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CHAPTER FOUR: BETWEEN GOD AND THE DEVIL: CLEAVAGE IN THE CHURCHES OVER HOMOSEXUAL LAW REFORM

Homosexual affection can be as selfless as heterosexual affection, and therefore we cannot see that it is in some way morally worse.\(^1\)

'Abnormal sex disgusting.'\(^2\)

This chapter will look at internal debate and the marked attitudinal shift that took place in the churches during the period of my thesis. The chapter focuses on selected church denominations: primarily on the Methodist Church, where the denomination as a whole exhibited marked shift in its perspective on homosexuality; on the Presbyterian Church where significant shift occurred, but in a denomination fairly evenly divided on the issue; and on the Baptist and Catholic Churches, where little shift occurred. These four churches exemplify divergence opening up within and/or between church denominations.

This chapter does not engage in a full discussion of developments within the Anglican Church. That church’s position was in some ways unique because much of its decision-making lay with its bishops who did not always publicly articulate their position - whether, for example, they would permit gay priests in their dioceses.\(^3\) In addition, when the church took a position, this tended to be at diocesan, rather than at national

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\(^2\) *Challenge Weekly* editorial headline, 15 March 1985, p.2.

\(^3\) See Ngaei, "Homosexuality", p.21 re case 3 who wanted to be an Anglican minister in the 1960s: 'His bishop, when told about it [his homosexuality] said that a solution would be found and he could still enter the ministry.'
Changes in the Anglican Church’s position were significant. However, my purpose here is to highlight the diversity of religious responses. My selection of churches is not intended to be comprehensive but rather as case studies to demonstrate that diversity. The purpose of this chapter is to look at a sampling of church perspectives, to note continuities, shifts and tensions.

There is the question, however, as to why a particular study of the church debate should occur in this thesis. How significant was the church debate with regard to the wider debate in society?

**Significance of the churches in the debate over male homosexuality:**

There are a number of reasons for examining the position of New Zealand’s churches with regard to homosexuality. First, much of the underpinning for criminal sanction against homosexual acts rested on the theological perspective that such acts were sinful. In 1974, *NZ Listener* editor, Ian Cross, challenged gay liberation rhetoric seeking the eradication of ‘the gender role system which is at the root of our oppression [gay oppression, not Cross’s oppression]’. In so doing, he asserted, ‘it does no good for a reform movement in a society with nearly 2000 years of Christian teaching that sodomy is a grave sin, and which has roots in English common law about “the

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4 For a relatively middle-of-the-road earlier Anglican approach at national level, see ‘Homosexuality: A Report by the Provincial Committee on Public and Social Affairs’, *Church and People*, XXIV, 6, 22 September 1967, pp.12-13. For a later, more liberal perspective at the Christchurch diocesan level, see ‘The Diocesan Committee on Homosexuality’, 1979: LAGANZ, Pam 823.17 CHU. See also ‘Church Says Prison No Answer to Homosexuality’, *Evening Post*, 21 June 1966, p.12, noting the early support of the clergy-doctor committee of the Anglican Synod for decriminalization.


abominable crime, not to be named among Christians.' Cross's argument was that centuries of church teaching concerning the sinfulness of homosexual acts should not lightly be overturned by Johnny-come-lately gay radicalism.

Such longstanding historical association of homosexual acts with sinfulness is evident in the 'abominable vice of buggery' being dealt with in the ecclesiastical courts in medieval England until Henry VIII's break with Rome in 1533. The church's jurisdiction over offences relating to sexual morality, and its associated view that homosexual acts were sinful, intensified public perception of the evil of such acts.

Whether this church view was the sole root of negative attitudes to homosexuality is open to debate. Arno Karlen, for example, noted condemnation of homosexuality in many ancient societies. While the church might influence society, the latter might also influence the church. Hence his conclusion, 'Those seeking to explain the nature of formal sanctions against homosexual behavior in the West must look not only at the church but beyond it, to the social fabric of which it is only one thread.' To some extent it was a chicken-and-egg situation: which came first: the social attitude or the church morality? For the former can influence the latter, especially as societies commonly use religion as a legitimating force to buttress their beliefs and structures.

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7 Ibid.
Notwithstanding this caution, there was a widespread perception that prevailing Western attitudes to homosexuality stemmed from the Judeo-Christian tradition.\textsuperscript{11} It was an aspect of the commonly held view that Western ethical values as a whole sprang from the Christian faith.\textsuperscript{12} The consequence was that, to some extent at least, the church was ‘the enemy’ of gay liberation,\textsuperscript{13} ‘the primal source of intolerance of homosexuality’.\textsuperscript{14}

This meant, then, that liberal trends in shifting church views were likely to be of major significance in easing the uneasiness of many New Zealanders when tolerant perspectives on homosexual acts began increasingly to emerge. If such acts were not sin after all, then maybe the criminalizing law was a dinosaur from the past.

Association of homosexual acts with the concepts of sin and criminality can be seen in the questioning of Rev. Wilf Ford, chairman of the Wellington District of the Methodist Church, by the chairman of the Parliamentary Petitions Committee, G.G. Grieve, when the NZHLRS petition was being considered in 1968:

To Mr Ford, Mr Grieve said: ‘You are a professed follower of Jesus Christ. Do you believe today, as a follower, that you are acting in a true Christian spirit, do you believe that the Almighty would be proud that you are wanting to put on the statute books of this nation the legalising of homosexuals?’

Mr Ford: ‘Most firmly “yes” to those questions. I follow my Lord who was opposed to adultery as I am, and who would be opposed to homosexual acts, as I am, but who said to a woman guilty of adultery: “go and sin no more”’.

\textsuperscript{12} See Reid, ‘Do We Give’, p.300.
\textsuperscript{13} See, for example, W. Churchill, Homosexual Behavior among Males: A Cross-Cultural and Cross-Species Investigation, Englewood Cliffs, 1971, pp.19, 45, 304, 320.
Mr Grieve: ‘If Christ were standing in the form you are standing in at the present time do you think he would be putting the same argument as you are?’

‘I cannot really speak for Him,’ said Mr Ford.\(^\text{15}\)

This reported exchange indicates the great difficulty Grieve had in aligning the two concepts, ‘Christian minister’ and ‘supporter of homosexual law reform’. Clearly Grieve expected every Christian minister to be against homosexual behaviour and therefore a supporter of the legal status quo. Grieve viewed Christianity and criminalization as naturally fitting together. For most New Zealanders in the 1960s this was the case; and for many Christians in the 1980s this remained the case. In such a situation Christianity, or some of its churches, could be seen as the enemy of homosexual law reform and/or of the wider issues of gay liberation.

Barry Reed, prominent in the anti-reform movement in 1985-6, saw the matter as fundamentally a religious one. At one point he engaged with Fran Wilde in public debate. Though the debate was at a general public meeting, Reed declared in his opening, ‘I am a fundamentalist Bible believing Christian. And I am not ashamed of Jesus Christ.’\(^\text{16}\) Within the debate he stressed that homosexuals could change. The evidence? ‘[I]n the absence of any evidence to the contrary, I must believe what the Bible teaches. And the Bible teaches that homosexuals can be delivered from this bondage.’\(^\text{17}\) The widespread Christian linkage of homosexual behaviour with sin helps explain much of the anti-Christian rhetoric of the early gay liberation movement.\(^\text{18}\)

\(^{15}\) Reported in article, ‘Statistical Claim Is Made that Four MPs in NZ Are Probably Homosexual’, \textit{Evening Post}, 30 October 1968.

\(^{16}\) Transcript of Barry Reed’s speech, 10 June 1985, p.1. Copies held by Barry Reed, 92 Marsden Ave, Mount Eden, and by Laurie Guy.

\(^{17}\) Ibid., p.6.

A second reason for examining church views on homosexuality is that some denominations were early advocates of homosexual law reform, and such church support for reform was very important to NZHLRS and the reform cause. A major expressed reason for Don Mathieson's resignation from NZHLRS in 1980 was that the new constitutional changes would cause NZHLRS to lose church support. Church support for reform was important in fostering a decoupling in the public mind of Christianity with automatic criminalization and/or condemnation of homosexual behaviour. When Fran Wilde urged widespread letter-writing to MPs in support of her bill in March 1985, she singled out ministers of religion as well as married couples and non-gays as the sorts of people whose support was crucial.

Another factor highlighting the importance of the church in the public debate on homosexuality is that the core of organized opposition to reform in 1985-6 was religious in nature. The spearhead of opposition to Fran Wilde's bill, CCC, was primarily an organization of conservative Christians. The mobilization of conservative and fundamentalist church forces in the polarized debate, resulted in the issue becoming a markedly religious one. Conservative Christians made frequent appeal in the general arena as well as in churches to the apparent condemnation of homosexual

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19 The Methodist and Presbyterian annual conferences endorsed law reform in 1961 and 1968 respectively. The role of church support in the early days of NZHLRS is discussed extensively in chapter 2 of this thesis. In other countries the role of the church in promoting law reform is commonly acknowledged, and this is a pointer to the significance of the church's role in New Zealand. In relation to England, Church of England concern was significant in the setting up of the Wolfenden Committee. As regards New South Wales, Garry Wotherspoon observed that the initial push for law reform did not come from homosexuals themselves but came rather from several Christian churches: Wotherspoon, City of the Plain, p.166.

20 NZHLRS Newsletter, LI, February 1981.

behaviour in the Bible. At the public presentation of the Hay-Tait petition against homosexual law reform to parliament in 1985, Sir Peter Tait proclaimed, 'The word of God is our bond. We are proud to be called Bible bangers.' Much of the manpower for collecting signatures for the Hay-Tait petition came from church denominations or congregations, the Salvation Army being the most visible example. When that petition was presented to parliament it was presented under the slogan, 'For God - For Family - For Country' and was accompanied by the singing of hymns and choruses. The major Christian emphasis of the anti-reform movement significantly explains the remarkable amount of religious language and citing of biblical texts in the parliamentary debates of 1985-6. This stands in marked contrast to the 1974-5 parliamentary decriminalization debates which involved relatively little explicit religious discussion beyond some reflection on church attitudes.

Pro-reform activists frequently highlighted the strongly religious nature of the core of the anti-reform opposition. Don McMorland, co-drafter of the 1985 bill, portrayed the opposition as being extreme Christians trying to force their particular morality on to people who did not necessarily share such values. HUG saw the main group denying human rights to homosexuals as being 'the Christian fundamentalists'. Fran Wilde viewed the opposition as substantially coming from a 'moral majority' with a narrow

22 For example, Bacon, The Social Effects, pp.40-2; full-page advertisement by Church of Christ (Mt Roskill) in Auckland Star, 15 May 1985, p.A7.
26 The only two MPs who articulated their opposition in terms of Christian morality in 1974-5 were Lance Adams-Schneider, NZPD, 1974, 392, p.3167; and R.L.G. Talbot, NZPD, 1975, 399, p.2808. For more on this see chapter 2 of this thesis.
27 Reported by Woodhouse, 'Homosexuality', p.38.
religious base. Gay Rights activist Phil Parkinson similarly noted that a bipartisan group of MPs had ‘formed an uneasy alliance with the christian [sic] fascist religious right, prominent among which are the Reformed Churches, the Assembly of God and the Salvation Army’.  

The 1985-6 debate was significantly a religious one, even though church attendance and formal adherence to a Christian church were both in decline. Even Fran Wilde addressed religious concerns in parliament even though she herself did not hold to such a perspective. Factors such as this make it vital to look at the views of the church in relation to New Zealand’s homosexuality debates.

Factors for change in church perspectives in the 1960s:

In 1960 the mainstream view of the mainstream churches was clear. Homosexuality was a sin. At that time no significant New Zealand church was yet officially arguing for law reform. In 1985 the position was entirely different. Some churches were passionately for law reform, some passionately against, others divided. A gay church had emerged, and an Anglican curate, after resigning his position, had declared from

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32 For broader criticism of the tendency of historiography to ignore or inadequately consider the significance of religious factors in New Zealand history see A. Davidson, ‘New Zealand History and Religious Myopia’, in W. & S. Emilsen (eds), Mapping the Landscape: Essays in Australian and New Zealand Christianity, Sydney, forthcoming in 2000, pp.179-94 at pp.183, 186, 190 and passim.
34 The Metropolitan Community Church had formed a study group in Auckland as early as 1975. In 1984 it had a congregation of about 40 members. See Metropolitan Community Church Study Group vol. 1 number 3, April 1976, in papers of Ken McGrath now held by LAGANZ. See also D. Mence, ‘Homosexual Christians – A Challenge to the Churches’, New Citizen, 22 July 1976, p.4; R. Mannion, ‘A Homosexual and Christian’, NZ Listener, CVI, 2034, 7 April 1984, pp.43-4.
the pulpit that he was gay.\textsuperscript{35} Not only were there deep interdenominational divisions on the question of homosexual law reform, but many of the denominations were also internally divided on the issue. There was certainly not one Christian voice on the controversy.

A briefing paper prepared for Fran Wilde rightly expressed the situation: ‘Christians disagree among themselves as to whether homosexual activity is immoral or a sin. Even those Christians who believe that homosexual activity is a sin disagree among themselves as to whether that sin should be a crime in New Zealand.’ This raises the question as to what had changed in the church position in the preceding quarter of a century, and why?

Increasing change and diversity within the churches over homosexuality must be seen in much broader context than that issue alone. The context was broader even than the issue of sexuality generally. Two related factors were at work. One factor was the dilemma of how to respond to an increasingly post-Christian Western world. The other factor was growing theological diversity, with greater movement within the middle towards the extremes of Christian theology, both conservative and liberal. Mainstream Christian perspective, which in 1960 was fairly middle-of-the-road, had shifted markedly within a decade. At one extreme a Christian minister was arguing that one did not need to believe in God in order to be a Christian.\textsuperscript{36} At another extreme a


\textsuperscript{36} F. Hayman, ‘Secularism Defined’, \textit{Forum}, XXXVII, 5, June 1984, pp.7-9. See fuller discussion later in this chapter.
Christian minister was arguing that homosexuals should be executed for transgressing the law of God.\(^{37}\)

The outcome of these deeply divergent views was far less consensus within and between the churches on doctrine and co-operative activity. The tensions were greater too because liberal churches on the whole had shrinking numbers after 1965, while fundamentalist and evangelical churches were on the rise.\(^{38}\) The 1985 HLRB debate exacerbated pre-existing deep cleavage within and between denominations. The National Council of Churches (NCC) voted to support the bill by eleven votes to six.\(^{39}\) Tensions within NCC over homosexuality were such that at times delegates were ‘yelling at each other’ on the issue.\(^{40}\)

The early stages of this increased cleavage can be noted in contrasting levels of church support for Billy Graham’s two evangelistic crusades in New Zealand, the first in 1959, and the second in 1969. Billy Graham was a renowned American evangelist, calling his audience to direct public commitment to Christ. His background was fundamentalist; his authority a simple appeal to the literal text of the Bible. ‘The Bible says’ was a constant refrain in his preaching. Notwithstanding this background, his first crusade in New Zealand was held at the invitation of the NCC, such invitation being specifically

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\(^{39}\) Letter Mary Holmes (office manger NCC) to Gerard Marks (General Superintendent Baptist Union of New Zealand) confirming vote of NCC Executive meeting held 12-13 April 1985: NCC records: Alexander Turnbull Library Wellington, reference number 87-204, box 55.

\(^{40}\) Letter Gerard Marks (General Superintendent Baptist Union of New Zealand) to Dorreen Hatch (Secretary to NCC), 5 September 1985: National Council of Churches records: Alexander Turnbull Library Wellington, reference number 87-204, box 55.
endorsed by each of the eight member churches of the NCC.\textsuperscript{41} One of the specifically supporting churches was the Methodist denomination.\textsuperscript{42} Its support was not without controversy, being given by a vote of 189 to 45 after a bitter debate at its 1957 Conference.\textsuperscript{43} However, its church newspaper carried a number of articles favourable to the forthcoming evangelistic meetings in New Zealand, and was warmly appreciative of its evangelistic effect once the crusade was over.\textsuperscript{44} In similar vein the General Assembly of the Presbyterian Church passed a motion to 'give thanks to Almighty God for the great blessing' which attended the crusade.\textsuperscript{45} The NCC minuted a fuller but similar motion at its annual meeting in 1959.\textsuperscript{46}

Ten years later the NCC, partly through strong Methodist opposition, declined to endorse the second Billy Graham crusade.\textsuperscript{47} An earlier poll of the member churches in 1965 indicated that the Anglican, Methodist and Quaker Churches were not prepared as a whole to support an invitation to the Billy Graham organization for another crusade.\textsuperscript{48} Billy Graham had not greatly changed, but much church thinking had, and substantial

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\textsuperscript{42} Ibid., pp.124-5.
\textsuperscript{46} Minutes of the National Council of Churches Executive 14 December 1965: Alexander Turnbull Library Wellington, reference number 87-204, box 2, book 2.
\textsuperscript{47} Gilling, 'Mass Evangelism', p.48.
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consensus of support no longer existed. Graham was now seen as too fundamentalist in his approach to scripture, too focused on personal salvation and holiness, and failing to address major issues of the world and of society.

