was no longer just a part of the National Council of Churches. "It stood alongside the NCC as an autonomous self determining expression of the church."¹⁸¹

This new body soon was involved in the Maori calls for the Treaty to be honoured. In December 1983 it jointly convened a meeting at the Waitangi Marae to involve the local Tai Tokerau Maori and those who were planning the Te Hikoi leading up to the 1984 Waitangi Day celebration. But more significantly "at that meeting a challenge was made to the churches and to the four Maori elected members of Parliament by one of the Tai Tokerau Kaumatua, Sir James Henare, to call a nationwide hui of the Maori people for the purposes of talk, of reconciliation, and for planning of a new deal for the Maori people, and for a better deal for the Nation."¹⁸² The Maori Council of Churches took up the challenge and with others, convened a hui in September, 1984 at the Turangawaewae Marae, Ngaruawahia. This hui became one of the great hui in the Maori struggle to have the Crown honour the Treaty of Waitangi.¹⁸³ The church, in this instance the Maori church, was at the forefront of formulating the Maori demand for justice under the Treaty, and then pressing for those changes.

¹⁸⁰ Armstrong, J., "1984?" in *Waitangi 1984: A Turning Point?* 28.

¹⁸¹ Armstrong, J., "Preface: New Life Emerging" in *Ecumenism: Towards a New Ecumenical Body in Aotearoa* edited by Bluck, J. (Christchurch: National Council of Churches, 1986) 13. See also Armstrong, M.J., "Christianity and Maori Ethnicity in the South Island of New Zealand" in *Christianity in Oceania: Ethnographic Perspectives* edited by Barker, J. (Lanham: University Press of America, 1990) 257.

¹⁸² From the Foreword by Bishop Manuhua Bennett to Blank, A., Henare, M. & Williams, H., eds, *He Korero Mo Waitangi, 1984* (Ngaruawahia: Te Runanga o Waitangi, 1985).

¹⁸³ Sharp, A., *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980's* (Auckland: Oxford University Press, 1990) 27. Sharp lists two influential hui. The first was the Ngaruawahia one, convened by Te Runanga Whakawhanaunga I Nga Hahi O Aotearoa, and the second at Waitangi itself, convened by the four Maori members of Parliament, in February, 1985. This second hui was a recommendation of the Ngaruawahia Hui.

iii. The Church and the Treaty

The Maori, and the church, both now sought justice and the honouring of the Treaty. There was still a general church concern about racism.¹⁸⁴ However, because of the reclaimed importance of the Treaty,¹⁸⁵ the emphasis had changed. Simply stated, there once was a treaty, a contract, and it had not been honoured. One partner to that Treaty, namely the Crown, had not kept faith with either the letter or the spirit of that compact. The Crown's failure to honour the Treaty had led to injustice, and that needed to be remedied. Sharp, in his study, *Justice and the Maori*,¹⁸⁶ has argued that this call for justice came to be expressed in two distinct ways. There was firstly the demand for *reparative justice*, that is, what had been guaranteed under the Treaty, and which had subsequently been taken or destroyed by the Crown, should now be returned, or if that was not possible, compensation paid. The second call for justice was the claim for *distributive justice* or, perhaps the more difficult concept to define, *social equity*.¹⁸⁷ Sharp sees this second claim as being concerned with "the equality of the goods of life" (such as employment, housing and education) and the call by Maori for independence. This call for distributive justice has been usually translated into a request for an "ill-defined 'partnership' between Maori and Crown (or Maori and Pakeha) in a bi-cultural society and polity."¹⁸⁸ By the mid 1980's the issue was no longer the nature of Treaty celebrations, or even just land rights. The issue went to the very nature of New Zealand itself.

The Ngaruawahia Hui was important in clarifying these concerns for justice and bringing them before government. In his letter to the new Prime Minister, David Lange, Bishop Bennett affirmed "that the Treaty of Waitangi is a document that articulates the status of Maori as tangata whenua of

¹⁸⁴ For example, there was church opposition to the government response to the Privy Council decision on Samoan immigration, *Lesa v. Attorney-General* [1982] 1 N.Z.L.R. 165: 1982, Race Relations, P.C.N.Z. 110-111; and 1984, Race Relations, P.C.N.Z. 119.

¹⁸⁵ In 1984 the General Assembly of the Presbyterian Church agreed that the Treaty of Waitangi be studied throughout the Church: 1984, Minutes, P.C.N.Z. 147.

¹⁸⁶ Sharp, A., *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980's* (Auckland: Oxford University Press, 1990).

¹⁸⁷ *Ibid* 22.

¹⁸⁸ *Ibid* 182.

Aotearoa and is a symbol which reflects Maori mana motuhake."¹⁸⁹ The various resolutions of the hui reflected the centrality of the Treaty for the attainment of justice by Maori. At the hui there was still debate about how Waitangi Day should appropriately be marked, although most resolutions dealt with the broader issues of reparative and distributive justice. With regard to reparative justice claims, the hui resolved that "the Treaty of Waitangi shall be the basis for claims in respect to the land, forests, water, fisheries and Human rights of Maori people."¹⁹⁰ The hui however, saw the Treaty as affecting the whole structure of the state and its administration. It stated:

That a law be introduced to require that all proposed legislation be consistent with the Treaty of Waitangi.

We call for the establishment of a real and active [Maori] dimension within every Government department, especially with Health, Social Welfare and Treasury.¹⁹¹

Demands went further however, and hitherto unquestioned aspects of liberal democratic thinking were challenged. "This hui is suspicious of the passing of a Bill of Rights because we believe we already have one, i.e. the Treaty of Waitangi."¹⁹²

The Maori church however, provided more than just a venue for this hui, or the leadership of a delegation to the Prime Minister. It had been recognised that the church was in a special position with regard to the Treaty. After all, as Sir James Henare said to Bishop Reeves (as he then was) at the 1981 Waitangi Day celebrations, "you were largely responsible for the signing of the Treaty. It is up to you to make it work."¹⁹³ But as

¹⁸⁹ 18 December, 1984. The letter is quoted in full in Blank, A., *et al.*, *op. cit.* 109

¹⁹⁰ *Ibid* 2.

¹⁹¹ *Ibid* 4, 6.

¹⁹² *Ibid* 8. This was an expression of suspicion towards the traditional liberal democratic concern about human rights. This has been a subsequent theme in the creation of a bi-cultural perspective on such questions. For example, *NCC Programme on Racism Newsletter*, 5 (August 1986) 6, examines the Bill of Rights proposal of the then Labour Government. It observes that the principle of a "free and democratic New Zealand . . . has disadvantaged the Maoris". Also *NCC Programme on Racism Newsletter*, 10 (October 1987) 6, states "the notion of democracy has been badly abused with regard to Maori Pakeha relations."

¹⁹³ Quoted in Shirres, M.P., "The Churches' Contribution to Race Relations in New Zealand" in *Religion and New Zealand's Future* edited by Sharpe, K.J. (Palmerston North: Dunmore Press, 1982) 63.

the Ngaruawahia Hui also noted, "the Church as both the exponent and guardian of morality [had] failed in its involvement with the Treaty to uphold its moral aspects."¹⁹⁴ The theme of repentance and hope (the theme particularly pressed by the National Council of Churches since 1981) acknowledged this. As a result the church had an almost privileged position in seeing that the Treaty was honoured.¹⁹⁵

There was another dimension to the church's involvement in Treaty issues. The Crown had failed to honour Maori spirituality. Again the Ngaruawahia Hui said,

In terms of the total life of our people, in the final analysis, it is freedom of spirit that counts. We as a people are hurting. . . . The original problem stems from the Treaty with its exploitation and manipulation of our people to the extent that we find ourselves in the predicament of being hewers of wood and drawers of water. Therefore our concentration must be upon the cause, which is the Treaty of Waitangi, rather than the symptoms. God must move by his sovereign rule in order to liberate us.¹⁹⁶

This spiritual malaise, as well as an economic, political and social one afflicted Maori because the Treaty had not been honoured. Maori spirituality had been overridden and it needed now to be acknowledged and respected. As the Ngaruawahia Hui found, it was difficult to define this "Maori spirituality". As the above quotation illustrates, that spirituality drew heavily upon Christianity and the Bible.¹⁹⁷ Foremost in this regard was the fact that the Treaty was no ordinary contract. It was a sacred covenant.¹⁹⁸

¹⁹⁴ This was one of the two conclusions of the workshop on "The Moral Aspects of the Treaty of Waitangi" at the Ngaruawahia Hui: Blank, A., Henare, M. & Williams, H., eds, *op. cit.* 105.

¹⁹⁵ The 1990 *Church Leaders' Statement* used this argument in supporting the right of the church to speak on the issue. "The Christian Church holds the right to speak about and be concerned for the Treaty of Waitangi. Many of the signatories, both Maori and Pakeha, were Christians. . . . So, from the Christians who were present in 1840, through the Churches of the settlers who arrived subsequently, to our Churches today, the Treaty remains part of our history, part of our life, part of our responsibility": *A Church Leaders' Statement for 1990: A Backgrounder* (Wellington: Conference of Churches in Aotearoa New Zealand, 1990) 8.

¹⁹⁶ Blank, A., Henare, M. & Williams, H., eds, *op. cit.* 105.

¹⁹⁷ See de Bres, P.H., "Maori Religious Movements in Aotearoa" in *Religion in New Zealand Society, Second Edition* edited by Colless, B. & Donovan P. (Palmerston North: Dunmore Press, 1985) 30-55.

¹⁹⁸ Indeed it had always been seen as such. Hone Heke saw the Treaty as the New Covenant. "As Christ was the New Covenant and as the old Mosaic law was put aside on conversion to Christianity, so the Treaty, with its promise of a new relationship between the Crown and the

At this hui and on many other occasions, the Treaty was likened to the many biblical covenants entered into by God and the Children of Israel.¹⁹⁹ As Sharp has noted, the Treaty had become "that sacred document".²⁰⁰ There was a religious dimension to the discussion of the Treaty and its implications for New Zealand, a dimension which was never denied by the state.

In August, 1985, the Reverend Bob Scott of the National Council of Churches Programme on Racism observed that "after many years of watching the tide going out, it's as if it has turned and is coming back in again."²⁰¹ The tide did seem to have turned with the election of the Fourth Labour Government. The pressure from the Ngaruawahia Hui helped in bringing about a different emphasis in the Waitangi Day celebrations, with the form suggested by the hui for the 1985 ceremony being carried out by the government.²⁰² With regard to the operation of the Waitangi Tribunal, the hui was also an important factor in the decision of Cabinet on 5 November, 1984 Cabinet to begin to revise the Treaty of Waitangi legislation.²⁰³ In time this led to an extended membership of the Tribunal, while its jurisdiction was enhanced to cover all grievances since 1840. These new provisions became law in 1986.²⁰⁴

Meanwhile the Tribunal itself had revolutionised the place of the Treaty within New Zealand jurisprudence and indeed the New Zealand state. Up until the early 1980s the Tribunal had been "a lame duck".²⁰⁵ The appointment in 1980 of Judge Edward Taihakurei Durie as Chief Judge of the Maori Land

Maori chiefs, could be likened to the New Covenant": Orange, C., *The Treaty of Waitangi* (Wellington: Allen & Unwin, 1987) 90.

¹⁹⁹ *Ibid* 171-174.

²⁰⁰ Sharp, A., *op. cit.* 22.

²⁰¹ *NCC Programme on Racism Newsletter*, 1 (August 1985) 1.

²⁰² Kelsey, J., *op. cit.* 50. The decision of the hui accorded with Labour's previous stated policy.

²⁰³ *Ibid* 57. The Tribunal had been seen by the church to be an integral part of the establishment of justice for the Maori. In a 1990 Lectionary prepared by the Conference of Churches in Aotearoa New Zealand and the Negotiating Churches Unity Council, Sunday 10 October was to be specially remembered as the anniversary of the establishment of the Waitangi Tribunal in 1975.

²⁰⁴ *Ibid* 57-60.

²⁰⁵ *Ibid* 56.

Court, and hence the chairperson of the Tribunal, gave it new life.²⁰⁶ In a series of decisions, beginning with the *Motonui Case* in 1983,²⁰⁷ the Treaty was resuscitated as a means of addressing Maori grievances. In that case it upheld the right of Te Atiawa people in the Taranaki to collect shellfish and fish along their coastal reefs. These had been threatened with the proposal of the Motonui synthetic fuels plant (which was partly owned by the Crown) to pour effluent directly into the sea. In coming to this decision the Tribunal was prepared to use the Maori version of the Treaty,²⁰⁸ which not only protected the possession of their fisheries but "the mana to control them and then in accordance with their own customs and having regard to their own cultural preferences."²⁰⁹ It thus was prepared to acknowledge, and even require, that Maori spirituality and culture be recognised.²¹⁰ The Treaty was thus the "Maori Magna Carta" or "The Great Charter of Maori Rights".²¹¹ It also had "broader implications".

The Treaty was an acknowledgement of Maori existence, of their prior occupation of the land and of an intent that the Maori presence would remain and be respected. It made us one country, but acknowledged that there were two people. It established the regime not for uni-culturalism, but for bi-culturalism. We do not consider that we need feel threatened by that, but rather that we should be a part of it, and learn to capitalise on this diversity as a positive way of improving our individual and collective performance.

The Treaty was also more than an affirmation of existing rights. It was not intended to merely fossilise a status quo, but to provide a direction for future growth and development.²¹²

²⁰⁶ *Ibid.* In the early 1980's two other appointments to the Tribunal were made. Sir Graham Latimer and Paul Temm Q.C. were added. Together these three changed the way in which the Tribunal operated, and moved the hearings from court room procedure to even taking evidence on the marae. See Temm, P., *op. cit.* 6-12.

²⁰⁷ *Report Findings and Recommendations of the Waitangi Tribunal on an Application by Aila Taylor for and Behalf of the Te Atiawa Tribe (Motonui Claim)* (Wellington: Minister of Maori Affairs, 1983).

²⁰⁸ *Motonui Claim*, 54-58, although in the English version of Article II fisheries were specifically noted, while they were not in the Maori version (59).

²⁰⁹ *Ibid* 60.

²¹⁰ The Tribunal spoke of the spiritual and cultural factors in this way. "Many of those who appeared before us spoke . . . not only of the physical contamination of water by which a degree of pollution might be entertained as not injurious to health, but of the 'spiritual pollution of water which affects the life force of all living things and eventually man' . . . and according to which no degree of contamination can be contemplated. The tapu (sacred) nature of water in the Maori scheme of things was stressed by many. . .": *ibid* 13.

²¹¹ *Ibid* 61.

²¹² *Ibid.*

The Tribunal however, only could make recommendations, and its recommendation to the National Government in this case was initially rejected. After much media, and also church pressure, the government did eventually accept the Tribunal's findings.²¹³ The terms of the Treaty had been brought to life. The cases that followed reinforced the significance and place of the Treaty.²¹⁴

The promise of the mid 1980's was, however, not completely fulfilled. Kelsey has called these years, the Fourth Labour Government's "naive period of Treaty policy".²¹⁵ As the Governor General, the Most Reverend, Sir Paul Reeves, himself a Maori and former Primate of the Anglican Church, noted in 1990 "perhaps things have gone off the boil a bit."²¹⁶ The expansion of the Tribunal's jurisdiction to include disputes dating from 1840 meant that the Tribunal became overwhelmed with claims. With the consequent backlog in hearings (by 1990 in excess of 200 claims), there again was the feeling of justice denied.²¹⁷ The tentative attempts at creating a bi-cultural government administration also stalled in the face of mounting economic difficulties.²¹⁸ In 1987 the government contested the New Zealand Maori Council's claim that under the State Owned Enterprises Act, the Crown could not limit its liability for actions with regard to land that the State Owned Enterprises may wish to sell. To do so would contravene the rights of Maori under the Treaty.²¹⁹ Because of s.9 of that Act, the Court of Appeal held that the Treaty was to override this specific legislative intent to limit Crown exposure to Tribunal claims. The President of the Court of Appeal, Sir Robin Cooke, said the case was "perhaps as important for the future of our

²¹³ The Joint Public Questions Committee of the Presbyterian and Methodist Church issued a statement criticising the government's, hasty rejection of the Tribunal recommendation: 1983, *N.A.C.* 152.

²¹⁴ Four Tribunal Cases were seen to be significant: the *Motonui Case*, the *Kaituna Case*, the *Manukau Harbour Case* and the *Te Reo Maori Case*. See Temm, P., *op. cit.* 37-60, for a discussion of these cases.

²¹⁵ Kelsey, J., *op. cit.* 23.

²¹⁶ The Opening Address to the symposium sponsored by the Catholic and Anglican Bishops, *Te Ara Tika - The Way Ahead*, *op. cit.* 8. The primary reason cited was the difficult economic times facing the country.

²¹⁷ This was a concern in the *1990 Church Leaders' Statement* 30.

²¹⁸ Kelsey, J., *op. cit.* 66-71.

²¹⁹ *New Zealand Maori Council v. The Attorney General* [1987] 1 *N.Z.L.R.* 641.

country as any that has come before a New Zealand Court".²²⁰ This time the highest court in the land had affirmed the role of the Treaty. Maori and Pakeha were partners who had "to act towards each other reasonably and with the utmost good faith".²²¹

The Treaty may have been brought to life, but the central question with regard to the respective balancing of Article I "kawanatanga" (relating to the Crown's authority) and Article II "tino rangatiratanga" (relating to Maori sovereignty) had not clearly been resolved. Speaking of the *Manukau Harbour Case*, Kelsey says,

"Under the treaty the Tribunal found Maori had rights to full authority over the harbour but non-exclusive ownership or use 'in the nature of an interest in partnership the precise terms of which have yet to be worked out.' . . . [T]he open ended wording taken out of this context left the way open for the courts and government to impose the converse relationship of supreme Crown authority and subordinated minority Maori interest."²²²

The principle of partnership, and the increased desire of Maori to assert their tino rangatiratanga (Maori chieftainship), particularly clashed with the government's economic reformism and "Rogernomics".²²³ This question of tino rangatiratanga now became the major issue concerning the church. The Maori Council of Churches made it a focus of a campaign to promote constitutional reform of the political system²²⁴ and in 1989 the Methodist Conference expressed "full and unqualified support for 'tekatoa o nga iwi Maori' as expressed in Article 2 of the Te Tiriti o Waitangi (Maori Version)".²²⁵

The church had been important in changing the status of the Treaty within New Zealand and it continued to be involved in pursuing Treaty issues with the government. For example, the Maori Council of Churches together

²²⁰ *Ibid* 651.

²²¹ *Ibid* 667.

²²² Kelsey, J., *op. cit.* 64-65.

²²³ See *ibid* 77.

²²⁴ *Programme on Racism Newsletter*, 22 (October 1990) 1.

²²⁵ In response the Joint Methodist-Presbyterian Public Questions Committee has produced a discussion paper (from which the quote is taken): *Tino Rangatiratanga* (Wellington: Joint Public Questions Committee, 1990) 2.

with the New Zealand Maori Council convened a hui to discuss electoral reform as it affected the Maori.²²⁶ The former Bishop of Aotearoa, Bishop Manuhua Bennett was appointed to the expanded Waitangi Tribunal. Submissions were made to various committees of inquiry and in particular the *Royal Commission on Social Policy*.²²⁷ From the mid 1980's, however, the church also was concerned with making its own "bi-cultural journey" more authentic. The changes in the mainline denominations were significant. In 1983 the Methodist Church resolved to begin a Treaty-based power-sharing.²²⁸ In 1986 the Anglican General Synod accepted the *Report of the Bi-Cultural Commission on the Treaty of Waitangi*. This led to significant constitutional changes which were approved in principle at a special General Synod in November 1990. In 1983 the Catholic Church established Te Rununga of Te Hahi Katorika and in 1988 Bishop Takuira Mariu was consecrated as the first Maori Catholic Bishop (although he was only an assistant bishop). In 1987 the General Assembly of the Presbyterian Church committed itself to the recognition of the Maori as tangata whenua and the Treaty of Waitangi.²²⁹ The new Conference of Churches in Aotearoa New Zealand (replacing the National Council of Churches) set, as one of its eleven goals the goal to "acknowledge the Maori people as tangata whenua of Aotearoa and 'Te Tiriti O Waitangi' as the covenant which commits the nation to a bi-cultural Maori-Pakeha society."²³⁰ Most churches, from the Open Brethren²³¹ through to the Catholic Church, now faced the issue of not only what the Treaty meant for the nation, as well as for their own church.

²²⁶ *NCC Programme on Racism Newsletter*, 10 (October 1987) 6.

²²⁷ See *Church and Society Newsletter* (December 1987) 1, for a description of the submission to the Royal Commission, made by the Church and Society Commission of the National Council of Churches. The *April Report of the Royal Commission on Social Policy* (Wellington: Government Printer, 1988)(4 Volumes) itself affirmed the place of the Treaty in New Zealand political life. See Douglas, E., "New Directions in Social Policy" in 1988-1989 *Yearbook* (Wellington: Government Printer, 1989) 231-253, for an account of the Commission's findings. In particular note that "the Commissioners concluded that three principles of the treaty have widespread relevance to social policy and its objectives, these are partnership, protection and participation." (237).

²²⁸ (1983) *N.A.C.* 665.

²²⁹ See generally *A Church Leaders' Statement for 1990*, *op. cit.* 25.

²³⁰ Bluck, J. ed., *Ecumenism: Towards a New Ecumenical Body in Aotearoa* 20.

²³¹ See for example issues on "The Treaty of Waitangi: Pakeha Face the Issues" and "Bi-culturalism" in *The Journal of the Christian Brethren Research Fellowship*, 116 (February 1989) and 117 (April 1989).

iv. The Treaty and a New Church State Relationship?

The *sesqui* anniversary of the signing of the Treaty in 1990 became another occasion when the role of the church in the recognition of the Treaty came to the fore. The issue, in part, reverted to the question of participation in the actual Waitangi Day celebrations. The new Conference of Churches was not involved although the reason had changed from the earlier boycotts. It now expressed the "hope that churches will not be involved in the kind of celebrations which presuppose that the Treaty of Waitangi has been properly honoured."²³² Meanwhile the Anglican Church agreed to take responsibility for organising the service. In that service of worship, before the Queen, the Prime Minister, Geoffrey Palmer, and various national dignitaries, the Bishop of Aotearoa, the Right Reverend Whakahuihui Vercoe said:

[S]ince the signing of that treaty 150 years ago I want to remind our partners that you have marginalised us. You have not honoured the treaty. We have not honoured each other in the promises we made on this sacred ground.

The treaty is what we are celebrating. It is what we are trying to establish so that my tino rangatiratanga is the same as your tino rangatiratanga.²³³

Within ten years the Treaty had moved from being claimed as being a fraud, to being recognised by the Queen herself as "an honourable basis for the creation of a new order and a new way of life together."²³⁴ As the Bishop indicated, what was now at issue for the Maori was the practical working out of the crucial concept of tino rangatiratanga within the Maori version of the Treaty.

The church had been a part of this process, and it had also been changed in that process. The change in the state had also meant that the place of the church, or more accurately the place of religious or spiritual matters within the life of the state, had been transformed. One need not go past the 1990 ceremony itself to show that the church, or at least Maori

²³² Reidy, M., "Keeping the Treaty" *One World*, (April 1990) 26.

²³³ *New Zealand Herald*, 7 February, 1990, 9.

²³⁴ *Ibid* 8.

spirituality, had a new place within the New Zealand state.²³⁵ The focus of the national 1990 celebrations was a service of worship with Bible readings, hymns, prayers and a sermon. As the Dean of the Anglican Cathedral Dunedin, the Very Reverend Robert Mills, said following the ceremony,

The Waitangi Day celebrations seemed to confirm the opinion that if it were not for our Maori fellow citizens, the religious dimension would have disappeared altogether from public life. It seems the future for the Gospel in New Zealand lies with the Maori people, not the pakeha.²³⁶

Indeed it was Bishop Vercoe's sermon (apart from clothing thrown at the Queen) which drew the most comment and reaction.²³⁷

Furthermore if the national polity were to be bi-cultural, then it was necessary to accept the Maori's contribution to that partnership. And that, as Robert Mills suggested, included Maori spirituality. This role and recognition of Christianity within the state is perhaps most strikingly illustrated by the appointment of Sir Paul Reeves, the Anglican primate, as the Governor-General on 20 November, 1985. Although some opposition to the appointment arose on the grounds of muddying the separation between church and state,²³⁸ the appointment generally could be seen as a symbol of a new relationship between the church and the state. Bi-culturalism meant that there was an increased sensitivity to Maori spiritual values and Christianity in particular. The state now incorporates religious practices, such as opening prayers (karakia) in aspects of government administration. For example, the Waitangi Tribunal in session begins and ends each day with

²³⁵ Cf. the activities marking the Bicentenary of European settlement in Australia on 26 January, 1988. This featured the arrival of 'tall ships' into Sydney Harbour and a massive fireworks display.

²³⁶ *Otago Daily Times*, 12 February, 1990, 3. This was quoted from the Dean's address to the Dunedin Festival Service, 1990.

²³⁷ Focus was given to the Bishop's address in most reports of the day: for example, *Otago Daily Times*, 7 February, 1990 and 10 February, 1990 in which the "Feature Article" stated "Bishop Whakahuihui Vercoe laid down the challenge when he told the Prime Minister, Mr Palmer: 'You have not honoured the Treaty'". On the anniversary of his speech, it was reported that "the man who caused a furore last Waitangi Day when he claimed the Maori people had been 'marginalised' by the system says no real progress has been made": *Otago Daily Times*, 6 February, 1991.

²³⁸ See Davidson, A.K., *Christianity in Aotearoa: A History of Church and Society in New Zealand* (Wellington, Education for Ministry, 1991) 175, for a discussion of this criticism by *The New Zealand Herald*.

prayers and often includes a hymn.²³⁹ Indeed, the Fourth Labour Government began its term with a traditional Maori welcome. Major government functions, such as government-sponsored conferences, now began in this way. Also legislation, such as the Conservation Act, was to take into account "Treaty principles" and therefore theoretically acknowledge Maori spiritual values in its operation.²⁴⁰ Within the papers prepared for the *Royal Commission on Social Policy* (and published in the April 1988 Report) there was a paper "The S-Factor: Taha Wairua". The "S" within the "S-factor" stood for spirit or spirituality. No definition was made as to what this "S-factor" was, although it was thought relevant to the formulation of government policy.

Is it not enough to legislate for freedom of conscience and religion, and freedom of worship, assembly, speech and thought?

The simple answer is no, this is not enough. People need inspiration: if they do not receive the S-factor in the framing of legislation, the functioning of government, and the outcomes of social policy, they will question the validity of these and will not co-operate. Ultimately they will withdraw their mandate.²⁴¹

Although the paper was short, it did draw heavily upon Maori religious influences and a vaguely Christian ethos to emphasise that this spiritual dimension to the state's social policy formulation was needed.

Curricula within schools have also specifically acknowledged Maori spirituality, and have done so without the controversy that surrounded the *Johnson Report* in the previous decade.²⁴² Again karakia, often the

²³⁹ Temm, P., *op. cit.* 11.

²⁴⁰ During the first term of the Fourth Labour Government seven bills that were introduced referred to the Treaty: Maori Affairs, Environment, Conservation, State-Owned Enterprises (it was s.9 of that Act which was the basis of the New Zealand Maori Council Case), Maori Language, Treaty of Waitangi (State Enterprises) and the Treaty of Waitangi Amendment. For an account of these references to the Treaty and how they came to be incorporated into legislation see Kelsey, J. *op. cit.* 72-77. In 1991 the Resource Management Act was passed. This act, consolidating previous environmental and planning law, contained a typical "Waitangi clause": "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)." (Section 8)

²⁴¹ Benland, C., "The S-Factor: Taha Wairua" in *Report of the Royal Commission on Social Policy* (April 1988), Volume Three (Wellington: Government Printer, 1988) 455.

²⁴² See for example, Ministry of Education, *Tihe Mauri Ora! Maori Language Junior Classes to Form 2: Syllabus for Schools* (Wellington: Ministry of Education, 1990) 27, which states that "the effectiveness of classroom programmes in Maori depends on establishing a climate which is conducive to learning. A variety of starting points will cater for the different range

recitation of the Lord's Prayer (in Maori), has become a feature of contemporary New Zealand education. However, not all Maori spirituality has not been accepted. In a submission to a Parliamentary Select Committee dealing with broadcasting, Professor Whatarangi Winiata, on behalf of the New Zealand Maori Council, claimed that Maori "owned the rights to broadcasting frequencies because the god Tane created space when he separated earth and sky."²⁴³ The claim expressed in this form was not accepted.

v. Conclusion

For three decades racism had been the special focus of the National Council of Churches and by 1990 something of that concern had borne fruit. Of the many conclusions that can be drawn from these developments within the New Zealand state, it is clear that the church's role and this aspect of the liberal agenda had been important. Other conclusions could also be made about the nature of church state relations. As a result of the policy of bi-culturalism a muddying of the separation of church and state has taken place. The spiritual values of Maori were to be recognised as a part of the New Zealand polity. By 1990 a "civil religion"²⁴⁴ was emerging in New Zealand with a decidedly Maori, if not a Christian flavour. "Treaty principles" now recognised, among other things, Maori spirituality. A significant qualification on the process of secularisation, even as defined in this study, now applied to the New Zealand state. Religious or spiritual values were no longer eschewed. Hill and Zwaga's observation in 1987 that "as a result of the secularisation process, traditional Christian values have been increasingly marginalised and detached from the public sphere"²⁴⁵ must be qualified. Their conclusion that "prayers are not a resonant feature

of abilities and interests of both teachers and children. . . . but extension activities may include work in the following: health education (the importance of the concept of whanau in an understanding of Maori physical, mental, and spiritual health)."

²⁴³ Mitchell, R., *op. cit.* 51.

²⁴⁴ See Hill, M. & Zwaga W., "Civil and Civic: Engineering a National Religious Consensus" *New Zealand Sociology*, 2, 1 (1987) 27, for a definition of this term and its applicability to New Zealand. In general they doubt the existence of "civil religion" in New Zealand (33).

²⁴⁵ *Ibid* 33. Although they examine Waitangi Day (31-32), they dismiss it as a "fabricated symbol of national identity". They do not consider the implication of the Treaty on the role of spiritual values in the national life.

of contemporary political rhetoric"²⁴⁶ does not take into account the use of karakia at state and ceremonial functions, including many government sponsored hui.