An anguished old-time Methodist highlighted changes that were occurring in Methodist sermons: ‘I have received debatable addresses on Vietnam and the capitalist bogey, uneducated speeches on economics and politics, as well as exhortations to protest violently and add to the unlovely spectre of anarchy . . . . [I]n the last 20 years I can remember only two occasions when we have been challenged to make a commitment there and then to Christ and his work’. To some extent, then, at issue within the churches was the matter of their focus: other-worldly (heaven and hell) or this-worldly.

Changing support for Billy Graham was a pointer to major shifts that were taking place within several of the mainline churches in the 1960s. There was a much greater liberal-conservative ecclesiastical divide, leading to a ‘collapse of the theological middle’.

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50 For the official position of the Methodist Church of New Zealand on the 1969 crusade, see Minutes of the Annual Conference held at Auckland 1966, pp.66-7. For criticism of Graham’s approach see NZ Methodist, 5 December 1968, p.8; 13 February 1969, p.2; 13 March 1969, p.7.
52 For Methodist concern re fundamentalism and lack of social concern, and also the church’s more liberal shift see V. Kamsoo, ‘The Methodist Reaction to and Participation in the Billy Graham Visits of 1959 and 1969’, BA research essay, University of Canterbury, 1997, pp.6-8: copy held by Methodist Church of New Zealand National Archives, Christchurch.
53 This term was used by R. A. Evans, ‘Recovering the Church’s Transforming Middle: Theological Reflections on the Balance between Faithfulness and Effectiveness’, in D.R. Hoge & D.A Rozen (eds), Understanding Church Growth and Decline, 1950-1978, New York, 1979, pp.288-314 at p.290. Evans saw the middle ground as lying ‘between liberalism, that is basically culture affirming (a Christ-of-culture model), and fundamentalism (a Christ-against-culture model)’. Ibid. See also ‘Sexuality: New Ethics and Lifestyles’ in Accent, October 1986, p.9; Geering, ‘Homosexuality’, p.48; D. Kettle, ‘Bearings on the Sea of Faith’, Stimulus, V, 1, Feb. 1997, pp.3-6.
Polarization subsequently took place on a number of issues, the homosexual issue being a primary one. Why did these shifts occur?

As already indicated in chapter one, New Zealand society in 1960 was starting to undergo major change in terms of beliefs and values. There was an increasing sense that Christianity was losing its influence on society. One factor in this shift was the elevated value placed on scientific knowledge. Thus *Time* magazine reported views of Anglican theologian David Jenkins in 1966: ‘the prestige of science is so great that its standards have seeped into other areas of life; in effect, knowledge has become that which can be known by scientific study – and what cannot be known that way somehow seems uninteresting, unreal’.

One outcome of shifting beliefs and values was a huge decline in church membership and attendance in the broad mainstream Protestant churches. Presbyterian Church attendance, for example, went from 119,041 in 1960 to 55,062 in 1988 (a decline of 53.7%), while in the same period its Sunday school roll went from 76,030 to 10,983 (a decline of 85.5%). Presbyterian researcher, Maureen Garing, made the apposite comment at the end of that period that ‘the Christian church no longer stands at the centre of human life or at the centre of the city’. Judeo-Christian ethical influences in

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55 ‘Theology: Toward a Hidden God’, *Time*, 8 April 1966, pp.82-87 at p.84.
society as a whole were clearly waning.\textsuperscript{58} Society was now much more pluralistic, with far less religious homogeneity.

How were the churches to respond to their declining numbers, to their waning influence, and to other major changes in society? Were they to have a 'sect' mentality (standing over against, and withdrawn from, society), or were they to have a 'church' mentality (embracing society)?\textsuperscript{59} Rev. Ashleigh Peitch urged the need for change when president of the Methodist Conference in 1966: 'the rapid and radical changes in the contemporary world are compelling the churches to rethink almost everything they have taken for granted'.\textsuperscript{60}

Sociologist Michael Hill highlighted the need for religion to have resonance with its social environment.\textsuperscript{61} He meant by this that religious beliefs and practices must have a degree of fit with the everyday experiences of individuals and with the social milieu of the groups those individuals formed. Major social change meant that religion risked losing its resonance and plausibility. What adjustment should religion make? 'Are beliefs adapted to match a changed environment or do we modify the social world in conformity with a stable set of beliefs?'\textsuperscript{62}

Hill noted two responses, the first being the 'minority' response where people kept their beliefs intact, walled themselves off from a hostile society, and continued more as

\textsuperscript{58} J.B. Elkind, 'Christian Ethic in Serious Trouble on Contradictions', \textit{Auckland Star}, 9 May 1978.
\textsuperscript{60} Quoted in \textit{NZ Methodist}, 24 November 1966, as reported in Evans, 'Church State Relations', pp.90-1.
\textsuperscript{61} Hill, 'Religion and Society', p.205.
a sect-type group within a newly constructed society. In contrast, the ‘mainstream’ response was to remain involved at the centre of social life through modifying beliefs to maintain resonance with broader social patterns and expectations. This included a shift from a more ‘vertical’ view of religion (focusing on matters such as the transcendent, God, revelation) to a more ‘horizontal’ view of religion (focusing on matters such as the immanent, humanity, the concerns of humanity).

Lloyd Geering, principal of Theological Hall, Knox College, the theological college of the Presbyterian Church of New Zealand, epitomized this second approach in the 1960s. He argued that religion and the secular (defined as ‘this-worldly’) could work together, with the focus of religion being this-worldly, concerned ‘for the things that really matter’. Geering’s views were controversial to the extent that he was tried for (and acquitted of) heresy in 1967.

The Geering issue surfaced with a 1965 article that argued that for the twentieth-century person there was ‘no such thing as the supernatural’ and that ‘talk of heaven is...

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62 Ibid., p.206.
64 Ibid. See similar views of J.J. Mol, lecturer in sociology at the University of Canterbury in ‘Religion and the Needs of Society’, Forum, XIV, 9, 1962, pp.2-7. Mol at p.6 noted that the present-day Anglican, Presbyterian, and Methodist Churches in most parts of the world tended to align with the ideals of society rather than maintain religious perspectives over against society.
unreal and rather meaningless'.

This raised the urgent question: 'can the substance of the Christian faith be translated into the world view of twentieth century man?'

The church faced a dilemma: 'Either we must shut our eyes to the world view of our day and cling tenaciously to one of the earlier expressions of the Christian faith or we must abandon the Christian faith as now outmoded.'

For Geering the solution was obvious: 'It means that the Christian faith must be radically reoriented and concern itself not with an unseen world but with this world . . . Only in this way could one communicate the Christian faith to the non-churchgoer.'

Geering's views were extremely controversial within the Presbyterian Church. While the basic issue in his heresy trial was Geering's denial of the physical resurrection of Jesus, the underlying issue was also Geering's modifying historic Christianity in an attempt to come to terms with secular New Zealand. At his heresy trial in 1967 Geering defended himself in a ninety-minute address which even his chief opponent conceded was brilliant.

Geering argued that it was not himself so much as the rapid emergence of the new world which had caused the ferment in Christian theology. This meant that there was no longer any 'infallible source of knowledge' and one could 'no longer draw a clear line between what is orthodox and what is not'.

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67 L. Geering, 'Is a New Reformation Possible?' Outlook, 25 September 1965, pp.16-18 at p.17.
68 Ibid.
69 Ibid.
70 Ibid. Emphasis original.
72 See, for example, two letters to the editor, Outlook, 4 December 1965, p.12.
74 Ibid.
75 Ibid. For criticism from conservative Anglicans over loss of Christian authority implicit in Geering's views see R.A. Carson, 'Christ is Risen', Church and People, XXIV, 8, 20 October 1967, pp.12-13;
Such a perspective invited the basic question as to whether Geering had shifted so much in this process that he had ceased to be distinctively Christian. That was the view of Geering’s disputants, Presbyterian minister Robert Blaikie, and Baptist layman and professor of classics, E.M. Blaiklock, who charged Geering with being agnostic with regard to Christian faith. Later Rev. Andrew Dunn, minister of the Ponsonby Presbyterian Church, went further, claiming that Geering was making ‘clear statements of atheism’. Opponents saw Geering’s approach as denying the ‘essentials of faith’ and reducing the Christian ministry to ‘the status of glorified social workers’.

The Geering issue highlights the major divide that was now occurring in New Zealand Protestantism, including divide over the moral status of homosexual acts and relationships. In many ways the Geering issue was a reflection of far greater radicalism emerging within Western theology, for example, ‘death of God’ theology. That term, first articulated by Friedrich Nietzsche in the late nineteenth century, was utilized by a radical school of theologians in the 1960s. Geering’s theology had significant links with controversial ‘God is Dead’ theology. To Geering, Nietzsche was ‘the prophet par excellence of the new age’.

H.M[iller], ‘Crisis in Union Negotiations over Geering Case’, Church and People, XXIV, 11, 1 December 1967, pp.8, 11.
77 A. Dunn, ‘Fundamentals of Faith’ (a letter to the editor), Outlook, September 1985, p.3.
78 This concern was articulated in a public meeting in Auckland of more than 1700 people convened by the newly-formed Association of Presbyterian Laymen (an organization reacting to the Geering controversy): the Christchurch Press, 19 September 1966.
79 See later in this chapter for a fuller discussion of this theology.
The term ‘death of God’ could simply mean that God was ‘dead’ in terms of relevance to the modern world.\footnote{This more moderate view of God ceasing to have meaning for the modern world was expressed in G. Vahanian, The Death of God: The Culture of Our Post-Christian Era, New York, 1957, pp. xiii, 50, 187, 190, and passim.} Even more radically, it could mean that God was dead in an objective sense, that he had ceased to exist or never existed in the first place.\footnote{See P. Van Buren, The Secular Meaning of the Gospel, London, 1963, at p.197 where he appears to reject any view of a transcendent God.} Thus Altizer and Hamilton gave this explanation as to the focus of ‘death of God’ theology: ‘Radical theology is a contemporary development within Protestantism . . . which is carrying the careful openness of the older theologies toward atheism a step further. It is, in effect, an attempt to set an atheist point of view within the spectrum of Christian possibilities.’\footnote{T.J.J. Altizer & W. Hamilton, Radical Theology and the Death of God, Indianapolis, 1966, ix.} Did the Christian church then still have a distinctive message for the modern Western context?\footnote{A point strongly made in relation to the 1960s by Sharon Crosbie in 1988. See S. Crosbie, ‘Why Hast Thou Forsaken Me?’ Dominion Sunday Times, 1 May 1988, p.16.} In ‘death of God’ theology of all stripes, there was a basic turning away from transcendence, towards a focus on changing and renewing the world. If otherworldly reality was not denied, it was certainly irrelevant.\footnote{T.W. Ogletree, The Death of God Controversy, London, 1966, p.21.}

An aspect of the theological wind-shifts was a trend within liberal Christianity to focus much more on the immanent human, and much less on the transcendent divine – a move from God-talk to love-talk. At its extreme this could even mean an almost agnostic or even atheistic approach to the issue of God. Parnell Presbyterian minister Frank Hayman reflected this extreme: ‘Theism is no more than [sic] the essence of Christian faith than is Christian faith a necessary consequence of theism. The association is historical – not absolute. Christian faith is a response to a person and life of the man Jesus Christ. That he was a theist arose from the climate of belief of his day.
It is of no more real significance than the fact that he could ride a donkey while we can zip round by jet airliner. In trying to live and teach about a life of love it is not essential to use God talk.\textsuperscript{86} On such a view Christianity was not essentially about God: it was simply about love for others.\textsuperscript{87} Earlier Hayman urged the embracing of ‘secular belief’ which, ‘in the absence of firm evidence . . . denies religious commitment to any god or supernatural being and has no place for life after death’.\textsuperscript{88}

This focus on love as being the defining feature of Christianity meant a huge shift in ethics. Lloyd Geering, at the beginning of the controversy he provoked in the 1960s, stressed love as being the central feature of Christianity.\textsuperscript{89} He later drew out some implications of that point: ethics should start with self-affirmation, and that included self-affirmation for homosexuals.\textsuperscript{90} Clearly the Geering-type move towards ‘secular Christianity’ carried major implications for ethics generally, and for the issue of homosexuality in particular.

**The issue of sexual ethics:**

Shifting theology was linked with shifting ethical perspectives. Part of this change was simply a change in focus. Increasingly the focus of mainstream Protestantism was moving away from private personal morality (a major aspect of which was sexual morality), to having a public ‘prophetic’ morality, focusing more on issues of justice,

\textsuperscript{86} Hayman, ‘Secularism Defined’, p.8.
\textsuperscript{88} Ibid., p.13.
\textsuperscript{89} L. Geering, ‘Is a New Reformation Possible?’ p.18.
poverty, minority rights and world peace.\textsuperscript{91} This new emphasis was not novel, but it was expressed with new vigour in the 1960s. This prophetic-morality approach could easily lead to a downplayed concern about sexual behaviour so long as mutuality, responsibility, and lack of harm were present. Such an approach could also lead to greater sensitivity to homosexuality as a justice and minority rights issue.\textsuperscript{92} Ray Galvin, for example, while chaplain at the University of Auckland, argued for decriminalization on this basis: ‘Now that we know there are people with a homosexual orientation, it would seem to me to be thoroughly biblical to ensure that they are not denied the justice that most of us take for granted every day.’\textsuperscript{93} Likewise Dorreen Hatch, secretary to the NCC in 1985, justified NCC support of the HLRB on the basis that ‘the N.C.C. has always accepted a prophetic role in raising questions and speaking in solidarity with the needy and the powerless.’\textsuperscript{94}

Another aspect of shift was movement towards a much more positive view of sexuality in general. This came through a renewed focus on the original goodness of God’s creation, rather than on distortions and evil in creation resulting from the subsequent ‘Fall’. When Norman Pittenger, for example, first argued in print in 1967 for a more positive view of homosexuality, this in large measure was based on an assumption of ‘the goodness of human sexuality’.\textsuperscript{95}

\textsuperscript{91} Evans, ‘Church State Relations’, p.128; C. Young, ‘The New Zealand Religious Right and Armageddon Theology’, \textit{New Zealand Monthly Review}, March 1987, pp.9-10 at p.9. Theologically, this could be linked with the emergence of liberation theology in the 1960s. Originating within Catholic Latin America as a call for socio-economic justice for the poor and oppressed, in modified form it became a theological approach for other minority-type issues, including feminism, racism, and gay rights.


Christians engaged in vigorous debate about the basis of ethics in the 1950s and 1960s. The crux of the debate was the ‘new morality’ exemplified in Joseph Fletcher’s thinking in the late 1950s, later expressed in his influential book, *Situation Ethics*.\(^9^6\) It was the sexual relativism stemming from books like this that became the *bête noire* of conservative Christians in subsequent decades.\(^9^7\)

Fletcher identified three possible approaches to ethics. The first was a legalistic approach based on fixed rules laid out in a book (the Bible). Such an approach was not only unworkable (the complications of life and the demands of compassion led to an increasing complexity of formulations and exceptions - rules for breaking rules!), but also contrary to the Christian gospel.\(^9^8\) A second rejected approach was antinomianism - an open-slather subjectivism leading to unprincipled decisions.\(^9^9\) Fletcher’s third (and preferred) approach was that of situation ethics. The situationist had principles, but was prepared to modify or discard them in particular situations if love seemed better served by doing so.\(^1^0^0\) This meant there were no absolute norms except that of love.\(^1^0^1\)

‘[W]hen the impersonal conflicts with the particular, the latter prevails in situation ethics’.\(^1^0^2\) Clearly such an over-arching approach had implications for sexuality in general and homosexuality in particular. Rules were out: ‘It is doubtful that love’s cause is helped by any of the sex laws that try to dictate sexual practices for consenting

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\(^9^8\) Fletcher, *Situation Ethics*, p.18.

\(^9^9\) Ibid., p.25.

\(^1^0^0\) Ibid., p.26.

\(^1^0^1\) Ibid., p.70.

\(^1^0^2\) Ibid., p.31.
Whether any form of sex (hetero, homo, or auto) is good or evil depends on whether love is fully served. Such a perspective patently challenged traditional Christian sexual ethics.

Whether situation ethics was excessively reductionist is open to debate. What must be acknowledged is that it did focus on a central aspect of the Christian gospel; and it did provide a perspective that meshed and resonated with changing social attitudes and behaviour with regard to sexuality.

Joseph Fletcher’s influence was intensified through strong endorsement in 1962 by John A.T. Robinson, bishop of Woolwich, in his Honest to God. Robinson’s views were forged out of a double conviction: that the Christian gospel must be revisited to be purged of its non-essential ‘baggage’; and that the gospel must make sense in the modern world which was essentially a secular world. On ethical issues Robinson followed Fletcher in insisting that there were no prescriptive laws, that love alone had a ‘built-in moral compass’, that nothing of itself could be labelled as ‘wrong’, that the only intrinsic evil was a lack of love.

Robinson had enormous influence in the English-speaking world, including New Zealand. His Honest to God had print runs of 750,000 within two years. Rev. Wilf

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103 Ibid., p.80.
104 Ibid., p.139. For a similar focus on the quality of homosexual relationships rather than their appearance, see D. Rhymes, *No New Morality: Christian Personal Values and Sexual Morality*, London, 1964, p.91.
107 Robinson, *Honest to God*, pp.115, 118.
108 For brief New Zealand comment on the book’s significance see Hames, *Coming of Age*, p.131.
Ford, Director of Christian Education for the Methodist Church of New Zealand 1957-68 acknowledged major shift in his own thinking through the influence of writers such as Joseph Fletcher and Bishop Robinson.\[^{110}\] Ford noted that when he visited Methodist congregations throughout New Zealand at that time, a common question for discussion was the issue: ‘What has happened to our traditional morality?’\[^{111}\] Ford’s embracing of the ‘new morality’ and his influence in the Methodist Church must have been very significant in fostering a shift of his church as a whole in its approach to moral issues including homosexuality.

The 1960s were a watershed for mainstream Christianity with regard to sexual ethics. If churches and individuals did not buy into the new morality, at least it was an option that must be considered carefully. One can see this with regard to the report of a working party to the British Council of Churches in 1966. The working party’s terms of reference in 1964 were ‘to prepare a statement of the Christian case for abstinence from sexual intercourse before marriage and faithfulness within marriage, taking full account of responsible criticisms, and to suggest means whereby the Christian position may be effectively presented to the various sections of the community.’\[^{112}\] However, instead of arguing for the absolutist position that the terms of reference indicated, the working party report refused to endorse the view that chastity consisted in obedience to an

\[^{110}\] Transcript of interview of Wilfred Ford by Laurie Guy, 2 April 1998, p.4.
\[^{111}\] Ibid., pp.4-5.
invariable rule which forbade sexual intercourse outside marriage.\textsuperscript{113} It asserted that the basis for sexual intercourse should be committed love, and while this ruled out most extramarital intercourse, one could not set down absolute rules as to what kinds of behaviour were justified by the degree of commitment held by any particular couple.\textsuperscript{114} The report was rather too radical for the council as a whole, which received it with a rider affirming as Christian 'the rule that sexual intercourse should be confined within the married state.'\textsuperscript{115}

**Methodist shift in relation to sexuality and homosexuality:**

Ferment of opinions about sexuality was having an impact on Christian churches in New Zealand, especially the Methodist Church. That church was the first to endorse homosexual law reform, passing a resolution to that effect at its annual conference in 1961.\textsuperscript{116} That initial step did not appear to be based on altered views with regard to sexuality. Instead it utilized the arguments of the Wolfenden Committee, distinguishing between sin and crime, and ascribing limited functions to the role of criminal law.\textsuperscript{117} At the same time, its public questions committee report on which the conference resolution was based, seemed to re-affirm traditional morality: 'To say that in certain circumstances homosexual behaviour should not be a criminal offence is not to condone or encourage private immorality.'\textsuperscript{118} The assertion that the recommendation did not condone homosexual behaviour was clearly designed to refute that very

\textsuperscript{113} Ibid., p.62.
\textsuperscript{114} Ibid., pp.48, 55, 56.
\textsuperscript{115} Ibid., p.4.
\textsuperscript{116} *Minutes of the Annual Conference of the Methodist Church of New Zealand, 1961*, pp.94-6.
\textsuperscript{117} Ibid. The definition of the function of the criminal law in that report at p.94 is virtually a word-for-word repetition of that found in the Wolfenden Report.
\textsuperscript{118} Ibid., p.95.
concern. The Auckland and Otago-Southland synods declined to endorse the national policy, the Otago-Southland synod asserting that to make homosexuality legally permissible would soon lead to its acceptance as morally right. Increasingly, in fact, the Methodist Church of New Zealand's outlook turned in the direction of moral as well as legal acceptance. This changed attitude rose from the view that the primacy of love lay at the core of all ethical perspectives. This, the public questions committee asserted in 1965, was the critical framework within which to view issues such as homosexuality (though rules were not altogether to be negated). Moreover, the Methodist Church was increasingly of the view that homosexuality was a fixed state that was either present at birth or developed apart from volition. Ought there not then be a review of social, moral and legal attitudes to unfortunate people who found themselves in this state?

Affirmation of traditional sexual ethics persisted within the Methodist Church in the 1960s. For example, its 1968 conference endorsed the pamphlet 'Standard of Sexual Behaviour', specifically quoting its words, 'Only within marriage is it possible to find the true meaning and purpose of sexual intercourse . . . '. Clearly, however, such a view was gradually eroding. Thus in 1970 the Methodist public questions committee, in discussing the issue of film censorship, argued that sexual mores should be judged by the central moral criterion of responsibility, and that this meant 'abandoning a

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120 Minutes of the Annual Conference of the Methodist Church of New Zealand, 1965, pp.122-3.
122 Minutes of the Annual Conference of the Methodist Church of New Zealand, 1968, p.146. See, also the already-discussed statement of leading Methodist Rev. Wilf Ford before the parliamentary petitions committee in 1968 in support of homosexual law reform but affirming that he was opposed to adultery and to homosexual acts: Evening Post, 30 October 1968.
reliance on prohibition to regulate our sexuality'. In such light homosexual and premarital relationships might occasionally not be morally wrong.

This perspective was crucial in moving the Methodist Church as a whole in the direction of embracing a positive view of homosexuality. It meant a shift from a clear-cut, rules-based position. Conservative Methodist minister Rev. Ludwig Felderhof lamented the subjectivism of such an approach: "Without that point of reference, concepts like "relationship" and "responsibility" are no longer stable. They are subject to people's feelings at a certain moment, to the mood of the time and the type of society in which one lives. What I felt entitled to a few years ago I may deeply regret today, and what experts allowed yesterday they may well condemn tomorrow."

The Methodist Church was now increasingly moving away from any absolutist rules in relation to sexuality in general and homosexual behaviour in particular. As Rev. Colin Clark, chairman of its public questions committee, said in his reply to Felderhof, "On the short-term view, it is easier to follow a rule book to determine what is right and wrong, but true Christian freedom is found only by those who seek to respond to the call of Christ in each situation, and as Hiltner comments, "are open to the guidance of all their affairs by God’s Holy Spirit (not, be it noted, by God’s Holy Regulation).""

Felderhof's reply to this was to assert that people do need rules.

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124 Ibid., p.142.
125 L. Felderhof, "“Basic Christian Authority Missing in Sex Report”", NZ Methodist, 10 September 1970, p.5.
In its 1974 submission on the Venn Young Bill, the public questions committee of the Methodist Church used its 1970 report to separate homosexual behaviour from automatic condemnation. The committee quoted from that report that the 'key aspect of sex is relationship and therefore the central moral criterion should be one of responsibility'. Likewise the joint submission of the Methodist-Presbyterian public questions committee in relation to the Fran Wilde bill rejected any 'punitive attitudes and laws' on homosexuality and argued that 'the emphasis has shifted towards regarding the QUALITY of a loving relationship as supremely important'.

Presbyterian change and clash in relation to decriminalization:

The second major church unequivocally to endorse homosexual law reform for consenting adult males in private was the Presbyterian Church. The step was taken at its general assembly in 1968. As with the Methodists, this initial step seems to have been taken on the basis of distinction between sin and criminal law. That was certainly the view of one of the leading Presbyterian proponents of law reform: 'this does not imply moral approval is given to adultery and fornication or to various forms of perversion. It simply means that law is not regarded as the appropriate means of dealing with these problems.'

The majority within the Presbyterian Church, while distinguishing between sin and crime, seemed anxious that support for decriminalization of homosexual behaviour

128 Submissions of the Methodist Church of New Zealand public questions committee to the Crimes Amendment Bill, 1974; National Archives: ABGX Acc. W3706, Box 11
130 L. Breward, 'Considerations on Homosexual Law Reform', Forum, XXII, 4, June 1969, pp.2-4 at p.2. In addition to his role in the Presbyterian Church, Breward was also a vice-president of NZHLRS.
should not be seen as implying moral support for that behaviour. Having lodged a submission supporting the Venn Young bill in 1974, the public questions committee of the Presbyterian Church subsequently sent in a supplementary submission, noting that the matter had been revisited at the 1974 assembly in response to claims that homosexual practices were being regarded as a normal sexual condition. The 1974 assembly, while not rescinding its support for homosexual law reform, declared that ‘homosexual practices are contrary to all that God intended’ and ‘that homosexuality poses a threat to family life and the stability of the home and eventually leads towards moral decay’.  

With the liberal wing of Christianity increasingly inclining to the view that homosexual behaviour per se was not inherently wrong, the issue of the moral status of homosexual acts remained ongoing within the Presbyterian Church. Deep cleavage in the Presbyterian Church of New Zealand was evident throughout the period of discussion of homosexual law reform. Commonly there was a tug-of-war, with more liberal assembly committees producing liberal recommendations in relation to sexuality, and a more conservative general assembly altering them in a more conservative direction.

At its 1985 Assembly the public questions committee brought a simple recommendation that homosexual acts between consenting adults in private should no longer be a criminal offence. A five-point amendment was subsequently moved by Rev Rob Yule:

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131 Presbyterian Church of New Zealand Year Book 1975, pp.115, 130.
That Assembly
(a) Affirms to homosexuals God’s love and acceptance of them as people; and affirms the power of Jesus Christ to forgive, and of the Holy Spirit to transform, the lives of those involved in a homosexual life-style.
(b) Affirms that homosexual acts are sinful.
(c) Calls the church to initiate compassionate ministry in the power of Jesus to those involved in a homosexual life-style.
(d) Recommends that homosexual acts in private, between consenting males over 20 no longer be a criminal offence.
(e) Calls on this government, in the event of legislation to decriminalize male homosexual acts, to enact appropriate measures to protect public health and morality in schools, public places, and places of work.

Significantly, the complex amendment was carried on a markedly split vote: 138 for, 107 against, with 65 abstentions. Even more significantly, 67 then formally recorded their dissent after the vote had been carried, an action that the Presbyterian Assembly News viewed as unprecedented.\textsuperscript{132} Clearly, intense feeling was involved in the struggle. A major concern of the conservative wing was that adoption of the original public questions committee motion carried overtones of moral endorsement and needed a statement that homosexual acts were sinful.\textsuperscript{133} In contrast, a major concern for the dissenting 67 was that the adopted motion declared homosexual behaviour to be sinful. In their view, ‘We do not regard homosexual acts as being intrinsically immoral.’\textsuperscript{134}

At least part of the reaction against the successful amendments seems to have been based on a view of homosexuality as inevitable and unchangeable for those of that orientation. That at least was the understanding of Rob Yule. He was rather taken aback by the depth of the opposition to his amendments as revealed in the vote, as he felt that his proposal was a mediating one, and depth of opposition had not been clearly

\textsuperscript{133} Transcript of interview of Rob Yule by Laurie Guy, 28 January 1998, pp.1, 3, 5, 6.
\textsuperscript{134} Statement under the heading ‘Sexual Sin’, in Outlook, December 1985, p.30.
indicated in the debate on the amendments before the matter was put to the vote.\textsuperscript{135} For him the trigger-point of liberal opposition was the statement that homosexual acts were sinful, and that redemptive change was possible.\textsuperscript{136} According to Yule, the liberally-oriented opposition had a basically fatalistic view of human nature - homosexual orientation was fixed and unchangeable, even in the context of the Christian gospel.\textsuperscript{137}

Other factors were also involved. At stake in the Presbyterian assembly debate were also the broader issues of justice, sexual morality in general, the overall direction of the church, and the authority and nature of the Bible.\textsuperscript{138} While the church might appear to speak with one voice and unequivocally support Fran Wilde's bill, as the joint submission of the Methodist-Presbyterian public questions committee to parliament seemed to suggest, in fact the reality was far more complex, with deep division within denominations like the Presbyterian Church.

Seeds of this division showed early in the period in relation to a report to the general assembly of the Presbyterian Church of New Zealand on Christian marriage and related matters in 1966.\textsuperscript{139} That report, which endorsed the traditional view that sexual expression ought to be confined to marriage, was referred for discussion to the wider Presbyterian Church and also to a special subcommittee. The subcommittee report indicated that the special report was 'on balance, negative and restrictive rather than

\textsuperscript{136} Ibid.
\textsuperscript{137} Ibid.
\textsuperscript{138} On most of these points see M.N.R. Brown, 'Packing Down the Scrum: An Historical Analysis of the 1981 Springbok Tour and the Homosexuality Issue in the Presbyterian Church of Aotearoa New Zealand', BA (Hons) dissertation, University of Otago, 1995, pp.35-6, 46-7, 57.
\textsuperscript{139} 'Report of the Special Committee on Christian Marriage and Related Matters' in Proceedings of the Presbyterian Church of New Zealand, 1966, pp.76a-101a.
positive and encouraging’. This led to correspondence between the director of the committee on Christian education, the convenor of the public questions committee, and the convenor of the sub-committee of the special report, seeking ways to water down the impact of the primary report. When the special report returned to the floor of the general assembly in 1967, Rev. John Murray, convenor of the public questions committee, proposed an amendment to the motion to adopt the report, such that it would simply be adopted ‘as a basis for further study’. That amendment was lost, and the report was adopted. The struggle that took place over this matter was to be repeated in the following decades whenever the issue of sexuality, including homosexuality, came before the Presbyterian Church.

A similar pattern occurred after the adoption of more conservative resolutions on homosexuality at the 1974 general assembly. The public questions committee of the Presbyterian Church subsequently kept bringing the issue before the assembly several years in a row in an attempt to nudge the church in a more liberal direction. The 1975 material set the tenor for this desired change: ‘Within this report we would encourage the Church to be open in its attitudes so that we may better assess “the facts” as revealed in current literature; open also as we seek to understand what relevant Biblical passages say when seen both in context and our present understanding of

140 Presbyterian Church of New Zealand Archives: Public Questions Committee General Subjects 1966-68, 94/80/12/2.
141 Ibid.
142 See the Public Questions Committee reports in Presbyterian Church of New Zealand: Reports of Committees and Other Papers to Be Presented to General Assembly, 1975, pp.299, 304-11; 1976, pp.186-7; 1977, pp.198-9; 1978, pp.271-2; 1979, p.236.
homosexuality from the social sciences; open too to be guided by God’s Spirit as we use our mind to understand our sexuality in this 20th century world.143

Tug-of-war between the more liberal committee and its general assembly was patent in 1986, following the adoption of the relatively conservative five-point motion on homosexuality at the 1985 Assembly. Although the 1985 Presbyterian assembly gave only qualified support to decriminalization (supporting decriminalization only at age 20), as soon as decriminalization at 16 was approved by parliament, Nola Ker, executive/research officer for the joint Methodist-Presbyterian public questions committee, wrote to Fran Wilde congratulating her on ‘the most satisfactory outcome to the Homosexual Law Reform Bill’.144 In acknowledging that this was not the position of the Presbyterian assembly, she described the negative response to the Wilde bill as coming from ‘certain commissioners at the Presbyterian Assembly in November 1985’145 – actually the resolution of the assembly as a whole.