In some respects, the question of the church's involvement with the state over racism has been a special case. The church historically had been intimately involved in arguing for a treaty with the Maori. That involvement, some one hundred and fifty years later, gave the church a special standing. Of more significance, however, was that the church did not just argue that racism should be condemned. It adjusted its own structures to incorporate and recognise those who had themselves been affected by racist policies, even within the church. This gave the church a standing within the Maori community which other groups, such as trade unions, lacked. It was respected, although at times with qualification and exasperation, by those who were affected by the church's own structures. Furthermore, these changes that the mainline churches (Catholic, Anglican, Methodist and Presbyterian Churches) had made in their own structure, came to be cited as possible patterns for constitutional reforms in the New Zealand state itself.²⁴⁷

This is not to say that the liberal church concern about racism had not itself undergone great change during the period 1970-1990. It changed from condemning racism *simpliciter* and promoting "multi-culturalism", to calling for "bi-culturalism" and for the Treaty to be honoured. This has left possible conflict between a human rights-based approach to racism and its concern over discrimination, and a treaty or contract-based approach, and its recognition of the place of the Maori within New Zealand. At one level, this is the clash between the human rights of the group and the human rights of the individual. At another level, it is the question of how the two claims to "sovereignty" in Articles I and II of the Treaty can be effectively balanced, or as Bishop Vercoe said in his 1990 Waitangi Day address, how Maori tino rangatiratanga and pakeha tino rangatiratanga can be viewed. Within the liberal church agenda these tensions have been manifest. For example, at the 1990 general election, the Maori Council of Churches called on "people of goodwill" not to vote in that election because Maori

²⁴⁶ *Ibid.*

²⁴⁷ Professor Whatarangi Winiata, "Morning Report", National Radio, 4 September, 1991.

tino rangatiratanga had not been recognised.²⁴⁸ This call gave rise to vigorous opposition within the Methodist and Presbyterian churches, especially after their respective President and Moderator urged that the campaign be taken seriously.²⁴⁹ At issue was the justice of the Maori's claim and the responsibility of Christians being involved in the democratic process of an election. Another example was the refusal of Bishop Vercoe to attend the consecration of Dr Penny Jamieson as Bishop of Dunedin in June, 1990 because he believed this was not yet in accord with Maori thinking on the role of women. These examples show that despite the great change in the position of the Maori by 1990, there remain issues and questions to be resolved within this aspect of the liberal agenda.

4. The Liberal Approach and the State

During the period 1970-1990 the liberal church approach was an important aspect of the church's relationship with the state about moral or ethical questions. The issues that were pursued with the state were broad ranging, and generally inspired by the vision of a more just, peaceful and humane world. The theological basis for this approach meant that the church became involved in many matters that had not previously been the concern of the church. Furthermore, how the church considered these questions drew on different techniques of social, economic and political analysis. The fact that the liberal concern was itself possibly out of step with the church or the wider community confirmed the church's prophetic role with the state. As a consequence, the liberal approach became aligned, at least in the assessment of the state (and also for many within the church), with other cause or interest groups pressing their claims at this time. The liberal church approach was readily seen to be political, controversial, divisive and left wing.

The liberal approach was represented within all mainline denominations and, particularly during the 1970's and early 1980's, within the National Council of Churches and ecumenical agencies. Many of the liberals' aims were not realised (for example, the contribution made to economic debate was

²⁴⁸ *Crosslink*, 4,10 (November 1990) 1.

²⁴⁹ *Ibid.*

often inconsistent, derivative and largely irrelevant to state policy formulation),²⁵⁰ but other aspects were successful. In particular, with regard to the Treaty, both the Maori and pakeha church, were significant participants in changing New Zealand's race relations policy and arguably the nature of the New Zealand state itself. In fact, this change is likely to have lasting ramifications on the future of New Zealand church state relations.

²⁵⁰ See above at p. 240.

CHAPTER EIGHT

THE CHURCH, MORALITY AND THE NEW CHRISTIAN RIGHT

1. Introduction

The 1970's began with a divergence of opinion within the church over the role of the state in enforcing certain principles of Christian morality. This different attitude was first clearly evident with regard to temperance. For example, the joint submission of the Methodist and Presbyterian Public Questions Committees to the *Royal Commission on Liquor* in 1974 noted that "both churches have a tradition of being anti liquor and anti liquor interests. Both churches have supported prohibition and temperance in the past. Attitudes within the churches have changed considerably and although there are members of both churches who would still support prohibition and temperance movements, the two churches do not now adopt this position."¹ Despite this movement from a traditional concern for the Methodist and Presbyterian Churches, considerable support within these and other churches still existed for the state enforcement of personal morality, particularly in the area of sexuality. This concern about matters of personal morality and the state enforcement of biblical principles in this area, was the hallmark of the conservative approach to church state relations. This chapter examines the role of this approach in the period 1970-1990. In particular, it traces the emergence by the mid-1980's of a new feature in New Zealand church state relations, namely, the active political involvement of some conservative Christians and conservative Christian denominations. By no means were all conservative Christians politically involved, however, such was their impact that they were seen to be a factor, even an influential force, within New Zealand politics during the 1980's.² This political pursuit of a conservative Christian agenda, mirroring the liberal

¹ 1974, Public Questions, *P.C.M.Z.* 119.

² This is particularly so of journalistic assessments of the New Christian Right. Both the Auckland-based *Metro* and *The New Zealand Listener* have regularly featured articles concerning the New Christian Right in New Zealand. See for example: Ansley, B., 'The Growing Might of the Moral Right', *New Zealand Listener*, 26 October, 1988, 16-18; and Corbett, J., 'Fundamentalism', *Metro*, 100 (October 1989) 172-178.

agenda and the Christian Left outlined in the previous chapter, has been called the Moral Right,³ the Authoritarian Right,⁴ Populist Moralism,⁵ the New Religious Right,⁶ or the more specific term, and the term which is used here, the New Christian Right.⁷

The term New Christian Right is used because it seems to best capture the features of this movement. It is "New" in that it differs from previous conservative political movements, such as the Protestant Political Association of the early decades of the century. That organisation, and the earlier moral campaigns, were basically single issue campaigns. The New Christian Right developed through that phase to have a broad based political concern, although it did use many of the techniques which earlier organisations developed. Also it was "New" in that it did not directly associate with conservative right wing groups, such as the League of Rights, which at times had appealed to Christianity in their ideology.⁸ It was "Christian", as opposed to "moral" or even "religious", in that although it had important links to earlier single issue moral campaigns, the New

³ This is the basic generic term employed in the important study Jesson, B., Ryan A., & Spoonley, P., *Revival of the Right: New Zealand Politics in the 1980's* (Auckland: Heinemann Reed, 1988) 56ff.

⁴ Spoonley, P., *The Politics of Nostalgia: Racism and the Extreme Right in New Zealand* (Palmerston North: Dunmore Press, 1987) 234, uses this term, although he draws a distinction between it and the Religious Right. He concludes however, "differences between the two identified categories should not be over emphasised as both share activists and the objective of establishing a specific moral code". (235)

⁵ This is not so much a description of the movement, but a statement about the origins of its support: see Ryan, A., "For God, Country, and Family": Populist Moralism and the New Zealand Moral Right", *New Zealand Sociology*, 1, 2 (1986) 104-112.

⁶ This is a more specific term, though it leaves open the possibility of political activity by other than Christians, such as Moslem fundamentalist groups, and also avoids the issue of whether or not the beliefs and values of the group are in fact "Christian". It has been the favoured term by some United States commentators, for example, Pierard, R.V., "Religion and the New Right in Contemporary American Politics" in *Religion and Politics* edited by Wood, J.E. (Waco: J.M. Dawson Institute of Church-State Studies, 1983) 57-75.

⁷ This is the term which has been generally accepted as describing this movement in the United States. See, for example, Jorstad, E., *The Politics of Moralism: The New Christian Right in American Life* (Minneapolis: Augsburg, 1981); Liebman, R.C. and Wuthnow, R. eds, *The New Christian Right* (New York: Aldine, 1983); Neuhaus, R.J., *The Naked Public Square: Religion and Democracy in America* (Grand Rapids: Eerdmans, 1984); Bruce, S., *The Rise and Fall of the New Christian Right* (New York: Oxford University Press, 1988); and Wuthnow, R., *The Restructuring of American Religion: Society and Faith since World War II* (Princeton: Princeton University Press, 1988).

⁸ See Buchman, H.S., "The Political Thoughts of the League of Rights" (unpublished MA thesis, Waikato, 1983).

Christian Right by the mid 1980's provided a broad ranging conservative Christian critique of contemporary society. It was not limited to merely questions of religion or personal morality. A complete Christian alternative was offered for New Zealand society. Finally it is seen to be a political movement which is of the Right, although at times it sits uneasily with that description. In particular, its "Right" description arises from the conservative tenor of its thought, its nationalistic fervour and its appeal to free market capitalism.

Ryan in a major study on the New Christian Right in New Zealand, is of the opinion that in the late 1960's and early 1970's there was a "crisis in morality" and "society was undergoing a process of 'secularization' and established religions were losing their role as a major social legitimator". "The moral right arose in response to this 'moral crisis'".⁹ As has been shown in previous chapters, such an assessment, in part, is true; but only, in part. The process of secularisation and the reaction of conservative Christians to this phenomenon was central to the emergence of the New Christian Right. There were conservative Christians who wanted to preserve New Zealand as a Christian nation. Ryan's analysis leaves unanswered, however, several important questions. Why did the conservative approach to church state relations lead sections of the church to become so involved in political protest and party politics when they had traditionally emphasised personal piety and eschewed political engagement? Indeed many still continued to remain politically aloof. For example, in a 1971 American study, this political quietism of conservative or evangelical Christianity was noted.

The thrust of evangelical Protestantism is toward a miraculous view of social reform: that if all men are brought to Christ, social evils will disappear through the miraculous regeneration of the individual by the Holy Spirit. Thus evangelicals concentrate on conversion, and except for occasional efforts to outlaw what they deem to be personal vices, evangelical Protestant groups largely ignore social and political efforts for reform.¹⁰

⁹ These are quotes from Ryan, A., *op. cit.* 109, although they are reflected in Jesson *et al.*, *op. cit.*, and most journalistic accounts of the New Christian Right in New Zealand.

¹⁰ Quoted by Wuthnow, R., "The Political Rebirth of American Evangelicals" in Liebman, R.C. & Wuthnow, R., *op. cit.* 168. Jerry Falwell, the leading figure in the organisation Moral Majority, illustrates the change in attitude of many conservative Christians. In 1965 he asked "does the 'church' have any command from God to involve itself in marches, demonstrations, or any other actions . . . Preachers are not called to be politicians but soul winners." By 1976 he expressed the view that "the idea that religion and politics don't mix was invented by the

Even in New Zealand in 1984, Galvin observed that "the Fundamentalist churches have opted for piety and the liberals/radicals for social justice."¹¹ Why did a change occur for many Conservative Christians? Furthermore, why was liberal Christianity as much the enemy as the moral decadence of contemporary society?¹² And finally, how did the single issue moral campaigns, such as those which developed over censorship or abortion in the early 1970's, become the basis, as Ryan suggests, by the mid 1980's of a broad ranging theocratic solution to all of society's ills?

These questions are examined here by placing the development of the conservative church approach within the broader context of the restructuring of the New Zealand church in the period since 1970. However, in analysing these changes since 1970, two phases are isolated. The first phase involved the way in which the conservative church developed a response to the problems of "permissiveness" and the enforcement of Christian morals by the state. This was the time of the moral campaigns and the widening division within denominations over the role of the state in the enforcement of personal morals. These campaigns were a precursor to, but not the same as, the later political phenomenon of the New Christian Right. The second phase occurred when certain conservative sections of the church saw the problem as being not only permissiveness, but also "secular humanism"¹³ and the complete destruction of New Zealand's Christian heritage itself. It was out of this context that the conservative church's political manifestation, the New Christian Right, emerged.

Devil to keep Christians from running their own country. If [there is] any place in the world we need Christianity, it's in Washington": quoted by Pierard, R.V., *op. cit.* 63.

¹¹ Galvin, R. in "Learning from the Sects" in Ker, J.M. & Sharpe K.J., *Toward an Authentic New Zealand Theology* (Auckland: University of Auckland Chaplaincy Publishing Trust, 1984) 101.

¹² Ansley, *op. cit.* 17, records an interview with J. Massam, the editor of *Challenge Weekly*, who said, "You have a group of churches, perhaps you could call them the N.C.C.. You've got that group of folk - and the homosexual bill reflects this - who seem to identify with marxist, atheist, humanist, materialist sort of philosophies, who almost seem to be bed-fellows with those groups. And you find the two aligned."

¹³ The term "secular humanism" itself has become almost as symbolic as the evil it was supposedly criticising. For a programmatic statement of "secular humanism", the *Humanist Manifesto* of John Dewey and others in 1933 (and the 40th anniversary restatement in *Humanist Manifesto II* in 1973) is referred to. Generally see Bruce, S., *op. cit.* 76-80, for a discussion of the origin of the term and its understanding by conservative Christians.

2. The Permissive Society and the Moral Campaigns

i. The State and the "Permissive Society"

During the decade of the 1970's, the church, and also the community, became increasingly polarized about the role of the state in enforcing morality.¹⁴ Early in the 1970's the major issue was the question of censorship, while by the middle of the decade the issues were sex education, homosexuality and abortion. The former agreement from all sections of the church over these principles of Christian morality broke down completely. In the early 1970's the Inter-church Council on Public Affairs specifically considered the issue, but in January 1973 lamented that "we are unlikely to get agreement on a large scale moral statement. The specific moral questions are ones for the individual churches to present to their members."¹⁵ This was acknowledging that within the liberal church a different approach to the state enforcement of morals operated and that churches such as the Methodist and Presbyterian Church were taking this more liberal stance.

Conservative Christians were left in a dilemma. To begin with, they were concerned with the excessive political involvement of liberals within the church. This was politicising the church. Even worse than this was the seeming acquiescence of the liberals in the advance of "the permissive society" and the erosion of Christian principles and national righteousness. However, to protest against liberalising legislation was themselves to become political: the very thing that the liberals had been accused of doing. Into this context came, or perhaps returned, the moral campaign. This time the moral campaign was not over the "demon drink", the sinfulness of gambling or the need for the Bible in schools, but against the advance of

¹⁴ Following the 1975 election a study was made of the importance of particular issues in that campaign. Respondents were asked whether "It should remain a crime for consenting male adults to engage in homosexual acts in private." Overall 56% disagreed. Based on religious preference the similar polarization was evident, although those who did not attend church did more clearly disagree with the proposition. The figures were: Non-church goers 73.2%; Catholics 47.0%; Presbyterians 51.6%; Anglicans 62.7%; and Methodists 62.5%; Levine, S. and Robinson, A., *The New Zealand Voter: A Survey of Public Opinion and Electoral Behaviour* (Wellington: Price Milburn, 1976) 62-68.

¹⁵ Minutes 31 January, 1973: Minutes, Volume 7, Ms y 1840, Alexander Turnbull Library, Wellington.

the "permissive society". Christian morality had to be defended, and behaviour which was specifically condemned in the Bible, to be outlawed.

In the early 1970's several moral campaigns arose against the "permissive society" and declining moral standards. These were not actually church organisations, although they clearly drew on a Christian heritage for their philosophy and the church for their membership. The moral campaigns were not strictly the church relating with the state, but quite clearly they were the beginning of an alternative expression of views to the traditional church spokespeople such as the National Council of Churches. In former times similar moral campaigns, such as that over temperance, had had ready support from a cross-section of the church. This time there was a new voice: not just a denominational voice, but one coming from specifically conservative Christians.

Nineteen seventy was a significant year in the development of this conservative response to moral permissiveness. The stage production *Oh! Calcutta* came to New Zealand and featured nude scenes. In November, 1970 Patricia Bartlett presented a petition of 41,000 signatures to Parliament seeking that the term "indecent" in stage shows and films be defined to specifically exclude nudity and homosexuality.¹⁶ This issue divided the church over the role of the state. For example, in 1969 the General Assembly of the Presbyterian Church called on the government to adopt pre-censorship of stage shows, while in the following year its Public Questions Committee did not support the petition.¹⁷ Meanwhile the Methodist Church saw no need for change in the law because the existing system allowed "the authorities to respect changing community standards." The better approach was to "educate children to make discerning value judgements, mature choices and live responsibly" rather than have the "sterile expedient of increasing the dangerous powers of censorship."¹⁸

¹⁶ Section 124 of the Crimes Act, 1961 made it an offence for any one without lawful justification or excuse to exhibit among other things any indecent object or indecent show or performance. The court's interpretation of "indecent" would take into account prevailing community attitudes. A similar provision existed in the Cinemagraph Films Act, 1961. The petition would have removed that discretion and specifically defined "indecent". See Iait, G., *The Bartlett Syndrome* (Christchurch: Freedom to Read, 1979) 11.

¹⁷ Cf. Veitch, J., "1961-1990 Towards the Church for a New Era" in *Presbyterians in Aotearoa 1840-1990* edited by McEldowney, D. (Wellington: P.C.N.Z., 1990) 163.

¹⁸ 1970, *N.A.C.* 144.

The petition was rejected by the government, and Patricia Bartlett went on to establish the Society for the Promotion of Community Standards (S.P.C.S.). The main concern of this organisation was "the downward developments which are occurring in television, book and film censorship, advertising and other areas which influence community attitudes."¹⁹ Encouragement for the establishment of the Society had come not only from the level of public response to the petition, but also from the efforts of the English morals campaigner Mary Whitehouse and the formation of the British Festival of Light. In November, 1965 Mary Whitehouse had been instrumental in establishing in England the National Viewers and Listeners Association, and previously had also been involved in "The Clean-up TV" campaign.²⁰ The Society was very much modelled on these British developments.²¹ The membership of the Society also reflected the British experience where the core of the support came from fully committed Christians, although membership was open to all, even those who practised no religion.²² The Society soon had success with the passing of legislation amending the Indecent Publications Act in 1972.²³

March, 1970 also saw the formation of the Society for the Protection of the Unborn Child (S.P.U.C.). Again the British experience was important.²⁴ In 1967 the Abortion Act had been passed liberalising the abortion law. A similar organisation had been formed, although it was believed that it came too late to prevent the passage of this legislation.²⁵ Also the South Australian Parliament had liberalised the abortion law, and similar moves were being made in other Australian States.²⁶ Action was needed in New

¹⁹ Quoted in Jesson, B. *et al.*, *op. cit.* 57. The Society produces a regular newsletter, and has maintained its special focus on censorship issues. Only rarely has it looked at other areas of concern, such as the 1985 debate on homosexuality.

²⁰ See generally Caulfield, M., *Mary Whitehouse* (London: Mowbrays, 1975) for an account of her activities.

²¹ Mary Whitehouse was brought to New Zealand twice by the Society (1973 and 1978), and she has always featured prominently in the *Society's Newsletter*.

²² Caulfield, M., *op. cit.* 73.

²³ Tait, G., *op. cit.* 12.

²⁴ See Hindell, K. & Simms, M., *Abortion Law Reformed* (London: Peter Owen, 1973).

²⁵ The English Society for the Protection of the Unborn Child was formed on 11th January, 1967: Hindell, K. & Simms, M., *ibid* 95. The Abortion Act was passed on 27 October, 1967.

²⁶ Pryor, M., *The Right to Live: The Abortion Battle of New Zealand* (Auckland: Harlen Books, 1986) 32.

Zealand. The aim of the Society for the Protection of the Unborn Child was to prevent an increase in the number of legal abortions, either through amendment to the criminal law or its more liberal interpretation.²⁷

The Society for the Protection of the Unborn Child became the archetypal single issue, moral pressure group. Its objectives were clear. Everything was distilled into a dualist world view: pro-life or anti-life. Emotional language and slogans could thus be readily employed in the pursuit of the anti-abortion view. And the Society was forthright in pursuing its pro-life goal. In 1971 one of the founders, Dr Dunn, toured New Zealand seeking membership and according to the Society's Newsletter, by July 1972 had a membership of 25,000 in 28 branches.²⁸ The Society had two styles of operation. At one level it employed populist protest, such as marches, rallies and touring speakers. On the other level it focused on lobbying parliamentarians and making submissions to relevant committees. Stone estimates that by September, 1973, 31 members of Parliament, including five Cabinet ministers, were members.²⁹

The rationale behind the Society for the Protection of the Unborn Child's campaign was that the abortion issue was treated in Parliament as a moral issue and therefore subject to a "free vote".³⁰ Indeed the great concern for the Society was that abortion would cease to be a "conscience issue" and become party political. (This possibility arose in the Labour Party with the adoption of the *Working Women's Charter* in 1980, although the conscience vote on abortion did remain.) The aim was to influence individual

²⁷ Stone, R., "Group Struggle in a Value Field: the Comparative Performance of New Zealand Pressure Groups on the Question of Abortion, 1970-1975", *Political Science*, 29, 2 (1977) 139, 141.

²⁸ *Society for the Protection of the Unborn Child Newsletter*, 11, (July 1972) 1.

²⁹ Stone, R., *op. cit.* 147. According to Pryor, M., *op. cit.* 12-13, the Society knew how many members of Parliament would be 'pro-life' following the 1975, 1978 and 1981 elections. Through this period it could count on a parliamentary majority. The Society specifically saw that what it needed was "a special breed of politician" and went out to foster and create that person.

³⁰ Sir Robert Muldoon in the 1975 abortion debate expressed the principle of the free vote this way: "[For] National Party members . . . their attitudes in this debate and any debate that may follow are up to their individual consciences. We have taken no test in caucus as to who is going to vote which way. I do not know which way the members on this side will vote, apart from individuals who have expressed their views to me. That should be underlined, and I am sure the same is the case on the Government side. That is the way the debate will be carried on, and the way the vote will be taken": (1975) 399 *N.Z.P.D.* 2772. See generally Pryor, M., *op. cit.* 197.

members, irrespective of party, to support the Society's cause. At elections, the goal was to have elected, again irrespective of other considerations, only candidates who supported the Society's line. Public demonstrations of support therefore were significant in alerting potential parliamentarians that there was a group of electors who would exercise their vote on one criterion alone. By any measure the Society was successful in this political campaign during the early and mid-1970's.³¹ This was despite the fact that there were rival pressure groups, and that within the community there was a seemingly favourable disposition to liberalising the abortion law.³² So successful was the Society's *modus operandi*, that a leading abortion law reformer, Erich Geiringer, prepared for the 1978 election a detailed election strategy to counter what he believed to be a political over-reaction to its influence.³³ In time, other moral campaigns were to mirror the Society's political sophistication.³⁴

It was a feature of both the Society for the Protection of the Unborn Child and the Society for the Promotion of Community Standards that they claimed to be independent organisations. They were not the church in another guise. In Britain the Society for the Protection of the Unborn Child had gone to extraordinary trouble to establish an "arms length" relationship with the church, and particularly the Catholic Church which had an extensive history of opposition to liberalising the law.³⁵ A similar effort had been made in New Zealand, and it was thus not until 1978 that the first Catholic President of the Society, Marilyn Pryor, was elected.³⁶ This did not mean that there was not at times a very close relationship between the church,

³¹ This was the conclusion of Stone, R., *op. cit.* 152, and of Pryor, M., *op. cit.* 100, herself. By 1978 the position may have changed. Roberts, N.S. in *New Zealand at the Polls: The General Election of 1978* edited by Penniman, H.R. (Washington: American Enterprise Institute, 1980) 241, concludes "abortion had no overall effect on the general election - as the campaigners on both sides of the abortion issue agree."

³² A 1975 public opinion study revealed that only 30% opposed the liberalised abortion law: Levine, S. and Robinson, A., *op. cit.* 40.

³³ See Geiringer, E., *Spuc'em All! Abortion Politics 1978* (Martinborough: Alister Taylor, 1978).

³⁴ The sophistication of the Society extended even to hiring a professional public relations consultant after the release of the 1977 *Royal Commission* report: Pryor, M., *op. cit.* 81.

³⁵ Duffy, P.J., *The Politics of Abortion* (Sydney: Alba House, 1971) 67.

³⁶ Pryor, M., *op. cit.* 12.

particularly the Catholic Church, and the Society.³⁷ For example, the Catholic press provided free publicity for the Society, and Archbishop (as he then was) Delargey himself suggested that the subject of the Mass on 8 July, 1973, be support for the Society's march on 13 July. Generally the Catholic Church held aloof from the specific tactics of such moral campaigns, though it would make decisions and pronouncements in parallel with the pressure group.³⁸ All the same there was a wide-spread belief in the "Catholic vote" on this issue.³⁹ This view had been fostered by the apparent success of the Catholic weekly, *The Tablet*, in backing parties or leaders who had a "pro-life" stance and who subsequently won at the polls. At the 1972 election Norman Kirk and the Labour Party were supported, while in 1975 Robert Muldoon and the Nationals were favoured. In 1978 Social Credit was backed, and Bruce Beetham the party leader was elected.⁴⁰ After these elections, however, the abortion question was not seen to be solely a "Catholic" issue. Conservative Christians generally, and not just one denomination, were represented within the anti-abortion section of the electorate.⁴¹

Meanwhile within the Methodist and Presbyterian Churches a more liberal approach to the question of abortion emerged. In the early 1970's the Public Questions Committees of both churches considered that although "as a personal moral decision a Christian will not lightly decide in favour of an

³⁷ This has often been the allegation about the relationship between the Catholic Church and the anti-abortion movement: see Jaffe, F.S., *Abortion Politics: Private Morality and Public Policy* (New York: McGraw Hill Book Company, 1981) 74.

³⁸ For example, in October, 1980 the New Zealand Catholic Bishop's Conference issued a pamphlet entitled "The Most Dangerous Place for a New Zealander in 1980 is a Mother's Womb" - a statement which was in similar terms to the Society for the Protection of the Unborn Child's own literature.

³⁹ Geiringer, E., *op. cit.*, specifically looked at this phenomenon and questioned whether it was as significant as it had been claimed. Cf. Higgins, C.S., "An Investigation into the Voting Behaviour of Roman Catholics in the Woolston and Lyttelton Parishes in the 1975 General Elections" (unpublished MA thesis, Canterbury, 1977) 64 ff.

⁴⁰ With regard to the 1975 election *The Tablet*, November 26, 1975, 3, said, "The Bishops have shown why the pro-life issue is so important, and it is *The Tablet's* view that when the anti-lifers have been weeded out of both parties, then National will be much the more trustworthy here."

⁴¹ Ryan, A., "Remoralising Politics" in *Revival of the Right* 70, says "the Catholic connection in the anti-abortion movement is probably not as important now as it was in the past. The growth of fundamentalist and Pentecostal churches has lent considerable weight to the campaign."

abortion",⁴² there were circumstances in which an abortion was permissible.⁴³ Of particular concern was that the "law itself [was] widely disregarded" and as a result brought into disrepute.⁴⁴ This more liberal approach was, as the Methodist Committee reported in 1974, not universally accepted within that church.⁴⁵ However, at the time of the Royal Commission and subsequent debate on the Contraception, Sterilisation and Abortion Bill in 1977, these churches continued this more liberal approach, noting that "the law should not impose any particular morality on people in New Zealand who have diverse religious and cultural backgrounds."⁴⁶ Abortion now was not a question of morality which the state should appropriately enforce.

ii. The 1972 Jesus Marches

Through the 1970's other moral campaigns were begun.⁴⁷ In 1973 the Family Rights Association was formed. In 1974 the Concerned Parents' Association was formed with an initial concern over sex education. In 1974 Feminists for Life, later called Women for Life, was established. In 1977 the Christchurch-based Integrity Centre was opened. Also that year the Save Our Homes campaign commenced. In 1978 the Council On Moral Education (C.O.M.E.) was established by members from the Family Rights Association and the Society for the Promotion of Community Standards. Conservative Christians were often the main supporters of these organisations. At times individual congregations, or as with the Society for the Protection of the Unborn Child, whole denominations, would support these campaigns. This did not of itself amount to a new conservative church force in New Zealand politics.

⁴² 1972, *N.A.C.* 152. The report was received only and circulated for further study: 1972, *N.A.C.* 159.

⁴³ See 1971, Public Questions, *P.C.N.Z.* 119, for the circumstances in which an abortion should be permitted. The reasons stated by the Committee were that the life or physical or mental health of the mother was in danger; the welfare of the family unit was in jeopardy, and where there was a serious risk of abnormality to the unborn infant.

⁴⁴ 1972, *N.A.C.* 150.

⁴⁵ 1974, *N.A.C.* 123. The report stated that "reactions of Synods . . . indicate that there is a division of opinion within the Methodist Church on abortion law reform and that a significant minority cannot accept the Committee's conclusions."

⁴⁶ 1985, Public Questions, *P.C.N.Z.* 222. This report provided a review of the Methodist and Presbyterian attitudes to abortion since 1970. The actual terms of the submission were not in the report for 1978.

⁴⁷ Jesson, B. *et al.*, *op. cit.* 57 ff., provides additional information about the background to some of these organisations.

The link was indirect. This was why the Jesus Marches of 1972 were so significant. In the early 1970's there were indications that denominations as a whole were perhaps becoming more conservative. The 1970 decision of the Presbyterian General Assembly to dissociate itself finally from Professor Geering⁴⁸ and then the decision of the Associated Church of Christ conference to reverse its previous support of homosexual law reform, were indications of this trend.⁴⁹ The Jesus Marches confirmed that conservative Christians were an increasingly important group within individual denominations, and also as separate denominations. For the first time Pentecostal churches were significantly present in public and political protest. Conservative Christians and conservative churches were prepared to be like their more liberal counterparts, and be more political in the pursuit of their aims.