The 1985 assembly affirmation that homosexual behaviour was sinful produced further tug-of-war. The public questions committee (a committee of the assembly) responded in its 1986 report with a statement under the title ‘Are homosexual acts sinful?’ asserting that homosexuality was fixed, and there was thus the question, ‘How then can expressions of that “given” sexual orientation be regarded as intrinsically, or by their very nature, sinful?’146 Such action by this committee in seeking to countermand a

143 The public questions committee report in Presbyterian Church of New Zealand: Reports of Committees and Other Papers to Be Presented to General Assembly, 1975, p.299.
144 Letter Nola Ker to Fran Wilde, 16 July 1986. Presbyterian Church of New Zealand Archives: Public Questions Committee Correspondence Out 1985-86: File AL5/2.
145 Ibid.
146 Presbyterian Church of New Zealand: Reports of Committees and Other Papers to be Presented to General Assembly 1986, p.164.
decision of its parent body highlights the internal struggle on issues of sexuality and homosexuality that had been occurring in the Presbyterian Church of New Zealand since the mid-1960s.

**Issues of the authority and use of scripture:**

An important aspect of church division over homosexuality involved divergence over the nature and authority of scripture. Historically, a foundational aspect of Protestant churches over against Catholicism was the authority of scripture instead of the authority of the church. *Sola scriptura* (scripture alone) was one of the rallying cries of the Reformation. However, modernity and the rise of historical critical awareness gradually led to much more uncertainty in this area. A large cluster of questions arose for debate. These basically related to the origin of the Bible (divine or human?), whether it had final authority in resolving issues, and whether it was error-free or fallible.

Issues over the nature, authority, and use of the Bible had been fiercely debated within Protestant churches for a century and a half. Such issues loomed large in the 1960s as the issue of homosexuality began to come into focus.\(^{147}\) Lloyd Geering’s perspective denied any sense of biblical revelation: ‘Not even the Bible can any longer be treated as if it were a quarry of timeless propositional truths to be mined like diamonds and then set in a gleaming diadem of Christian theology. Theology cannot therefore be defined

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147 See, for example, the claim by Klaus Bockmühl that liberal theologians had ‘given Scripture the boot’ and ‘lost sight of the biblical condemnation of homosexual acts’: K. Bockmühl, ‘Homosexuality in Biblical Perspective’, *Christianity Today*, 16 February 1973, pp.12-18 at pp.12, 14.
as the study of the revealed knowledge of God, for there is none." In contrast, for Geering's antagonist, Robert Blaikie, God was 'the God of the Bible'.

Issues of biblical revelation and authority were particularly pertinent to the issue of the status of homosexuality within Christian ethics. Underneath the marked diversity of thought in the New Zealand churches over homosexuality, lay an increasing gulf over the authority of the Bible, the way it should be understood, and the way it should be applied in the modern world. The intra-church debate over homosexuality was in significant measure also a battle over the Bible itself. Major shift towards relativism, both with regard to scripture and with regard to sexual morality, meant interminable and irreconcilable moral debate, with no established way of deciding between competing claims.

Conservative Christians commonly went no further than the simple quoting of rules. David Burt, in explaining his resignation from the Presbyterian Church in 1985 because of what he saw as its liberal stance on homosexuality, stated, 'If you wish to drive a car you study the rules and abide by them. Surely the Bible tells us in Leviticus 18:22 quite clearly God's teaching on homosexuality.' In contrast, John Marshall, co-convenor of the joint Methodist-Presbyterian public questions committee, warned against using isolated passages from the Bible, instead of looking to the teachings of Jesus which were founded on 'love, compassion, tolerance, and on care for the outcast

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149 R. Blaikie, 'Secular Christianity', pp.181, 228, 49.
151 D. Burt, 'Bible our Rulebook' (a letter to the editor), *Outlook*, August 1985, pp.3-4.
and oppressed'. To Erin Cassidy, that was being told ‘not to worry about what the
Bible has to say on the matter’ and to ‘ignore the bits of God’s law that don’t agree
with our way of thinking’. Cassidy put his own position in contrast to such an
approach: ‘I looked up my Bible to see what God has to say. Leviticus 18:22 is so clear
I don’t see how you can deny it. “You shall not lie with a male as one lies with a
female; it is an abomination.”

Church divergence over scripture is evident in the report of the public questions
committee to the Presbyterian Church of New Zealand in 1985 in its advocacy of
support for the Fran Wilde bill. While the committee claimed its liberal position had
support in the Bible, it warned against taking single verses and ignoring the larger
themes of ‘wholeness for every person, reconciliation of those who are estranged, love,
compassion and tolerance’ which were at the heart of the Bible as a whole. The
committee did note, however, that it had had 76 letters during the year opposing the
proposed changes. In listing the twelve types of reason expressed in opposition in order
of frequency, top of the list was, ‘The Bible forbids homosexual acts’. There was
indeed a battle of the Bible – at least over how the Bible was to be read and
understood.

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on Homosexuality’, in Twiss, Homosexuality, pp.23-40 at p.33, where he agreed that the biblical record
condemns homosexual practice, but asserted that the issue was not resolved by ‘proof-texting’.
153 E. Cassidy, ‘God’s Word’ (a letter to the editor), Outlook, June 1985, p.3.
154 Ibid.
155 Presbyterian Church of New Zealand: Reports of Committees and Other Papers to Be Presented to
General Assembly 1985, pp.231-6.
156 Ibid., p.233. For earlier similar argument see W. Wink, ‘Biblical Perspectives on Homosexuality’,
157 Ibid., p.235.
Such was the intensity of the debate among the divergent wings of the church that each expressed doubt as to whether their ecclesial opposition was Christian at all. This was a marked perspective within fundamentalism. Such a viewpoint was articulated by Challenge Weekly editor John Massam, ‘You have a group of churches, perhaps you could call them the National Council of Churches. 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 and who almost seem to be bed-fellows with those two groups. And you find the two aligned.’ On the liberal church side, anti-reform forces were seen as making God a ‘vicious creator’, as behaving in most unchristian fashion as ‘God’s bullies’, as homophobic, as extremists.

Texts of the Bible seem clearly to condemn homosexual acts. Christians who viewed the Bible as having authority might still explain away those texts located in the Old Testament on contextual grounds. One might argue that the injunctions were given in the context of a need to conserve male seed for its procreative use without which a constantly challenged society might collapse (lacking numbers and military strength in

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160 The title of a Metro article by Rev Selwyn Dawson, September 1985, pp.170-6.
161 J. Bluck, ‘Red Hot or Rock Cold’, One World (monthly magazine of the World Council of Churches) XXXVI, 1978, pp.10-11. Bluck, a New Zealander, applied the ‘sin of homophobia’ to both liberal and conservative churches but the language clearly would be seen as having greater application to those opposed to reform.
163 The more obvious references include Leviticus 18:22 (‘You shall not lie with a male as with a woman’); Leviticus 20:13 (the homosexual act is an ‘abomination’ that calls for the death penalty); Romans 1:26-27 (condemnation of men committing ‘shameless acts with men’, and also of women acting equivalently with women); 1 Corinthians 6:9-10 (homosexuals will not ‘inherit the kingdom of God’); 1 Timothy 1:10 (the law of God condemns sodomites); Jude 7 (a reference to Sodom and Gomorrah pursuing unnatural lust).
a hostile world).\textsuperscript{164} Alternatively, the context might be the constant struggle Israel faced to preserve its faith and identity against the idolatrous and syncretistic seductions of its near neighbours. The Israelite tradition, then, might be anti-homosexual because homosexual acts were an aspect of Canaanite fertility rites; regulations like this might then be designed to preserve the group’s purity in contrast to the defiled lifestyle of surrounding pagan groups.\textsuperscript{165} John Bluck, editor of the Methodist newspaper \textit{New Citizen}, argued this approach, urging readers to consider the context of the Old Testament texts against homosexual behaviour, namely the pressure on Israel to increase her population, and the association of homosexuality with prohibited Canaanite cults.\textsuperscript{166}

While Old Testament texts may be explained away as reacting to a particular context, this is much more difficult to do with the New Testament. There, Pauline condemnation of homosexual acts has the context of first-century Jewish abhorrence of homosexual behaviour, the form of which was not only pederasty.\textsuperscript{167} Paul’s condemnation of homosexuality, then, should be understood in a broad and not a narrow sense. This point eventually came to be commonly recognized, even by those

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taking a liberal position in regard to homosexuality, that there was biblical condemnation of homosexual acts generally. Rev Selwyn Dawson, for example, acknowledged this in an article against the Hay-Tait petition: ‘[I]f one accepts the Bible as the literal inerrant word of God, one can find there a clear verdict against homosexuality’.  

Despite this conclusion, the issue of whether there really was biblical condemnation of homosexuality persisted at a popular level. Recalcitrant Catholic priest, Felix Donnelly, for example, claimed that St Paul was ‘concerned with a form of pseudo-homosexuality that was strong in his day, where people imitated the coupling of homosexuals for diversionary reasons, rather than because they were responding to a basic same-sex drive’. He boldly asserted, ‘I have no hesitation in saying that there is no real evidence or basis in scripture for the condemnation of homosexuals or homosexual activity.’ Donnelly fell foul of his church in the mid-1970s for holding such views. In 1974 Archbishop Delargy sought to muzzle him by saying that a priest who did not abide by the present teachings of the church should resign. Donnelly’s views eventually led Bishop Mackey of Auckland in 1980 to revoke Donnelly’s ministry of teaching and authority to celebrate mass.  

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Even though biblical texts might condemn homosexual behaviour, that was not the end of the Christian debate. As well as the question of exegesis (establishing the meaning of the text), there was still the question of hermeneutics (establishing how the text should be employed in the modern world). And there was still the question of how to handle the biblical material itself. Maybe, the Bible spoke with more than one voice, and the voices needed to be weighed. Apart from a few specific verses that might be condemnatory of homosexual behaviour, should not one consider the large principles of scripture? Douglas Pratt, Methodist minister and chaplain at Waikato University, articulated this viewpoint in urging Christians to accept all truly loving relationships, whether heterosexual or homosexual: ‘The Bible is not a source of directives that can be read off to give answers to contemporary issues. The Bible is the record that bears witness, overall, to a God characterised by the qualities of love, mercy and compassion; a God who seeks justice, caring concern and right relationships within a multiplicity of contexts and situations.’

Moreover, the notion of biblical text as authority, or as sole authority, might now be questioned in some Christian circles - it might be simply one of a number of strands in the search for truth; or it might be irrelevant or even wrong on this matter.

174 See Pronk, Against Nature, p.279. Pronk, a gay Christian, claimed that while the exegesis of the biblical texts was clear, the issue was not one of exegesis, but rather of hermeneutics.
175 It could be argued that the texts needed critique by other texts. Aspects of this could include the need to re-interpret the Old Testament in the light of the New Testament, the need to modify rules by the over-arching rule of love, the need to discount St Paul on this issue in favour of Jesus who said nothing in relation to homosexuality.
177 See Dawson, ‘God’s Bullies’, p.174, where he rejected using the Bible to provide a clear-cut, authoritative, almost mechanical word, and argued that there must rather be a complex search for the ‘mind of Christ’, using tradition, experience, and reason, as well as scripture. In adducing this argument, Dawson was drawing on long-standing Methodist tradition of reading scripture in the light of tradition, reason, and experience: see D. Thorsen, ‘Revelation & Homosexual Experience’, Christianity Today, 11 November 1996, pp.34-39 at p.34.
This discussion has shown very marked divergence that emerged within church circles over the issue of homosexuality, and that behind this divergence lay marked divergence over the nature and authority of scripture which had been the source of traditional Christian views against homosexual acts. Having focused on those who took a more liberal perspective on homosexuality, we need now to consider those who remained conservative on the issue.

Clarifying the nature of fundamentalist and conservative Christianity:

There is a common misconception that all the Christian opposition to the 1985 bill was 'fundamentalist' in nature. The term 'fundamentalist' itself needs clarification. Originally it was a self-description in the early twentieth century for a militant conservative Christian movement which, in reaction against 'modernism', particularly affirmed six major Christian doctrines, one of which was the inerrancy and full authority of the Bible.¹⁷⁹ The Bible was and is absolutely central to fundamentalist discourse - 'the Bible tells me so'.¹⁸⁰ So central to the fundamentalist system is its

¹⁷⁸ This was mentioned as an option by Soards, Scripture, p.32, though it was not necessarily Soard's own position.
method of approaching scripture that Boone could assert, 'Without its distinctive method of reading the Bible, Protestant fundamentalism would not exist.'

While the term 'fundamentalist' was originally a proud self-description, this changed in the aftermath of the famous Scopes 'Monkey Trial' in 1925 in relation to the teaching of evolution in Tennessee. Since then the term has increasingly been used pejoratively, for Christians of varying shades of conservatism, bearing connotations of ignorance, prejudice, and paranoia. Because of the pejorative overtones of the term, a relatively small proportion of conservative Christians have identified themselves as fundamentalist in the post-war period; the preferred term of others has often been 'conservative' or 'evangelical'. The latter have sometimes even seen themselves in contrast to fundamentalist Christians, and some of them have not adhered totally to the key fundamentalist belief of the inerrancy of scripture.

In further clarifying the term 'fundamentalist', we should note that it was undergoing transformation with regard to both denotative and connotative meaning in the 1980s. The term was not applied to any non-Christian group until the Islamic revolution in Iran in 1979. This new usage added a greater sense of militancy, and therefore of

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181 Boone, The Bible, p. 11.
dangerous fanaticism, to the existing sense of anti-modernism.186 This new connotation raises the question whether fundamentalism is simply a state of mind reacting to modernity, or whether it also involves a fixed set of beliefs and a particular attitude to the Bible.187

Given the origins of the term, its loose definitional sense, its shifting use, and its pejorative overtones, I would argue that the term ‘fundamentalism’ should not be used as a blanket descriptive term for all conservative religious opponents of homosexual law reform. The term should rather be viewed as a labelling device to score points in the arena of public opinion, as a propaganda weapon in the struggle to capture the minds of popular perception.

Certainly much of the opposition to gay reform legislation can properly be labelled as fundamentalist. However, the breadth of the opposition, and the problematic nature of the term ‘fundamentalist’, suggests that to group all opponents under that term is excessively reductionist. Better, rather, to recognize that opposition to homosexual law reform was grounded in the more conservative end of the church, that it should not all be subsumed under the term ‘fundamentalist’, and that other terms such as ‘evangelical’, ‘conservative’ and ‘traditional’ need also to be employed.188

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186 Ibid.
187 Martin Marty, editor of a voluminous series of books on international fundamentalism, took the former view; only thus would he be able to find commonality in relation to diverse peoples with diverse religious beliefs: Marty & Appleby, Accounting, p.5.
188 This point is recognized by the Canadian legal academic and self-acknowledged lesbian, Didi Herman, who prefers the terms ‘conservative’ and ‘orthodox’: D. Herman, The Antigay Agenda: Orthodox Vision and the Christian Right, Chicago, 1997, p. 13.
Rather than classifying all conservative and evangelical Christians as fundamentalists, it is better to view fundamentalism as a narrower sub-grouping within a much longer-standing evangelicalism. While there was significant overlap between the two groupings, it is wrong to view all conservative Christian opposition to homosexual law reform as fundamentalist. Some of that opposition was by no means obscurantist, and much of the more enlightened opposition to the bill came from people who disassociated themselves from fundamentalism as well as from liberalism.

The fundamentalist Christian core of anti-reform opposition:

Having underscored diversity and complexity within the conservative Christian opposition, one can then accept that, in terms of the original Christian use of the term, a great part of the Christian opposition to homosexual law reform was fundamentalist. Recognizing this is important because of the absolutist position of fundamentalists regarding the Bible. Everything in the Bible is without error, even matters of history geography, science and astronomy. This position turns the Bible into an indivisible seamless robe - one loose thread and the whole lot unravels. In the words of Averill, 'fundamentalists have understood from the beginning that if the doctrine of inerrancy should fall, the movement itself would collapse.' Because one single pin-prick flaw in its view of scripture would mean the puncturing and collapse of the entire system,

189 Averill, Religious Right, pp. 24, 51, 178; Wuthnow & Lawson, 'Sources', p.28.
190 See, for example, the general superintendent of the Baptist Union of New Zealand, Rev Gerard Marks, 'Getting our Christian Priorities in Order', New Zealand Baptist, April 1985. While arguing against the morality of homosexual acts, Marks urged the readership to be more concerned about other sins like materialism and greed, the consequences of which were even more serious.
191 See Averill, Religious Right, pp.25-6, for a classic statement of this position in 1881 from Princeton professors A.A. Hodge & B.B. Warfield, spiritual fathers of the twentieth-century Christian fundamentalist movement.
192 Ibid., p.32.
then every matter involving issues of the absolute inerrancy of scripture must be vehemently defended by Christian fundamentalists. If scripture declared white to be black, then it must be black, no matter what one’s senses or reason might indicate. Fundamentalism was a spitting in the wind of modernity and of reflection.

This fundamentalist mindset explains why so much anti-reform rhetoric was expressed in the language of the Bible, even in contexts where the audience or significant parts of it were largely ignorant of the Bible and viewed it as just another religious book, good in parts, quaint and outmoded in others. The reason for still quoting from the Bible was because the views being argued came straight from that book, from the plain literal sense of that book. The Bible message was clear and no fancy professor was going to be allowed to explain away what the Bible clearly said. Biblical pronouncements were not subject to scrutiny. All that was needed was one fact: ‘it is written’.

This aspect of fundamentalism helps explain why, on the whole, the rhetoric of intellectual argument of the anti-reformers was inept in comparison with that of the pro-reform forces. Fundamentalist argument was persuasive only within the community that accepted the premises of fundamentalism. Its conclusions came not from reason but from revelation. One held to it because the Bible said so and there was often little or no attempt to underpin this position by independent reflection. Fundamentalist anti-reform language and thought, then, were often couched in a manner that was alien to the mainstream of a society that was increasingly distant from organized Christianity. Consequently, the pro-reform position was argued much more capably in the public arena on the whole than was the anti-reform position.
One can see such fundamentalist ineptness on the issue of punishment of homosexuals. At its extreme, fundamentalists like North Shore pastor, Richard Flinn, even suggested that homosexuals should face capital punishment.\textsuperscript{194} To be fair to Flinn he did not advocate such a position in the context of the debate over homosexuality. Rather, he was following through on the thinking of an American fundamentalist who argued for the ‘reconstructionist’ position that Christians should seek to reconstruct God’s kingdom literally on earth. Along that line, Flinn, three years before the gay debate came to a head in 1985, argued in his own in-house newspaper, the \textit{Issacharian File}, for ‘theonomy’, that is the enforcement of Old Testament laws on modern New Zealand society. Flinn acknowledged that this would mean implementing the death penalty not only for homosexuals, but also for adulterers, sabbath breakers and children defiant of their parents. He had visions of a far better society as a consequence of the bloodbath that would occur under such a regime.\textsuperscript{195}

The newspaper headline, ‘Anti-Gay Churchman Urges Death Penalty’, publicly highlighted Flinn’s extremism three years later in the midst of the homosexual law reform debate.\textsuperscript{196} Here was a golden propaganda opportunity for the pro-reform campaign. It became commonly accepted in public perception that an anti-reform minister was arguing for the execution of gays.\textsuperscript{197} Flinn tried to retreat from his

\textsuperscript{195} \textit{Issacharian Report}, XLIX, September 1982.
position, indicating that, while he stood by his earlier material, it did not give a fair indication of his present views and that ‘if there was any death penalty in place today, we would run the risk of fascism’. Even that seems rather garbled. Standing by his views meant that he still held to the death penalty (as a literal reading of the Bible required), yet reason and common sense (to say nothing of compassion) meant that the position appeared extreme, fanatical and outrageous, demanding abandonment.

Flinn’s fundamentalist reading of the Bible had put him in this mish-mash of contradiction. Perhaps the best summation of the situation came from MP Norman Jones. While Jones used Flinn’s materials, he thought Flinn’s advocacy of the death penalty for gays was going a bit far: ‘Put a Bible in some people’s hands and it’s worse than a bottle of whiskey in the hands of an alcoholic’.

This highlights the fundamentalist stream within the religious opposition, and dimensions of extremism contained within that fundamentalism. It also highlights the huge gulf between much of the religious opposition to homosexual law reform and the more liberal religious supporters of reform. Did they really belong to the same religion?

**Fundamentalist apocalyptic dualism:**

Fuelling fundamentalist extremism was its commonly held perspective of apocalyptic dualism. One aspect of this approach was to strongly emphasize the dual nature of
the universe, a realm with both natural and supernatural elements, a world filled with angels and demons as well as people. Such an approach heightened perceptions of reality in stark black-and-white terms: good versus evil, God versus the Devil. Dualistic-type thinking meant that homosexuality could easily be labelled as demonic. In 1985 Bill Subritzky, prominent Auckland businessman and lawyer, but also a popular evangelist in fundamentalist circles, made that linkage, writing of the ‘demon of homosexuality’.201

A second aspect of apocalyptic dualism was to stress the rise of demonic evil in the ‘last days’.202 Anxieties of the 1970s (for example, American failure in Vietnam, the oil and related economic crises, the threat of nuclear holocaust) seem to have fuelled such a perspective, creating an enormous market for writing reflecting this world-view. Hal Lindsey’s Late Great Planet Earth, published in 1970, is reputed to have sold something like 18 million copies with its bizarre but apparently biblical interpretations of doom and destruction.203 So popular was the book that the New York Times described it as the ‘number one non-fiction best-seller of the decade’.204 The book had large circulation amongst conservative Christians in New Zealand. In Lindsey’s mind there was a clear link between sexual perversion and Satanism.205 While this was not the main focus of his writings, his views were fuel for fundamentalists bent on demonizing liberal proponents of homosexual law reform.

202 This was based primarily on a particular fundamentalist reading of the Book of Revelation.
204 The back cover of the 1994 printing of Lindsey’s Planet Earth 2000 claimed that the total sales for Lindsey’s eleven books then topped 35 million in total.
Adherents to such 'Armageddon theology'\textsuperscript{206} were prone to see the homosexual law reform debate in absolute terms: a cosmic struggle between life and destruction. Gay behaviour might then be understood as possession by the devil.\textsuperscript{207} A series of American 'Chick Publications' tracts, which were popular in conservative Christian circles in New Zealand, expressed this view.\textsuperscript{208} One entitled 'That Crazy Guy' made reference to God destroying Sodom and Gomorrah by fire for their homosexuality and asserted that he would do the same again. The tract attributed the existence of homosexuality to demonic causation: 'I believe demonic activity is the basis of homosexuality to destroy that individual.'\textsuperscript{209} Another Chick tract, 'The Gay Blade', referred to 'Satan's shadowy world of homosexuality'.\textsuperscript{210}

This dualistic approach to reality again underlines its vast distance from liberal advocates of 'secular Christianity' with their this-world-only focus. It highlights the extremes of Christian positions that came to be expressed at the time of the 1985 debate. Were homosexuals oppressed people crying for justice, or were they perverse people possessed by demons? Here were two positions, not only widely divergent but also diametrically opposed, though it must be recognized that there were many Christians in the middle, not comfortable with either of those two positions. There were, nevertheless, two clearly divergent approaches within Christianity, each ready to anathematize the other.

\textsuperscript{206} The term was used by Young, 'The New Zealand Religious Right', p.10.
\textsuperscript{207} See article "Gays" Possessed by the Devil - Opponent", in the \textit{Press} 10 August 1985, where visiting American anti-gay activist Rev. Louis Sheldon was quoted as expressing such views. For later criticism of such labelling see T. Sine, \textit{Cease Fire: Searching for Sanity in America's Cultural Wars}, Grand Rapids, 1995, pp.33-4, 152.
\textsuperscript{208} Personal knowledge of the author.
\textsuperscript{209} A copy of the tract was held by Fran Wilde and lodged with LAGANZ: MS Papers 402. See sample of similar Chick Publications material in 'Made in the USA', \textit{Infact}, Sept/Oct 1985, p.3.
\textsuperscript{210} Copy in LAGANZ: MS Papers 0403, Box 4, Folder 8.
Internal difficulties of the Baptist denomination with regard to law reform:

Although the leadership of some of the more conservative denominations took a more open and reasoned position, such was less likely to be the case with their rank-and-file members. This stood out in relation to the conservatively-oriented Baptist denomination. Its public questions committee had the task of making submissions on the 1985 bill. While the committee's constitutional role gave it authority to speak only for itself and not for its denomination, nevertheless the perception, both at large and in the denomination, was that it spoke for the denomination. This perception provoked widespread grassroots Baptist outcry against the content of its submissions, which were discordant with the views of most at the Baptist grassroots level.

The Baptist public questions committee submission was a cautious statement, supporting decriminalization (although with a higher age of consent), but opposing Part II of the bill (the human rights provisions). The issue of the acceptability of homosexual acts was to the fore in the submissions. That was the reason for opposing Part II. That part of the legislation would be understood as 'promoting the view that homosexual practices are normal, moral and acceptable behaviour'. To avoid such interpretation of their qualified support for Part I of the bill, the Baptist public questions committee immediately added their comment, 'Our support for Part I of this Bill ... should not be taken to indicate our condonation or acceptance of homosexual practices. We recognize that homosexuals need acceptance and understanding as

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211 NZ Baptist Historical Society archives: B01/92 (File 702).
persons; but we still believe that homosexual acts are immoral and not an expression of healthy sexuality.'

Baptist churches immediately expressed deep opposition to the submission. Ten or more churches wrote to the committee criticizing its apparent purporting to speak for the denomination, asserting that its submission failed to reflect the views of the majority of Baptists at the grass-roots, and claiming that the public questions committee sanctioned homosexual behaviour. The mood of many of these churches was summed up by Rev Colin Pyle of the Rimutaka Baptist Church: 'Even though it is only your intention to support the decriminalization of homosexual practices, by legalising it, the implication is that you are saying it is okay and not immoral.' The issue in the minds of many Baptists was that support for any sort of homosexual law reform was support for homosexual acts, despite any protestations to the contrary.

A simple appeal to the Bible was all that was necessary for many of the Baptist churches. The Mana Baptist Church submission to the HLRB in 1985 typified this approach: 'As part of the Church of Jesus Christ, we are opposed to the

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212 The *New Zealand Herald* headline after the Baptist Public Questions committee made its submissions on the Bill was 'Baptists Seek Higher Age of Consent' (4 July 1985).
213 For example, see letter of Rev Colin Pyle, Rimutaka Baptist Church to the chairman, public questions committee, 9 July 1985: 'The impression you gave was that most Baptists are of this opinion [that homosexual acts should be decriminalized for those over the age of 20] which I don't believe is correct.' NZ Baptist Historical Society archives B01/92 (File 702).
214 Ibid: 'I would estimate that well over 70% of Baptists are opposed to the Bill even with a higher legal age of say 20.' So also Pastor Bruce Puddle, Mount Maunganui Baptist Church, to Mrs Barbara Collins, 5 July 1985: '[I]t is our belief that your Committee is so “left of Baptist centre” on certain major moral issues, that you have lost ours and the majority of the denomination’s confidence': NZ Baptist Historical Society archives B01/92 (File 702).
215 See, for example ‘Statement from Some [37] Members of Central Baptist Church, Invercargill’: 'The comments in the submission do not sound a clear warning to our Nation of the true nature and consequences of Homosexual practices': NZ Baptist Historical Society archives, B01/92 (File 702).
216 Pyle to Mrs Barbara Collins (chairperson Baptist public questions committee) 20 August 1985: NZ Baptist Historical Society archives, B01/92 (File 702).
decriminalization of homosexuality on the grounds that "no man shall have sexual relations with another man: it is an abomination" (Leviticus 18:22).217

A few Baptist churches took a more reflective approach and acknowledged that prison was a quite inappropriate place to send people to for homosexual acts, and that the present law was really unworkable. Nevertheless such churches still tended to oppose decriminalization because of the signal it would send to society about the acceptability of homosexual acts. The Milford Baptist Church, for example, while accepting that criminalizing homosexual acts was 'not the best way', nevertheless stated, 'we oppose the legalisation of homosexual acts between males because

- we protest at the moral approval such reform is assumed to give to homosexual acts.
- we use this standard to draw a line at the slide in community standards.218

In similar vein, the public questions committee of the Otumoetai Baptist Church observed, ‘The power of our laws to influence public morality and mores should not be underestimated. Many people look on these laws as the touchstone of what is socially acceptable.219

Simplifying the issue to one of support for, or opposition to, homosexuality left moderate Baptist leadership in an impossible situation: trying to represent Baptists while taking a reflective view of the issue. The general superintendent of the Baptist Union expressed the dilemma to the chairperson of the public questions committee:

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217 LAGANZ: MS Papers 098.
218 Submission on the HLRB 1985: LAGANZ: MS Papers 098.
Most people are not leaders. Most are not able to follow the complicated background and reasoning behind many of these public issues. All they know is that homosexuality is not right and that many of the older values are being thrown out fast.

All they can do is find a leader who articulates what they feel, and get right behind him or her. As you know, this is the appeal of people like Patricia Bartlett, Graeme Lee, the Challenge newspaper etc.

I would long for the Public Questions’ Committee to be seen by many of these people as the group that provide them with a reasoned voice and represent their concerns. For this reason I think that the committee must do more than simply appear to ‘correct’ some of their wrong suppositions that many of our people are basing their objections on. It must be couched in some way positively, so that it provides some sort of platform that they can get behind.

The general superintendent’s plea was an impossible one. Any modest support for homosexual law reform was perceived to be support for homosexual behaviour. With regard to Baptist submissions to parliament, apart from the one put in by the public questions committee of the Baptist Union, thirteen congregations, one pastor acting on his own, and one region, indicated their total opposition to decriminalization. There were only five submissions that in any way took a different line. One (that of Avonhead Baptist/Rev Derek Christensen) was silent in relation to Part I and simply opposed Part II; two (Rev Robert Jensen and Rev David Bromell) supported decriminalization for consensual acts done by people over 20; one (Rev Alan Missen from Avalon Baptist Church) noted that the church did not wish to see homosexuals imprisoned, and that he personally (not necessarily his church) would not oppose decriminalization; one (Rev Bob Grinder, prison chaplain at Paremoremo) supported the decriminalization provisions of Part I while opposing Part II.

It is significant that no submission supported Part II. The submission most supportive of decriminalization, that of Rev Bob Grinder, opposed Part II because that part had a
‘subtle but significant shift of emphasis from decriminalizing to statutory acceptance of the normality of what is essentially deviant’. Apart from the positive support of Grinder for Part I, no other submission gave unqualified support for Part I, though Rev David Bromell and Rev Robert Jensen both expressed support for decriminalization for those over 20. Significantly, Rev Alan Missen’s ‘support’ for decriminalization was expressed in negative terms - he ‘would not oppose’ decriminalization - a kind of damning with faint praise.

It is worthy of note that those Baptist voices that were sympathetic in any way to reform and to the position of the public questions committee on homosexuality, came from people who had much higher education than the average Baptist (Jensen had a law degree, Missen a PhD in chemistry, Bromell an MA in history221), or else had wider social experience than the average Baptist (Grinder being a prison chaplain at Paremoremo). Such backgrounds made it more likely that they would struggle with the complexities of the issue, and show more openness at least to some measure of reform. It was not that they were all on the more liberal end of the denomination. Of the four, two, Bromell and Grinder, would have been perceived as being at the more liberal end of the denomination, and two, Jensen and Missen, would be regarded as being towards the more conservative end of the denomination.222 This suggests that openness to homosexual law reform was not determined simply through having more liberal

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220 Gerard Marks to Barbara Collins, 2 April 1985: NZ Baptist Historical Society B01/92 (File 702).
221 Interestingly, Bromell came out as gay a couple of years later. Baptist pressure led to his resigning his position as a Baptist minister. He joined the Methodist Church, and became its primary test case on the issue of ordaining active lesbians and gay men. He was finally ordained by the Methodist Conference of New Zealand in 1997.
222 Personal assessment of the author who has been associated with the Baptist denomination for forty years, with Jensen and Grinder for thirty years, and with Missen for ten years.
sympathies. It might also be determined by the level and nature of one’s education and life experience.

Other Baptists struggling with the complexities of the issue tended to come to different conclusions - largely because any change might imply that homosexual behaviour was morally acceptable. Rev Murray Robertson from the Spreydon Baptist Church typified this approach:

'We can . . . see that imprisoning homosexuals in male prisons is possibly one of the worst things that can be done for them. However, we are very concerned for the implications for society of removing these acts from the criminal law, because of the value judgment that this would mean society was making on these acts which, from the Christian perspective, are seen to be not only wrong, but something which hinders people from developing their full personhood."