Again the inspiration for the marches came from overseas: the success of the Festival of Light rallies at Trafalgar Square London on 23 September, 1971 and also in Sydney in October of that year.⁵⁰ Undoubtedly the presence in New Zealand in 1972 of the rock musical *Hair* (including its celebrated nude scene), the visit of the feminist campaigner, Germaine Greer, and the publication of *The Little Red School Book*, which included contraceptive advice for teenagers, also influenced the holding of the marches. The stated need for the Auckland march was thus expressed by the organising committee, in these terms:

There is increasing evidence that a determined assault is being made on family life, morality and decency in public entertainment, literature and some sections of the mass media. Law and order and authority is being challenged in recent publications aimed directly at young people. There is widespread reluctance in the community generally to affirm or accept any absolute moral standards. The increase in crime, violence, indecency, drunkenness, drug addiction, sexual permissiveness, illegitimacy, and venereal disease is alarming evidence of a moral landslide which could

⁴⁸ The General Assembly resolved to dissociate itself from the comments made by Principal Geering in Brisbane on 24 May, 1970, on the resurrection and life after death: 1970, Minutes, P.C.N.Z., 103. See generally Veitch, J., *A Church in Mid-Life Crisis* (Dunedin: Presbyterian Historical Society, 1983).

⁴⁹ See Chapter Three at p. 114.

⁵⁰ The commemorative booklet for the 1972 Jesus Marches particularly mentions these overseas successes as inspirations for the New Zealand marches: Shaw, T.R., *The Jesus Marches, 1972* (Auckland: Challenge Publishers, 1972) 7.

finally result in the decay and collapse of our society, or in the judgement of God on the nation of New Zealand.⁵¹

The march was thus billed as a "March for Righteousness".⁵² There was a "Board of Reference" for the march which included the leading National Party politician and Baptist layman, Lance Adams-Schneider and the leading businessman and mayor of Mt Roskill, Mr Keith Hay. The actual organising committee came from a range of denominations, including Catholic, Anglican and Pentecostal churches.⁵³ The Auckland march, with an estimated 10,000 people participating, took place on 5 May, 1972. The Anglican Dean of Auckland, the Very Reverend J.O. Rymer, in addressing the marchers warned that "our society was beginning to crumble quickly as a result of lowering moral standards."⁵⁴

Marches were held in thirteen other New Zealand centres during that year. This national protest culminated in Wellington on Sunday 8 October, 1972 with the largest march of an estimated 15,000-20,000 people. Altogether it was estimated that some 70,000 had marched somewhere in New Zealand during 1972.⁵⁵ The general concern was the permissiveness of society and the moral decline of the nation. In the words of the Christchurch organisers "Jesus is God's answer to the great moral and social problems of society, and the great need of our country is for a return to God through Him, and for a spiritual awakening throughout our land."⁵⁶

The marches, however, highlighted a dilemma for conservative Christians concerning the political thrust of the protests. Was it really appropriate to demand anything of the state and seek appropriate legislation? Were they

⁵¹ Quoting from the Executive Committee's Statement of Purpose: Ephemera Collection, Alexander Turnbull Library, Wellington.

⁵² Proverbs 14: 34, "Righteousness exalteth a nation; but sin is a reproach to any people". This text was a favourite of moral campaigns. It provided a biblical warrant that it was appropriate for the law to be used to support Christian moral principles.

⁵³ Executive Committee's Statement of Purpose, *op. cit.*

⁵⁴ Shaw, T.R., *op. cit.* 9.

⁵⁵ *Ibid* 7. Cf. the estimated number who had marched during the Mobilizations against the Vietnam War in 1970-1971. Taylor, A.C., "The Vietnam Protest Movement in New Zealand" (unpublished MA thesis, Otago, 1990) 43-44, estimates that there were only 30,000 in all the marches.

⁵⁶ Shaw, T.R., *op. cit.* 13.

to be just like other protest marches which were common at that time? The organising committee of the Auckland march quite clearly was seeking some political, and even legislative response. Two of the stated objectives of that march were:

- (b) to actively promote Christian standards of righteousness in such a way as to influence local and national leadership, and to encourage the raising of community standards.
- (d) To bring about recognition of the Bible as a book of authority in all aspects of national life.⁵⁷

In practice this meant that the Auckland march produced a "Charter of Righteousness" calling for society to be based on New Testament principles. As the chronicler of the marches records, it received a "negative response."⁵⁸

By the Wellington march the emphasis had changed considerably. Perhaps it was the imminence of the elections, or generally the unease of conservative Christians to be overtly political, but that march made great play of the fact that it was not demanding or asking anything of the state. It was merely telling the nation, and the Prime Minister, J.R. Marshall, who was at Parliament to greet the marchers, that they were praying for the nation, praising God and proclaiming Jesus as the answer.⁵⁹ The speaker on that occasion, Captain Brian McStay of the Salvation Army, observed, "A nation is changed only when the members of that nation change their values - change their attitudes. And there is no way for politically legislating for that."⁶⁰ Political activism did not yet seem appropriate for conservative Christians, and thus in political terms the marches had no lasting significance.⁶¹ For the conservative Christians involved however, there was a new found publicly-expressed collegiality which was to be remembered. There was now another church voice.

⁵⁷ Executive Committee's Statement of Purpose, *op. cit.*

⁵⁸ Shaw, T.R., *op. cit.* 29.

⁵⁹ *Ibid* 21, referring to the speech by Captain Brian McStay at Wellington.

⁶⁰ *Ibid.* Shaw notes that over the period of the marches there was a move from a call for righteousness to an affirmation of faith (27).

⁶¹ Wuthnow, R., *The Restructuring of American Religion* 198, notes that even in the United States conservative Christians' involvement was very limited in the early 1970's. He concludes "the more conservative one was religiously, the less likely it was that one would be involved in political activities."

The Jesus Marches highlighted that not only was there now another church voice, but that voice was predicated on different principles and was concerned about different issues to the traditional church spokespeople of the National Council of Churches and individual denominations. The Jesus Marches affirmed the centrality of the Bible and the direct application of biblical injunctions to the life of the nation. Liberals saw it differently. The *New Zealand Methodist*, in a scathing editorial "Limping for Jesus", questioned the use of scripture by the marchers and condemned their narrow focus on personal morality. "Righteousness", the theme of the march, should not be construed as "exalting principles of individual morality . . . while censoring out (as is intended) reference to evils like apartheid, the Indo-china conflict, economic exploitation at home and abroad."⁶² Morality now meant different things to conservative and liberal Christians.⁶³ From this point on there were two Christian voices to be heard on significant political questions.

iii. The Demise of the "Christian Nation"?

By the mid 1970's the moral concerns of conservative Christians continued to be focused on the various manifestations of the permissive society. There were concerns in the areas of censorship and abortion and there was always the problem of homosexuality.⁶⁴ Certainly traditional values of marriage and family life seemed threatened, especially with the gathering strength of the feminist movement. Generally however, the Kirk years (1972-1974) were free from extensive controversy about moral questions. In part this was because of his own conservatism on moral questions and his standing within the Labour Party. Pressures for

⁶² *New Zealand Methodist* (4 May, 1972) 2.

⁶³ See also the comments of Russell Marshall, the member for Wanganui and a former Methodist Minister, who in 1975 said, 'when we think in the Churches of moral issues, we think usually of matters related to sex (homosexuality, sex education, abortion, censorship, etc.) and perhaps of race relations and war. But I believe that moral issues are much more comprehensive than these. Our Lord, you may recall, spoke more about the trouble that love of money and possessions can bring than probably any other subject': *Zealandia* (12 October, 1975) 13.

⁶⁴ The Catholic Archbishop and Bishops issued a pastoral letter to be read at all masses on Sunday 1 September, 1974 highlighting the critical time in New Zealand's moral history. In particular there were four issues of concern: abortion, homosexuality, sex education and contraception advice to children under 16 years of age. Quoted in *The Reeper* (February, 1975) 63.

liberalisation were often heard but rejected.⁶⁵ On 31 August, 1974 Norman Kirk died. During 1975, the final year of the Third Labour Government, several significant moral issues, hitherto suppressed, arose:⁶⁶ abortion, following the opening on 16 September, 1974 of the Remuera abortion clinic and the related Hospitals Amendment Bill;⁶⁷ homosexuality and the Crimes Amendment Bill, originally introduced by V.S. Young on 23 July, 1974; feminism, arising from the parliamentary Select Committee on Women's Rights (co-inciding with International Women's Year);⁶⁸ and the Marriage Amendment Bill, broadening who could be a marriage celebrant.

At various points the numerous moral campaigns became involved in the political process, but there was no uniform and united articulation of the conservative church agenda with regard to these developments. Individual conservative Christian members of Parliament expressed their views as individuals. The New Zealand Parliament as a whole revealed it was still very tentative when it came to liberalising these standards.⁶⁹ The Hospital Amendment Bill was passed limiting lawfully performed abortions to public and registered private hospitals (tightening, rather than liberalising, the existing law). Meanwhile the whole issue was defused with the establishment of the *Royal Commission into Contraception, Sterilization and Abortion* on

⁶⁵ For example, the Youth Advisory Council of the Labour Party had sought the liberalisation of the law against homosexuality and no action was taken. In 1974 the Homosexual Law Reform Society claimed that it for 18 months had had fruitless negotiations with the government. The influence of Kirk is shown in the 1972 Labour Party Conference when a move to remove the conscience vote was defeated: Hayward, M., *Diary of the Kirk Years* (Wellington: A.H. & A.W. Reed, 1981) 36.

⁶⁶ For a useful account of these developments see Arrowsmith, D., "Christian Attitudes towards Public Questions in New Zealand in 1975" (unpublished MA thesis, Auckland, 1978); and Bassett, M., *The Third Labour Government* (Palmerston North: Dunmore Press, 1976) 138 ff. Marilyn Pryor noted that after Norman Kirk's death the Hospital Amendment Bill (directed towards the new Auckland abortion clinic and supported by S.P.U.C.) moved down the order paper: Pryor, M., *op. cit.* 41.

⁶⁷ For background to this period see the *Report of the Royal Commission of Inquiry on Contraception, Sterilisation and Abortion in New Zealand* (Wellington: Government Printer, 1977) 42-43.

⁶⁸ The report of the committee was published as *The Role of Women in New Zealand Society* (Wellington: Government Printer, 1975)

⁶⁹ One of the arguments used in the Crimes Amendment Bill debate in 1975 was that New Zealanders did not want a change in the law. This was an argument Lord Devlin himself had used for the state to have a role in maintaining morals. This time the appeal was to the "man on the Devonport ferry", not the man on the "Clapham omnibus". The argument was that if the Bill passed it would impose an attitude on the community with which most people disagreed: see Arrowsmith, D., *op. cit.* 56.

23rd June, 1975.⁷⁰ The bill to decriminalise homosexual acts was lost 34 to 29, although the Marriage Amendment Bill was passed. No action immediately flowed from the parliamentary Select Committee on Women.

These 1975 parliamentary debates again illustrated the two approaches to the role of the state in enforcing personal morality. Yet for reformers and for those concerned about moral permissiveness, there was still the belief that New Zealand was a Christian country. Lord Devlin had earlier pointed out two interpretations of the *Wolfenden Report*. On the one hand, did it mean that the individual "with freedom of choice" had the freedom to "decide for himself what is moral or immoral, society remaining neutral; or is it freedom to be immoral if he wants to be?"⁷¹ Another way of putting this is saying, even in spite of liberalising the law on, say, homosexuality, did New Zealand still have a common morality, indeed a common Christian morality? The answer of the parliamentarians who referred to their Christian faith, and of the moral campaigners themselves, seemed to be yes.⁷² The concern was with the further erosion of Christian principles. The state was not yet seen to be, in Lord Devlin's words, "remaining neutral". Koro Wetere, in the abortion debate, made the point that "if that is the type of society the country is to have, then our moral standards are deteriorating to a level where our Christian beliefs are being forgotten. As Christians, we in this House cannot afford that luxury."⁷³ Moral standards were deteriorating: they had not disappeared. What was important was to "return" to those "traditional moral values". A politics of nostalgia as Paul Spoonley has called it.⁷⁴

The 1975 Assembly of the Presbyterian Church also had an opportunity to consider the deterioration of moral standards in the community. The

⁷⁰ The government's intention to establish a Royal Commission was announced during the second reading debate on the Hospital Amendment Bill on 23 April, 1975 by Prime Minister Rowling.

⁷¹ Devlin, P., *The Enforcement of Morals* (London: Oxford University Press, 1965) 8.

⁷² In the quotation above of the expressed need for the 1972 Jesus March it was said that there was "alarming evidence of a moral landslide which could finally result in the decay and collapse of our society". A moral landslide was underway, however, society had not yet collapsed.

⁷³ (1975) 397 *N.Z.P.D.* 1030.

⁷⁴ See Spoonley, P., *The Politics of Nostalgia: Racism and The Extreme Right in New Zealand* (Palmerston North: Dunmore Press, 1987).

Presbytery of Taranaki petitioned the General Assembly praying that "the General Assembly (a) call on all members of the Church to be awake to moral erosion and the decline of community standards and be prepared to make their voices heard at a national and local level; [and] (b) direct the public questions and other church committees to use the adopted standards of our Church as the basis of their pronouncements."⁷⁵ The Assembly agreed, although a considerable dissent was recorded. The dissenters however, noted that:

to refer to 'moral deterioration' fails completely to recognise the heightened moral sensitivity increasingly shown by considerable sections of the community towards such matters as the environment, overseas aid, civil liberties and others.⁷⁶

The idea of a Christian nation, with discernible community standards, was passing, but the Presbyterian Church was divided in how to respond. Should the Church pursue the liberal church agenda, or as the dissenters said "the sexual area"?⁷⁷

For conservative Christians it was clear that there were standards which should be enforced by the state. In this, 1975 proved to be a milestone. In March of that year the Association of Pentecostal Churches was formed at a conference at Snell's Beach Auckland. This brought together the Assembly of God, Apostolic, Elim, New Life and Christian Revival Crusade Churches.⁷⁸ During the 1960's and the early 1970's there had been a large growth in the membership of Pentecostal churches, together with a charismatic revival within the established denominations. Colin Brown, in his assessment of the charismatic movement, quotes an Anglican's comment in 1977 that the "charismatic renewal has risen from obscurity to a recognisable force within

⁷⁵ 1975, Minutes, P.C.N.Z. 122.

⁷⁶ *Ibid* 123.

⁷⁷ *Ibid*.

⁷⁸ This followed the New Zealand Pentecostal Fellowship which had been formed in 1964 but had faded by the early 1970's. This earlier New Zealand Pentecostal Fellowship had had formal relations with the National Council of Churches. Generally the focus for its establishment did not have the same concern for the moral permissiveness of New Zealand but was concerned with the more doctrinal and organisational matters of the Pentecostal movement within New Zealand: see Worsfold, J.E., *A History of the Charismatic Movements in New Zealand* (Bradford: Julian Literature Trust, 1974) 312-320. A more significant coming together of charismatic Christians across all denominations was the beginning in 1973 of Christian Advance Ministries summer schools.

contemporary New Zealand Christianity."⁷⁹ This growth was beginning to be reflected in the 1976 census figures, while at the same time there was a discernible decline in adherents for the Anglican, Presbyterian and Methodist Churches.⁸⁰ Although many reasons have been suggested for the growth of the movement, it was clear that on moral and political questions, the charismatic congregations were conservative. One speaker at the inaugural conference observed: "The united Pentecostal movement can say to the nation that it is against abortion. There is not one Pentecostal minister who will not stand up and say homosexuality is of the devil and we are against it because God is against it."⁸¹

Indeed it seemed that one of the main reasons behind the formation of the Association of Pentecostal Churches was its concern about moral issues. To the leaders of the Pentecostal churches, the other churches seemed divided and morally weak. One of the first acts of this new association was to send a delegation to the Prime Minister, Wallace (Bill) Rowling, and the Leader of the Opposition, Robert Muldoon, expressing their concern over moral permissiveness. Many denominational and ecumenical church delegations had gone to the leaders of government in the past. Conservative Christians had also been part of broad-based moral campaigns such as the 1972 Jesus Marches. This would appear, however, to be the first time that a formally constituted alternative to the traditional inter-denominational channels of church state dialogue had been established.

The new association set about its task with enthusiasm. It established a newspaper, the *New Zealand Times*, which had a heavy focus on politically sensitive moral issues. The new association made submissions to the government and government inquiries. It stated emphatically that an alternative Christian voice now existed. It was a church voice which saw things unambiguously in terms of biblical principles. In the Association's

⁷⁹ Brown, C., 'The Charismatic Contribution' in Colless, B. and Donovan, P., eds, *Religion in New Zealand Society*, 2nd Edition (Palmerston North: Dunmore Press, 1985) 99.

⁸⁰ See *Ibid* 100-103, for information up until the 1981 Census and New Zealand Census of Population and Dwellings, *Religious Professions* (Wellington: Department of Statistics, Wellington, 1988) 13, for information relating to the 1986 census. Taking these two sources, there were 6,264 Pentecostal adherents in 1966 and 40,389 in 1986. With regard to mainline church membership there was a decline (in percentage terms) of 78.4% of the population in 1966 to 61.2% in 1981.

⁸¹ *New Zealand Times*, 1, ((?) 1976) 7.

1976 submission to the *Royal Commission on Contraception, Sterilization and Abortion in New Zealand*, it stated that:

with the rise of rationalism, secularism and liberal theology, the validity and authority of the Bible as an objective, authoritative standard of conduct has been not only called into question but disregarded. In the absence of such an objective standard the standards by which we are forced to make (*sic*) become fluid, subjective and variable in accordance with the whims of popular feeling and convenience. The Pentecostal Churches make a strong plea for a recognition of what God has said about these matters and revealed to us through his eternal word, the Bible.⁸²

Despite this initial burst of political involvement, the Association of Pentecostal Churches did not maintain the political pressure after 1977. The *New Zealand Times* itself saw only four editions by the end of 1976, and then ceased publication. Perhaps under the National Government of Robert Muldoon there was not the same urgency to maintain pressure on government about moral questions. Muldoon himself had seen that the Labour Government failed to "meet the moral issues of the day."⁸³ He personally had been very supportive of the Pentecostal church cause.⁸⁴ His government certainly did not introduce any legislation decriminalising homosexuality, and following the Royal Commission only slightly liberalised the abortion law. His Minister of Education, M.L. Wellington, effectively suppressed the recommendations of the *Johnson Report* in 1977 dealing with sex education.⁸⁵ Problems with the economy and Muldoon's stance on apartheid, race, and peace and disarmament issues were of a more controversial nature. The political voice of the church which was heard during these years was arguing the liberal church agenda. This aside, with the Jesus Marches and the rise of New Zealand Pentecostalism, the base for a different expression of Christian opinion had been firmly established. The establishment of Radio Rhema in 1974⁸⁶ and the continued vitality of *Challenge Weekly*, the nation's leading

⁸² *New Zealand Times*, 3 (July 1976) 7.

⁸³ Arrowsmith, D., *op. cit.* 126; *Auckland Star*, 3 November, 1982, 2.

⁸⁴ He addressed a meeting at the Christchurch New Life Centre in the 1975 election campaign: Wallace, S.M., "An Investigation of the Political Attitudes of Members of Plymouth Brethren and Pentecostal Churches in Christchurch" (unpublished MA thesis, Canterbury, 1977) 26.

⁸⁵ Snook, I.A., "Contesting the Curriculum: The Politics of 'Basics and Frills'" in *Political Issues in New Zealand Education* edited by Codd, J. et al. (Palmerston North: Dunmore Press, 1985) 258.

⁸⁶ Pardon, F., "The Moral Minority", *Metro* (May 1982) 100.

conservative Christian publication, fostered this growing self-awareness of the importance and position of conservative Christians within New Zealand.

3. Secular Humanism and the New Christian Right

i. A Change in Emphasis

Conservative Christians and conservative churches up until the 1980's continued to be troubled by the encroachment of the permissive society and the resultant degradation of "traditional moral values". The Catholic Church also expressed concern over permissiveness and supported these moral campaigns, although, as *Chapter Seven* has indicated, it also pursued many causes of the liberals within the church. However, a broader range of concerns coming from conservative Protestant churches, and particularly from Pentecostal churches, was developing after the mid 1970's.⁸⁷ Perhaps the floodgates had indeed opened, and moral permissiveness had triumphed, but quite noticeably the emphasis began to change. There still was concern about individual moral failings and the failure of the state to regulate them, but the very fabric of the nation was increasingly called into question. No longer was New Zealand a Christian nation. The problem was not only with the "permissive society", which implied that New Zealand was still at bottom a Christian nation and had just permitted certain behaviour to be recognised, but with "secular humanism" and the godlessness of the body politic itself. The remaining Christian heritage was being doubted. Contemporary societal forces were described in spiritual terms. Satanic powers and forces were at work within New Zealand corrupting its Christian basis. There was a need for forgiveness and the establishment of righteousness. With the writings of such authors as Hal Lindsey (*The Late Great Planet Earth*),⁸⁸ the moral decline and world crisis were placed in a new context. Armageddon even became a concept within international relations.⁸⁹ Christians were called to help usher in the reign and rule of Jesus Christ. These were the end times.

⁸⁷ See generally Knowles, B., "The History of the New Life Churches of New Zealand 1960-1990, in the context of New Zealand Christianity" (unpublished PhD thesis, Otago, forthcoming).

⁸⁸ The Associated Pentecostal Churches Journal featured this book in *New Zealand Times*, 4 (October 1976) 2.

⁸⁹ See Halsell, G., *Prophecy and Politics* (Westport: Lawrence Hill and Company, 1986) for the 1985 Christic Institute's study of Reagan and Armageddon theology. See also Young, C., "The New Zealand Religious Right and Armageddon Theology", *NZ Monthly Review* (March 1987) 9-10.

As the 1988 United States Presidential hopeful, the "televangelist", Marion (Pat) Robertson said: "We have been chosen since the foundation of the earth for this day and this time. To help (*sic*) usher in the Second Coming of our Lord Jesus Christ."⁹⁰

Eschatology was important to understand this political involvement. Within the American experience of the New Christian Right two strands were evident: the pre-millennialists and the post-millennialists.⁹¹ The pre-millennialists, such as Jerry Falwell of the Moral Majority and Pat Robertson of the Christian Broadcasting Network, saw the present time as the "last days" and the return of Christ as imminent. Within this apocalyptic framework the issue arose as to why Christians have then "to help usher in the coming dominion of Christ." Falwell and Robertson said that they were simply preparing believers, and the American nation itself, for these final days.⁹² A clearer ground for political involvement was the post-millennialist framework. The post-millennialists, such as Rousas John Rushdoony (who in October 1986 visited New Zealand)⁹³ and the Christian Reconstructionists, claim that the Second Coming will follow after the church has triumphed and Jesus Christ will then claim the crown.⁹⁴ On this basis it is imperative that God's law (theonomy) be instituted here on earth, and to this end the task is to establish (reconstruct) all the laws of the Bible.

In whatever eschatological framework this new concern was expressed, it was broader than just a single moral campaign over censorship or even abortion and homosexuality. The whole fabric of society was in need of reform and change. The Christian's task was seen in wide theological terms. The implication was that a broadly based Christian programme was needed

⁹⁰ Quoted in Toulouse, M.G., "Pat Robertson: Apocalyptic Theology and American Foreign Policy", *Journal of Church and State*, 31, 1 (Winter 1989) 97.

⁹¹ For an examination of these terms in this context see Clapp, R., "Democracy as Heresy", *Christianity Today*, 31, 3 (20 February 1987) 17-23.

⁹² For an examination of the inherent tensions in Falwell's theological position see Pulis, J.D., "Jerry Falwell and the Moral Majority: A Case Study of the Relationship between Theology and Ideology" (PhD thesis, Emory, 1986) 247 ff., 286.

⁹³ See Clapp, R., *op. cit.* 18.

⁹⁴ See generally Clapp, R., *ibid* and Holcomb, J.D., "Christian Reconstructionism: A Case Study" (unpublished paper, J.M. Dawson Institute of Church State Studies, Baylor University, 1990). Rushdoony claimed in the late 1980's that "as many as 20 million charismatics world-wide are part of the Reconstruction movement. (Clapp, R., *op. cit.* 21)

which would change the direction in which the New Zealand state was heading. This was the programmatic and theocratic alternative of the New Christian Right. It did not come into being over night. The Jesus Marches and some of the moral campaigns had begun to recognize that a more thorough approach was needed, but they had been vague on what might be involved. By 1985 however, the concerns of many conservative Christians had taken on a new dimension and there was a new breadth and political potency about them.

ii. The New Zealand Beginnings

The conservative concern about "secular humanism" and the godlessness of New Zealand was first articulated in areas concerning "family values" and in turn was translated into church state questions in the area of education. In 1973 J.A. Ross suggested in a report to the Department of Education (the *Ross Report*) that there be compulsory sex education within both primary and secondary schools.⁹⁵ There was considerable public condemnation of the proposal and the government let the matter rest.⁹⁶ Meanwhile in 1974 a comic strip pamphlet, *Too Great a Risk*, produced by the British Family Planning Association, was circulated throughout New Zealand. It was in response to this that in late 1974, the Concerned Parents' Association was formed in Christchurch.⁹⁷ Although the Association was formed because of its concern that sex education would "conflict with some parents' standards and attitudes",⁹⁸ it also became interested in the whole nature of "liberal progressive education".⁹⁹ The emphasis of the state system on a "value free" educational approach undermined Christian morality and parental authority (the issue with sex education). Also the moves to foster the comparative study of religion, and indeed the work of the Churches Education Commission

⁹⁵ Ross, J.A., *Human Development and Relationships in the School Curriculum* (Wellington: Department of Education, 1973).

⁹⁶ Snook, I.A., "Who Wants Sex Education?", *New Zealand Journal of Educational Studies*, 13, 2 (November 1981) 161.

⁹⁷ For a brief history of the forming of the Association see *Concerned Parent's Association Newsletter* (April 1977) 2; and Openshaw, R., "Upholding Basic Values: A Case Study of a Conservative Pressure Group" in *Political Issues in New Zealand Education*, 233.

⁹⁸ *Concerned Parents' Association Newsletter* (April 1977) 2.

⁹⁹ *New Zealand Times*, Number 1(n.d.) 1.

itself, were evidence that "secular humanism" was destroying the role and place of Christianity within the schools and the nation.¹⁰⁰

The Concerned Parents' Association grew quickly. By October 1975 it claimed to have printed and circulated over 6,000 copies of its August newsletter.¹⁰¹ In 1977 the *Johnson Report* was released.¹⁰² This report, among other things, repeated the recommendation of the *Ross Report* concerning sex education (although in this instance it should not be compulsory), and suggested that there should be teaching about religion within the curriculum.¹⁰³ These proposals were condemned by conservative Christians. In August 1978 the Society for the Promotion of Community Standards and the Family Rights Association formed the Council of Organizations for Moral Education (C.O.M.E., later to become the Committee on Moral Education). In April 1979 it was joined by the Society for the Protection of the Unborn Child, although the Concerned Parents' Association did not join.¹⁰⁴ An aim of the new Council was to ensure that schools adopt "traditional ethics" rather than "situational ethics".¹⁰⁵ To this end it produced an audio-visual programme, *What do you think?*, based on "traditional moral values as defined in the Golden Rule, Beatitudes and Ten Commandments," which the Minister of Education, M.L. Wellington, endorsed for use in Forms I - V.¹⁰⁶ The Council at this stage claimed to represent "65,000 members of constituent

¹⁰⁰ During the late 1970's the Association was particularly concerned with the implications of the *Johnson Report* (*Growing, Sharing, Learning: The Report of the Committee on Health and Social Education* (Wellington: Government Printer, 1977)) which advocated sex education within schools and the teaching about religion. "Humanism" was seen to be the "hidden philosophy of secular education": *Concerned Parents' Newsletter* (February/March 1979) 4-6.

¹⁰¹ *Concerned Parents' Association Newsletter* (October 1975) 1.

¹⁰² *Growing, Sharing, Learning: The Report of the Committee on Health and Social Education* (Wellington: Government Printer, 1977).

¹⁰³ See *Chapter Five* at p. 177 for a discussion of this aspect of the recommendations.

¹⁰⁴ The Concerned Parents' Association was not a member of the Council because it saw the development of the *What do you think?* programme as being in accordance with the *Johnson Report's* recommendation to teach about religion. The Association opposed that aspect of the report: *Concerned Parents' Newsletter* (April/May 1979) 8.

¹⁰⁵ Committee on Moral Education, unpublished document, n.d. quoted by Snook, I.A., "Contesting the Curriculum: The Politics of 'Basics and Frills'" in *Political Issues in New Zealand Education* 251.

¹⁰⁶ *Ibid* 252, 260; and Snook, I.A., "Whose Christian Values?", *New Zealand Journal of Educational Studies*, 15, 1, (1980) 20.

organisations",¹⁰⁷ and indeed the Minister of Education did acknowledge that "he always listened particularly carefully to groups such as the Concerned Parents' Association and the Society for the Promotion of Community Standards."¹⁰⁸

A parallel development was the increase in the 1970's in the number of small alternative "Christian Schools". These schools were invariably associated with conservative Pentecostal congregations and denominations. They eschewed the "secular humanism" of the state education system and sought to promote their own "Bible based" educational alternative.¹⁰⁹ In 1977 two schools associated with Pentecostal congregations began using the Accelerated Christian Education (A.C.E.) system.¹¹⁰ This American system of individualised instruction was church based, with the classes actually being held at the church, and the church minister or pastor being also the *ex officio* headmaster.¹¹¹ At a seminar conducted in 1978 by the visiting founder of the ACE programme, Dr Donald Howard argued that "Christian education is a key to a spiritual awakening".¹¹² By 1980 thirteen schools were using ACE materials.¹¹³ The presence and growth in New Zealand of this type of school meant that there was another important base for a conservative Christian critique of the state and society.¹¹⁴

These various developments indicated an underlying concern at the direction in which New Zealand was heading. As noted previously, however,

¹⁰⁷ Letter from R. Pearce (President of C.O.M.E.) to M.L. Wellington, May, 1979 and quoted in Snook, I.A., "Contesting the Curriculum", *op. cit.* 260.

¹⁰⁸ Television New Zealand interview with Ian Fraser, *Sunday* programme, 13 May, 1984 and quoted in Snook, I.A., *ibid* 258.

¹⁰⁹ See *Chapter Five* at p. 187.

¹¹⁰ These were the Nelson Christian Academy associated with the Nelson New Life Centre and the Christian Fellowship School, associated with the Auckland Christian Fellowship: *Concerned Parents' Newsletter* (April 1977) 4.

¹¹¹ *Challenge Weekly*, 11 September, 1976, 16.

¹¹² "Education: A Key to Revival", *Challenge Weekly*, 26 May, 1978, 7. Dr Howard also visited New Zealand several times during 1976 and 1977.