While some of the Baptist churches and members appeared to attempt to grapple with the complexities of the issues, many appeared not to do so. Theirs was a simple approach: the Bible condemned homosexual acts; such acts were therefore sinful; such acts should remain criminalized as society’s statement of that sinfulness. A Pukekohe Baptist Church resolution encapsulated such an approach: ‘That this duly constituted meeting of the Pukekohe Baptist Church comprising over 130 members affirms its support of the petition against the Homosexual Law Reform Bill on the grounds that we are for the moral welfare of the community; and the legalising of sodomy against 16 year old boys is contrary to the will of God and contrary to the laws of nature.""
acknowledging the complexities of the issue. A majority of the rank-and-file of that same denomination appeared not to recognize those complexities. The Bible told them so and that was enough. Whether it was basically a fundamentalist voice is open to debate. The fact that it was a predominantly conservative one is not. The stance of the Baptist public questions committee could lead to the perspective that the Baptist denomination gave some measure of support to the reform measures. However, grass-roots Baptists overwhelmingly opposed that position.

The parliamentary submission of the Baptist public questions committee provoked the ‘hottest debate of the year’ at its annual assembly in November 1985. The outcome was to support the committee’s submission, but only after the words ‘homosexual acts are a sin’ were added to the draft assembly resolution. Only after the immorality of homosexual acts was articulated could homosexuals be helped.

**The dilemma of the Catholic Church:**

Like the Baptists, the Catholic Church faced a major dilemma over the 1985-6 debate. The Catholic Church clearly declared homosexual acts to be wrong. However, it was torn between opposing law reform because of the implied moral approval that legislative change might appear to give to such acts, and supporting law reform on the grounds of compassion and enlightened understanding. In the end it was the former factor that weighed most heavily in the mind of Cardinal Williams. He issued a

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225 So noted by gay rights activist Phil Parkinson in ‘God’s Own Country’, p.18.
227 Ibid.
statement opposing the reform bill, largely because 'to decriminalize homosexuality could suggest to some people that it was morally and socially permissible'. Overall the Catholic Church exercised little influence in the 1985-6 debate. There was some awareness that the Catholic Church was opposed to the proposed reform, Geoff Braybrooke, for example, asserting this in parliament. However, the Catholic Church largely sat on the fence, taking a low profile in the debate. It even failed to put in a submission to the select committee of the HLRB, a fact that was commented on by the Justice Department in summarizing the submissions that were made on the bill. Did the Catholic Church simply put the issue in the too-hard basket? The memory of Cardinal Williams is that the failure of the Catholic Church to make a submission was simply an oversight. Given the atmosphere of that time, such an oversight would be a remarkable piece of forgetfulness.

Catholic teaching on homosexuality must be seen in the broader context of its teaching on sexuality in general. The views of the Catholic Church are rooted both in scripture and in the subsequent nineteen centuries of Christian tradition. Early in its existence the Church largely adopted a largely negative and restrictive view of sex. This was based on misinterpretation of writings of St Paul, such misinterpretation probably

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230 NZPD, 1986, 472, p.2587. See also comment by Graeme Lee affirming help for his anti-reform cause from the Catholic Church: transcript of interview of Graeme Lee by Laurie Guy, 15 April 1999, p.5.
231 A. Butcher, ‘Homosexual Law Reform Bill’, p.16.
233 Tertullian, On Monogamy, 3; Jerome, Against Jovinian, 1.7.
being coloured by Stoic thought. An aspect of the teaching of the early church fathers, exemplified by St Augustine, was the essentially procreative purpose of sexual intercourse without which intent, acts of sexual intercourse even within marriage became acts of venial sin. Even with procreational intent, sexual relationship was suspect, even ‘diseased’, being associated with ‘the force of a turbid heat’, and ‘a certain amount of bestial motion’. Because of its association with out-of-control pleasure, and with the transmission of original sin, couples must ‘descend with a certain sadness to their marital duty’. Augustine’s sombre view of sex cast its gloomy shadow across sexuality for many centuries to come, with the Catholic Church only in the twentieth century gradually emerging from that negativism.

In more recent centuries direct traditional influence on Catholic perspectives on sex has tended to derive from St Thomas Aquinas. Following earlier tradition, Aquinas also stressed the purposeful nature of sex, and that its authenticity came only if it was accompanied by procreational potential. This ongoing stress on the procreational potential of all sexual acts has strongly influenced Catholic assessment of the moral status of homosexual acts. Such argument, it must be noted, has progressively carried less and less weight in the West. Especially is this the case as sexual activity has come to have diminishing association with procreation, and increasing association with


Augustine, On the Grace of Christ, and on Original Sin, II, 39, 40, 43; On Marriage and Concupiscence, I, 5, 16, 17.

On Marriage and Concupiscence, II, 57, 59; On the Grace of Christ, and on Original Sin, II, 40, 43.


For a discussion of that negative influence, see P. Brown, The Body, p.426.
pleasure. Catholic argument has more and more diverged from popular attitudes in its traditional views on sexual ethics.

The foundational document for Catholic views on sexuality during most of the period of the modern debate on homosexuality was the encyclical of Paul VI in 1967, *Humanae Vitae*. This laid down that 'any use whatever of marriage must retain its natural potential to procreate human life'.241 While this made no direct reference to homosexual acts, its implication for that topic was clear, and was articulated in the Vatican *Declaration on Sexual Ethics* 1975: homosexual acts lack any procreational potential and are thus intrinsically disordered, lacking an essential and indispensable finality.242 This document led the *New Zealand Tablet* in 1982 to assert that there was no doubt as to the teaching of the Catholic Church on the matter: 'Homosexual acts are...are gravely sinful and cannot in any circumstances receive approval.'243

Eamonn O'Doherty articulated Catholic linkage between sex and procreation in 1970: 'It seems that for any reasonable interpretation of organic life, sexuality is geared to procreation; consequently the election to use it in ways that are not only not creative but calculated not to be creative by definition so to speak, is the misuse of the faculty, and in that sense abnormal, immoral.'244 Self-indulgent sex was to be rejected, and that meant non-acceptance of the validity of homosexual acts.245 In 1986 a statement on homosexuality from the New Zealand Catholic bishops’ conference declared that sex

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242 Ibid., p.144.
should not be understood only in terms of pleasure and love; even love must be linked with the giving of life; this meant that sexual activity had moral validity only within the framework of heterosexual marriage; therefore all homosexual acts were morally wrong.\textsuperscript{246}

While declaring homosexual acts to be sinful, the Catholic Church readily accepted that sexual orientation (including homosexual orientation) might be significantly fixed (though not altogether totally fixed) in early childhood. It was not homosexual attraction but homosexual activity that was sinful.\textsuperscript{247} This frequently-made distinction aided the Catholic Church in projecting a more warm and open attitude to homosexuals. This is a dimension of the New Zealand Catholic bishops’ ‘Statement on Homosexuality’ in 1986:

It is well known that at the heart of the Catholic Church’s social teaching is the God-given dignity of persons. This leads to the Church’s teaching concerning the sacredness of human life, the essential equality of all persons, the dignity of human work, the requirements of justice, development and peace, and of shared responsibility for the well being of each other and all people. This same concern for human dignity and human life undergirds our position regarding homosexual persons and homosexual activity.\textsuperscript{248}

The tenor of such a statement is a far cry from that of the editorial headline in \textit{Challenge Weekly}, ‘Abnormal sex disgusting’, expressing more fundamentalist

opposition to the HLRB.\textsuperscript{249} This raises the issue of whether the low level of official Catholic opposition to the reform bill reflects Catholic uneasiness at being caught in bed with those of harsher, narrower and less reflective opinion. The memory of Cardinal Williams points in that direction: 'At the time some opponents of the Homosexual Law Reform Bill expressed extreme views which conveyed a degree of animosity and intolerance. There was the danger that in the media all who opposed the Bill would be lumped together, and the extreme views of some would be attributed to all.'\textsuperscript{250}

Maybe it was the black-and-white approach of the more fundamentalist opposition that caused Cardinal Tom Williams to place distance between himself and the promoters of the Hay-Tait petition. Significantly, despite his strong personal opposition to the reform bill, he remonstrated that this did not give opponents of the HLRB the right to use Catholic congregations as 'captive petition signers'.\textsuperscript{251}

Williams had been early out of the blocks in flatly opposing the Wilde bill and had indicated that the Church would make submissions to the parliamentary select committee on the matter.\textsuperscript{252} The failure of the Catholic Church to make that submission may point to the debate having narrowed to too black-and-white an issue. There was widespread acknowledgement in the Catholic Church that while homosexual acts were

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\item \textsuperscript{249} J. Massam, 'Abnormal Sex Disgusting', \textit{Challenge Weekly}, 15 March 1985, p.2.
\item \textsuperscript{250} Letter Cardinal T.S. Williams to Laurie Guy, 26 March 1998. See \textit{NZ Tablet}, p.31, col.1, and Guy, \textit{The Cinematograph Film Censorship Debate}, p.29 for similar Catholic Church dilemma in relation to Patricia Bartlett's stance on film censorship.
\item \textsuperscript{251} \textit{NZ Herald}, 20 April 1985. For Williams' earlier statement opposing the Bill see \textit{NZ Herald}, 1 April 1985.
\item \textsuperscript{252} Ibid.
\end{itemize}
\end{footnotesize}
sinful, Catholics could in good conscience take either side in the debate over the HLRB.253

The Catholic Church as a whole felt major concern that wider issues of sexual morality were at stake in the debate over homosexual decriminalization. Bishop Cullinane articulated that in writing to his priests in 1985: ‘[L]et us not be naïve about the fact that seemingly innocent moves can be used as a front by people whose real agenda is to create the impression that all sexual activity, freely consented to, is morally acceptable.’254 Despite such uneasiness, the Catholic Church was unable to say ‘yes’ or ‘no’ to the over-simplified form the debate came to take. Better, then, to say little or nothing.

Conclusion:

This chapter has highlighted the diversity of views held within the Christian church with regard to homosexuality. The Baptist situation shows how increasingly hard it became for that denomination to take a moderate middle ground. The Catholic Church was similarly taxed, with the need to show compassion while maintaining a traditional position. The Presbyterian Church struggled to support decriminalization while being deeply divided over the moral status of homosexual behaviour.

254 Circular letter P.J. Cullinane, Catholic Bishop of Palmerston North, to his priests, 19 March, 1985, p.2. Copy held by Laurie Guy. For similar comment by the New Zealand Catholic bishops as a body, see ‘Bishops on Homosexual Bill’, NZ Tablet, 23 April 1986, p.2.
Homosexuality might be seen as a minor matter within the context of the Christian gospel. Increasingly, however, it became the touchstone for the gospel. Christian liberals saw support for reform as a gospel imperative - justice required it. Fundamentalists saw opposition to reform as a gospel imperative - the Bible demanded such opposition. At stake was the Christian gospel - for both strongly opposed wings of the church. Each side felt it had to succeed with its views against the other - or the gospel would be betrayed.

'It was indicated to us that the whole thing would be on a plate if we'd just go to 18.'

Introduction

The 1984 election proved to be a watershed in terms of homosexual law reform. A tired National Government led by Sir Robert Muldoon was decisively swept from office by a reinvigorated Labour Government. While both parties in past national conferences had given support to the notion of homosexual law reform, clearly the Labour caucus on the whole was more liberal on many social and moral issues, and was likely to be more open to homosexual law reform measures. The liberal and open perspective of the Labour caucus was accentuated with the changes of membership of the caucus accompanying the 1984 election. While reform was introduced as a private member’s bill, and proceeded as a conscience measure with a free vote not bound by any party position, the bill had much more support from Labour than from National within parliament. In the final vote on decriminalization in 1986, the Labour caucus voted overwhelmingly in favour of the bill (46 ayes, 8 noes), while the National caucus voted overwhelmingly against the bill (3 ayes, 34 noes). While party politics and seeking of electoral advantage were significant factors in the largely conservative

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1 Comment of Warren Lindberg, gay activist, and subsequently director of NZAF, commenting on the reform position sticking rigidly to an age of consent at 16 despite the risk that the proposed reforms would lose altogether as a consequence: quoted in article, “Ten Years Since the Bill: Queen City and Capital Commemorate,” Express: New Zealand’s Newspaper of Gay Expression, 18 July 1996, p.10.

2 For comment on the more liberal nature of the Fourth Labour Government see C. James, New Territory, p.133. In reflecting on the different outcome to the 1985-6 measure compared with that of earlier parliamentary law reform attempts, one might also note Michael Bassett’s observation that the average age of parliamentarians was gradually dropping over this period: transcript of interview of Michael Bassett by Laurie Guy, 6 December 1999, p.1.
National caucus vote, nevertheless the National party, as a conservative party, was also genuinely more cautious in relation to homosexual law reform.

A crucial issue for the reformers was the mobilization of public opinion through a major education and propaganda campaign. This would provide strong motivation for wavering MPs to support change. Anti-reform forces made a similar pitch for public opinion through launching a petition, holding rallies etc. The outcome was debate at two levels: in the House and in the streets. Passionate, visceral-level, mass debate ensued. Debate stirred the whole nation – at Wanganui and Invercargill as well as at Auckland and Wellington. Anti-reform forces drew a great deal of support from provincial areas which were significantly more conservative than the large cities. Pro-reform forces also had organizations and networks throughout New Zealand even though their primary engines for change were the GTFs in Auckland and Wellington. While Wellington GTF may have been more in the public eye, Fran Wilde’s view was that both groupings were equally important to the HLRB campaign.

Prepared for the reform campaign:

Planning for legislative reform intensified as soon as Muldoon announced the snap election in 1984. In Wellington a ‘Gay Task Force’ (GTF) was in place hard on the heels of the election result. It was headed by a general co-ordinator (replaced in March 1985 by Ewen Paynter, Bill Logan and David Hindley, serving as a triumvirate of co-
ordinators). Sub-structures were put in place and the following groups with defined tasks established: general group, media group, newsletter group, lesbian group, lobbying group, legislative group, finance group, and interest groups group. Typically, each group had a co-ordinator and one or two assistants. To the extent that reality matched the structure, one must conclude that the GTF groups were a highly organized body.

The media and publicity group had its first meeting on 26 September 1984. It clearly identified its functions:

1. Monitoring the media, co-ordinating and providing information for replies to what appears.
2. Maintaining our own clipping collection from the above newspapers.
3. Liaising with editors and staff.
4. Research and package background papers for use by the media, MPs and lobbyists.

Again this list suggests a well-drilled body.

The Wellington GTF seems to have had strong levels of organization. As an example of its attention to detail, for rapid dissemination of information it set up a ‘telephone tree’, protected against penetration and misinformation by the password ‘Pink Fluffy Slippers’.

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6 Telephone conversation with Fran Wilde 10 April 2000; also transcript of interview of Fran Wilde by Laurie Guy 18 October 1997, p.3.
9 LAGANZ: MS Papers 081, 3/1.
10 LAGANZ: MS Papers 081, 1/2. Phil Parkinson confirmed the fact of the password in an e-mail to Laurie Guy, 3 November 1997, commenting, “The password was genuine (if briefly) because we were concerned about phonetaps, bugs, the SIS (Bill [Logan] being a Spartacist Marxist with a deputed minder).”
Fran Wilde worked closely with gay activist and other groups throughout the whole time of the parliamentary and public debate. Much of the finance needed for the reform campaign came from the gay community, a great deal of it from Auckland.\textsuperscript{11} A letter from NZHLRS in March 1985 indicated that the only two main sources of funding were NZHLRS and Auckland gay groups (the Equality Bill Campaign and GTF Auckland), and that NZHLRS could contribute about three thousand dollars to the campaign.\textsuperscript{12} Clearly there was tapping of wider funding later: HUG contributed at least six thousand six hundred dollars.\textsuperscript{13} Large amounts of money went into the reform campaign. The 150,000 copies of the \textit{Truth Examiner} alone cost $11,993.77.\textsuperscript{14}

Phil Parkinson, administrator at the Lesbian and Gay Rights Resource Centre, was chief researcher for the campaign, writing a number of articles for propaganda purposes during the period of debate,\textsuperscript{15} as well as supplying Fran Wilde with a lot of her material.\textsuperscript{16} A letter dated 15 September 1986 from Fran Wilde to Phil Parkinson as Lesbian and Gay Rights Resource Centre administrator a few days after the centre was largely destroyed in an arson attack acknowledges that contribution:

\textsuperscript{11} Transcript of interview of Fran Wilde by Laurie Guy, 18 October 1997, p.3; transcript of interview of Brett Sheppard by Laurie Guy, 7 December 1999, p.3.

\textsuperscript{12} Letter Brett Rawnsley, secretary of NZHLRS, 10 March 1985, to Peter Wall, co-ordinator, GTF Auckland: copy in personal papers held by Fran Wilde: ‘H.L.R Administrative / Campaign Correspondence 85-86’ box, ‘H.L.R. Administrative / Campaign Correspondence 1985’ file.