¹¹³ *Concerned Parents' Association Newsletter* (August 1980) 8.

¹¹⁴ In the United States the number of Independent Christian Schools grew by 95% during the 1970's, while the overall school enrolment declined by 13.6%: Bruce, S., *op. cit.* 41. See also Shepherd, M.S., "Home Schooling: Dimensions of Controversy, 1970-1984", *Journal of Church and State*, 31, 1 (1989) 101-114.

there was not the same need for political activism with the National Government in power. In 1980 Ronald Reagan was elected President of the United States and during the early 1980's prominence was given to the role and influence of the New Christian Right on his administration.¹¹⁵ This did not mean that in New Zealand such a political approach was advocated. Indeed the Moral Majority of Jerry Falwell was viewed with some scepticism. The editorial of *Challenge Weekly*, immediately after the United States election in November, 1980, said of the Moral Majority that "any effort like this treads dangerous ground".¹¹⁶ In particular it was critical of the method of the Moral Majority in producing "moral score cards" on each candidate. "It is easy for what starts out as an information service to end up as a judgemental thing in which people are categorised and evaluated by their response to a limited set of values. Alternatively it may find itself drawn into other issues not so easily labelled."¹¹⁷ On the whole the New Christian Right was seen to be an unsatisfactory way for the church or Christians to become involved with the state.

After this however, one theme from the United States New Right's concern over "secular humanism" began to be expressed in New Zealand and proved to be important. This was concern over human rights, and, in particular, the decision of the Equal Opportunities Tribunal in the case of Eric Sides Motors Ltd..¹¹⁸ The case itself attracted great public attention, especially among conservative Christians. The Eric Sides Human Rights Trust was established to meet his legal expenses and by the end of 1980, \$10,000 had been donated.¹¹⁹ The case focused conservative Christian concern on the possibility that New Zealand was no longer a Christian nation. The *Challenge Weekly* declared immediately after the decision was handed down, that "For many, it is unbelievable that in a 'Christian country' with democratic

¹¹⁵ The literature on the New Christian Right in the United States is vast. It was noted by the editor of the *Journal for the Scientific Study of Religion* that in 1987 (see Volume 26(1)) most of the articles submitted related to religion and politics. See the references cited in fn. 7 above.

¹¹⁶ *Challenge Weekly*, 2 November, 1980, 2.

¹¹⁷ *Ibid.*

¹¹⁸ [1981] 2 *N.Z.A.R.* 447. For a commentary on the case and cognate developments see Jones, M. "Questions of ethical and religious belief: *Human Rights Commission v. Eric Sides Motor Company Ltd and Others*", *V.U.L.W.R.*, 13, (1983) 299-320. Generally see Chapter Six for a review of the case.

¹¹⁹ *Challenge Weekly*, 26 December, 1980, 5.

government, legislation could allow this to happen."¹²⁰ "Human Rights" was to become the Trojan horse of "secular humanism". Predictably Prime Minister Muldoon reacted with indignation. "The whole purpose of the Act is to outlaw discrimination . . . but it makes no sense for an Ayatollah [in reference to the earlier hallal sheep killing ruling] to run along to the Commission complaining of discrimination because the Presbyterian Church wanted a Presbyterian for a Minister. There is not much common sense in that is there?"¹²¹ The furore in part was quietened with an amendment which was to overcome the particular problem of Eric Sides.¹²² On a wider plane the secular humanism of the state appeared to be confirmed. Thus when the Coalition of Concerned Citizens was formed in 1985, it was particularly concerned about this aspect of anti-discrimination and human rights legislation. In the questionnaire it directed to candidates for the 1987 election it asked: "Will you oppose the control of government by a non representative judiciary through a bill of rights? Will you support freedom of religion as opposed to freedom from religion?"¹²³

Meanwhile the liberal church approach to the *Sides Case* was one of support. The Joint Methodist Presbyterian Public Questions Committee believed "that the amendment was wrong, in breach of the principal Act and a regressive step on the road to a more accepting Christian society."¹²⁴ It was interesting that the "New Zealand Jewish Council" called the new legislation "an irrevocable breach allowing open discrimination".¹²⁵ This was the first time in New Zealand that any Jewish group had openly opposed any legislation.¹²⁶ As it has eventuated, such a view may be overstating the situation. The Human Rights Commission has continued to deal with the rights of minority religious groups in New Zealand, although obviously following the amendment, the protection against religious discrimination is not as

¹²⁰ "Editorial", *Challenge Weekly*, 24 April, 1981, 2.

¹²¹ *The Press*, 15 May, 1981, 3. In this example given by Robert Muldoon there is a specific exemption granted: s.15(7)(b)(i).

¹²² The Human Rights Amendment Act, 1981.

¹²³ *Coalition Courier* 2, 1 (December 1986) 2.

¹²⁴ 1981, Public Questions, *P.C.N.Z.* 169.

¹²⁵ Quoted in Jones. M., *op. cit.* 314.

¹²⁶ Annual Report, Human Rights Commission, *A.J.H.R.*, 1982 E.6, 8, 9.

extensive.¹²⁷ However, as *Chapter Six* has concluded, no special privilege remains for Christianity. The Commission continued to be keen to accommodate the "different needs which people of a religious minority have from a dominant Judaeo Christian culture."¹²⁸

iii. The Coalition of Concerned Citizens

The election of the Fourth Labour Government in 1984 started a new phase in the rise of the New Christian Right in New Zealand. The Muldoon era (1975-1984) had been marked by conflict between the church and state: not over matters of personal morality but over broader issues of peace, disarmament and racial justice. While the Springbok tour raged during 1981, conservative Christians remained calm, pious and quick to lambast these activist stances of liberal Christians.¹²⁹ The *Challenge Weekly* ran special features during this time on how, for example, "social action destroys churches and pastors."¹³⁰ The only real exception was the continuing campaign by the Society for the Protection of the Unborn Child. The 1977 legislation was unsatisfactory to both the reformers and the pro-life lobby alike. Disputes over this legislation continued throughout the Muldoon era, though it remained as an uneasy compromise between reformers and "pro-life" campaigners.¹³¹

The Fourth Labour Government was a different proposition. It was elected in July, 1984 and by the end of that year there was already deep suspicion from conservative Christians about its liberalising spirit. To begin with, there were concerns about the government's decisions in the area of women's affairs. The Department of Women's Affairs was established and on the 20th

¹²⁷ For example, in the Annual Report, Human Rights Commission, *A.J.H.R.*, 1989 E.6, 19, a case of two Moslem employees who sought an hour off work on Friday to attend Jumua was considered. Also the Commission has dealt with cases of anti-semitic literature (1985) and the requirement to sit exams on religious and holy days (1989), although these cases do not relate to employment which was the focus of the new s.15(7A).

¹²⁸ Annual Report, Human Rights Commission, *A.J.H.R.*, 1989 E.6, 19.

¹²⁹ *New Zealand Times*, Number 1 (n.d.) 3, described the "Clergy for Rowling Campaign" as that "most pathetic little group".

¹³⁰ *Challenge Weekly*, 4th September, 1981, 1.

¹³¹ The Presbyterian Public Questions Committee supported the *Repeal* campaign after the passage of the 1977 Act: 1978, Public Questions, *P.C.N.Z.* 274.

December, 1984 the United Nations Convention on the Elimination of All Forms of Discrimination against Women was ratified. This, together with the role that the *Working Women's Charter* had played in the formulation of Labour policy, caused alarm. The anti-abortion lobby was also concerned about these developments.¹³² So were groups such as Women for Life which saw them as an attack on the place of the traditional family and the place of women.¹³³ Changes were also proposed for sex education within schools.¹³⁴ The mood of conservative Christians was changing. Another editorial of the *Challenge Weekly*, this time on the United Nations Convention, declared that "now is the hour for us to redefine the basis that God has set out for our good, and be willing to declare this without fear of the consequences."¹³⁵

Then in March 1985, Fran Wilde introduced the Homosexual Law Reform Bill. This galvanised opposition to the government (although the Homosexual Law Reform Bill was not a government measure) on moral questions. Almost immediately a campaign began to halt the legislation. Two mayors, Sir Peter Tait and Keith Hay (both of whom had been involved in organising the 1972 *Jesus Marches*)¹³⁶ announced they were aiming to collect a million strong petition opposing the legislation. Keith Hay proclaimed it to be the "turning point in New Zealand."¹³⁷ Four members of Parliament backed the opponents to the bill. The Salvation Army offered staff to assist in the administrative task of collecting such a massive petition. Other churches provided assistance. There were public rallies, boisterous meetings, abuse and vitriol.¹³⁸ In a by-election in Timaru on 15 June, 1985, homosexuality was seen to be the main issue.¹³⁹ The period was very divisive for the nation and for the church.

¹³² Pryor, M., *op. cit.* 263.

¹³³ *Challenge Weekly*, 18 January, 1985, 3, 10, 13.

¹³⁴ *Challenge Weekly*, 1 February, 1985, 3.

¹³⁵ *Challenge Weekly*, 18 January, 1985, 2.

¹³⁶ Shaw, T.R., *op. cit.* 19.

¹³⁷ *Challenge Weekly*, 29 March, 1985, 1.

¹³⁸ Bryant, G, *The Church on Trial* (Whangerei: Whau Publications, 1986) 123, outlines some of the incidents.

¹³⁹ Dawson, S., 'God's Bullies', *Metro* (September, 1985) 170, 176.

A petition of some 835,000 signatures was collected: the largest in the nation's history.¹⁴⁰ In a great public demonstration of patriotism and religious fervour the petition was presented at Parliament. All, so it seemed, was to no avail: the legislation was passed, and homosexuality, after twenty years of controversy in the New Zealand Parliament was decriminalised. The battle may have been lost, but the war went on. The opponents of the bill during 1985 seized on this issue as being symbolic of other issues and problems facing the country. In September, nearing the end of the petition gathering, it was announced that the Coalition of Concerned Citizens was to be formed.¹⁴¹ The precise details of the Coalition's aims were to be determined later, but it was clear something had been started and the momentum did not want to be lost. Homosexuality became the trigger for a permanent and broader based political force. As Barry Reed, the Coalition's press officer observed, "homosexuals came along at the very wrong psychological moment."¹⁴² By the end of 1985 this Coalition of Concerned Citizens presented the petition. A new force which stood for "God, Family and Country"(the Coalition's motto) was emerging in New Zealand politics.¹⁴³

Nineteen eighty five thus marked a watershed for conservative Christians. It was their turn to be political. Now the previously politically quiescent *Challenge Weekly* was calling on its readers to be "like Joshua and stand before the nation."¹⁴⁴ A range of issues gave rise for concern, but it was clear it was a "struggle between the forces of good and evil, traditional morality and humanistic liberalism in New Zealand."¹⁴⁵ There was now a mouthpiece for these many and varied concerns of conservative Christians. In the Coalition's own publication on homosexuality it stated that "it endeavoured to act in a co-ordinating capacity for organisations and individuals who are concerned about the direction of New

¹⁴⁰ Griffith, S.N., 'The Effectiveness of Parliamentary Petitioning in New Zealand 1969 - 1983' (unpublished MA thesis, Canterbury, 1985) 81, lists the size of petitions in the period 1969-1983. The largest related to saving native forests with 341,159 signatures.

¹⁴¹ *Challenge Weekly*, 6 September, 1985, 1.

¹⁴² Quoted in Ansley, B., 'The Growing Might of the Moral Right', *New Zealand Listener* (26 October, 1985) 16.

¹⁴³ 'Moral Coalition Seen as Political Threat', *Otago Daily Times*, 14 September, 1985.

¹⁴⁴ Editorial, *Challenge Weekly*, 15 March 1985, 2.

¹⁴⁵ From the *Concerned Parents' Association Newsletter*, September, 1985, quoted in Jesson, B., et al., *op. cit.* 76.

Zealand society and wish to do something positive about it."¹⁴⁶ It saw itself as being "Christian-based" but welcomed "support from any individual or organisation that shared its concern and its vision."¹⁴⁷ At the time of the Coalition's formation it did not want to be seen as a new political party.¹⁴⁸ It wanted to work through existing political parties and in that way influence the outcome of the 1987 general election. It suggested that supporters become "involved by joining the political party of your choice and help select a 'righteousness' candidate and then work for him or her to get elected as an MP."¹⁴⁹ There was a "Statement of Position" and a questionnaire by which the "righteousness of a candidate could be judged". "Righteousness" now extended to loyalty to the Queen and flag, opposition to a Bill of Rights, the promotion of private enterprise and many other topics.¹⁵⁰

The American experience was very important in this. During 1985, *Challenge Weekly* specifically explored the techniques and issues that had concerned the New Christian Right in that country. Its editor, John Massam, toured the United States.¹⁵¹ Several prominent American New Christian Right leaders visited New Zealand during this time.¹⁵² The American success of the New Christian Right buoyed up the fledgling political movement and caused consternation amongst its opponents.¹⁵³ The problem was no longer just homosexuality. "Secular humanism" was the problem. In one edition of the

¹⁴⁶ Coalition of Concerned Citizens, *The Social Effects of Homosexuality in New Zealand* (Christchurch: Coalition of Concerned Citizens, 1985) 55.

¹⁴⁷ *Ibid* 55.

¹⁴⁸ Graeme Lee, a member of Parliament, said the group was 'not to become political itself', but 'it is to oppose liberalism': *Challenge Weekly*, 6 September, 1985, 1.

¹⁴⁹ *Coalition Courier*, 2, 1 (December 1986) 3.

¹⁵⁰ This is a selection of some of the headings of the 'Citizens' Questionnaire' sent to members of Parliament and candidates: *Coalition Courier*, 2, 1 (December 1986) 2.

¹⁵¹ *Challenge Weekly*, 23 August, 1985, 1.

¹⁵² Lou Sheldon, the founder of the Californian Coalition for Traditional Values, and John Swan, an advertising consultant for anti-homosexual and anti-abortion movements in the United States were two of the visitors to New Zealand at this time: 'Moral Coalition Seen as Political Threat', *Otago Daily Times*, 14 September, 1985.

¹⁵³ Lesbian and gay rights organisations particularly were critical of the Coalition and its American links. In advertising, the gay rights groups argued that the coalition had 'strong links with the 'Moral Majority' in the U.S.A.'. They asked 'Why are the US 'Moral Majority' interested in New Zealand? They want to establish the same kind of political control here as they have in the United States - and to direct New Zealand politics': a pamphlet dated 3 October, 1985: Ephemera Collection, Alexander Turnbull Library, Wellington.

Coalition Courier there were feature articles on "Humanism in the Media", "Humanism in the Classroom", "Declaring Victory over Secular Humanism", "Humanism . . . a Global Plan" and an article by the visiting Coalition speaker, Howard Carter, the director of the Logos Foundation in Australia, declaring "The Conflict of the Ages" was between Christianity and humanism. Although the concern of the Coalition was for "traditional values", the enemy was also the "tax funded state religion - secular humanism."¹⁵⁴

iv. After the Coalition of Concerned Citizens

The 1987 election was the first real political test for the Coalition. It was estimated that 70 of the 97 National party candidates in the 1987 election had Coalition endorsement.¹⁵⁵ Although claiming to be above party politics, the Coalition openly favoured National over Labour.¹⁵⁶ Several National candidates, such as the Auckland New Life pastor, Rob Wheeler, were strongly aligned with the Coalition. The result for the Coalition was thus disappointing. Overall, moral issues were overshadowed by economic questions. The very role of the Coalition itself became an issue.¹⁵⁷ Labour was re-elected with an increased majority, and the high profile Coalition endorsed candidates failed. The conclusion was that the Coalition's visibility outweighed its real influence.¹⁵⁸

As an organisation and focal point of conservative Christian political concern, the Coalition declined. Various organisations who for a time had come together under the banner of the Coalition still remained. Conservative Christians still were concerned about moral decline and "secular humanism". However, a discernible political force called the New Christian Right did not survive the 1987 elections.

¹⁵⁴ These articles were in *Coalition Courier*, 3, 2 (March 1987).

¹⁵⁵ Corbett, J., "Fundamentalism" *Metro* (October 1989) 172, 173.

¹⁵⁶ Joe Simmons, the Chairman of the national executive of the Coalition, writing in the *Coalition Courier* specifically warned against returning a Labour Government. "Have you considered the moral effects of returning the present predominantly permissive Labour caucus for another three year term? They have already opened the sluice gates for moral pollution. Another term could well see the sluice gates removed totally and the nation wallowing in the mire of permissiveness.": *Coalition Courier*, 2,1 (December 1986) 1.

¹⁵⁷ *Coalition Courier*, 3, 2 (March 1987) 2.

¹⁵⁸ Corbett, J., *op. cit.* 173.

In July, 1988 a new approach for Christian involvement with the state began with the launch of the Christian Heritage Party. This time there was no doubting that its primary objective was "to contend for and obtain leadership of [the] central government of New Zealand."¹⁵⁹ Its concerns mirror many of those of the Coalition of Concerned Citizens. In its publications it has featured prominently the Bill of Rights, abortion, casinos and family issues. It is concerned with all issues and is endeavouring not to be perceived just as a single issues party. In its initial advertising it asserted that "civil government is believed to be under the authority of God and its purpose is to uphold law and order and to maintain justice in the land. Furthermore, any legislative decision or public referendum must not contravene any biblical principles."¹⁶⁰ In the Party's policy manifesto for the 1990 general election, John Allen, the "Party Spokesman", saw that "every previous political party has failed miserably to stand for those traditional family and moral values which once made New Zealand safe, prosperous and a country to be envied."¹⁶¹ The aim of the Christian Heritage Party is to re-establish New Zealand as a Christian nation.

The Christian Heritage Party, in its publicity, has been more restrained than some of the Coalition literature which, at times, presented issues in terms of spiritual warfare and foreboding conflicts.¹⁶² The title of the party clearly indicates its goal to return to a Christian heritage that it believes New Zealand once had. It has favoured the Christian Reconstructionist approach of the post-millennialists and not a pre-millennialist eschatology. This different emphasis reflects the support which has largely come from the Reformed Church and Dutch immigrants, and not so

¹⁵⁹ The other objectives were: 'Elect candidates of high moral integrity; establish Christian morality in our civil government; and establish legislation which reflects Christian principles.' Listed in newspaper style publication: 'Christian Heritage Party - God Defend New Zealand', n.d.

¹⁶⁰ From publicity for the Christian Heritage Party of New Zealand, 1989 collected by the author.

¹⁶¹ *Christian Heritage Party of New Zealand: Policy Manifesto 1990* (election pamphlet) 4.

¹⁶² For example in the *Coalition Courier*, 3, 2 (March 1987) 5, the problem facing New Zealand is perceived in these terms. 'We must understand that this battle [against secular humanism] is being fought not only on a human plane. It is a battle in the spiritual realm 'against the principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in the heavenly places'.'

much from the Pentecostal churches.¹⁶³ This Dutch connection is significant, in that in the Netherlands there has been a long history of "Christian" political parties.¹⁶⁴ Also it has appealed to the Canadian and not the American experience of conservative Christian political involvement. The Party's first convention was attended by Mr Vanwoudenberg, the Leader of the Christian Heritage Party of Canada which was formed in 1986.¹⁶⁵

The 1990 general election was the first opportunity to test the strength of the Christian Heritage Party. It polled only slightly more than half of one percent of the vote (.53%), receiving less support than the nonsense McGillicuddy Party (.55%).¹⁶⁶ Such a result confirms that the New Christian Right is not widely supported and that as a movement it is no longer a political force within New Zealand.¹⁶⁷

4. The Significance of the New Christian Right

The temptation is to examine the New Christian Right purely in political terms, or from an ideological standpoint.¹⁶⁸ Carried to extremes, such an approach may lead to a too ready overstatement of the New Christian Right's true significance. The New Zealand Christian Right however, was not just an anti-feminist or anti-Left movement. It certainly held these concerns, but it was coming from a more broadly based religious concern. On the other

¹⁶³ MacKenzie, D. 'Christian party told election will be tough', *Otago Daily Times*, 16 February, 1990, 2, notes "the party had strong support from Dutch descendants but had a wider base in the North Island where membership was larger." A Reformed Church minister, Graham Capill has resigned from his church to be the executive director for the Party.

¹⁶⁴ In 1986 the party, Christian Democratic Appeal, was one of the three major political parties in the Netherlands: *The Hutchinson Softback Encyclopedia* (London: Random Century, 1991) 589.

¹⁶⁵ MacKenzie, D. 'Christian party told election will be tough', *Otago Daily Times*, 16 February, 1990, 2.

¹⁶⁶ '1990 Election Results' (unpublished pamphlet, University of Otago, Political Studies Department, 1990)

¹⁶⁷ A similar situation has also arisen in the United States. See Tran, M., 'Religious Right in US Loses Momentum', *Otago Daily Times*, 29 June, 1989; and Bruce, S., *op. cit.* 172.

¹⁶⁸ The work of Ryan, A., 'Populist Moralism', *op. cit.* 104, is explicitly stated to be situated "within the discourse of the Left. I take the Left to include socialist, Feminist and other radical progressive movements." I. Vodanovich, 'Woman's Place in God's World', *Women's Studies Journal*, 2, 1 (1985) 68 provides a feminist critique of the New Christian Right. In Jesson, B., *et al.*, *op. cit.* 116-127, there is a specific chapter on 'Reclaiming the Debate' (116-127).

hand, there is no doubt that at its height, the Coalition of Concerned Citizens had the potential to play a significant role in New Zealand political life. But even here the problem was that its significance came from what was happening contemporaneously in the United States. Such a comparison was always going to be strained.

There were several important differences between the New Zealand and the American experience. First, the origin of the two movements was different. In the United States the mobilization of conservative Christians was part of a wider plan for a general movement to the Right in politics.¹⁶⁹ The genuinely felt need of conservative Christians for a different emphasis and a vision for a return to a Christian America, was intentionally harnessed as an aspect of America's shift to the Right. In New Zealand, the Coalition arose from one specific issue which seemed to gain wide support, namely, homosexuality. In this regard the Coalition was not a part of any orchestrated attempt to move New Zealand party politics to the Right. At most there were links with the National Party.¹⁷⁰ When the wider issues of "secular humanism" and the godlessness of the New Zealand state were articulated, no obvious groundswell of support arose. It would seem that the extensive support for the petition against decriminalising homosexual acts reflected community hostility generally to homosexuals, and not any deep-felt desire to return to biblical principles and reinstate a lost Christendom.¹⁷¹ Snook, in his examination of the conservative Christian opposition to sex education, concluded that in spite of the Concerned Parents' Association's claims to the contrary, a majority of New Zealanders in several surveys did favour sex education in schools.¹⁷² Some of the Coalition's views were accepted by the wider community, but not its basis. Thus Openshaw in 1985 noted with regard to education, that "the alleged dangers of 'humanism' in education may well be a non-issue for many New

¹⁶⁹ See particularly J.L. Himmelstein, 'The New Right' and J.L. Guth, 'The New Christian Right' in Liebman, R.C., & Wuthnow, R., *op. cit.*

¹⁷⁰ S. Stratford, 'Christians Awake! Join the National Party, Save New Zealand', *Metro* (November 1986) 124-137; and B. Rudman, 'For God and National', *New Zealand Listener* (28 March 1982) 28-29.

¹⁷¹ *Challenge Weekly*, 27 September, 1985, 3, draws conclusions about the level of petition support in individual electorates and notes that the number of petitioners per electorate could change the outcome of the 1987 election. This did not eventuate.

¹⁷² Snook, I.A., 'Who Wants Sex Education?', *New Zealand Journal of Educational Studies*, 13, 2 (November 1981) 164, 166, 167.

Zealanders, but feminism, public morality and the question of educational policy implementation without adequate prior consultation with interested parties are issues of considerable public unease in a number of countries."¹⁷³ The conservative Christian agenda of the New Christian Right has not been accepted by New Zealanders, nor did its opposition to the Labour Government fit easily with that government's own neo-conservative economic policy.¹⁷⁴

A second difference was that the message of the Coalition also was different to the American New Christian Right's call for support. The same fundamental concern over "secular humanism" existed, but what was lacking in New Zealand was the same sense of patriotism evidenced in the United States. New Zealand's religious decline was never expressed in explicit and aggressive nationalistic terms. There was never any argument that what was happening to New Zealand was a part of the breach of some sacred covenant or providential plan which God had for the nation and the world.¹⁷⁵ The message was more straight forward: New Zealand was no longer Christian. That fact did not seem to affect the history of the world as had been the implication in the United States. The Coalition's motto, and the flag waving presentation of the petition, were out of place in New Zealand political life.¹⁷⁶

A third difference was that in the United States the New Christian Right both obtained and gave support to significant people in American politics. The Coalition in New Zealand had at best "second-string" political support. The petition was championed by only four back benchers. The leaders of both

¹⁷³ Openshaw, R., *op. cit.* 242.

¹⁷⁴ Indeed it is interesting that in the Jesson, B., *et al.*, *op. cit.* study two groups are specifically examined: those advocating the "Right wing" economic policies of the Fourth Labour Government and the Coalition of Concerned Citizens. Both were seen to be on the Right, and yet both groups were at loggerheads.

¹⁷⁵ This was a common theme in the United States. Jerry Falwell ran "I Love America Rallies" on the steps of the State capitols.

¹⁷⁶ See Hill, M. & Zwaga, W., "Civil and Civic: Engineering a National Religious Consensus" *New Zealand Sociology*, 2, 1 (1987) 34, who conclude "Lacking the cultural support which is accorded organised religion in the United States and disowned by many of their mainstream Christian co-religionists, the protagonists of the NCR [New Christian Right] were isolated as a minority group attempting to engineer consensus around a brittle and essentially sectional collection of symbols". (Note however, the qualification to this that is argued in Chapter Seven, Section 3(iv) "The Treaty and a New Church State Relationship" at p. 274.)

parties refused to see the Coalition over its petition.¹⁷⁷ It was only granted a derisory amount of time before the Select Committee. Even in the earlier days of single issue moral concerns, organisations like the Society for the Protection of the Unborn Child, were able to gain more significant political influence.

A fourth difference was that the Coalition lacked the means to mobilize its constituency. There were no television programmes, let alone television stations, which the coalition could rely upon to keep its concerns before its supporters and the electorate. *Radio Rhema*, which in 1985 had no broadcasting directly out of Auckland, and *Challenge Weekly* were very poor substitutes. There was none of the sophistication of the direct mail solicitation which was such a feature of the American New Christian Right. In this respect Hadden's "resource mobilization theory" that the use of religious television and direct mail techniques were significant features of the American New Christian Right, seems to be borne out by the New Zealand experience.¹⁷⁸

Finally, the basic religiosity of New Zealanders was different from that of Americans. On bald criteria of church attendance and belief in God, New Zealanders were not as religious as Americans.¹⁷⁹ There was not the same constituency on which the coalition could call, as the New Christian Right could in the United States. Furthermore, New Zealand did not have the same history of a conservative alternative to the mainline churches and denominational Christianity.¹⁸⁰ When the Coalition came to articulate its concerns, the traditional reluctance for conservative Christians to be politically involved was perhaps still too dominant.

¹⁷⁷ *Challenge Weekly*, 29 March 1985, 1.

¹⁷⁸ Hadden, J.K., "Religious Broadcasting and the Mobilization of the New Christian right", *Journal for the Scientific Study of Religion*, 26, 1 (1987) 4-5.

¹⁷⁹ According to Bruce, S., *op. cit.* 69, about 60% Americans claim church membership and regularly attend church. Webster, A.C. & Perry, P.E., *The Religious Factor in New Zealand Society* (Palmerston North: Alpha Publications, 1989) 22, has regular church attendance for New Zealanders at 12%.

¹⁸⁰ In the United States the National Association of Evangelicals had been formed in 1943. There had been many influential conservative Christians. Billy Graham had been chaplain to several American Presidents.

This is not to say that the Coalition was not significant in New Zealand church state relations, or in the role of politics within, and between, the churches. Its emergence confirmed that there has been a significant restructuring of New Zealand religion, and in turn, the church's relationship to the state. Several conclusions can be drawn about the lasting significance of the New Zealand New Christian Right.

First, there were now two quite distinct church voices to be heard on political questions. The irony was that it was now liberal Christians who complained about the use of the description "Christian" to describe the Coalition's policies. At the time of the formation of the Coalition of Concerned Christians a coalition of Anglicans, Methodists, Presbyterians, Baptists and Roman Catholics who called themselves Christian Action was also formed. In particular they questioned the right of the Coalition to "speak on behalf of the Christian community."¹⁸¹ The Coalition's rise confirmed that, although there were decidedly "conservative" denominations such as the Reformed Church or the various Pentecostal groupings, there was now a conservative as well as liberal Christian political voice. This division occurred as much within denominations as between them.¹⁸² (The reverse is however not true: liberal Christians are not drawn from all denominations. Denominations, such as the Presbyterian and Methodist Churches, are more liberal than the others.) This had been evident in the Jesus Marches and again with the Coalition of Concerned Citizens. The Coalition gained its support from conservative Christians in all denominations. For example, the Presbyterian Methodist Joint Public Questions Committee produced a document in 1986 entitled "Theology and Politics - The 'Moral Right' and the 1987 General Election" seeking comments from their respective churches. The document was critical of the Coalition.¹⁸³ The response of the wider church was almost evenly divided: 39% supported the thrust of the paper; about 34% disagreed, and the remaining 27% of responses reported a diversity of

¹⁸¹ Christian Action: "Say Yes. Christians and the Homosexual Law Reform Bill" (pamphlet). See *New Zealand Times*, 22 September, 1985, for a review of the work of *Christian Action*.

¹⁸² For a contrary view, Webster, A.C., & Perry, P.E., *op. cit.* 11.

¹⁸³ Although the Committee did not see the Coalition as a theocratic threat, "a more serious possibility is the emergence of a new civil religion in which some of the worst features of narrow patriotism, sexism, racism, intolerance and bigotry are cloaked under the name 'Christian': Discussion Paper sent to Presbyteries, Parish Councils, Sessions and Congregations for discussion in 1986, 12 (provided to the author by the Committee).

opinion within the various church courts which were asked to comment.¹⁸⁴ For both of these more liberal denominations there was clearly internal division over the role of the Coalition.