\textsuperscript{13} Letters from various HUG branches enclosing such moneys. Personal papers held by Fran Wilde: ‘H.L.R: Our Propaganda’, Box 3, ‘Truth Examiner File’.

\textsuperscript{14} Invoice from Jacobsons Graphic Communications Group 30 September 1985. Held by Fran Wilde in her personal papers: ‘H.L.R Administrative / Campaign Correspondence 85-86’ box, H.L.R. Administrative / Campaign Correspondence 1985’ file.


\textsuperscript{16} Acknowledged by Fran Wilde in her interview by Laurie Guy, 18 October 1997, p.3, and by Phil Parkinson in personal conversation with Laurie Guy, October 1997.
The enormous work the Centre did with the Human Rights Commission and in supplying me and my allies in the campaign for homosexual law reform with intelligence and information was crucially important to the success of our efforts. Without the foresight of the National Gay Rights Centre in establishing the Centre and your efforts to organize and make available the information it had collected we would have found it difficult to mount such a persuasive argument in favour of an equal age of consent.\(^\text{17}\)

The letter, drafted by Phil Parkinson, but amended and signed by Fran Wilde, indicates the goodwill and close working relationship that existed between Fran Wilde and Phil Parkinson. The closeness of gay activists to the core of the reform MPs is also illustrated by a letter from Trevor Mallard, a close associate of Fran Wilde in parliament during the reform process, to Bill Logan after the bill was finally passed: ‘I hope that the gay community is able to give me a hand over the next year to raise money, canvas, etc., as appropriate.’\(^\text{18}\)

In preparing for the reform campaign, three crucial areas requiring legislative change were quickly identified:

1. The adding of sexual orientation to the Human Rights Commission legislation.
2. The decriminalizing of homosexual acts for consenting males.
3. The necessity for the age of consent to be the same for homosexual as for heterosexual acts.\(^\text{19}\)

This last point was viewed as non-negotiable from the beginning. Report of a meeting at the University of Auckland attended by twenty-seven persons representing Equality Bill Committee, University Gay Club, GTF (Wellington), and AIDS Support Network, and with apologies from Fran Wilde, agreed, \textit{inter alia}, without dissent:

\(^{17}\) Letter Fran Wilde to the Administrator, Lesbian and Gay Rights Resource Centre [Phil Parkinson], 15 September 1986. Copy held by Fran Wilde in her personal papers: ‘H.L.R Administrative / Campaign Correspondence 85-86’ box, ‘H.L.R Administrative Campaign Correspondence 1986’ file.

\(^{18}\) Letter Trevor Mallard to Bill Logan, 1 August 1986: LAGANZ: MS Papers 093, 1/1.

\(^{19}\) GTF Campaign Newsletter, 3 October 1984.
• 'That support should only be for an age of consent that was the same as for heterosexuals (16 years [sic]).'

• 'That if an attempt was made to amend the bill to a higher age of consent that plans should be formulated which would ensure the non-passage of the bill.'

In addition to its own goals GTF was quick to reflect on the challenge it would face from the opposition: 'The GTF has identified three areas of particular concern to Parliament and the wider public and expects debate to focus on these issues. They are AIDS, the age of consent and the family life of gay people.' It is significant that the earlier-mentioned research of Phil Parkinson addressed the latter two of those three issues. Archival records such as these point to a high degree of reflection, organization and planning in relation to the reform plan. The reform coalition was a highly effective lobbying organization, something that has been noted from time to time since 1985 by the media with regard to ongoing gay issues. In 1993 the Evening Post, for example, was to describe the homosexual rights lobby as 'one of the most effective political movements of modern times'. That effectiveness was in evidence much earlier in relation to the Fran Wilde bill.

The initial drafting of the reform legislation was done by two Auckland gay lawyers, Don McMorland and Alan Ivory. When a draft of the bill was perused by the Wellington GTF on 6 March 1985, it objected to the word 'sodomy' appearing in the legislation 'on account of the emotive and damning connotations of the word.' When

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20 Report of a meeting on HLR held at Ak University on 10.11.84'. Report held among personal papers of Fran Wilde: '1985 H.L.R. Bill' file.
23 Woodhouse, Homosexuality, p.37.
the HLRB was introduced into parliament on 8 March 1985, the offending word had been deleted and replaced with the words 'anal intercourse'.

Promotion of reform in the nation’s newspapers was an important part of the shaping of public opinion. This had always been a feature of pro-reform endeavour. Wellington GTF urged letter writing even before the bill reached parliament, specifically suggesting: ‘The TABLET (issue dated 9 January) has done a big feature on AIDS. Please encourage lots of letters in response.’25 The GTF also recognized the need to prepare press statements ready for release simultaneously with the introduction of the draft legislation to parliament.26

In addition to seeking to win the wider public, the reform forces put a lot of effort into lobbying. The first task was to identify where MPs stood in relation to homosexual law reform. Fran Wilde recollected that her team analysed all the MPs, visiting them to clarify their positions.27 She recalled, ‘We started basically a file on every MP, and we put in everything we knew, any casual conversation, anything.’28 From this, a confidential list was drawn up before the bill was introduced into parliament. On a list showing ‘the state of play as of 14 January 1985’, MPs were put in seven categories: apparently perfect; good except on the age of consent; probably supporting some reform; unknown, undecided, neutral or maverick; probably bad; bad; intending to hold a poll in electorate.29 The list proved to be highly accurate, with John Banks being an outstanding exception. Classified as ‘apparently perfect’, he turned out to be one of the

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27 Transcript of interview of Fran Wilde by Laurie Guy, 18 October 1997, p.3.
28 Ibid.
MPs most strongly opposed to the legislation. Notes on the lobbying list stated of Banks, 'While he did not answer our questionnaire he has told lobbyists that he is very firmly in support of decriminalization.'

The classification of MPs in those early days indicated not only their positions but how they might be influenced. For example, the list discussed one National MP as follows: 'We don't know where he stands, but suspect his instincts are not favourable. On the other hand he has a reputation as a free marketeer and might be approached from the perspective of the evils of state regulation.' All contacts with MPs that might indicate where they stood, went into the central recording system. The 'state of play' list of 14 January 1985, for example, had the following note appended, 'Please send updates, further information, details of discussions, etc, to Bill Logan, lobbying co-ordinator', followed by Logan's address and phone number.

Repeatedly the rank-and-file were urged to write in, lobbying their MPs. The Wellington GTF spoke of the importance of each MP receiving more pro-reform than anti-reform letters: 'We would accordingly like you to orchestrate a letter-writing campaign in your region. This could be initiated by a meeting, by phone or through an existing Group newsletter. Each Lesbian or Gay man should have parents and friends that would be prepared to write, so each should be given a minimum target of 10 letters to arrange. If they think it is not worth it just remind them of the number of times you hear M.P.'s [sic] giving the letter counts on various issues.'

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The Auckland GTF sought to have the lobbying done in an extremely targeted fashion. Instead of simply appealing for letters to go to MPs, it sent out circulars, advising the person of their electorate, the name of their MP, and how that MP had voted to date on the bill in its progress through parliament. It then advised the sort of letter that should be written, in the light of that MP’s voting thus far. At times there might even be an attempt to influence an MP through his wife or partner. Fran Wilde herself urged the lobbying of MPs: ‘I can assure you that there is a lively informal discussion amongst MPs about the bill. That is why lobbying from individual constituents is so important - the MPs are thinking about the issue and being lobbied by our opponents.’

The HLRB had two parts when it was introduced into parliament on 8 March 1985. The main effect of Part I would be to amend the Crimes Act 1961, making male homosexual acts where both parties were aged 16 or over, no longer a criminal offence. Part II would amend the Human Rights Commission Act 1977, adding ‘sexual orientation’ to the categories against which it was illegal to discriminate with respect to the provision of certain public services (most significantly employment and housing). While most focus in 1985-6 was on Part I of the bill it is important to be aware that the most intensely-felt opposition of the conservative forces was to Part II of the bill, and

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31 LAGANZ: MS Papers 081, Box 5.
32 See, for example letter Chris Carter, chairman of the Ranui Branch of the New Zealand Labour Party, to Fran Wilde, 20 November 1985. Original held by Fran Wilde in her personal papers: ‘HLR Administrative / Campaign Correspondence 85-86’ box, ‘HLR Administrative / Campaign Correspondence 1985’ file.
33 Newsletter to supporters from Fran Wilde 10 July 1985: LAGANZ: MS Papers 168. For example of an MP who indicated he was influenced in a conservative direction by lobbying see R.M. Gray, NZPD, 1985, 467, p.8015.
34 A number of submissions to the parliamentary select committee stated this. Some conservative submissions which gave some measure of support to Part I opposed Part II outright for reasons which will be discussed subsequently. See for example, submissions of NZ Baptist Public Questions Committee, Tokoroa Baptist Church (Rev D.W. McKenzie), Rev Robert Jensen, Rev R. B. Grinder (discussed more fully in chapter 4): LAGANZ: MS Papers 098. See also comments of Lieutenant
that some at least of the reform forces also viewed it as the most crucial aspect of the
bill.\textsuperscript{35} After a relatively short debate the bill passed its first reading and was referred to
a select committee.

Organized conservative opposition to the reform bill:

Those opposed to homosexual law reform must have been aware of impending
initiative for legislative change. As early as September 1984 the \textit{NZ Herald} predicted
that with the election of a 'seemingly "liberal" Parliament', a private member's bill
would be introduced in 1985.\textsuperscript{36} Only with the introduction of the bill into parliament,
however, were the conservative opponents of the measure galvanized into significant
action. As a conscience vote the bill was more subject to electorate influence than were
most measures that were government-sponsored.\textsuperscript{37} For both sides the activating of
electoral pressure on MPs thus came to be a crucial aspect of their strategy. The initial
strategy of the conservative opponents was to stir up and demonstrate huge public
support for their position by way of a million-signature petition as a way of pressuring
MPs to reconsider their voting for reform. Rev David Stewart of the Bible College of
New Zealand observed, 'If, in fact, a million New Zealand citizens \textit{did} sign this

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\item 35 See discussion by Wellington GTF leader Bill Logan: transcript of interview of Bill Logan by Laurie Guy, 19 October 1997, p.2. See also B. Morrison, 'Political Implications of the Fate of the Homosexual Law Reform Bill', \textit{Race, Gender, Class}, number 3, July 1986, pp.50-1 at p.50. Refer also to comments of Alison Laurie on the deep sense of loss among lesbians when Part II (the important part for lesbians) failed: GTF campaign tapes recorded 10 September 1986: tape VI. Original held by LAGANZ. The importance of human rights protection as over against decriminalization was emphasized much earlier within the gay rights movement. See, for example, a summary of the opening address by Judith Emms, past co-ordinator of NGRC at the 6th national conference of NGRC in Wellington Gay Liberation \textit{Newsletter}, April 1978, p.2: LAGANZ: MS Papers 077, Series 2, Folder 27.
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petition, as its protagonists hope, that would be considerably more than 50% of all those who voted in the last election, and would have to be taken as a clear indication of the will of the New Zealand people."38

The idea of launching a campaign for a million-signature petition against law reform appears to have come from Norman Jones (National, Invercargill) who had previously been active in the massive 'Save Manapouri' petition. On 14 March 1985 Jones wrote to Baptist minister, Rev Brian Kenning: 'There is no doubt in my mind that this Bill will come back from the Parliamentary Select Committee with very little amendment and be passed by the present Parliament by 60 votes to 35. The only way to stop it is for a million New Zealanders to sign this petition."39 Jones was initially very strongly supported by Graeme Lee (National, Hauraki), and also by Geoff Braybrooke (Labour, Napier) and Allan Wallbank (Labour, Gisborne), though the latter two MPs were less prominent subsequently on the matter. The petition was publicly launched on 20 March 1985 with Keith Hay (businessman and local body politician of Auckland) and Sir Peter Tait (retired national and local body politician of Napier), both evangelical Christians, fronting the petition campaign as chief petitioners.40

To reach their target of one million votes there clearly needed to be massive effort to bring the petition under the noses of almost all New Zealanders. This meant not only going to shopping centres but also taking the petition to work-places and people's homes. An anti-reform brochure, 'Helpful Hints for Petitioning Door-to-Door',

38 D.G. Stewart, 'The Homosexual Law Reform Bill and the Petition against It - Should I Sign?', supplement to Reaper, April/May 1985.
calculated that on the basis of there being 2.6 million urban people of high school age and above in New Zealand, four out of ten people needed to sign, and that ‘100% door-to-door visitation is the best way to canvas such a large multitude’. There was even soliciting of signatures outside schools, the organizers arguing that as the bill had implications for all people aged twelve and over, all such persons should have their say on the matter.

Circulating the petition was clearly going to involve a lot of manpower. A great deal of this came through individual congregations, particularly those at the more conservative end of the theological spectrum: Baptists, Brethren, Reformed, Pentecostals, and also Mormons. Members of Barry Reed’s independent Christ for All Church obtained 15,000 signatures in two and a half weeks of continuous soliciting in Queen Street Auckland.

One denomination that threw its weight behind the petition was the Salvation Army. Its decision to take this partisan position was made by the Army Territorial Commander, Donald Campbell, who agreed to make the Salvation Army organization and manpower available for the process of collecting signatures. In some ways this was a surprising decision as the 1975 submission of the Salvation Army in relation to the Venn Young bill, while opposing decriminalization, had accepted that there should not be imprisonment for the offence, but rather probation and counselling, and this

41 LAGANZ: MS Papers 081 GTF 8/2.
remained the position of the Salvation Army in their submission on the 1985 bill a few months after the petition initiative was commenced.

Given their lack of full support for the legislative status quo, and their high dependence on broad public goodwill, one wonders why the Salvation Army took such a strong stance. Campbell spelt out his concerns early on to Fran Wilde: 'The Army believes that the nation must distinguish between homosexual disposition and homosexual acts, between sympathy for an abnormality and condoning overt sexual acts which are in conflict with scriptural standards; between understanding the mind of the homosexual and normalising deviant sexual behaviour. In this connection to suddenly legalise a practice which has long been legislated against as abhorrent to accepted social standards must inevitably give encouragement to the practice of homosexuality as no longer an abnormality.' The crux, then, was that the Wilde bill implied social acceptance for homosexual acts.

This concern for societal declaration of the wrongness of homosexual acts seems to have driven the Salvation Army decision to mobilize its forces against HLRB reform. The decision to do this seems to have been basically a decision of hierarchical leadership. Campbell failed to consult widely before taking his decision, holding discussions with only a handful of others, and then simply announcing the Salvation

44 Note the comment of Mike Riddell, '[I]t is an unusual development when groups such as the Salvation Army become politically active'; M. Riddell, 'The Divine Right', *New Outlook*, September/October 1985, pp. 24-7 at p.24.
46 So articulated by Lieutenant Colonel Rodney Knight, then national public relations secretary of the Salvation Army: transcript of interview of Rodney Knight by Laurie Guy, 24 November 1998, p.3.
Army decision to the media, and to all corps officers in a letter dated 21 March 1985. This created major controversy within the Salvation Army as a significant minority disagreed with the decision.

The Wellington GTF tapped into that discontent, finding 'moles' who would inform them of developments within the Salvation Army. Pro-reform activists put a lot of pressure on the Salvation Army to modify its anti-reform stance. The Salvation Army's Wellington Railton Hotel was briefly adorned with the words, 'Welcome to Hotel Homophobia'. Pickets, each involving over a hundred people, were organized at the central Salvation Army church services in Auckland and Wellington. Placards included 'Ban the Bonnet', 'Sallies go sour', and 'We don't want your morals, Sallies'. Along with this there were chants of '2, 4, 6, 8, Sallies petition is for hate', and 'Jesus loves me 'cos I'm gay, and I'll always stay that way'.

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47 LAGANZ: MS Papers 081, 8/5. Rodney Knight recalled the decision as being that of Campbell alone, taken after he had consulted with four other senior leaders: transcript of interview of Rodney Knight by Laurie Guy, 24 November 1998, p.1.
48 See the unofficial Salvation Army publication, Battlepoint, June 1985 for articles reflecting this sense of internal controversy. See also M. Steel, 'Salvation Army Split over Gay Bill Stand', NZ Times, 18 August 1985; also 'Salvation Army Faces Major Loss of Support', Pink Triangle, 53, May/June 1985, p.6.
49 Ibid. See also the claim in the 1985 submission by Peter Wall on behalf of the Auckland GTF: 'We are in . . . the clergy of every significant denomination and in the Salvation Army' (p.8): LAGANZ: MS Papers 098. See also allegation of a Salvationist acting as a mole in a memorandum of a discussion, 22 March 1985, involving Phil Parkinson: LAGANZ: MS Papers 081, 8/5 Salvation Army. Planting of moles in conservative organizations was not new for gay rights groups in 1985: see Gay Liberation Front minutes 8 August 1977 for the cryptic note: 'Pat Bartlett's Mob. Michael to join': LAGANZ: MS papers 077.
50 Alison Laurie: Gay Task Force, campaign tapes recorded 10 September 1986: tape VI. Original held by LAGANZ.
53 Ibid.
Pressure was also placed on local corps with regard to the material they were using in relation to the petition. In addition there was the urging of non-support for the annual Salvation Army Red Shield appeal.