A second feature of this restructuring was that conservative Christianity itself had changed, or at least sections of it had changed. There was a movement from quiescence to activism. The very description "conservative" now seemed inappropriate. Political action became acceptable, even necessary. New Zealand was secular and pluralistic. For the New Christian Right the only solution was a theocratic or theonomous one: a return to former times, and the legislative enshrining of our Christian heritage through the enactment of God's law. Furthermore action was necessary given the imminence of the end times. This in practice meant that the New Christian Right's concerns were far more complex than merely desiring biblical principles about sexuality to be enshrined in legislation. Action was required on a variety of fronts: education, the economy, any proposed Bill of Rights, and of course on the traditional personal moral concerns relating to human sexuality.

A third feature of this restructuring was that not only were there now two voices for the church, but there were also two different agendas.¹⁸⁵ In the analysis of the Coalition by the Joint Public Questions Committee for the Methodist and Presbyterian Church, it was argued that "morality extends beyond 'personal' morality to include such issues as anti-nuclear warfare and disarmament, unequal distribution of resources and access to them, priority of economic over social goals, discrimination against women and racism."¹⁸⁶ The issues themselves, and how Christian principles relating to those issues were derived, also differed. How the Bible was to be used and interpreted had political manifestations as well as doctrinal implications. The issue over whether the church should be involved in politics now seemed to be a dead letter. The nature of those politics was now the new focus of dispute.

¹⁸⁴ 1987, Minutes, *P.C.N.Z.* 131.

¹⁸⁵ As Wuthnow interestingly suggests, there were now two putative "civil religions", one for the conservative and the other for the liberal. Wuthnow, R., *The Restructuring of American Religion* Chapter 10.

¹⁸⁶ 1987, Minutes, *P.C.N.Z.* 132.

A fourth feature of the restructuring was that through the Coalition of Concerned Citizens, and then the Christian Heritage Party, a new technique in New Zealand for church state engagement emerged. Until the 1980's, the usual method involved making statements and sending written representations to the relevant ministers, and where possible, backing that up with an appropriate delegation of church leaders. Indeed this was the technique which the Associated Pentecostal Churches chose to use when a delegation was sent to the Prime Minister and the Leader of the Opposition in 1975. The overt political activity of the Coalition, and then the Christian Heritage Party, was something new. It was different because it professed to be specifically "Christian" and at the same time, was directly and unashamedly involved in "party politics". The seriousness of the situation now required desperate measures; or least new measures. Through the New Christian Right there was not only a new voice in church state relations, but also a new way in which that voice was brought to the nation.

This overt political involvement of conservative Christians also had its costs. Bruce, in his study of the rise and fall of the American New Christian Right concluded that "conservative Protestants, mobilized to political action on the basis of their religious beliefs and values, found that becoming involved in politics required them to play down the religious origin of their crusade."¹⁸⁷ Politics required compromises, shifting coalitions, and for the conservative Christian "would be politicians", awkward deals and decisions. The reality of seeking political office meant that the pure ideals of the New Christian Right were affected. Religious concerns were lost in the cut and thrust of politics. An explicitly religious agenda was also defeated.

This was the lasting dilemma for many conservative Christians. The situation was perceived to be serious. The solution was clear and uncompromising: the state enactment of biblical principles. However, the only way this could be achieved was by winning political office, and that now does not seem likely. The electorate seems to have rejected the cure: it perhaps has even rejected the diagnosis. Given the experience of the 1980's, a complete political solution for conservative Christians does not seem possible in the short or medium term.

¹⁸⁷ Bruce, S., *op. cit.* 1.

What does the future hold in this new situation? There will still be individual campaigns of the single issue lobby groups. Abortion, pornography, sex education and the like will still be issues on the conservative church agenda. Conservative Christians will no doubt at times have some successes in these areas. There will be those, such as those in the Christian Heritage Party, who will translate the conservative church agenda into direct political action. A more likely consequence, however, is that conservative Christians will reaffirm the traditional approach of "winning New Zealand for Christ" and in the process see that all social evils will disappear.¹⁸⁸

¹⁸⁸ Cf. Wuthnow, R., "The Political Rebirth of American Evangelicals" in Liebman, R.C. & Wuthnow, R., *op. cit.* 168 (quoted at p. 283 above).

CHAPTER NINE

THE CHURCH SECTOR AND THE STATE

1. Introduction

As *Chapter Five* has shown, there was by 1970 a discernible "church sector" within New Zealand which had become a strong component of the "non-government, non-profit" aspect of the economy and of society generally. This non-government, non-profit sector was confirmed at the Economic Summit held in September, 1984 (after the election of the Fourth Labour Government in July). It was specifically recognised as the "fourth dimension" within the economy, following the state, business and the unions.¹ Indeed within this "fourth dimension" the role of church agencies was dominant.² This church sector had grown, as *Chapter Five* has argued, through a partnership between church and state. This partnership grew and prospered in most of the period up until 1990, however, the election of the Fourth Labour Government changed the basis of that partnership as the role of the state also changed.

In most of the years since 1940 the role and the expectation of what the state would do, had remained constant. As emphasised in *Chapter Five*, it had become an article of faith within the Labour Party, and then also the National Party, that a place for state intervention existed. To re-iterate what Mitchell had noted in the late 1960's, it was "the State, which alone can satisfy the demand for the good life, protect from the cruel outside world, and develop the country, either by using the stick and carrot on

¹ Trotter, R.R. in the Foreword to *View from the Summit: A Look at the '84 Economic Summit Conference* (Wellington: New Zealand Government, 1984) 2. The New Zealand Council of Christian Social Services itself was a participant at the Economic Summit in 1984: *NZ Council of Christian Social Services: Timeline of Development and Involvement*, compiled by Robinson, B., 1990.

² See the submission of the New Zealand Council of Christian Social Service to the *Royal Commission on Social Policy* (n.d, 1987?) 4. It argued that 'the religious health and welfare sectors were the major providers of social services' within this 'fourth dimension' of New Zealand society. Note: submissions, papers, minutes and correspondence relating to the work of the Council were made available to the author by the present Executive Secretary, Shaun Robinson. Other papers relating to the Council were made available by the Reverend Donald Phillipps, Superintendent of the Dunedin Methodist Mission, and member of the Council's executive since 1983.

private enterprise, or by going ahead on its own. . . [The State] is the community in action."³ This view of the state continued until the 1980's when the maintenance of "the good life" for New Zealanders became increasingly difficult. Even state intervention was not succeeding. New Zealand's international financial position had deteriorated with Britain's entry into the European Economic Community and the "oil shocks" of the 1970's. The twin problems of inflation and unemployment emerged, and Keynesian economic theory, with its state intervention in the economy, no longer appeared to work. In this context the policies of the so-called "New Right" gained support. The "New Right" claimed that government intervention was inappropriate and that there should be a return to the free market.⁴ The tradition of the "welfare state" and the support of services which the church sector provided, was being questioned.

This chapter examines firstly how the partnership between the state and the church sector was consolidated in the years 1970-1984, and then secondly how the new approach to the role of the state implemented by the Fourth Labour Government (1984-1990) affected the church as an institution, and as a provider of social services and education.⁵

2. The Church Sector and the Consolidation of the Welfare State

i. The Changes in State Support for the Church Sector

The scope and role of the welfare state continued to develop during the 1970's and the early 1980's.⁶ In 1973 the Domestic Purposes Benefit was introduced and in the following year the Accident Compensation Commission which provided earnings-related benefits for accident victims was established. In 1975 the Disabled Persons Community Welfare Act was passed

³ Mitchell, A., "Politics" in *The Pattern of New Zealand Culture* edited by McLeod, A.L. (Melbourne: Oxford University Press, 1968) 91; see *Chapter Five*, at p. 168.

⁴ See Boston, J. and Holland, M., "The Fourth Labour Government: Transforming the Political Agenda" in *The Fourth Labour Government: Radical Politics in New Zealand* (Auckland: Oxford University Press, 1987) 3.

⁵ See Wuthnow, R., *The Struggle for America's Soul: Evangelicals, Liberals and Secularism* (Grand Rapids: Eerdmans, 1989) *Chapters One and Five*, for a discussion of the importance of the changing nature and role of the state for the church and church state relations.

⁶ For a summary of these developments see: 1990, Social Welfare, *Yearbook* 205.

allowing for the payment of a disability allowance to disabled people. In 1976 the new National Government introduced a major extension of the welfare state by establishing a national superannuation scheme which provided for universal benefits at age sixty. These were all significant extensions to the scope of state assistance available to New Zealanders. At the same time, particularly under the Muldoon administration (1975-1984), state involvement in industry promotion and protection expanded. This was the era of "Think Big" government sponsored projects and, at its end, of close government regulation of the economy. In June, 1982 a freeze on wages, prices, interest rates and other fees was introduced, together with tighter monetary control. These years saw New Zealand reach the zenith of state involvement in the economy, and the last major extensions of the welfare state.⁷

The 1970's and much of the 1980's was also a period of consolidation and expansion for Christian social welfare services. As the welfare state grew, so did the range and number of Christian social agencies and the services they provided. The partnership which had been established between church and state seemingly prospered. Much was made of this principle of partnership by the church and also by the state. Throughout the 1970's, and until almost the end of the 1980's, the Department of Health would make the following entry in the annual *Yearbook*:

Government assistance is offered to religious and voluntary organisations and local authorities in providing housing, accommodation and services for elderly people and others with special needs. Under this partnership with government, the social service agencies of all the major religious bodies, as well as other welfare organisations, have established additional accommodation for the aged, frail and sick who need residential care in either an old people's home or a geriatric hospital.⁸

Invariably "this partnership with government" meant continued "government assistance" (to quote the Department of Health), or more bluntly, money for the churches' social service work. When the churches could not sustain their

⁷ For two polemical accounts of this period see: Jesson B., *Behind the Mirror Glass: The Growth of Wealth and Power in New Zealand in the Eighties* (Auckland: Penguin, 1987) 55-65 and James, C., *The Quiet Revolution: Turbulence and Transition in Contemporary New Zealand* (Wellington: Allen & Unwin, 1986) 79-110. For particulars about some of the specific economic measures introduced during the Muldoon administration see: Fraser, B., *The New Zealand Book of Events* (Auckland: Reed Methuen, 1986) 202-203, 213, 218.

⁸ 1987/1988, Health, *Yearbook* 200 (*my own emphasis*). This was the last entry in this form.

welfare work, more often than not the state stepped in and provided the resources.⁹

The areas of church state partnership which had been established in the 1960's continued into the 1970's. The church sector's focus on the provision of institutional care remained. There were children's homes (the old orphanages) and institutions for the care of the elderly. The church sector however, in the 1970's encountered two problems with regard to maintaining these institutions. The first was that the capital cost of building new premises and renovating older establishments was increasing. The 1974 Health Department Annual Report noted that the subsidies available for the provision of old people's homes and hospital beds (available since 1950) were inadequate to meet escalating costs, with the result "that religious and welfare organisations were faced with substantial differences between actual cost and subsidy available."¹⁰ The report also noted that for this reason fewer church agencies had taken advantage of the subsidy and that there had been a decline in the number of new beds available.¹¹ As a consequence, in 1974-75 the "Government approved increases in subsidy rates commensurate with building costs."¹² At the same time there was an increase in the subsidy for fire protection work (from 75% of the cost to 100% of the cost); an increase in the subsidy from 50% to 80% for "upgrading work required for the comfort and care of residents and patients"; and a new 100% subsidy on the approved cost of conversion of electrical heating to a fuel burning installation.¹³ The state through this increased capital subsidy was able to help the church sector up-grade its premises and meet an increased community need.

The second, and more pressing problem for the church sector, was the running costs of these institutions, in particular the expense associated with providing professional care for the frail aged and the running of geriatric hospitals. Care for this group of the elderly had grown enormously

⁹ This was the terms of the submission by the New Zealand Council of Christian Social Services to the *Royal Commission on Social Policy*, *op. cit.* 5.

¹⁰ Annual Report, Department of Health, *A.J.H.R.*, 1975 E.10, 84.

¹¹ *Ibid.*

¹² *Ibid* 85

¹³ *Ibid.*

in the late 1960's and early 1970's.¹⁴ This care was expensive. Ward, in a 1975 study of private hospitals, concluded that "failing additional financial support from the state a number of private hospitals will close down and as a result the public hospitals will have to make provision for additional patients."¹⁵ In response, the state introduced on 9 February, 1977 the Geriatric Hospital Special Assistance Scheme. This scheme allowed "hospital boards to place geriatric patients wishing to be admitted to a public hospital in private hospitals if no public beds are available. Patients [were] subsidised to a fixed upper limit of the private hospital fee charged, subject to the application of an income test."¹⁶ This greatly assisted the church's work with the frail aged, although the qualification regarding the availability of public beds has subsequently proven to be significant.

There were also increased expenses associated with the running of rest homes. In this regard the government introduced in September, 1978 a "Staff Salary Subsidy"¹⁷ to "assist religious and voluntary homes which do not come under the geriatric hospital assistance scheme or the Department of Social Welfare rest home subsidy scheme."¹⁸ Such state assistance for the running of homes and other institutions became an important aspect of the church state partnership. Thus by 1988, when there was a major reorganisation of state funding for aged care (implemented from July, 1989), the capital subsidy for new establishments remained, as well as six other various subsidy schemes for the running of aged care.¹⁹

These schemes of state support, introduced during the late 1970's, meant that the church sector's aged care work could expand to the extent that some

¹⁴ See Ward, J.T., 'Towards a Policy for Private Hospitals' *N.Z.J.P.A.*, 37, 2 (1975) 23. He notes that "The most striking feature has been a 40% increase in private medical hospitals over the last decade due largely to the erection of [state assisted] hospitals for geriatric patients by religious and welfare organisations." (26)

¹⁵ *Ibid* 37.

¹⁶ Annual Report, Department of Health, *A.J.H.R.*, 1980 E.10, 44.

¹⁷ Annual Report, Department of Health, *A.J.H.R.*, 1979 E.10, 29.

¹⁸ Annual Report, Department of Health, *A.J.H.R.*, 1980 E.10, 44.

¹⁹ Interview with Alan Williams, former Executive Secretary of the New Zealand Council of Christian Social Services, 23 March, 1991.

church welfare services were able to operate at a "profit".²⁰ For example, in 1982 the Wellington Presbyterian Support Services Association reported "there is going to be a reasonably substantial surplus this year which has resulted mainly from an additional frail aged wage subsidy."²¹ These surpluses allowed those churches with institutionally-based services like rest homes and geriatric hospitals, to subsidise other social service activities which were not adequately funded by government, private or church sources. The reverse was also true. Those church agencies which lacked the institutional base, such as the services provided by the Salvation Army, were limited in their development of other forms of social services.

Although the largest area of state assistance was for the care of the aged, during the 1970's other aspects of church activity continued to receive government funding and, in some instances, increased support. In the area of children's homes, and homes for unsupported mothers, the capitation grant towards running expenses remained, as well as the capital subsidy of two-thirds on approved building projects.²² In 1978 that capitation grant for children's homes was substantially increased.²³ There were also new funding initiatives for family welfare. In 1979 grants totalling \$75,000 were made for "distribution amongst those of the voluntary agencies employing social workers in preventive social work."²⁴ That year the Department of Social Welfare also provided "lump sum grants to voluntary organisations which contribute to department objectives but are outside the scope of other subsidy programmes".²⁵ On this basis the New Zealand Council of Christian Social Services itself received in 1979 a grant of \$12,000 for its operations,²⁶ which allowed the Council to move in the direction of appointing its first Executive Officer, the Reverend Owen Robinson, in 1984.

²⁰ The term 'profit' is used in a Briefing Note: Alan Williams to Members of the Executive of the New Zealand Council of Christian Social Services, 11 May, 1988.

²¹ 1982, Social Service, *P.C.N.Z.* 61.

²² Annual Report, Department of Social Welfare, *A.J.H.R.*, 1979 E.12, 14.

²³ 1978, Social Service, *P.C.N.Z.* 117.

²⁴ Annual Report, Department of Social Welfare, *A.J.H.R.* 1979 E.12, 14.

²⁵ *Ibid* 15.

²⁶ *Ibid*.

In addition to the health and welfare area, the state offered other financial support for the church sector. As noted in *Chapter Five*, the government subsidy for hospital chaplaincy was introduced in 1972.²⁷ By 1975-1976 the scheme had been fully implemented with the state meeting 50% of the cost of 55 chaplaincies within New Zealand general and psychiatric hospitals.²⁸ Likewise the state subsidy for one-fifth of the cost of church youth halls and camps continued. By 1977, when the scheme was suspended "for economic reasons", 239 projects, of which most were for church halls, had been approved and nearly one million dollars had been given.²⁹ Church social service agencies also utilized government funding in running, at times very large, "job creation schemes" when unemployment became a problem in the late 1970's.³⁰

State aid for the educational services provided by the church sector also continued. During the late 1970's and early 1980's the full impact of the Private Schools Conditional Integration Act, 1975, together with the various subsidies which had earlier become available for private schools, was felt. On 1 February, 1977 Wesley College became the first school to integrate. By 1984 all Catholic schools had integrated, and most schools which indicated that they were going to integrate, had done so.³¹ Meanwhile, the other private (non-integrated) schools continued to receive their various subsidies, including a subsidy for 50% of staff salaries. In 1980-1981, even with 125 schools already integrated, private schools received \$34.4 million, or 2.7% of New Zealand's total education expenditure.³² In 1986 there was a growth in the enrolment of private school primary students,

²⁷ See *Chapter Five* at p. 190.

²⁸ 1972, Social Service, *P.C.N.Z.* 41, quoting from a press release from the office of the Minister of Health, dated 17 March, 1972.

²⁹ See Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1977 G.7, 47; Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1976 G.7, 50; and Annual Report, Department of Internal Affairs, *A.J.H.R.*, 1974 G.7, 54.

³⁰ 1981, Social Services, *P.C.N.Z.* 70; and interview with the Reverend Stuart Sellar, 29 May, 1991, former Director of Dunedin Catholic Social Services.

³¹ 1978, Education, *Yearbook* 176 and 1984, Education, *Yearbook* 215.

³² 1982, Education, *Yearbook* 175, 176. This year represented the largest percentage of total educational expenditure (2.7%) devoted to private schools. Once a school became integrated, it was treated like other state schools (although this appears not to have been done with respect to the 1983, Education, *Yearbook* 203: total private and integrated school expenditure was 3.7% of all state expenditure).

while nationally there was a decline in state primary school rolls.³³ This growth reflected the increase in small "Christian Schools" referred to in *Chapter Eight*.³⁴ As noted previously, three systems of education operated: the state, the integrated and the private school. All were substantially funded by the state.

ii. The Development of the Church Sector Lobby

This level and range of financial support required considerable negotiation and lobbying with the state and also employees in the church sector.³⁵ In the area of social services, the earlier formation of the inter-church New Zealand Council of Christian Social Services in 1967 (outlined in *Chapter Five*) was significant.³⁶ This body's role and importance grew enormously. Church agencies quickly realised that "adequate support by the State, [would] not be forthcoming unless accurate and up-to-date data on its needs [was] supplied."³⁷ Approaches to the state needed to be co-ordinated and well researched. The collection of data on the extent of Christian social services thus became one of the Council's priorities in the 1970's.³⁸ It soon became recognised that the Council was the body which acted nationally for the combined social services of the six denominations within the Council and represented them in discussions with the Government.³⁹ Indeed by 1978, when the Presbyterian Assembly Social Service

³³ 1986/1987, Education, *Yearbook* 256.

³⁴ See *Chapter Eight* at p. 305.

³⁵ The responsibility for labour relations and award negotiations was an important part of the work of the New Zealand Council of Christian Social Services. In addition to the nurses and nurses' aides, and staff at the many institutions which the various agencies operated, professional social workers and counsellors were also employed by the agencies. For example, in 1980 Presbyterian agencies employed 56 such counsellors: 1980, Social Service, *P.C.N.Z.* 64.

³⁶ For a discussion of the church sector's lobbying with regard to education see *Chapter Five* at pp. 180ff.

³⁷ 1973, Social Service, *P.C.N.Z.* 63.

³⁸ See the pamphlet compiled by B. Robinson, *NZ Council of Christian Social Services: Timeline of Development and Involvement* (1990). The 1976 report of the Presbyterian General Assembly's Social Service Committee presented the results from one of these surveys: 1976, Social Service, *P.C.N.Z.* 78.

³⁹ The early records of the Council, prior to 1977, are missing. This statement of the Council's function is quoted in 1976, Social Services, *P.C.N.Z.* 77. The six denominations represented were the Anglican, Baptist, Catholic, Methodist and Presbyterian Churches and the Salvation Army.

Committee entertained the possibility of new terms of reference, it noted that, with regard to its own responsibility to negotiate with government, the role had effectively been assumed by the Council.⁴⁰ This combined and "ecumenical" approach replaced the lobbying and negotiation of the individual church agencies.⁴¹ When the Reverend Owen Robinson, a Presbyterian minister, was appointed in 1984 as the first Executive Officer, the office for the Council was provided by the Catholic Archdiocese of Wellington.⁴²

For its part, the Council developed a close working relationship with government. It had ready access to both the Departments of Health and Social Welfare. From 1978 it inaugurated regular bi-monthly meetings with these Departments⁴³ on matters ranging from the rewriting of the 1965 Old Peoples Home Regulations,⁴⁴ through to the introduction of a new staff subsidy for child care workers, and the extension of the staff subsidy for the church's rest home workers.⁴⁵ Consultations also took place over the rewriting of significant social legislation such as the Children and Young Person's Act, 1974, and the amendments to the Adoption Act, 1955.⁴⁶ With the appointment of the Reverend Owen Robinson this consultative process further improved.

⁴⁰ 1978, Social Service, *P.C.N.Z.* 114.

⁴¹ For example, in 1971 it was noted that "in June of this year Directors together with Secretaries met in Wellington to discuss Government subsidies in connection with the Care of the Aged. A very appreciative and helpful meeting with the Minister of Health the Hon. D.N. McKay, (*sic*) when the seven Directors were asked to offer submissions to him. The Rev. A.D. Robertson prepared these submissions which have been forwarded and which it is considered will be of great mutual benefit": 1971, Social Service, *P.C.N.Z.* 106. A.D. Robertson was also the first chairperson of the Council of Christian Social Services.

⁴² *The Tablet* (10 October, 1984) 11.

⁴³ The regular meetings began first with the Department of Social Welfare concerning children's services. This was reported to the Annual General Meeting of the Council on 18 October, 1978. At that meeting it was agreed to establish the same relationship with the Department of Health. The Executive Meeting Minutes for 7 December, 1978 revealed that discussion had begun with the Department of Health. The matters covered in that meeting concerned the Private Rest Home Scheme, capital subsidies, the staff subsidy, the Geriatric Daily Bed subsidy, and the Old Peoples Home Regulations.

⁴⁴ These regulations were replaced by the Old Peoples Homes Regulations, 1980: Annual Report, Department of Health, *A.J.H.R.*, 1980 E.10, 43. They were changed yet again in 1987.

⁴⁵ See Minutes of the Council's Executive Meeting, 17 July, 1980 and 5 March, 1981.

⁴⁶ B. Robinson, *NZ Council of Christian Social Services: Timeline of Development and Involvement* (1990). The Children and Young Person's Act, 1974 was significantly re-worked in 1989 to become the Children, Young Persons and their Families Act, 1989. Again the New Zealand Council of Christian Social Services was involved in consultations concerning this change.

There was then regular access to senior departmental officials, and when relevant, the appropriate Minister.⁴⁷ Indeed, such was the expertise that the Council possessed, that Alan Williams, the Executive Officer who succeeded Owen Robinson in 1988, was on one occasion even given the opportunity to comment on draft Cabinet briefing papers.⁴⁸

This partnership with the state however reflected an *ad hoc* approach to government policy on welfare services. The important 1976 Health Department study, *The Accommodation and Service Needs of the Elderly* (known as the *Salmond Report*) concluded that "planning and co-ordination have not been features of the care of the aged".⁴⁹ For example, during the 1970's two subsidy schemes for rest home operators existed. One was for the "religious and voluntary" sector, which basically received a capital grant, and then after 1978, a subsidy to meet a proportion of staff costs. This scheme was administered by the Department of Health.⁵⁰ The other scheme was for the private rest home operators, who received a means-tested "top up" for residents' fees. The Department of Social Welfare administered this arrangement.⁵¹ To have two such schemes did appear illogical;⁵² however, their presence also reflected how often state funding was sought by different interest groups without there being any clear overall policy for the area in question. In this instance there was the scheme for church agencies, who were represented by the Council of Christian Social Services, while the private businesses were represented by the Licensed Rest Homes Association. The church sector became just one of several "industry organisations" which lobbied government for assistance.⁵³ For the

⁴⁷ Interview with the Rev. Owen Robinson, the first Executive Secretary of the Council, 25 March, 1991.

⁴⁸ Interview with Alan Williams, 26 March, 1991.

⁴⁹ Salmond, G.C., *The Accommodation and Service Needs of the Elderly* (Wellington: Department of Health, 1976) 9.

⁵⁰ Annual Report, Department of Health, *A.J.H.R.*, 1979 E.10, 29.

⁵¹ See Salmond, G.C., *op. cit.* 52, for background to the scheme; and Annual Report, Department of Social Welfare, *A.J.H.R.*, 1979 E.12, 25, for details of the scheme.

⁵² The presence of these two schemes was a point of contention for church agencies from the inception of the private rest home scheme. It was an item on the agenda in the first meeting with Department of Health officials in 1978: 1978, Social Service, *P.C.N.Z.* 114. It was also the subject of a delegation to the Minister of Health on 29 March, 1979: New Zealand Council of Christian Social Services, Executive Minutes 5 April, 1979.

⁵³ There was in addition to the License Rest Homes Association, the Private Hospitals Association and the Federation of Voluntary Welfare Organisations. The New Zealand Council of

government's part, it seemed primarily concerned that these subsidies were not too much of a drain on national finances.⁵⁴

The partnership between the church sector and the state, although close, was not always harmonious. The church sector always seemed to want increased government funding, despite the opportunity for agencies to "cross subsidise" other aspects of their welfare work after the new subsidy schemes of the 1970's. Thus in 1973 the concern was that the "present State support [was] not adequate in view of the expanded role that the Church is being asked to undertake."⁵⁵ In 1987 the submission to the *Royal Commission on Social Policy* by the Council of Christian Social Services complained that "the paternalism of current partnership thinking must cease. Government must fund the voluntary welfare sector to become the major partner in social service delivery."⁵⁶ Money however, was only one area of complaint within the partnership. State regulations and procedures were also a point of friction. For example, in 1980 the Council of Christian Social Services declared that "church organisations [were] being forced to comply with regulations and policies made by hospital boards and that these sometimes compromise the policies of the organisations concerned."⁵⁷ The partnership remained, but the church sector was still very much the "junior partner".

iii. A Review of the Church Sector until the Mid 1980's

Some conclusions can be made about the partnership between the state and the church sector up until the mid-1980's. To begin with, it was a partnership which allowed a consolidation of the church sector in the provision of health, welfare and educational services. One indication of this was the growth in state-assisted rest home and hospital beds for the elderly. In 1970, 5,200 such beds were provided by religious and welfare

Christian Social Services consulted with these bodies, although each had their own sphere of activity and agenda to pursue with government.

⁵⁴ See for example, the concern in 1980 over the rapid escalation of the cost of the then newly-introduced Geriatric Hospital Special Assistance Scheme: Annual Report, Department of Health, *A.J.H.R.*, 1980 E.10, 44.

⁵⁵ 1973, Social Service, *P.C.N.Z.* 65.

⁵⁶ New Zealand Council of Christian Social Services, *op. cit.* 5.

⁵⁷ Executive Minutes of the New Zealand Council of Christian Social Services, 16 October, 1980.

organisations. By 31 March, 1987, 20,544 such beds had been provided.⁵⁸ The *Yearbook* for that year indicates that the state had provided since 1950, when the state began funding for this purpose, nearly \$90 million.⁵⁹ This figure (without any adjustment for inflation) related only to the capital grants which had been given and did not include any of the other assistance provided by way of subsidies and schemes to church-related social service agencies. In a 1983 Council survey of its members' expenditure on Christian social services, the Council found that there was a combined total expenditure of \$70,872,188.⁶⁰ This amounted to a 146% increase in the seven years since the Council's 1976 survey.⁶¹ To complete the picture, it should be noted that by 1990, the annual expenditure was estimated to have increased to \$200 million.⁶²

The church sector operated large and formidable organisations. In the area of health and welfare services, agencies commanded large budgets and employed many people. Although, by the mid-1980's significant moves towards de-institutionalised care had been made,⁶³ the institutional orientation of the church sector remained. This was the style of service which mirrored the available government subsidies. This in turn meant that the "church sector" had become "a relatively affluent section of social services".⁶⁴

There was indeed great tension within the Council itself over this disparity in the wealth and position of agencies arising from the focus by

⁵⁸ 1970, Health, *Yearbook* 47 and 1988/1989, Health, *Yearbook* 274.

⁵⁹ *Ibid* 275.

⁶⁰ Papers for the Special Executive Meeting, 7 July, 1983.

⁶¹ The 1976 survey revealed an expenditure of \$28,756,659: 1976, Social Service, *P.C.N.Z.* 78.

⁶² Interview with Shaun Robinson, 25 March, 1991, Executive Secretary of the Council of Christian Social Services. The importance of this in terms of the church's overall contribution to New Zealand's health and welfare is that the total New Zealand government expenditure on "health benefits" (prescription medicines, doctors' visits, diagnostic services, and maternity services) for the year to 30 June, 1991 was approximately \$1 billion: Department of Health pamphlet, "The Cost of Health", 1991.

⁶³ This trend was first evident in children's services: interview with the Reverend Stuart Sellar: 29 May, 1991. There were also endeavours by social service agencies to promote more parish-based social service work: see 1975, Social Service, *P.C.N.Z.* 117 and 1980, *P.C.N.Z.* 61-62.

⁶⁴ "Briefing Paper for the Meeting between the New Zealand Council of Christian Social Services and Leaders of Member Churches: 2 May, 1990" par.45. The paper is dated 9 April, 1990.

some on institutional care. In 1983 the Council was required to apportion the Telethon (a national televised charity appeal) monies for that year among its members. The ensuing dispute among Council members was described as the Council's "greatest crisis".⁶⁵ The formula for distribution appeared to give greater weight to the large institutional agencies (because they incurred the greatest expense), and not those working explicitly with the poor of New Zealand, or those operating directly from a congregational base, such as the Salvation Army.⁶⁶ The Salvation Army, together with Anglican Social Services, sought a revision of this formula. The argument was that although institutions had large expenditures, this expense was largely recovered by fees and subsidies from the state. Meanwhile the Salvation Army worked with low socio-economic groups, and was not able to attract the same financial support for this work. (The Salvation Army also felt aggrieved because it had been used extensively in the advertising for the Telethon, and yet was to receive so little.) The Council however, agreed to maintain the formula based on each church's expenditure on social services, although the figures were rounded.⁶⁷

This dispute in turn was a part of the wider issue as to how the large institutional agencies related to local congregations and indeed were accountable to their own denominations. This was a particular issue for the Presbyterian Church.⁶⁸ As such, this dispute only indirectly affected church

⁶⁵ Letter of the Reverend Bruce Gordon, Convener of the Methodist Social Service Association to the Reverend Donald Phillipps, member of the Council of Christian Social Services, dated 6 July, 1983.

⁶⁶ The problem was that the Telethon monies were to be distributed on a formula based on the expenditure on social services of the six member churches of the Council of Christian Social Services. Those churches which had concentrated on institutional care had the greatest expenditure and as result were to receive the most. On this basis the Presbyterian Church was to receive over one-third of the funds and the Salvation Army less than 10%. See Minutes and circulated papers of the Special Executive Meeting, 7 July, 1983.

⁶⁷ *Ibid.*

⁶⁸ The background to this is not germane to this study, except insofar as the social service work undertaken by the seven Presbyterian Support Services, can in fact be regarded as the social service work of that Church. In 1988 it was acknowledged that "Presbyterian Support Services are not accountable to the Presbyterian Church in any legal sense. Each of the seven areas of Support acknowledges a Presbyterian heritage, but each operates independently as a Christian trust under the Charitable Trusts Act, 1957. . . . The Church has no legal authority to direct the work of its seven social service areas. And yet, in a moral sense, Support thinks of itself as accountable to the Church. . . . The relationship between the Presbyterian Church and Support is clearly one of partnership." 1988, Social Service, P.C.N.Z. 234-235. In 1984 there had been formed the National Council of Presbyterian Support Services (1984, Social Service, P.C.N.Z. 64) and in 1985 the General Assembly agreed that both its own committee, the

state relations. It did highlight the possibility, however, that the agencies and their church may not always be *ad idem* in their dealings with the state, and that the inter-church co-operation in dealing with the state and funding agencies, could still be threatened by denominational self-interest.

The Telethon incident however, did show that the church's success in raising money for its agencies indicated the public regarded them highly and worthy of support. It would seem that the New Zealand public could distinguish the "religious" role of the church within the community from its provision of welfare. This view was increasingly also to be the basis of state support for the services provided by the church sector.

A final point to note at the end of this period was that particularly with Christian social service agencies, the church sector was not alone in the provision of health and welfare services. This was especially so with regard to the institutional care of the elderly. Many other organisations now provided a similar service. The churches had pioneered a system of care, but now other groups and organisations were involved. Private enterprise, especially following the introduction of the private rest home subsidy, competed with the church agencies for government funds.⁶⁹ This issue required the church to consider the theological question as to why it was now involved in this area of care. As the Presbyterian Social Service Committee found, however, such questions "proved to be more complex" than it had originally thought.⁷⁰

Social Services Committee, and this new Council report directly to the Assembly: 1985, Minutes, P.C.N.Z. 138.

⁶⁹ Salmon, G.C., *op. cit.* 51. In 1974, with regard to residential homes, 30% were private, 58% were religious and welfare, and 12% were run by the then hospital boards.

⁷⁰ 1983, Social Service, P.C.N.Z. 73-74.

3. The Fourth Labour Government and the Church Sector

i. The Nature of the Economic Reforms

The election of the Fourth Labour Government in July, 1984 became one of the significant (and much analysed)⁷¹ turning points in the development of the New Zealand state. It also marked the beginning of a reassessment of the previous partnership between the state and the church sector. As this thesis has already noted, the new Government was responsible for far-reaching policy changes in the areas of race relations, peace, disarmament and social questions, such as the role of women.⁷² These were matters of principle about which liberal and conservative Christians were concerned, and were at the forefront of either their advocacy or their opposition. The new Government also sought to address New Zealand's worsening economy by implementing a new approach to economic management. It advocated a liberalism of the free market and minimal state control.⁷³

The "welfare state" and the nature of government support for the church sector were not directly and immediately affected by the economic programme

⁷¹ See Boston, J. and Holland, M., eds, *The Fourth Labour Government: Radical Politics in New Zealand* (Auckland: Oxford University Press, 1987); Holland, M. and Boston, J., eds, *The Fourth Labour Government: Politics and Policy in New Zealand* (Auckland: Oxford University Press, 1990); Wilson, M., *Labour in Government 1984-1987* (Wellington: Allen & Unwin, 1989); Jesson B., *Behind the Mirror Glass: The Growth of Wealth and Power in New Zealand in the Eighties* (Auckland: Penguin, 1987); James, C., *The Quiet Revolution: Turbulence and Transition in Contemporary New Zealand* (Wellington: Allen & Unwin, 1986); and James, C. and McRobie, A., *Changes?* (Wellington: Allen & Unwin, 1990). With regard to the state sector reorganisation see Boston, J. et al. eds, *Reshaping the State: New Zealand's Bureaucratic Revolution* (Auckland: Oxford University Press, 1991); Roberts, J., *Politicians, Public Servants and Public Enterprise* (Wellington: Victoria University Press for the Institute of Policy Studies, 1987) and Boston, J., "Reorganising the Machinery of Government in New Zealand: Objectives and Outcomes" paper presented to the New Zealand Political Studies Association Conference, Otago University, May 1990 and reprinted in *Reshaping the State, op. cit.* 233-267 (references here are given to the paper).

⁷² See *Chapters Seven and Eight* for further examination of these issues. Note that the introduction of the decriminalisation of homosexuality legislation was a private member's bill and not a government initiative.

⁷³ See Jesson, B., *op. cit.* 64. James, C., *op. cit.* 7-9, argued that this was a cyclical phenomenon in New Zealand: it had happened first in the 1890's and again in the 1930's. He says "Three strands run through the pattern: a generational cycle; the rise and release of economic and social strain; and the waxing and waning of tensions in the way people view themselves, the role of the state in their lives and the place of New Zealand in the World." (7)

of the new Minister of Finance, Roger Douglas, and the Treasury.⁷⁴ All the same, the welfare state's demise was a logical conclusion of the market-oriented economic approach which was being implemented. Since 1973 New Zealand's welfare system had been described in the annual *Yearbooks* in the following way. It was a definition which reflected that the state was "the community in action".⁷⁵ The welfare system was last described in this way in the 1987-1988 *Yearbook*.⁷⁶

The present social security system cannot be characterised according to any single principle, theory or formula. For example, it looks like a form of community insurance, but it is not financed, funded or administered on an insurance basis. It is financed from general taxation; but a person's benefit bears no relation to his or her tax contribution. Most benefits are income tested and selective as to need, but three main benefits (national superannuation, family and medical) and the lesser miner's (*sic*) benefit are universally applied without regard to other income or means. The social-welfare system transfers income from the more to the less affluent, mainly on the basis of greatest help for those in greatest need. It reflects the traditional humanitarian, egalitarian and pragmatic approach of New Zealanders and most importantly, reflects an acceptance of community responsibility for social welfare.⁷⁷

The following year's entry deleted any reference to the "traditional humanitarian, egalitarian and pragmatic approach of New Zealanders."⁷⁸ "Community responsibility" was no longer the state acting on behalf of the

⁷⁴ Treasury produced two significant policy papers for an approach in tackling the economic situation of New Zealand. The first, produced for the incoming Government in 1984 (*Economic Management* (Wellington: Government Print, 1984), was directed primarily towards the implementation of free market policies and the deregulation of the New Zealand economy. On the Government's election to a second term it produced *Government Management: Brief to the Incoming Government* (Two Volumes)(Wellington: Government Print, 1987) which was directed towards public sector reforms. (The first volume deals with the general questions of state sector reorganisation. The second volume deals with specific issues of education policy.) The current Chief Executive of Treasury, Dr Graham Scott was involved in producing both documents. For a review of the underlying theories behind these reforms and as they particularly relate to changes in the public sector see: Scott, G. *et al.*, "Reform of the Core Public Sector: The New Zealand Experience" *Public Sector* 13, 3 (1990) 11-24.

⁷⁵ Mitchell, A., "Politics" in *The Pattern of New Zealand Culture* edited by McLeod, A.L. (Melbourne: Oxford University Press, 1968) 91.

⁷⁶ 1987-1988, Social Welfare, *Yearbook* 180.

⁷⁷ 1973, Social Welfare, *Yearbook* 165. The *Royal Commission on Social Policy*, April Report (Four Volumes)(Wellington: Government Print, 1988) endorsed this understanding of the role of the state. The state was seen by the Commission as "the ultimate expression of collective responsibility": See Douglas, E., "New Directions in Social Policy" in 1988-1989, Social Welfare, *Yearbook* 240-241.

⁷⁸ 1988-1989, Social Welfare, *Yearbook* 256.

community, as clearly was the implication of the above quotation, but rather "in the past few years . . . the department [of Social Welfare] seeks to involve the community more in the responsibility for social welfare."⁷⁹ Community responsibility now meant individuals and groups, such as the church, helping other individuals and groups within the community.⁸⁰

The church sector could not but be affected by this different emphasis, indeed almost revolution. In particular, it was changed in two ways. The first concerned the policy of "privatisation" as it was applied to health, welfare and education services. Basically the church was called on to do more. The second change related to the very basis or structure of the relationship between the church sector and the state. To understand the nature of these effects, one needs to examine the public sector reorganisation and its underlying theory.

Treasury argued that state controls and publicly owned and supported organisations were far from being the solution to the problem, they were the problem itself.⁸¹ Such state ownership and interference with the free market were seen to be inefficient and wasteful of taxpayers' resources. It was far better for the state not to be involved in this way in the economy. As Gregory says, "Treasury was committed to the pursuit of an economically rational allocation of resources, in both the private and public sectors, and to a free-market theoretical paradigm as a means of ensuring this."⁸² In other words this meant the deregulation of the financial system, a transformation of what the government itself did, and how it did it.

⁷⁹ *Ibid* 256-7.

⁸⁰ Church agencies are specifically mentioned: *ibid* 256.

⁸¹ It is a major theme of analyses of New Zealand economic history that New Zealand business has relied heavily upon state protection and support: see Hawke, G.R., *The Making of New Zealand: An Economic History* (Cambridge: Cambridge University Press, 1985) Chapters 9 and 13. For Treasury's assessment of this see Scott, G., *op. cit.* 11-12.

⁸² Gregory, R., "The Reorganization of the Public Sector: The Quest for Efficiency" in *The Fourth Labour Government: Radical Politics in New Zealand* 113. For a discussion of the "philosophy" underlying these public sector changes see Boston, J., "The Theoretical Underpinnings of Public Sector Restructuring in New Zealand" in *Reshaping the State* 1-26.

Initially "state owned enterprises" were "corporatised" and set specific (market) financial performance criteria.⁸³ In time many of these newly "corporatised" organisations were "privatised", that is, sold and left for private enterprise to operate. Many previous state functions were simply terminated, or their functions rationalised and transferred to another body.⁸⁴

All government operations were affected by these changes. The overall goal was to build a "more efficient and cost-effective system of government".⁸⁵ It was perceived that the government and its bureaucracy had been "captured" (the term used in these reforms) by its clients or industry groups.⁸⁶ For example, it could have been argued that the government officials dealing with subsidies for rest homes tended to consider the operators of rest homes (both the church agencies and the private enterprise), and not the national economic situation, in giving advice to government. To avoid this possibility, policy advice was therefore separated from funding and regulatory functions, and smaller policy advising ministries created. Indeed the policy was that as much administration of government programmes as possible should be "devolved" to local or regional agencies. There was in all of this, as Roberts says, a "decoupling" of government from the public sector.

Decoupling involves a number of organisational choices based on a distrust of the close direction of public affairs by politicians, and a corresponding intention to provide an alternative spur to performance, often by creating a market or quasi-market relationship with clients. At the same time, the government disengages from intervention and control of the economic process. . . . The objectives of decoupling are to establish a market-led economy and by this to promote the reallocation of resources to the most efficient use.⁸⁷

⁸³ The language of these changes is used in this description. For a government function to be 'corporatised' meant that a government department, or government agency, was transformed into a corporation like a private company.

⁸⁴ See Scott, G., *op. cit.* 12-18. The legislative vehicle for this change with regard to State Owned Enterprises was the State Owned Enterprises Act, 1986.

⁸⁵ Boston, J., "Reorganising the Machinery of Government", *op. cit.* 8, quoting from the policy of the incoming Labour Government in 1984.

⁸⁶ *Ibid* 11.

⁸⁷ Roberts, J., *op. cit.* 14-15.

"Decoupling" came eventually to affect the operation of the "core public service", such as the Departments of Health, Education and Social Welfare - the departments with which the church sector related.⁸⁸ Again more terms were coined to describe this process. Two in particular should be noted: "contestability" and "transparency". "Contestability" was simply the translation of the concept of the market into the bureaucracy. If a range of possible means to achieve specific objectives was available, then those means should be "contestable". Thus if the government wants a policy, several sources of policy advice should be available. If it wants to provide a service, then there should be a range of service providers. As Roberts has said above, a "quasi market" for advice and services was needed. Such contestability, it was argued, would lead to both better advice⁸⁹ and more cost effective services. For example, services, such as the care for the sick frail-aged, could be competitively tendered. There needed to be "contestability" in the delivery of that service. More than one type of agency was now encouraged to provide that service.

The idea of "transparency" was that if the government decided to modify any outcome within either the free market, or its own market of contestable advice and services, such modification should be "transparent", that is, quantifiable and capable of evaluation.⁹⁰ A good illustration of this principle was the proposal to remove the taxation privilege from charities and the churches.⁹¹ The argument was that this taxation concession given to the church and other charities, was not transparent because the financial benefit the church received was not capable of being calculated and monitored.⁹² It was not possible to assess how much revenue the state had

⁸⁸ In the first term of the Labour Government (1984-1987) the Departments of Health, Education and Welfare were not significantly reorganised: Gregory, R., *op. cit.* 118-119. The legislative changes which were required to implement these reforms of the "core public service" were the State Sector Act, 1988 and the Public Finance Act, 1989. The State Sector Act redefined the relationship between Ministers and their permanent heads, or as they would be now known, Chief Executives. The Finance Act established all the financial management and reporting requirements.

⁸⁹ Sometimes it is called "multiple advocacy": Boston, J., "Reorganising the Machinery of Government", *op. cit.* 11.

⁹⁰ Roberts, J., *op. cit.* 15.

⁹¹ This proposal was announced in the *Economic Statement* of Finance Minister, Roger Douglas on 17 December, 1987 (34). See below for further discussion of the church's response.

⁹² In a report of a meeting with Treasury officials, Alan Williams, the Executive Secretary of the New Zealand Council of Christian Social Services, noted that three reasons

foregone as a result of the exemption. One therefore could not evaluate how this "foregone revenue" was used. On the other hand, if charities were taxed like all other taxpayers, and then subsequently subsidised by the state so as to meet their needs (as was the proposal), that transaction would be "transparent". This subsidy could be monitored, and the recipients of such funds could be made financially accountable to the state for their use.⁹³

The implementation of these changes to Departments such as Health and Social Welfare, took time. The 1989 Annual Report of the Department of Health noted that the first term of the Labour Government (1984-87) "focused on economic and commercial measures such as financial deregulation and, in the public sector, on the move towards establishing state-owned enterprises."⁹⁴

Halfway through its second term of office, the Government is continuing with reform in the social policy area. In the case of health, this is aimed at putting into place a well-managed and efficient service which is publicly funded, sensitive to consumer needs, and with local management accountable for its performance against nationally established standards.⁹⁵

What this meant for Christian social services, and other non-government organisations, was that now the Government, or Cabinet, determined the outcomes (the social objective of a policy in the community)⁹⁶ it sought. Government departments then were contracted and funded, to provide outputs (goods and services) that led to these outcomes. In the case of the Department of Health funded outputs were contracted to the new devolved

were given for the proposed measure: 1. to encourage competitiveness; 2. "transparency"; and 3. to eliminate tax evasion by the use of charities. See "Briefing Note to the Council Executive", 11 May, 1988.

⁹³ One consequence of this new accountability was that the annual reports of government departments to Parliament (the source of much valuable information for this thesis) have become financial statements with respect to all the programmes that a department operates, and the tabulation of the performance of specified management goals. For example, one now has information on "the number of ministerials completed within the set timeframe of 15 working days" (Annual Report, Department of Health, *A.J.H.R.*, 1990 E.10, Half Year, 17), but no indication as to what those ministerials may be, or indeed the policy direction of the Department.

⁹⁴ Annual Report, Department of Health, *A.J.H.R.*, 1989 E.10, 3.

⁹⁵ *Ibid.*

⁹⁶ Scott, G., *op. cit.* 20.

authorities, the Area Health Boards.⁹⁷ Then, where appropriate, these bodies tendered for those specific services to be provided, or provided for them within their own hospitals and homes.

The operation of this system is illustrated with the establishment of the new rest home subsidy scheme in 1988, and its implementation in July, 1989. As noted previously, two subsidy schemes for rest homes had been available since the 1970's. To use the much loved "Rogernomics" expression, there was no "level playing field". The new scheme, incorporating many features of the reformed public sector, applied to both the religious and voluntary homes, and the private homes. To begin with, the responsibility for the implementation and administration of the scheme was "devolved" to Area Health Boards. The Area Health Boards had a local discretion on how funds would be spent on aged care.⁹⁸ An "under utilised community resource",⁹⁹ namely, the capital assets of rest home residents, was targeted to meet the cost of the subsidy. "Principles of the market", such as the reasonable "return on investment", and the "true unsubsidised cost of running the homes" were then used to calculate the level of the subsidy for church and private rest homes alike.¹⁰⁰ For the recipients of the subsidy, the value of the government assistance would be "transparently" obvious, after the actual running expenses had first been calculated.¹⁰¹

⁹⁷ See Annual Report, Department of Health, *A.J.H.R.*, 1989 E.10, 4; and Annual Report, Department of Health, *A.J.H.R.*, 1990 E.10, 4, which notes that the new department was launched on 1 February, 1990 and was a "strategically-focused policy oriented organisation which seeks to be the Government's principal agent and adviser on health and a accepted leader in a world-class health service based on Area Health Boards." For a review of "devolution" and how it affected specific government departments see Martin, J., "Devolution and Decentralization" in *Reshaping the State*, *op. cit.* 268-296.

⁹⁸ See Annual Report, Department of Health, *A.J.H.R.*, 1989 E.10, 34. (Note that the Department of Social Welfare was to be still involved in the making of actual payments.) Although this example relates to government assistance for rest homes, this discretion in Area Health Boards was relevant to other forms of aged care assistance. For example, Area Health Boards were able to utilise their own bed space for the care of hospitalised frail aged, rather than fund beds which have hitherto been provided by church geriatric hospitals: see p. 326 above.

⁹⁹ This search for "under utilised community resources" was a feature of economic reforms promoted by Treasury.

¹⁰⁰ With the subsidy geared in this way, the former capital subsidies would be phased out.

¹⁰¹ 1990, National Council of Presbyterian Support Services, *P.C.N.Z.* 300-301.

ii. The Impact of the Reforms

The state sector changes were far reaching, and in many respects were needed. Even in the welfare services that the church sector provided, there were anomalies which needed to be addressed. However, the changes were more than merely removing anomalies. The very basis of the church sector's relationship with the state had been radically changed. The policy of privatisation was applied to welfare services. That is, the state sought the non-government or private sector to provide services which hitherto had been provided by the state. Christian social services, however, lacked the resources to meet adequately the increased demand for welfare services, caused by a contraction in state involvement.¹⁰² The dilemma facing the church sector was well expressed by the Canterbury Presbyterian Support Services in 1987.

With government moves towards more privatisation in the fields of health and welfare we have had to consider our position as a substantial provider of services to persons regardless of their means. We are faced with reduced government funding on the one hand, and on the other an expectation that we, as a community organisation, could provide more services for the growing number of persons referred to us who are socially disadvantaged.¹⁰³

The only solution suggested was "to continue to make our financial needs known to government departments through our membership of government and hospital board committees and by making submissions to the Task Force and the Royal Commission on Social Policy."¹⁰⁴

This was an appeal to the relationship of partnership between church and state. However, possibly even by 1987 the concept of a partnership between the church sector and the state was inappropriate. The public sector restructuring that the Labour Government was undertaking now called into question the existence of that partnership, and perhaps even the existence of the church sector itself. Most government funds were made available now

¹⁰² In many respects one is too close to the policy changes to draw too many conclusions from current developments. It is perhaps too soon to have statistical evidence, that the level of government support for community services is declining in relative terms to other sources of support: interview with the Rev. Donald Phillipps, Superintendent of Dunedin Methodist Mission, 19 September, 1991.

¹⁰³ 1987, National Council of Presbyterian Support Services, *P.C.N.Z.* 244.

¹⁰⁴ *Ibid.*

in accordance with financially accountable criteria, through a system of competitive tender and a devolved system of administration. No longer was it possible to achieve through lobbying in Wellington an *ad hoc* subsidy to meet a need within a specified area of social service work.¹⁰⁵ If there was lobbying, it was now required with a regional body, such as the then Area Health Board.¹⁰⁶ Those who were involved in policy development were different to those who administered these funds. Even the government money given to the New Zealand Council of Christian Social Services was now given so that the government could receive "contestable" policy advice.¹⁰⁷

Similar reforms have affected education, although none has been quite as significant for church state relations as the introduction of the Private Schools Conditional Integration Act, 1975. One feature has been that since July 1986, the salary subsidies to private non-integrated schools have been phased out. Beginning on 1 July of that year, the subsidy was reduced from 50% to 37.5% of staff costs, and by 1990 it was completely eliminated.¹⁰⁸ This has had a severe effect on small private church schools, which had grown until this stage.¹⁰⁹ Again this was a reflection of the wider "privatisation" argument. This matter has been taken further since the election of the National government in October 1990. That government has re-introduced a "20% salary subsidy" for private schools and a review of the Private Schools Conditional Integration Act, 1975. This has been a concern for integrated schools, who have feared that the government will see a "20% salary subsidy [as being] a much cheaper option than full integration."¹¹⁰

¹⁰⁵ This has been the experience of agencies now approaching Wellington for increased funding. According to the Rev. Ken Irwin, Director of Presbyterian Support Otago, "they are not interested in us any more": Interview, 3 July, 1990.

¹⁰⁶ In 1991 (beyond the period examined by this thesis) the National Government further refined this system by agreeing to abolish Area Health Boards (which became Provider Boards) and create a centralised funding authority.

¹⁰⁷ Interview, Shaun Robinson: 25 March, 1991.

¹⁰⁸ *Ibid* 259.

¹⁰⁹ Interview with Brett Knowles, 4 July, 1991; and Knowles, B., "Christian Schools" (unpublished paper).

¹¹⁰ "Schools integration policy under review" *Otago Daily Times*, 19 March, 1991.

During the second term of the Labour Government (1987-1990), major changes also were made to the structure of education.¹¹¹ These followed the pattern of previous state sector reforms.¹¹² There was a restructured Department of Education, which in October, 1989 became the Ministry of Education, and there was the devolution of administrative responsibility to the schools themselves and their own Boards of Trustees.¹¹³ Integrated schools were a part of these changes, and if anything, benefited by them.¹¹⁴ The "special character" of integrated schools was now reflected in the school's charter, which all schools were required to have. The local autonomy which was intended by these changes, allowed the integrated schools greater freedom to emphasise that "special character" without the former close departmental oversight.¹¹⁵ On the other hand, the devolution of responsibility to the local school has meant that there is now the possibility that local school Boards of Trustees may refuse to allow churches to present their "Bible in schools" lessons. (The legality of these lessons had previously been recognised following the *Currie Commission*.) If schools do not include the possibility of having these lessons within their charters, then there can be no church access to that school. There are indications that some schools have opted not to have a "Bible in schools" programme.¹¹⁶ In this respect the absence of a national system has made the

¹¹¹ For an overview of these changes see: Barrington, J., "Today's Schools: Introduction and Overview", *Public Sector* 13, 4 (1990) 6-8, and other articles contained in that number.

¹¹² There was first a "taskforce inquiry" (Department of Education, *Administering for Excellence* (Wellington: Government Print, 1988) (known as the *Picot Report*) and then a more specific policy implementation document (Department of Education, *Tomorrow's Schools: The Reform of Education Administration in New Zealand* (Wellington: Government Print, 1988). On the basis of this second document the policy changes were implemented.

¹¹³ Annual Report, Ministry of Education, *A.J.H.T.*, 1990 E.1, 6. See generally Martin, J., "Devolution and Decentralization" in *Reshaping the State*, *op. cit.* 282-286, for a history of these specific changes in the state administration of education.

¹¹⁴ One proposal of the Fourth Labour Government which would have adversely affected integrated schools was the removal of tax deductability of "attendance dues". The taxation of charities proposal of 17 December, 1987 (see below) would have affected integrated schools, in that the "attendance dues" paid by parents to such schools would not have been tax deductible. This proposal lapsed.

¹¹⁵ See *Tomorrow's Schools* 37, Section 5.6 "The position of 'Special-Character' Schools". Section 5.6.2 states: "Special-character schools will have their own charter and board of trustees and, in most administrative respects, will resemble other institutions."

¹¹⁶ See Campbell, G., "Class Conflict", *New Zealand Listener*, 29 April, 1989, 15. The author's local state school (Opoho, Dunedin) was in 1991 a school which had refused to allow the Churches Education Commission programme to be operated.

religious education within New Zealand schools more problematic than it had been prior to the devolved system of school administration.

iii. The Taxation of the Church

On 17 December, 1987 an "Economic Statement" outlining the economic strategy for the second term of the Labour Government was released. Among other measures, the Government proposed to tax charities, abolish the taxation deduction for gifts to charities, and remove the exemptions available under the Goods and Services Tax (G.S.T.). If implemented, these proposals would have had an extensive affect not only on the church sector, but also on the church itself. The church's own finances for the extension of its work and even for the payment of its ministers and priests would be threatened. The proposal was regarded as "the most significant financial move so far to affect the life and work of the church."¹¹⁷

Immediately there was outspoken criticism of the proposal from all sections of the church.¹¹⁸ Opposition was organised by the Financial Adviser to the (Catholic) Archdiocese of Wellington, Gordon Copeland. An Inter-Church Working Party on Taxation was formed. All churches, from Catholic to Pentecostal, Open Brethren, Seventh Day Adventist and even the Wellington Jewish Congregation were represented.¹¹⁹ This body, through several key church leaders, in particular the Anglican Primate, Archbishop Brian Davis, and the leader of the Catholic Church, Cardinal Thomas Williams, claimed to speak for all branches of the church - including Christian social services.¹²⁰ A submission was prepared opposing in principle any taxation of

¹¹⁷ 'Methodist Response to the Government Economic Statement', undated (a paper for the New Zealand Council of Christian Social Services, Executive Meeting, 23-24 February, 1988).

¹¹⁸ Documentation relating to this incident comes from the papers and memoranda of the New Zealand Council of Christian Social Services.

¹¹⁹ The participants in the Inter-Church Working Party on Taxation were: Anglican, Assembly of God, Associated Pentecostal Churches in New Zealand, Baptist, Catholic, Evangelical Missionary Alliance, Methodist, Open Brethren Assemblies, Presbyterian, Salvation Army, Seventh Day Adventist and the Wellington Jewish Congregation (Open Letter to the Churches dated 26 April, 1988). This group was based on a smaller group of Wellington-based accountants and lawyers which produced the paper 'Why Tax Charities?' (Letter of New Zealand Council of Christian Social Services to executive members dated 8 April, 1988).

¹²⁰ Correspondence between Gordon Copeland and the New Zealand Council of Christian Social Services, 25 March, 1988.

charities ("Why Tax Charities?") and with this came an initial meeting with the Minister of Finance, Roger Douglas, on 29 March, 1988.¹²¹ A group of four leaders then met with the Prime Minister, David Lange and the Minister of Finance on 29 June, 1988.¹²²

The impact of the proposal on the church's social welfare work became one of the most frequently used reasons why the Government should reject the proposal.¹²³ Despite this, the New Zealand Council of Christian Social Services was only indirectly involved by the Working Party in these negotiations,¹²⁴ and indeed it felt as though Christian social services were just being "used" by the wider church.¹²⁵ As it happened, the Council, at the first available opportunity, "affirmed that the taxation of charities would have serious implications, *inter alia*, for the ability of church agencies to fund and deliver social services."¹²⁶ There was however, also a view within the Council which did not totally oppose the proposal: a view which the above motion did not necessarily preclude. As its Executive Secretary said, it was not going "to place all [its] lobbying eggs in the one basket".¹²⁷ The Council at least understood the new public sector environment within which it was operating. If the proposed measure was

¹²¹ The Anglican Primate, Archbishop Brian Davis, was the church spokesperson on this occasion. A record of the meeting was made by Gordon Copeland: papers circulated by the New Zealand Council of Social Services.

¹²² The leaders were Archbishop Brian Davis, Commissioner Wesley Harris (Salvation Army), the Rev. Michael Thawley (Presbyterian - for the Moderator, the Rev. Margaret Reid Martin who was unable to attend) and Cardinal Thomas Williams. A record of the meeting was made by Michael Shanahan, dated 30 June, 1988 and was circulated to the New Zealand Council of Christian Social Services.

¹²³ This was the opening point made by Archbishop Brian Davis at the 29 March, 1988 meeting with the Minister of Finance.

¹²⁴ For example, with regard to the Inter-Church Working Party on Taxation meeting with the Prime Minister and the Minister of Finance on 29 June, 1988, the New Zealand Council of Christian Social Services had been informed that if there was any outspoken criticism of the proposal, then that meeting may be jeopardised. For this reason the New Zealand Council of Social Services was asked not to make any public comments: papers for the Executive Meeting of the Council, 24-25 May, 1988.

¹²⁵ The Executive Secretary was invited to attend the Working Party on Taxation. The Council felt aggrieved that Christian social services were often used as an example of why the taxation concession should be maintained, and yet had not been directly consulted: Letter of Alan Williams to Executive members, 8 April, 1988 and interview, Alan Williams, 26 March, 1991.

¹²⁶ Minutes, 23-24 March, 1988.

¹²⁷ Letter of New Zealand Council of Christian Social Services to Executive members, 8 April, 1988.

enacted, it wanted a workable and just scheme.¹²⁸ Some members of the Council saw that if church agencies were going to be treated on a "commercial basis" by the state, it was appropriate that they be regarded like any other trading organisation with profits and losses.¹²⁹ In these circumstances to have a "tax free status" perhaps was anomalous, considering that other organisations, such as private hospitals and rest home operators, did not have this privilege. What was important, in such a view, was the stability of cash flows (in this instance largely determined by the state), and not necessarily the tax status of the organisation.¹³⁰

The government response to the protest from not only the churches, but also sporting and other non-profit, non-government organisations,¹³¹ was to appoint on 20 July, 1988 Sir Spencer Russell, a former Governor of the Reserve Bank, to inquire into the matter.¹³² As it happened, the Government did not proceed with its original proposal¹³³ (although a later measure removing the fringe benefit tax exemptions from charities was passed).¹³⁴

¹²⁸ The National Council of Presbyterian Support Services also saw it in this way. It did not oppose outright the taxation of charities. It countenanced the possibility that the proposal could be adopted. "The Government's expressed intentions to increase the taxation of charities has been of concern and we have spent a great deal of time and energy clarifying issues and trying to reach a situation which will be just": 1988, National Council of Presbyterian Support Services, *P.C.N.Z.* 239.

¹²⁹ This was a particular concern of agencies, that under the proposal there was not going to be "full expenditure off-set": "Briefing Note" of New Zealand Council of Christian Social Services, 11 May, 1988.

¹³⁰ Alan Williams, interview, 26 March, 1991. In some draft reactions to the taxation proposals, Otago Presbyterian Support Services had indicated "Support is not opposed to a straight forward and equitable tax regime, including a regime that may have some consequence to charitable organisations. . . . Support Otago will be strongly advocating a simple mechanism and specifically advocates that if charities like Support are to be taxed according to the proposals signalled in the Statement, that like nature commercial practice, they be able to consolidate their accounts and offset losses and profits in the variety of their services accordingly." Papers at the New Zealand Council of Social Services.

¹³¹ The Inter-church Working Party kept in touch with these groups. In particular there was the New Zealand Sports Foundation and the New Zealand Federation of Voluntary Welfare Organisations: letter of Gordon Copeland to New Zealand Council of Christian Social Services, 25 March, 1988.

¹³² New Zealand Council of Christian Social Services letter, dated 22 July, 1988.

¹³³ Opposition to the proposal arose within the government. It was seen as a measure which had many unintended consequences. Other approaches in dealing with issues like tax evasion were seen to be available. See "Minister Promises Fight for Charity Tax Rethink", *The Evening Post*, 26 May, 1988. The Minister here was Trevor De Cleene.

¹³⁴ Taxation Reform Act No. 7, 1990. See the Executive Minutes of the New Zealand Council of Christian Social Services, 1 March, 1990.

The church in New Zealand had never before come together in such a way to transcend denominational and theological divisions.¹³⁵ Most churches were involved.¹³⁶ It was a measure which affected the church's financial viability, as well as its position and privilege.

The incident highlighted that there were real difficulties as to how the church should respond in this new state sector environment. The "church sector" saw that it still needed to "live with" the state. There was undoubted "logic" or "consistency" in the government proposal, given what had been taking place in the reorganisation of the state sector. On the other hand, the church did not accept the thrust of these changes as they affected it as an institution. The difficulty was that the combined and forceful church opposition came only over a matter of self-interest and privilege. In this instance the church was just like many of the other interest or lobby groups which had been affected by the changes of the Labour Government (even groups with which they had had extensive disagreements, such as over sporting contact with South Africa.) Even though the proposal lapsed, it was clear that the goal of fiscal efficiency was the pre-eminent and primary objective for the state. There was now no special privileged position for the institution of the church and because of this it was in a new relationship with the state.

4. The Implication of "Rogernomics" for Church State Relations

At one level the state sector reforms transformed the church sector. Such was the increase in unemployment, and a decline in state health and welfare services, that by 1990, throughout New Zealand, many new church-based assistance programmes had emerged.¹³⁷ This reflected, as the earlier quote from the Department of Social Welfare in the *Yearbook* said, the

¹³⁵ A possible parallel situation was the role of the Inter-church Council on Public Affairs in negotiations with the state over war-time restrictions on clergy and church related materials: see *Chapter Two* at p. 64.

¹³⁶ The Maori churches, such as Ratana and Ringatu were not involved.

¹³⁷ See "Foodbanks - A New Industry", *Crosslink*, 5, 5 (1991) 12.

"community becoming more involved in the responsibility for social welfare".¹³⁸

The restructuring of the public sector and the impact of neo-conservative and market economic policies meant that there was greater social need to be addressed by the church and other social welfare agencies. As well, these policies changed the nature of the church state relationship itself. This chapter began with the observation that by the 1970's there was a discernible "church sector" within the non-profit non-government sector. This church sector was in partnership with the state in the delivery of social and welfare services to the community. By 17 December, 1987, the date of the Economic Statement, that partnership seemed at an end.¹³⁹ In the reorganised public sector, the state was only interested in contracting with service providers to achieve quantifiable outcomes. Indeed, such was the free-market philosophy of the state, that in adopting "contestable" performance criteria through competitive tendering, there was now a market for welfare services. Christian social services provided only a part of that market.¹⁴⁰ Thus in terms of "sectors" within the economy, there appeared to be in effect now only two: the state and free enterprise. In the eyes of the state, the church sector did not stand in any conceptually different position to private business (or where they still existed, state run services such as hospitals). There was no longer any recognition that the church provided a better, or qualitatively different service to other providers.¹⁴¹ Christian social services were now contractors and not

¹³⁸ Archbishop Brian Davis, in presenting the Anglican Public and Social Affairs Commission submission to the *Royal Commission on Social Policy* said "traditionally the churches had run social services but the Welfare State changed all that. Now the trend was to do so again": *Auckland Star*, 14 December, 1987. This however, can only be taken as partly correct. As this study has shown, the growth in the welfare state also saw a growth in the number and range of Christian social services. However, it was true that by 1990, many parishes and congregations themselves were addressing the social needs of the community by establishing schemes such as "foodbanks".

¹³⁹ Cf. the *Royal Commission on Social Policy* which in its *April 1988 Report* affirmed that "Families, communities, tribes, religious and voluntary organisations, and the private sector must be recognised as partners in the development of policy as well as the delivery of services" (Douglas, E., *op. cit.* 241).

¹⁴⁰ Obtaining figures on 'market share' is difficult. With regard to rest homes, in 1990 it has been estimated that the majority of beds are no longer provided by the church (see above). The distribution is Religious Homes 40%; Private Homes 50% and State 10%; interview with the Rev. Ken Irwin, 3 July, 1990.

¹⁴¹ The Anglican Primate, Archbishop Brian Davis, in his tendering of the Anglican Public and Social Affairs Commission submission to the *Royal Commission on Social Policy* observed that

partners.¹⁴² As the New Zealand Council of Christian Social Services noted in a briefing paper issued to the leaders of the Council's member churches in April 1990, "Christian agencies . . . find themselves in a radically changed environment for funding, administrative and political relationships."¹⁴³

A consequence of this new relationship has been that "the church sector" has evidenced a more outspoken approach over the direction of government policy. As *Chapter Five* noted, Christian social services had tended not to be critical of government. The Council of Christian Social Services during the 1970's and early 1980's also rarely broached controversial issues or questions which were divisive within its own membership or with government. On the rare occasion when such an issue was raised, it was resolved that "the motion [be] withdrawn on the grounds that other bodies in the churches are dealing with this more completely and appropriately."¹⁴⁴ The Council kept narrowly focused on its partnership with government and consequently tended to deal only with the financial and operational aspects of its services.

In the late 1980's there were signs that this passivity was changing. For example, in 1986 the Council adopted a new constitution which reflected a different emphasis. It now contained a clause which stated that one of its key tasks was to "affirm the conviction of its members of the integral place of social justice and service in Christian life and to declare such conviction to the church and the general community". This responsibility was even listed ahead of the task of "representing members in discussions with

'Christians make better carers': *Auckland Star* 14 December, 1987. See also the New Zealand Council of Christian Social Services' submission to the Royal Commission on Social Policy (undated, 1987?) 4.

¹⁴² Even when the Council of Christian Social Services organised a programme on the then new Children and Young Persons and their Families Act, 1989 with the Department of Social Welfare during 1990, it did so as a contractor: Shaun Robinson, 25 March, 1991.

¹⁴³ 'Briefing Paper for the Meeting between New Zealand Council of Christian Social Services and Leaders of Member Churches: 2 May, 1990' par. 1. The paper is dated 9 April, 1990.

¹⁴⁴ Executive Minutes 15 September, 1982. The issue in question was the legislative setting aside of Samoan citizenship: see *Chapter Seven*, fn. 184 for reference to this incident. The only other matter which went beyond the actual operation of Christian social services, was the government proposal to relax the licensing laws to allow the sale of wine in supermarkets: Executive Minutes, 4 March, 1982.

Government".¹⁴⁵ During Alan Williams' term as Executive Officer (1988-1989) the role and place of the Treaty of Waitangi "became increasingly important to the Council".¹⁴⁶ In 1990 the Council began publishing *Signpost*, a magazine devoted to an analysis of social policy and new government directions. This journal has been very critical of the impact of the government's economic programme on health and welfare policy.¹⁴⁷ Christian social services have become increasingly outspoken over the direction of government economic and social policy. The Council, along with other Christian social services, made submissions and publicised their opposition to the new National Government's Economic Statement on 18 December, 1990 (a statement which foreshadowed reductions in payments to welfare beneficiaries). The Council's submission spoke from the experience of its own members helping welfare recipients, and appealed to "logic and justice" for a revision of the proposals.¹⁴⁸

The new description of how this sector sees its relationship with the state is that of "advocate".¹⁴⁹ Agencies provide services; however, in dealing with the state, they are advocates for those whom they serve. This is well reflected in the March, 1991 Mission Statement of the Council:

In common obedience to Jesus Christ, the New Zealand Council of Christian Social Services, being committed to social justice and the Treaty of Waitangi will inform and support its members, co-ordinate policy formation and advocate for the development and delivery of social services.¹⁵⁰

In line with this advocacy role, the director of the Otago Presbyterian Support Services, the Reverend Ken Irwin, in reviewing the 1990-1991 year stated, "we have allowed the most oppressive of monetary and economic systems to hijack the country. It is time for us to stand and be counted alongside our clients. Enough is enough."¹⁵¹

¹⁴⁵ Clauses 2 (c) and (d).

¹⁴⁶ *New Zealand Council of Christian Social Services Timeline of Development and Involvement*, compiled by B. Robinson.

¹⁴⁷ See, for example, 'Editorial', *Signpost* (February 1991) 5.

¹⁴⁸ 'Submission on Finance Bill', dated 24 January, 1991 6.

¹⁴⁹ 1990, National Council of Presbyterian Support Services, *P.C.N.Z.* 303.

¹⁵⁰ Executive Minutes, 10-12 March, 1991.

¹⁵¹ 'Urgent Call for Social Action', *Otago Daily Times*, 18 September, 1991.

In conclusion, one can say that by 1990 the public sector changes implemented by the Fourth Labour Government, and at this point, continued by the new National Government, have transformed the institutional aspect of church state relations. The former "partnership" with the state has disappeared and the church agencies have become contractors providing social services. But also in the process, these public sector reforms have made, to use the language of these reforms, "transparent" what the nature of this church state relationship was, and now appears to be becoming. Historically Christian social services had relied upon the state for the growth of their institutions, and through subsidies, for their maintenance. However, it is arguable that the state was in partnership with a shadow of itself. The church and its agencies were always the junior partner, with the state largely determining the direction of social and health policy. Through the public sector reforms, it has at least been seen that the New Zealand "church sector" relied extensively on the state. It had not been a sector, like that in the United States, which had grown fundamentally through its own resources and as such stood apart from the state.¹⁵² It had not the standing and financial resources to be independent of government, nor it must be added, did it wish to be independent. It was, after all, the New Zealand tradition that the state should provide for its citizens in need, and the church had endorsed that.¹⁵³ But now the "traditional egalitarian, humanitarian and pragmatic approach of New Zealanders"¹⁵⁴ had been threatened. The changes to the role of the state forced new responsibilities and financial pressures upon church agencies. Christian social services in turn became more critical of the state. This is possibly a sign that with their undoubted size and significance within the wider community, they can be more independent of state control and direction. The state sector changes have shown that there can be no dependency on the state for funding, and even perhaps for a privileged taxation status. There is now a pluralism of the market, and the church sector and the church itself, is just an aspect of that market. In the process, the church sector appears to have a leading role in advocating for human dignity, compassion and justice within government policy.¹⁵⁵

¹⁵² Wuthnow R., *op. cit.* 29.

¹⁵³ See *Chapter Two* for a discussion of the idea of a 'Responsible Society'.

¹⁵⁴ 1987-1988, Social Welfare, *Yearbook* 180.

¹⁵⁵ For a review of the leadership the church is providing in New Zealand see "Economic Justice and the Churches", *Crosslink* (6 November, 1991) 6-7.

CHAPTER TEN

CONCLUSION: CHURCH STATE RELATIONS IN 1990

1. The Restructuring of Church State Relations 1940-1990

The aim of this thesis has been to describe the nature of New Zealand church state relations in 1990. To do this the history of church state relations from 1940 has been examined. This history reveals that by 1990 a complexity and ambiguity is present in the nature of church state relations which was not hitherto present. In 1940 certain traditional models of understanding church state relations approximated the New Zealand situation. Church and state were fundamentally separate, while New Zealand was regarded as a Christian nation. The nature and context of church state relations have changed enormously since then. This chapter reviews these changes and considers the forces and factors that brought them about.

A subsidiary aim of this thesis has been to open up the normative question, what should be the nature of New Zealand church state relations in 1990? Obviously such a question, requires the prior question of what is the nature of that relationship, to be determined. However, that having been considered, this conclusion also offers some examination of this normative question.

i. The Institutional Relationship

In 1940 the presumption was that church and state were separate. Separation was explicitly acknowledged in education, and it was presumed that this separation also extended to other areas of church state relations. The state therefore provided no financial assistance for church schools, and little or no direct assistance for other church activities, such as Christian social service work. The state, given the diversity of Christian denominations within the country and the importance of denominational affiliation as a political question, avoided any possible inter-church rivalry by, in effect, declaring its impartiality.

This principle of separation was maintained in the area of education until the *Currie Commission* in 1962. Denominational rivalry about education and about precedence at formal state functions persisted until this time. However, the principle of separation began to be relaxed in other areas. State funding began in the early 1950's for certain Christian social service work, chaplaincy, and some international aid and refugee endeavours of the church. This state assistance, in most instances, did not provoke the controversy surrounding state aid for education. It was viewed as the state "co-operating" with the church in providing an important service to the community. This co-operation was appropriate because New Zealand, after all, was a Christian nation.

In 1990, church and state could not be said to be separate, at least as that description was understood in 1940. The state in 1990 supported services which were provided by the church or church-related organisations. An "integrated" school structure existed, and church social service activities received considerable state financial assistance. Furthermore state assistance was provided for military chaplaincy (which has continued through the whole period of this study), prison and hospital chaplaincy, and teaching Religious within the Catholic education system.

Several factors were relevant to this change. Firstly, the sectarian rivalry which had been so significant in first establishing and then maintaining state neutrality in religious questions and state aid began to decline in the 1960's. Several important inter-denominational organisations, such as the New Zealand Council of Christian Social Services and the Interdenominational Committee of Independent Schools, were formed during this period. These organisations, representing Catholic and Protestant churches, were able to present a combined request for state assistance in both the education and welfare areas. A major impediment to state involvement with church institutions was thereby removed. A second factor was that, especially in education in the important decade of the 1960's, there was a greater willingness by the state to admit, and indeed encourage, diversity within the community. One of the arguments which the proponents for state aid used was the need for "freedom of choice" in the education of one's child. In other words it was an argument for state recognition of a pluralistic society. A century after the 1877 Education Act, the same

pressure for "national unity" was not present. Diversity, even in the important area of religion and education, could be encouraged and supported by the state.

The third, and perhaps the most important factor leading to this change in the institutional relationship between church and state, was that the period 1940-1990 by and large coincided with the consolidation and even expansion of the welfare state. This in turn was made possible because, especially in the immediate post-war period and the 1960's, New Zealand experienced great prosperity. This support for the welfare state was significant in the social service work of the church. Beginning in the 1950's, the state was prepared to "co-operate" with the social service work of the church. By the 1960's this "co-operation" was said to have become a "partnership". During this time, the state was prepared to meet a widening range of the health, educational and welfare needs of the community and the church was a partner in delivering these services (and thus received state funding for providing them). A "church sector", providing educational and welfare services, had become a part of New Zealand society.

State support for the church sector was paradoxically reinforced as both the New Zealand economy weakened and the place of the church in New Zealand society began to falter. It was apparent that meeting the educational and welfare needs of New Zealanders could not "be done by government alone".¹ In the area of education, the parallel education system of the Catholic Church and also of other denominations, began to suffer severe financial strains from the 1960's onwards. This private school system was so substantial that it was in the state interest to maintain and support it. A similar situation arose with Christian social services. Out of the state's initial co-operation with the church sector in meeting the health and welfare needs of the community, the church and its agencies, although only the junior partners, became important in the overall implementation of state social and welfare policies. This was especially so in the areas of children's services and the care of the aged. By the 1970's, the argument had gone virtually full circle from the time of the 1877 Education Act. On that occasion, the

¹ See the letter of the Aged Care sub-committee of the Presbyterian Social Services Committee to the Minister of Health, D.N. McKay, dated 15th June, 1970: Minutes, P.C.N.Z. Archives Office.

importance of education was acknowledged, but the church in the provinces was unable to provide that service adequately to the community. The state therefore took over that function and eventually a national system was instituted. Now, a century later, the state appreciated the assistance which the church could provide in meeting its own welfare and educational responsibilities for the community, and was thus prepared to meet a proportion, and often a substantial proportion, of the church's cost in this task.

This period of partnership was replaced by the public sector changes instituted during the time of the Fourth Labour Government (1984-1990) and continued by the National Government (1990-). These changes have removed any implication that the church, as the church, was a partner in devising and implementing social or welfare policy for the state. The state sought competitive tendering in many areas, and the church sector became merely a contractor for the provision of certain welfare services for the state. Private business could now just as easily meet these state goals in the provision of health and community services for New Zealanders as the church and its agencies had done.

The overall change in the institutional relationship since 1940 was not however, a new erastianism, nor necessarily the church meddling in state affairs. Using the language of the state sector reforms of the late 1980's, the church by 1990 was "transparently" a contractor providing social, educational and welfare services for the state. In the eyes of the state, this was not a relationship with the church *qua* church, but with the church as a supplier of those educational and social services which the state needed to provide for the community. The church was treated in the same way as other organisations and private business. On the other hand, however, there were instances where the primary religious function of the church was recognised and specific state support was provided. For example, the "special character" of church schools was acknowledged and various chaplaincy services continued to be supported. In general terms, quite clear links now existed between church and state, although at times the basis of those links was contradictory and ambiguous.

ii. The Moral or Ethical Concerns of the Church

In 1940 New Zealand purported to be a "Christian nation". Its heritage was British and as a consequence, its forms, culture and even legal system acknowledged a special place for Christian principles and ideals (although freedom of belief and religious practice was permitted). These features of church state relations were affirmed in the period 1940-1960 and in some respects, the position of the church and of its moral principles was strengthened. The crisis of the Second World War refocused for the church, and also for the state, the role of Christianity in building a new world order after the cessation of hostilities. The church saw the need for "Christian Order" and the building of a "Responsible Society". For its part, the state accepted this, particularly as "godless Communism" gained control first through Eastern Europe and then through Asia. If the response to the *Mazengarb Inquiry* in 1954 was any indication, the state agreed that certain moral or ethical principles had to be enforced on the wider community.

By 1990 the relationship the church had with the state about moral or ethical question, had greatly changed. To use a legal analogy, the onus of proof had now shifted. No longer was there the presumption that New Zealand was a Christian nation, rather the presumption was that New Zealand was secular and pluralistic.² As *Chapter Six* argues, this "secularity" was evident in two ways. Firstly, certain perceived Christian principles, such as laws relating to Sunday observance, gambling, liquor controls, sexual morality and censorship, were no longer enforced, or enforced with the same severity, by the authority of the state. Secondly, there was a legal framework associated with race relations and human rights which meant that no pre-eminence could be given to one value system such as Christianity, against others. Eric Sides could not simply advertise for a "keen Christian" person to be his garage attendant (although amending legislation purported to allow him to do so).

² This is different to the 'secular clause' of the Education Act. In that instance the *de facto*, if not *de jure*, understanding had been that New Zealand was only secular insofar as that avoided sectarian disputes. New Zealand was still a Christian nation. By 1990 'secular' still has that meaning, but also has 'substantive' content. See *Chapter Six* for a discussion of how this term has been applied.

This development is cited as evidence of the processes of secularisation. This thesis has not sought to trace the origin of this process, such as it may relate to philosophical developments within "the Enlightenment" and even within theology,³ but has noted that certain *indicia* of the process have been evident particularly as they have related to New Zealand church state relations. Factors such as the increased access to education, the changing nature and role of the media, improved communication with the rest of the world and the presence of protest and social movements have not only been evidence of this process of secularisation, but also have contributed to its progress within New Zealand.

This study began with a "working hypothesis" that it was because of the process of secularisation that the church's power and influence with the state had become severely circumscribed. The hypothesis was that by 1990 the church had become just "one amongst many voices"⁴ and by implication, less significant within the affairs of state. In many respects this has been borne out. Richardson in 1990 would no longer be able to assert, as he did in 1962,⁵ that Christianity underpins the nation's laws and that the church was specifically favoured by the state. However, this study has also confirmed that the changes to church state relations since 1940 have been more complex than this. Other factors have also been involved. The church, both as an institution and as an upholder of moral or ethical values, has been significant. As Pannenberg has concluded in his review of secularisation theory from a Christian perspective, "the anxiety that the progress of secularization will turn religion into a peripheral phenomenon which increasingly fades away can now be said to be unfounded and obsolete."⁶

³ See the references cited in *Chapter One*, fn. 15. For a theological analysis of secularisation see Pannenberg, W., *Christianity in a Secularized World* (London: SCM, 1989) and Newbigin, L., *The Gospel in a Pluralist Society* (Grand Rapids: Eerdmans, 1989).

⁴ 1981, *International Relations*, P.C.N.Z. 101.

⁵ Richardson, I.L.M., *Religion and The Law* (Wellington: Sweet & Maxwell, 1962) 61.

⁶ Pannenberg, W., *op. cit.* 43. See also Hadden, J.K. & Shupe, A., eds, *Secularization and Fundamentalism Reconsidered* (New York: New Era Books, 1985) (3 Volumes) and in particular, Hadden, J.K., 'Desacralizing Secularization Theory' in Volume 3, *Religion and the Political Order*, 3-26.

For this reason the narrower definition of "secularisation" suggested by Hadden seems to apply in New Zealand.⁷ There is the "imprint of secularization"⁸ on the New Zealand state, but within this context the church may still be influential. Even this has to be qualified in the New Zealand context of 1990. Two qualifications in particular should be noted. The first is that the state does provide financial assistance (and also taxation and rating concessions) to the church and the church sector. This of itself may not be evidence that the state is not secular, because as has been noted, such assistance may not be granted to the church *qua* church, but as a provider of services in accordance with a clear secular "ethos". However, the continued state support for specifically religious functions such as chaplaincy and the payment of the stipends of teaching Religious, together with any residual privileges of Christianity, such as prayers in Parliament, are inconsistent with the legal framework which underpins New Zealand as a secular and pluralistic society. In this regard, it would appear that this support for the church *qua* the church (and not for the church sector as a provider of services) contravenes legislation such as the 1990 New Zealand Bill of Rights Act. This has been a significant issue in other jurisdictions, namely Australia, Canada, and the United States,⁹ although in New Zealand there has been no court decision on the matter.

A second example of a contrary indication to the process of secularisation is the emerging role of the Treaty of Waitangi in the New Zealand polity. There are legal and political issues that involve the interpretation of the Treaty (such as the inter-relationship of Articles I and II, and the understanding of *tino rangatiratanga*), and relating the Treaty and bi-cultural practice to liberal democratic theory (for example, the place of Maori representation and the principle of one vote, one value). Of more relevance however, is the role and place of Maori spiritual values within the New Zealand state, given that the Treaty recognises the Maori as a partner with the Crown. As has been suggested in *Chapter Seven*, a Maori

⁷ Hadden, J.K., "Religious Broadcasting and the Mobilization of the New Christian Right", *Journal for the Scientific Study of Religion*, 26, 1 (1987) 3.

⁸ Hadden, J.K., "Religious Broadcasting and the Mobilization of the New Christian Right", *op. cit.* 2.

⁹ See *Chapter Six* at p. 208, fn. 25 for a discussion of these United States and Australian analogies and Salhany, R.E., *The Origin of Rights* (Toronto: Carswell, 1986) for an examination of the Canadian Bill of Rights.

civil religion has emerged which has been tolerated and even fostered by the state. A wider role for Maori religious or spiritual values has been recognised by the state. Since Maori spiritual values generally reflect a Christian spirituality, there is a sense in which New Zealand has not yet ceased to be a Christian nation.

iii. The Nature of the Church State Involvement

The two previous sections have indicated that the context for church state relations has changed quite significantly since 1940. At one level it may seem that, in the fifty years of this study, the presumptions with regard to church state relations have just shifted. In 1940 the presumption was that church and state were separate, and that New Zealand was a Christian nation. In 1990, church and state are linked at an institutional level, and the presumption is that New Zealand is secular. Such a conclusion would be misleading, and belies the new complexity of church state relations by 1990. At another level it also does not indicate that the manner in which the church now relates with the state has also changed significantly.

In 1940 the church had aspired to a "close fellowship" between church and state. In many respects, that had been achieved during the War and immediate post-war period. The talk of church state "co-operation" and then "partnership" with Christian social services is also evidence of this. In 1990, given the secular and pluralistic environment, the church no longer is a partner with the state, but one of many pressure groups and voices within society. This change has arisen not only because of secularisation, but also because of the increasing complexity of the state and the growing range of functions which the state performed. Thus the church, in its institutional relationship with the state, became like any other business or organisation seeking state protection and subsidies. With regard to the church's moral and ethical concerns it was, as Keith Holyoake once said, merely a "responsible body of public opinion".¹⁰

Not only did the way in which the church related to the state change, but also the nature of those church concerns, change significantly. Changes

¹⁰ *The Outlook* (11 June, 1966) 3.

in theology and Christian social ethics have affected the approach by the church to the state. In 1940 the commonly expressed desire of the church (with different denominational emphases) was to maintain and in fact re-establish a Christian nation. By 1990, in general terms, there were two basic types of issues and approaches to church state relations. On the one hand there was the conservative church agenda, as it is called in this study. This was concerned with the maintenance of certain Christian principles relating to personal morality, and generally the maintenance (or again the re-establishment) of New Zealand as a Christian nation. On the other hand, there was the liberal church agenda which, as described in *Chapter Seven*, was concerned with issues covered by the expression "justice, peace and the integrity of creation".

The significant period in this change was the 1960's. At that time the "Christian nation" status of New Zealand was increasingly being questioned. The state questioned the view that it had a role in enforcing Christian morality. The state, beginning first with gambling and liquor licensing and then later with issues such as censorship, abortion, and in the 1980's homosexuality, adopted a more liberal stance. This change was in turn welcomed by the more liberal sections of the church. Those concerned with maintaining New Zealand's Christian heritage, however, increasingly saw that the only remedy left was political action. By the 1980's this had become the New Christian Right in New Zealand politics. Meanwhile, those churches who pursued the liberal church agenda were questioning the state enforceability of personal morality and were advocating other issues and causes. International developments, particularly those involving the church in the non-western world, influenced the framework and structure of these new causes. In this, the church, the whole church, was called to be "prophetic". No longer was the church to act as a "moral police" for the state and support the state unthinkingly. The church was to stand in judgement of the state and seek peace and justice for the oppressed.

A third feature of these changes in the church's relationship with the state was that by 1990, both the liberal and conservative agendas presupposed political involvement in pursuing their respective agenda with

the state.¹¹ In 1940 the church had been similarly involved with the state but given the context of a "Christian nation", this role was expected. The churches were entitled to be interested in the morality of the nation and "would be failing in their duty if they did not do so."¹² In 1990, given the nature of pressure group politics and the secular presupposition of the state, even a view about a matter of personal morality such as homosexuality was now to be argued within the context of the New Zealand political system. Conservative Christians (though by no means all) who had previously denounced political involvement, had come to see New Zealand's "secular humanism" as being sufficiently serious to warrant the adoption of highly focused political campaigns, and even the formation of an explicitly Christian political party. In other words, the issue for the church in a more secular and pluralistic context has become not the fact of political involvement - "should the church be involved in politics?", but the subject matter of that concern with the state.

This was the fourth consequence of this new approach to church state relations. What were now the church's concerns that it raised with the state? These brought tension and division within the church, not along those previous divides of Protestant and Catholic, but along the theological cleavage between liberal and conservative. As *Chapter Six* has argued, these two approaches tend to transcend denominational divisions. Although there are theologically conservative denominations such as the various Pentecostal churches (and these have clearly supported the conservative church agenda), there were within traditional "mainline" denominations such as the Anglican, Catholic, Methodist and Presbyterian Churches, those who would support either the liberal or conservative approaches. The old theological fissure between conservatives and liberals has developed into a fracture over church state relations.

A final feature of the new nature of church state relations by 1990 was that in the cleavage between liberal and conservative approaches, there has been an increasing role for non-denominational groups and organisations in

¹¹ It is interesting to note that Bryant, in his condemnation of the politicising of the church in New Zealand, refers to issues which came from both the liberal and the conservative church agenda, for example, abortion, homosexuality, racism and nuclear disarmament: Bryant, G., *The Church on Trial* (Whangarei: Whau Publications, 1986).

¹² *Otago Daily Times*, 4 March, 1949.

presenting issues before the state, and in the 1980's, a declining influence of ecumenical organisations such as the National Council of Churches. The non-denominational organisation had been a feature of late nineteenth century and early twentieth century sectarian and moral campaigns. Apart from possibly the New Zealand Alliance and the small Christian Pacifist Society, these "extra-church" groups were not a feature of the 1940-1950's. At this time, the significant feature of church state relations was the role of the new ecumenical and inter-church bodies such as the National Council of Churches and the Inter-church Council on Public Affairs. Indeed ecumenical activity and the maintaining of a "Christian nation" were seen to be linked. Beginning in the 1960's, however, first with the liberal church agenda and its linking with various protest groups such as the Citizens All Black Tour Association (C.A.B.T.A.), and then with the conservative church agenda, an increasing number of non-denominational cause and protest groups emerged. There were many small *ad hoc* arrangements such as "Clergy for Rowling" and also the formally constituted organisations such as the Society for the Protection of the Unborn Child and the Society for the Promotion of Community Standards. These organisations became part of a new wave of protest and pressure group politics that began in the 1960's and in turn, were important in focusing the respective liberal and conservative church agendas. (Indeed some of these organisations could be better described as being the "Christian Left" or the "Christian Right".) Meanwhile, as the movement for church union and the ecumenical movement itself faltered in the 1980's, individual churches themselves have provided greater resources for research and advocacy on social and political questions, than the previous support for national ecumenical bodies and their role in church state relations. The controversial stands that the National Council of Churches had taken since the 1960's was in turn seen to be a factor in the ecumenical movement's decline.

iv. The Process and Effect of the Change in Church State Relations

In this thesis these changes to New Zealand church state relations have been attributed to many factors. Indeed, the major conclusion of this study, is that no one factor has determined the shape or nature of church state engagement by 1990. A range of factors was involved. In the introduction to this thesis, five themes were suggested as being relevant to these changes

since 1940. These were: changes to inter-denominational relations; increasing theological diversity between conservative and liberal Christianity; the impact of New Zealand prosperity and state sector policy; and the processes of secularisation and pluralism. As the above review has shown, each of these factors has been relevant at various times in the changed nature of New Zealand church state relations. For this reason, it is suggested that the process be described as one of "restructuring", both in the context of church state relations and in the church's response to the new situation.

This however, does leave open the issue of how much influence and power does the church exercise with the state in 1990 given this restructuring. Such a question is difficult to answer. How does one measure power and influence, and indeed from a theological perspective what should be one's understanding of power.¹³ For those pursuing the liberal church agenda, standing with the poor and the powerless is a mark of truly being the church.¹⁴ In fact as *Chapter Seven* has indicated, being only a "pressure group" may be welcomed. On the other hand power, and its exercise by the church and the state, may be necessary if New Zealand is to aspire to the biblical injunction that "righteousness exalteth a nation" (Proverbs 14:34). To the extent that New Zealand is unrighteous, this indicates the church's failure and its powerlessness.

For all of this ambiguity it can be suggested that the church still exercises power with the New Zealand state. It is true that other *loci* of power within society have emerged, for example, the role of the electronic media in the moulding of popular culture, but the church remains as one of the few mass movements within society. Its decline in membership is not unique. Since the 1960's, such a decline has also been mirrored in other organisations such as political parties.¹⁵ The church in New Zealand remains

¹³ See Weber, H.R., *Power: Focus for a Biblical Theology* (Geneva: W.C.C., 1989) for six different biblical perspectives on power for the Christian ranging from the 'Exodus tradition' of liberation through to the 'Royal tradition' of an ordered state.

¹⁴ See for example the views of Rev. Dr George Armstrong, quoted in *Chapter Seven* at p. 235.

¹⁵ See Jackson, W.K., *New Zealand Politics of Change* (Auckland: Reed Education, 1973) 115, for an assessment of the changing basis of political parties since early in the twentieth century.

as one of the few national organisations with significant membership, paid personnel, and the ability and standing to raise issues with the state. As this study has shown, there are examples even within the 1980's of the church exercising significant political influence. For example, with regard to the conservative church agenda, the Coalition of Concerned Citizens was an important, although ultimately unsuccessful, force in the national debate over homosexuality. In this regard the church was still capable of tapping the general conservatism of New Zealanders, even if the support for the Coalition did not carry with it a broader return to religious values. Similarly, the church in exercising the liberal agenda has played a significant part in issues of racism and the recognition of the Treaty of Waitangi. When the financial position of the church itself was threatened by the 1987 proposal to tax charities, the church put aside all of its theological and sectarian differences and successfully mounted a campaign with other affected groups in opposition to the measure. The church, despite its reduced membership in a more pluralistic and secular context, is still relevant in determining state action.

In fact, by 1990, it is suggested that the church was entering a new phase of political significance and influence, which is reminiscent of the church's role in the Great Depression of the 1930's.¹⁶ With more difficult economic times, the church has become more strident in its dealings with the state over economic policy. This has come initially from the church's social service arm. Hitherto this institutional relationship had focused on subsidies, welfare programmes and the administration of government policy. As *Chapter Nine* indicates, agencies now speak of advocacy on behalf of their clients in the face of government decisions and policy. Furthermore, there has been a blurring of the boundaries between the church's concern that the state maintain moral or ethical principles and the church's institutional relationship in providing relief and welfare.¹⁷ This has interestingly occurred within all churches, even those which have tended to pursue the conservative church agenda.¹⁸ The church by 1990 was able to relate with the

¹⁶ See the brief discussion of this period in *Chapter One* at pp. 25-6.

¹⁷ See the Minutes of the Joint Methodist Presbyterian Public Questions Committee meeting, 26 August, 1991 at which it was agreed that the 'Co-convenors approach N.Z. Methodist Social Services (now Methodist Mission, Aotearoa) and invite links with the committee'.

¹⁸ Especially critical of many of the economic measures of the Fourth National Government has been the Salvation Army. The Baptist Church also has been critical of policies. The

state (and in turn appeared to be exercising leadership within the community on this), not only because it was concerned over the maintenance of certain Christian principles relating to compassion and justice, but also because it was an important provider of educational and welfare services within New Zealand. This involvement of the church sector in welfare work has given the church the authority to speak on the impact of the state's policies on the economy.

2. A Reflection on Church State Relations in 1990

In 1941, when the National Council of Churches agreed to the Christian Order Campaign, a certain style of church state relations was desired. As Oldham had stated, the "resurrection of Christendom" was needed.¹⁹ In other words, the actual goal for the church in its relationship with the state was to institute a particular model or style of church state relations. In 1990 such a vision seems unlikely to become a reality in the contemporary setting of New Zealand church state relations.²⁰ A more acceptable approach in 1990 is to acknowledge the current context of church state relations and to assess what the church may effectively achieve with the state given this.

In other contexts consideration has been given to the position of the church with the state where the relationship has also, like New Zealand, been greatly changed. For example, Forrester, writing from a British context, notes that,

Post-Christendom churches represent minorities which no longer have a recognised right to influence power. They are more likely to reflect rather than shape values and policies. They tend to use the remaining fragments of their former influence to defend the institutional interests of the Church. Beyond that, they may issue broad hortatory generalisations on the issues of the day, which are

Auckland Baptist social services manager Peter Browning has said: 'There is considerable development of new services by churches, but the need is to challenge bad policies, not merely to find ways to work within them' (quoted in Swain, P., 'When Church Scrutinises State' *The Dominion*, 8 October, 1991).

¹⁹ Oldham, J.H., *The Resurrection of Christendom* (London: Sheldon Press, 1940).

²⁰ Leslie Newbiggin is more blunt: 'Nostalgia for Christendom is very understandable but it is futile' (Newbiggin, L., *Truth to Tell: The Gospel as Public Truth* (London: SPCK, 1991) 68.

not expected even by those who produce them to affect significantly subsequent events.²¹

Such an assessment is gloomy and in some respects could also be seen to apply to New Zealand. But the position of the church in a secular and pluralistic context need not be unsatisfactory. Forrester himself sees that paradoxically there can be great strength in the church no longer being at the centre.²² The biblical image to which he and others have appealed is that of the exile and particularly of Psalm 137:4 "How can we sing the Lord's song in a foreign land?"²³

As this thesis has argued it is not necessarily the case that the New Zealand church has lost its role in a "post-Christian" context. The contemporary example of the church's response to the economic policy of the state illustrates that it is possible "to sing the Lord's song in a foreign land". The church is not so much concerned with "defending its institutional interests", but it is endeavouring to stand by its clients as their advocate with the state. The coming-together of the various "public questions committees" (which often have issued "broad hortatory generalisations on the issues of the day" and in the process been irrelevant) and those agencies and organisations which actually provide the services to people in need is a new development. The church in a more secular context can speak with authority, not because it merely claims to be the church, but because it has shown this wider support for those in the community.²⁴ To be involved with issues in this way may be a more authentic Christian witness.

This, however, does not deal with the issue of the church's attitude to the secularity of the state itself. How should the church respond to a secular state? What should be the issues of concern for the church? In this

²¹ Forrester, D.B., *Theology and Politics* (Oxford: Basil Blackwell, 1988) 142.

²² Forrester develops this theme in the 1987-1988 Hensley Henson Lectures, see Forrester, D.B., *Beliefs, Values and Policies: Conviction Politics in a Secular Age* (Oxford: Oxford University Press, 1989).

²³ See for example, the work of Brueggemann, W., *Hope within History* (Atlanta: John Knox Press, 1986) and *Hopeful Imagination: Prophetic Voices in Exile* (Philadelphia: Fortress Press, 1987); and Radner, E., 'From 'Liberation' to 'Exile': A New Image for Church Mission' *The Christian Century*, 106, 30 (1989) 931-933.

²⁴ The changes over the Treaty of Waitangi could also be seen as the church having authority with the state, because it was first prepared to change its own structures and way of operating.

it is suggested that the two polarised stances of the conservative and liberal church agendas are unhelpful. On the one hand, the establishment of Christendom, if ever it was "appropriate",²⁵ is not a politically feasible endeavour.²⁶ Indeed, many of the changes over the last thirty years are to be welcomed. For example, the advancement of the position of people whom Sinclair calls the "peripheral majority",²⁷ Maori, women and children, has been significant. On the other hand the New Christian Right may have a point in arguing that developments within the liberal democratic processes of New Zealand, including the presumption of the state's secularity, are not necessarily to be welcomed in their entirety.

Tracy is a contemporary theologian who wishes to take advantage of the opportunities which contemporary pluralism offers, while still being aware of the difficulties. He writes,

Pluralism is an attitude I fundamentally trust. But whenever any affirmation of pluralism, including my own past and present, becomes simply a passive response to more and more possibilities, none of which will ever be practised, then pluralism demands suspicion. That kind is, as Simone de Beauvoir insisted, the perfect ideology for the modern bourgeois mind. Pluralism masks genial confusion in which more try to enjoy pleasures of difference without ever committing themselves to any particular vision of resistance and hope.²⁸

Of course for Tracy, his "vision of resistance and hope" is his understanding of Christianity in today's world. He goes on to say that

[P]lurality [is] the beginning, never the end, of a responsibly pluralistic attitude. There must be other criteria beside those of possibility and openness. There must be criteria to assess the coherence or incoherence of any possibility with what we otherwise know, or more likely, believe to be the case. There must be ethical - political criteria on what the relative options mean for both individuals and society.²⁹

²⁵ See for example, Ellul, J., *The Subversion of Christianity* (Grand Rapids: Eerdmans, 1986) for a critical assessment of 'our Constantinian inheritance'.

²⁶ See for example, the position of the Christian Heritage Party at the 1990 elections: *Chapter Eight* at p. 314.

²⁷ Sinclair, K., *A Destiny Apart* (Wellington: Unwin, 1986) 195 ff.

²⁸ Tracy, D., *Plurality and Ambiguity* (London: SCM, 1988) 90.

²⁹ *Ibid.*

Neuhaus, himself a former supporter of liberal Christian causes, describes the contemporary secular and pluralistic context as the "naked public square", devoid of any values and vision.³⁰ Bellah *et al.* in *Habits of the Heart* also note that

If society is shattered into as many special interests as there are individuals, then, as de Tocqueville foresaw, there is only the schoolmaster state left to take care of us and keep us from one another's throats.³¹

These are some of the suspicions which are being expressed increasingly by philosophers, political theorists, and Christian commentators.³²

Such large and complex questions go beyond the scope of this thesis, but they are important for the church as it determines its future relationship with the state. The prospect of either an aimless state, or the schoolmaster state, is ominous. Within New Zealand, the economic version of this "shattering into as many special interests as there are individuals" appears to have been followed during the second half of the 1980's. The market, and not any *telos* or vision, is to determine the appropriate direction for New Zealand. Alternatively there are dangers if certain perceived Christian ideals are rigidly imposed on an unwilling populace. This would be a return to the worst features of Christendom and an authoritarian state.

Through all of this I see that the church should require the state to preserve a balance between the gains of a pluralistic society and the application of Tracy's "ethical-political criteria" in its policy and administration. This perhaps is a trite solution. The church, however, in dealing with the state, must do just this and offer from a Christian perspective, those "ethical-political criteria on what the relative options

³⁰ Neuhaus, R.J., *The Naked Public Square: Religion and Democracy in America* (Grand Rapids: Eerdmans, 1984).

³¹ Bellah, R.N. *et al.*, *Habits of the Heart: Individualism and Commitment in American Life* (London: University of California Press, 1985) 271.

³² See MacIntyre, A., *After Virtue* (Notre Dame: University of Notre Dame Press, 1981) and *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988); Bellah, R.N. *et al.*, *Habits of the Heart: Individualism and Commitment in American Life* (London: University of California Press, 1985); McCaughey, D., *Piecing Together a Shared Vision* (Sydney: Australian Broadcasting Corporation, 1988); Kaye, B., "Is a Theology of the State Possible in Plural Australia?" *Colloquium*, 18, 1 (1985) 54; and Gutman, A., "Communitarian Critics of Liberalism" *Philosophy and Public Affairs*, 14 (1985) 308.

mean for both individuals and society".³³ The church appears to be doing this with regard to the current economic policy of the government. It is also able to do this if the state recognises the importance of spiritual values as it follows a bi-cultural path with the Maori. Other examples of the opportunities available to the church to present "ethical criteria" can be cited. For example, *Chapter Six* has highlighted that even the judiciary is moving away from a rigid adherence to precedent as it increasingly appeals to notions of "fairness" and "equity". What then does it mean to be "fair" and "just" in today's context? There are Christian understandings of fairness which would run counter to what Mr Justice Cooke said was "the reasonable dictates of social facts".³⁴ The church needs to be articulating these principles within public discourse and with the state itself.³⁵

This may seem to be advocating a return to the vision with which this thesis began: the Oxford Conference, "the church being the church", middle axioms, and the need for the state to maintain Christian principles in a "Responsible Society". In large measure this is true. The Oxford Conference still offers significant insights into church state relations. There remains the important distinction, however, that 50 years later the goal for the church in its relationship with the state cannot be the re-establishment of Christendom and some institutionally powerful or entrenched position for the church. As suggested above, the starting point for considering church state relations has to be a context of a secular and pluralistic society. This does not mean that the church should just be the "social glue" which holds that society together.³⁶ That seems to be a return to "Culture-

³³ Tracy, D., *op. cit.* 90.

³⁴ *Hayward v. Giordani* [1983] *N.Z.L.R.* 148.

³⁵ This is a theme in the writing of Rev. Dr Davis McCaughey: McCaughey, J.D., *op. cit.*

³⁶ This phrase was used by the dissident, Sara Maitland, to the Church of England's Board of Social Responsibility's study *Changing Britain: Social Diversity and Moral Unity* (London: Church Information Office, 1987). The study was concerned with the values that a pluralistic Britain should affirm and pursue, and the role of the church in this. It concluded that the church is one of the means by which social values are generated and transmitted (64). Its message "should contain a distinctive element not only in its style: definite but not shrill, at times exhorting though without self righteousness, more often gentle, suggestive, seeking allies." (65) Maitland, however, in dissenting stated "I am unable to accept the functionalist view of the Church which underlies the arguments presented here: I do not think it is the duty of the church to be 'the heart of a heartless world', to be the social glue of a society, but rather to change, to transform. From this perspective I do not feel happy putting my name to a report which does not, I feel, adequately stress the structural justice issues facing Britain today, both domestically and internationally." (70)

Protestantism" of the nineteenth and early twentieth century.³⁷ Rather, the church must always proclaim to the state the principles and ideals arising from following Christ which are beyond, and indeed, above the "genial confusion" of a secular and pluralistic society.³⁸ And in this, the context of that proclamation is important. The current plurality of society at least makes it clear that the church's values and ideals cannot be enforced by the state (if ever there was a time when they could have been). Ultimately the only standing and power the church and its members can have with the state, is that these values are seen to be true in the life and service of the church itself.

³⁷ See Niebuhr, H.R., *Christ and Culture* (New York: Harper & Row, 1951) 91 ff.

³⁸ This is the approach which Newbiggin, L., *The Truth to Tell* 65 ff. has suggested. See also his *The Gospel in a Pluralist Society*.

BIBLIOGRAPHY

The material which has been used as the basis of this thesis is set out below. For the *Primary Sources* the material has been organised in the usual classification of unpublished and published sources, although such has not been classified with respect to the library or archive which holds those documents, but by church or church related organisation which has been examined. In light of this use of a thematic approach to organising the bibliographic material, the following libraries and archives have been used, and where appropriate, have been acknowledged below.

<i>A.T.</i>	Alexander Turnbull Library, Wellington
<i>H.C.</i>	Holy Cross Library, Mosgiel
<i>Hew.</i>	Hewitson Library, Knox College, Dunedin
<i>Ho.</i>	Hocken Library, University of Otago, Dunedin
<i>McNab</i>	McNab Collection, Dunedin Public Library, Dunedin
<i>Meth.</i>	Methodist Church Archives, Morley House, Latimer Square, Christchurch
<i>P.C.N.Z.</i>	Presbyterian Church of New Zealand, Archives Office, Hewitson Library, Dunedin

(Some material has been made available by individuals and collected by the author himself. Where this has been the case, that also has been acknowledged.)

The following classification has been used:

Primary Sources

- A. Unpublished
 - 1. Church/Organisation Papers and Records
 - 2. Ephemera
 - 3. Interviews and Correspondence by and with Author
- B. Published
 - 1. Minutes and Reports of Church Assemblies, Conferences, Synods and Meetings
 - 2. Other Reports and Material from Church and Related Organisations
 - 3. Treatises and Memoirs etc.
 - 4. Pamphlets
 - 5. Newspapers, Journals and Magazines
 - 6. Official

Secondary Sources

- A. Published
 - 1. Books
 - 2. Articles
- B. Unpublished
 - 1. Theses
 - 2. Other Unpublished Material

PRIMARY SOURCES**A. UNPUBLISHED MATERIAL****1. Church and Church Related Organisations: Papers and Archives****1.1 Inter-church Council on Public Affairs***Minutes (1941-1973)*

- (A.T.: Ms x 2278 December 1941 - February 1943 (volume 1)
 Ms y 1835 March 1943 - September 1944 (volume 2)
 Ms y 1836 October 1944 - May 1946 (volume 3)
 Ms y 1837 June 1946 - November 1952 (volume 4)
 Ms y 1838 February 1953 - November 1956 (volume 5)
 Ms y 1839 November 1956 - September 1962 (volume 6)
 Ms y 1840 November 1962 - January 1973) (volume 7))

1.2 Methodist*Index to the New Zealand Methodist (Meth.)*

Note: The Methodist Church Archive holds no records of either the Methodist Public Questions or International Relations Committees. Their location was not able to be ascertained by the author.

1.3 National Council of Churches in New Zealand

Papers, Reports, Correspondence, etc. (various)

Church and Society Commission: Annual Reports, Newsletters, Papers Minutes
 (1970-1985 incomplete series)

(A.T.: Acc 90 - 387: Box 8/1)

1.4 New Zealand Council of Christian Social Services

Minutes (incomplete series 1977-1991)

Reports and Correspondence to Executive

Submissions

New Zealand Council of Christian Social Services Timeline of Development and Involvement (Compiled by B. Robinson)

Note: The early records of the Council prior to 1977 are missing. The papers of the Council were examined at their offices, Te Aro, Wellington. In addition those papers and minutes held by the Rev. Donald Phillipps, Dunedin, a member of the Executive (1983-) were also examined.

1.5 Presbyterian

Public Questions Committee Minutes (incomplete series 1948-1977)

Public Questions Committee Papers (various: 1940-1977)

International Relations Committee Correspondence (1960-circa 1970)

Social Service Committee Minutes (1969-1975) (P.C.N.Z.)

Indices to The Outlook and Crosslink (Hew.)

Joint Methodist and Presbyterian Public Questions Committee Minutes (1989-1991) (supplied to the author by the Committee)

1.6 Student Christian Movement

Papers, Pamphlets etc (1960-1973) (Hew.)

2. Ephemera

Use has been made of the Alexander Turnbull Library's "Printed Ephemera" Collection, which consists of "posters, leaflets, brochures and programmes" (quoted from National Library Information Brochure). Brochures etc. were obtained with regard to topics such as the "Vietnam protest movement", "Homosexuality", "Religion" and "Abortion". Note that in some instances printed matter has been referred to as "ephemera" even though it may have been published as a part of a larger series. In this instance the larger series is unavailable or the matter itself has only been available from within the "Printed Ephemera" Collection.

3. Interviews and Correspondence with Author

3.1 Interviews

The following interviews were conducted:

- Ms Jocelyn Armstrong, Conference of Churches in Aotearoa New Zealand, Spokesperson (23 May, 1989);
- Mr Chris Gousmett, Association for the Promotion of Christian Schools, member of the Board (16 October, 1991)
- Rev. Ken Irwin, Otago, Presbyterian Support Services, Director (3 July, 1990 and on various other occasions)
- Ms. Nola Ker, Joint Presbyterian/Methodist Public Questions Committee, Secretary (24 May, 1989);
- The Hon. Russell Marshall, Cabinet Minister (23 May, 1989);
- Rev. John Murray, Moderator Elect, Presbyterian Church (23 May, 1989);
- Fr. O'Reilly, Secretary to the Apostolic Nuncio (24 May, 1989);
- Rev. Donald Phillipps, Dunedin Methodist Mission, Superintendent and Executive Member of the New Zealand Council of Social Services (19 September, 1991 and on various other occasions)
- Dr Bill Lee, Association for the Promotion of Christian Schools, first Chairperson of the Board (23 October, 1991)
- Rev. Owen Robinson, former Executive Secretary of the New Zealand Council of Christian Social Services and Convener of Presbyterian International Relations Committee (25 March, 1991)
- Mr Shaun Robinson, New Zealand Council of Christian Social Services, Executive Secretary (25 March, 1991)
- Fr. Stuart Sellar, former Director of Dunedin Catholic Social Services (29 May, 1991)
- Very Rev. Dr J. S. Somerville, Churchman (4 September, 1989);
- Rev. David Taylor, former General Secretary, National Council of Churches (1 June, 1990)
- Mr Alan Williams, former Executive Secretary of the New Zealand Council of Christian Social Services (26 March, 1991)

Cardinal Thomas Williams, Catholic Church (28 May, 1989)

3.2 Correspondence

Correspondence with the following:

Rev. Will Falkingham (28 June, 1990)

Department of Internal Affairs (4 May 1990)

B. PUBLISHED

1. Minutes and Reports of Church Assemblies, Conferences, Synods and Meetings

1.1 The Anglican Church (The Church of the Province of New Zealand)

Proceedings of General Synod (1940-1988)

Diocese of Dunedin: Synod Proceedings (1960-1969) (Hew.)

Te Ara Tika - The Way Ahead (Wellington: Symposium Steering Committee, 1990) (Published jointly with the Catholic Church)

1.2 Associated Churches of Christ in New Zealand

Conference Reports (Minutes of Annual Conference) (1967-1976)

Handbook (Reports to Annual Conference) (1967-1976) (Hew.)

Note: Reports and documentation were also made available by the Rev. Gavin Munro, Dunedin.

2.4 Inter-church Council on Public Affairs

Report of Conference on The Church, the Elderly and the Welfare Society (Wellington: Inter-church Council on Public Affairs, 1967) (H.C.)

2.5 Joint Working Committee

(Note: The Joint Working Committee was a group of theologians representing the National Council of Churches and the Roman Catholic Church. Its meetings were reported to the churches.)

JWC Reports (1969-1984) (Hew.)

(Note particularly: *JWC Reports 15-18* "The Basis of Christian Morality; *JWC Reports 26-27* "Church and State"; and *JWC Report 29* "The Church and Political Action".)

1.6 Methodist

Minutes of Annual Conference ((date) M.A.C. (page)) (1940-1990) (Ho.)

2.6 National Council of Churches in New Zealand

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- Murray, J.S., *Break Camp and Move On* (Christchurch: National Council of Churches, 1963) (Hew.)
- National Council of Churches, *Ardmore* (Christchurch: Presbyterian Bookroom, 1959) (Hew.)

1.7 Presbyterian Church

- Minutes of the General Assembly* ((date), Minutes, P.C.N.Z. (page)) (1940-1990) (Hew.)
- Reports to the General Assembly* ((date), Report, P.C.N.Z. (page)) (1940-1990) (Hew.)
- Maori Synod of the Presbyterian Church, *A Maori View of the Hunn Report* (Christchurch: Presbyterian Bookroom, 1961) (Hew.)
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2. Other Reports and Material from Church and Related Organisations.

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- Veitch, J., *Disarmament: A Christian Comment* (Wellington: International Relations Committee of the Presbyterian Church of New Zealand, 1978)
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5. Newspapers, Magazines, Journals etc.

1. Newspapers

(Note: Two newspaper indices have been used within this study:

- a. McNab Collection, Dunedin Public Library, for Index to the *Otago Daily Times*; and
- b. The Political Studies Department, University of Otago, Newspaper File.)

Otago Daily Times (1940-1991)

Other newspapers cited:

Auckland Star
Auckland Star-Weekender
Dominion
New Zealand Herald
New Zealand Times
The Press
The Evening Post

2. Denominational and Organisational Journals/Magazines etc

- Church and Community* (National Council of Churches) (1944-1974) (Hew.)
- Church and People* (Anglican) (1961-1976) (Hew.)
- Church and Society Quarterly Newsletter* (A.T.: within National Council of Churches papers: Acc 90-387, Box 8/1)
- Coalition Courier* (Coalition of Concerned Citizens) (1986-1987) (provided by the Ven. John Bluck, Christchurch)
- Concerned Parents' Association Newsletter* (1975, 1977-1981, 1983-1989) (Ho.)
- Crosslink* (published jointly by the Methodist and Presbyterian Churches) (1987-1991) (Hew.)
- Forum* (Presbyterian) (1958-1987) (Hew.)
- (NCC) Programme on Racism: Newsletter* (This publication has been continued by the Conference of Churches in Aotearoa New Zealand) (1985-1991) (Hew.)
- New Zealand Christian Pacifist* (Christian Pacifist Society) (1965-1970) (Hew.)
- New Zealand Hospital Chaplains' Association Newsletter* (1983-various) (Hew.)

- New Zealand Prison Chaplains' Association Magazine* (1979-1980) (Hew.)
New Zealand Times (Associated Pentecostal Churches of New Zealand) (1976) (Ho.)
New Zealandia (1989-1991) (Hew.)
Catholic Review (1989-1991) (Hew.)
One World (World Council of Churches) (1989-1990) (Hew.)
Peacelink (Aotearoa/New Zealand Peace Movement) (1983- various) (Hew.)
Province to Parish (Anglican) (1988-1991) (Hew.)
Signpost (New Zealand Council of Christian Social Services) (1991) (available from the Council)
Society for the Promotion of Community Standards Newsletter (1971-1972, 1974, 1976-1990) (Ho.)
Society for the Protection of the Unborn Child Newsletter (1970-1990) (Ho.)
The New Citizen (Methodist) (1974-1979) (Hew.)
The New Zealand Christian (Associated Churches of Christ) (various) (Hew.)
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Towards a Bi-Cultural Church: Newsletter (Methodist) (1988-1991) (available from the Methodist Church)
Zealandia (Catholic) (1975) (H.C.)

3. Other Journals/Magazines

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Challenge Weekly (1979-1991) (McNab) (Note: These are the only years held by this collection. Other individual numbers have been made available to the author and have been referred to within the thesis.)
Insight (1981-1989) (Hew.)

5. Official

1. Departmental and Agency Annual Reports

5.1 Parliamentary Debates

- New Zealand Parliamentary Debates* (1856, 1938, 1950, 1954, 1956, 1961, 1968, 1975, 1981, 1985-1990)

5.2 Parliamentary Papers

Within the *Appendices to the Journals of the House of Representatives* the following Annual Reports have been referred to:

- Education (including Division of Child Welfare)* (1962-1989)
Health (1950-1989)
Human Rights Commission (1979-1989)
Internal Affairs (1950-1970)
Justice (1952-1970)
Maori Affairs (including Board of Maori Affairs, and Maori Purposes Fund Board) (1960-1969)
Race Relations Conciliator (1973-1989)

5.3 Reports of Commissions and Committees of Inquiry

- Administering for Excellence (Picot Report)* (Wellington: Department of Education, 1988)
- Growing, Sharing, Learning: The Report of the Committee on Health and Social Education (Johnson Report)* (Wellington: Department of Education, 1977)
- Report of the Royal Commission of Inquiry on Contraception, Sterilisation and Abortion in New Zealand* (Wellington: Government Printer, 1977) (A.J.H.R. 1977, E.26)
- Report of the Royal Commission of Inquiry on Education in New Zealand (Currie Commission)* (Wellington: Government Printer, 1962) (A.J.H.R. 1962, E.2)
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- Report of the Royal Commission of Inquiry on the Sale of Liquor in New Zealand* (Wellington: Government Printer, 1975) (A.J.H.R. 1975, H.5)
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Church of Jesus Christ of the Latter Day Saints Trust Board v. Waipa County Council [1980] 2 *N.Z.L.R.* 710
Church of the New Faith v Commissioner for Pay-roll Tax (Vic) (1983) 49 *A.L.R.* 65
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SECONDARY SOURCES

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