However, the main gay strategy was to bombard the international headquarters in London with a letter-writing campaign, urging that the New Zealand stance was damaging to Salvation Army interests. Bernard Moran, writing in the *New Zealand Tablet*, claimed that at the seventh annual conference of the International Gay Association 30 June - 7 July 1985, '600 delegates representing 38 homosexual and lesbian organizations from 14 countries were told about the need to oppose the Salvation Army because of its support for the petition against Fran Wilde’s Bill. Lesbian activist, Alison Laurie, the New Zealand activist at that conference, has acknowledged fostering that international pressure on the New Zealand Salvation Army. One outcome of the pressure was for the international headquarters of the Salvation Army to ask the New Zealand Salvation Army for a report on its involvement

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54 The *Star*, 9 April 1985, p.1, reported that the Salvation Army Sydenham which had been using the pamphlet ‘10 good reasons for saying “no” to the HLRB’ in conjunction with door-to-door petition canvassing had agreed not to use the pamphlet because it made ‘one or two extreme remarks’.

55 See ms outlining main events in LAGANZ (GTF Files): MS Papers 081 5/1, p.3. A 30% increase in the amount collected in the 1986 Red Shield appeal was claimed by conservatives as a sign of public support for the Salvation Army stance on homosexual law reform: press release by Graeme Lee 12 March 1986. The 1985 Red Shield appeal was held a week after the Salvation Army went public on its homosexual stance. It showed no drop in the amount of moneys collected: “Stance Worries Salvationists”, *Auckland Star*, 27 April 1985.


58 Gay Task Force, campaign tapes recorded 10 September 1986, tape V. Original held by LAGANZ.
in the anti-reform campaign.\textsuperscript{59} Clearly such action would foster caution within New Zealand Salvation Army leadership with regard to its ongoing activities in relation to this issue. This was probably a factor in a Salvation Army decision to avoid media publicity on the issue for several months.\textsuperscript{60} So while the Salvation Army provided a lot of manpower for the petition, it kept a low profile over its anti-reform involvement.

Other measures of mass mobilization occurred in parallel with the circulation of the petition. One was the holding of large public meetings throughout the country. A meeting at Cathedral Square in Christchurch attracted 2500 people, while one at the Auckland Town Hall was attended by about 1200 people.\textsuperscript{61} Many of the meetings were turbulent affairs, subject to verbal disruption from gay supporters. The Auckland GTF, for example, organized the bussing of its supporters to anti-HLRB rallies.\textsuperscript{62} In one case a North Shore anti-reform meeting was flooded with a majority of bussed-in pro-reform supporters who then swamped the proceedings.\textsuperscript{63} Mass meetings were reported under headlines such as ‘Anti-gay rally ends in disarray’ and ‘Gays, opponents, clash over homosexual law reform’.\textsuperscript{64} Some of the meetings had to be abandoned before the end, so great was the jeering, heckling and verbal clashes.\textsuperscript{65} Clearly there was major polarization of public opinion on a scale matching that which occurred a few years earlier in 1981 over the rugby tour of New Zealand by a racially selected South African Springbok team.

\textsuperscript{59} Reported in the \textit{Press}, 12 April 1985.
\textsuperscript{60} Transcript of interview of Rodney Knight by Laurie Guy, 24 November 1998, pp.4-5.
\textsuperscript{61} The \textit{Press} 15 April 1985; the \textit{Press}, 23 April 1985.
\textsuperscript{62} Transcript of interview of Brett Sheppard by Laurie Guy, p.4. Also comment from Graeme Lee that ‘homosexual groups were so organized they had buses leaving Auckland University and Vulcan Lane to get people en masse to the [North Shore] meeting’; ‘Call to Prayer over Revision of Bill’, \textit{Challenge Weekly}, 19 April 1985, p.1.
Fran Wilde defended the actions of the pro-reform homosexual demonstrators: ‘For a month they have been hearing that they should be jailed, that they are scum and disease-ridden perverts.’ At the same time, reform leaders recognized that militancy of the protests was counter-productive, giving an impression of disorder and violence. Auckland GTF leaders therefore called for the bill’s supporters to cease causing further disruption at such meetings. Despite this call, threats of disruption to an anti-reform meeting scheduled for Wanganui on 22nd April 1985 led to its cancellation.

Mass mobilization:

The public nature of the petition and the lengthy duration of the reform process meant that both sides sought mass support to aid their cause. Gay rights activist Phil Parkinson gave this explanation:

It was obvious that while a short campaign might be conducted largely within Parliament, a longer campaign had to incorporate a mass movement, so a great deal of energy and money, of which we had little, had to go into events which could attract large numbers of marchers and supporters. In order to support gay people, the public had to see us. So we took to the streets with banners, placards,
massed balloons and good humour. We held a sales stall at a trade fair, selling leaflets, badges and ‘Bigot Buster’ sweaters. We held public concerts. These public activities were very important in the growth of public support.\(^70\)

Mass mobilization strategies were employed by both sides during the five months in which the petition organizers continued collecting signatures. Large, often full-page, newspaper advertisements were placed by the anti-reform group, under huge headlines such as ‘New Zealand Be Warned!!’,\(^71\) ‘We’ve Had Enough!’\(^72\) and ‘God Defend New Zealand’.\(^73\) To give an impression of mass support, the Wellington CCC published a full-page advertisement in the \textit{Dominion} in May 1985 listing nearly 600 names of people opposed to homosexual law reform.\(^74\) Some of the names were poorly identified, e.g. ‘B. Walker, Housewife, Wellington Area’, ‘Vink, Oamaru’. The list stated, ‘We, the undersigned strongly oppose the decriminalization of homosexuality.’ The claim that the ‘undersigned’ had in fact signed the text of the advertisement appears to be untrue, as outcry stemming from the advertisement forced the Coalition to publish a large-scale correction the following day: ‘We apologise for any inconvenience unintentionally caused to individual persons of SIMILAR NAMES and INITIALS to some of those which appeared in this advertisement. There may have been names inserted by mistake through misunderstanding.’\(^75\) The wording of the apology suggests that the original names had been lifted from a mailing list and these individuals had not been consulted specifically about the advertisement. Incidents such as this tended to confirm an overall impression of the anti-reform forces as displaying

\(^{71}\) Advertisement of CCC, \textit{New Zealand Times}, 12 May 1985. The ongoing CCC was not formed until August 1985. This group must have been a temporary local forerunner of such group.
\(^{72}\) Advertisement of co-operating Christian Churches of Auckland, \textit{NZ Herald}, 10 April 1985, section 1, p.16.
\(^{74}\) \textit{Dominion}, 9 May 1985.
\(^{75}\) \textit{Dominion}, 10 May 1985. Emphasis original.
some extremism, a significant amount of ineptness, lack of a depth of first-rate leadership, and the absence of an overall strategy. CCC Media Spokesperson Barry Reed acknowledged this with the benefit of hindsight:

[A]s far as the strategy was concerned I believe that when you consider that everyone of us without exception almost were naïve. That’s a hard word - I’d only use that word for myself not for others - but we were inexperienced . . . . I had never been a media spokesman before; none of us had ever taken a petition before that I’m aware of, except for the politicians. We didn’t even have a book that told us the strategy for raising the largest petition in the world, no one had written this book. We didn’t know how to handle the media. It took us a long time to find out there were certain rules. . .

A pro-reform advertisement, contrasting with that of the CCC, proclaimed ‘We Support Homosexual Law Reform’, followed by about 300 names of leading New Zealanders, succeeded by the words ‘Think about It’.78

The pro-reform forces had their own public meetings and marches.79 The marches were to counter the high visibility that the petition and its related meetings were drawing. In Gavin Young’s words there was a need ‘to take back control of the streets’.80 To have a spearhead of activism, the Campaign for Homosexual Equality organization (CHE) was revived. Having such an organization separate from GTF allowed GTF to preserve a more respectable image.81 Concerned about the risk of violence and negative press for the reform forces, Fran Wilde urged CHE not to hold its first projected street march in Wellington.82 It went ahead anyway, as did subsequent marches in several other New Zealand cities.83

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76 See Riddell, ‘The Divine Right’, p.24 commenting on the lack of clear political strategy of the conservative opposition.
77 Transcript of interview of Barry Reed by Laurie Guy, 29 August 1998, p.4.
79 See, for example, Pink Triangle account of a march in Wellington claimed to be 5000 strong: ‘Record March Crowds Capital’, Pink Triangle, 54, July/August 1985, p.3.
80 Transcript of interview of Gavin Young by Laurie Guy, 9 October 1999, p.5.
81 Ibid., pp.1, 5.
82 Ibid., p.5.
Zealand cities. The first such mass-rally in Wellington used lots of helium-filled balloons to create a friendly, fun, almost carnival-type atmosphere.\textsuperscript{83} This was part of the important goals of visibility and the swinging of public opinion in order to create pressure for reform.\textsuperscript{84}

The focus of pro-reform public meetings was much more on showing that informed opinion was on their side. Three professional experts, including Max Abbott, director of the Mental Health Foundation of New Zealand, addressed a large meeting in the Lower Hutt Town Hall on 16 April 1985. Abbott’s topic was ‘Homosexuality: An Overview of Research and Professional Opinion’.

Psychiatrist Gerald Bridge addressed an ethics seminar of the Wellington Clinical School of Medicine. The address was written up as a pamphlet ‘Homosexuality: A Medical View’ and circulated with 51 doctors and specialists in signed support.\textsuperscript{85} The pamphlet reported that the original meeting was attended by over 200 health professionals, only 4 of whom had any reservations at all with the Wilde bill, and these related only to the age of consent. One needs, however, to remember that the original setting was an ethics seminar designed for medical students, and one has to ask whether they were in an environment encouraging full expression of opinion, and whether it was ethical to claim their full support. The issue was so politicized at that time that on both sides, the line between professional opinion and propaganda was often somewhat blurred. One, however, who very appropriately used his professional

\textsuperscript{83} Ibid.
\textsuperscript{84} Ibid. For further Gay Task Force reflection on the significance of these marches refer to Gay Task Force, campaign tapes recorded 10 September 1986, tape IV. Original held by LAGANZ
\textsuperscript{85} LAGANZ: MS Papers 081, 7/43.
standing to urge homosexual law reform on the basis that it was needed for the treatment and containment of AIDS was Auckland virologist, Dr Paul Goldwater.86

In addition to professional support, the pro-reform forces sought to present their position as reflecting a broad spectrum of New Zealand life. Supporting literature came from the trade union movement: 'It is immensely progressive [for socialists] when any oppressed group organizes itself politically to fight for its rights, and we are duty-bound to support their struggle.'87 Recognition that this was not just a struggle by gays was important - hence the significance of HUG (Heterosexuals Unafraid of Gays) formed in May 1985. Its gimmicky name attracted a lot of attention, and it quickly claimed more than 900 members in Wellington alone.88 Despite its name, some closet gays were involved in its leadership.89 The organization organized large public meetings and undertook extensive leaflet and poster distribution.90 Significantly, it was this group that the Wellington GTF and Fran Wilde particularly urged public sympathizers to join.91 Lesbians also came out in support, noting that while they were not affected by decriminalization, they were interested both in the Human Rights legislation and in the social acceptance that would be fostered towards lesbians by the passage of the bill.92

86 Reported, for example, in the Press, 6 July 1985.
89 Des Smith and Bill Logan: Gay Task Force, campaign tapes recorded 10 September 1986, tape VI. Original held by LAGANZ.
90 Des Smith: Gay Task Force, campaign tapes recorded 10 September 1986, tape VI. Original held by LAGANZ.
91 Truth Examiner, number 1, August 1985, p.4: LAGANZ: MS Papers 081, 7/45.
In addition to prominent New Zealanders supporting the bill, reform activists recognized the importance of gays coming out about their gayness. This would provide human faces, shifting the issue from impersonal issues to the issue of my neighbour, my work-mate, my cousin. As Fran Wilde recalled, '[A] number of people realized that their coming out was going to be one of the critical things. I believe in fact that it was a major critical factor in changing public opinion. When so many gay men in particular came out, New Zealanders just couldn’t believe it - that this guy they had known or worked with for so long was actually gay, and he didn’t have horns, a tail or two heads, or anything like that.' One example of a mass coming out was a full page advertisement in the Dominion, which had approximately 900 names, 300 of these appearing after the words, 'We are lesbians and gay men and we support the passage of the Bill unamended.'

Conservative opponents of the bill sought to bolster their cause by bringing several American speakers to this country to warn of the consequences of reform. One of these was Rev Louis Sheldon, chairman of the California Coalition of Traditional Values, who visited in August 1985. A feature of his argument was the linking of reform with AIDS: 'We can show in California where Aids arose as a result of a similar bill to yours. It takes about 4 or 5 years for the virus to incubate and to develop. In '75, it was

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93 See, for example comment at the end of 'Papanui Survey: Public Attitudes to Homosexuality', unpublished ms: '[I]t would seem that, to a large extent, this support from the majority is gained by gay people coming out . . .': LAGANZ: MS Papers 077, Series 2, Folder 22 (emphasis original).
94 Telephone conversation of Fran Wilde with Laurie Guy 10 April 2000. Also transcript of interview of Fran Wilde by Laurie Guy, 18 October 1997, p.4.
95 *Dominion*, 24 May 1985, p.11.
'79, 1979 when it was first discovered and it was known as an Aids patient.'\textsuperscript{96} So AIDS was caused by decriminalization, not by a virus spread from Africa! Sheldon’s solution to AIDS was to create a ‘leper colony’, to quarantine people who had AIDS.\textsuperscript{97} Sheldon vilified pro-reform supporters, likening them to ‘termites who seek to destroy a building’.\textsuperscript{98}

A second visiting American speaker was Jack Swann, warning of international gay targeting of New Zealand, leading to attack on all sexual norms, together with promotion of social acceptance of homosexual acts.\textsuperscript{99} The current bill was not an isolated issue – there was a ‘homosexual agenda’ behind all of this.\textsuperscript{100}

Clearly, anti-reform as well as pro-reform forces were drawing from international resources, both of ideas and of personnel. A manuscript by Phil Parkinson, ‘How Whetu Writes Her Speeches’ showed that anti-HLRB Labour M.P. Whetu Tirikatene-Sullivan drew heavily from Enrique Rueda, a Cuban priest based in the United States, quoting from his book \textit{The Homosexual Network} thirty-one times in her three page \textit{Hansard}-reported parliamentary speech on 9 October 1985.\textsuperscript{101} Each side was open then, to allegations of sinister international influence stirring in New Zealand’s previously untroubled waters.

\textsuperscript{96} Transcript of interview with Reverend Lou Sheldon on \textit{Eyewitness News}, 6 August 1985. See also \textit{NZ Herald}, 8 August 1985.
\textsuperscript{99} Reported in \textit{New Zealand Tablet}, 18 September, 1985, p.7, and in M. Fitzsimons, ‘Be on Guard’, \textit{Zealandia}, 15 September, 1985. In the latter article Swann was quoted as saying that the homosexual movement had ‘definitive goals to break down society’s norms’, that its goals were ‘unrestrained genital activity as a civil right’, and that the ‘granting of civil rights opens the way to acceptance and acceptance opens the way to dissolution of the norm’. For other evidence of the view that there was an international homosexual agenda, see transcript of interview of Graeme Lee by Laurie Guy, 15 April 1999, p.1.
\textsuperscript{100} Anti-reform forces commonly saw evidence of a larger program behind the bill. For the specific term ‘homosexual agenda’, see transcript of interview of Graeme Lee by Laurie Guy, 15 April 1999, p.1.
A press release of the Lesbian & Gay Network Mobilization for Survival, based in New York, quoted New Zealand lesbian activist Alison Laurie as suggesting that the anti-reform campaign was being financed and organized from America. Ironically the press release then went on to urge its readers, presumably the American or a wider international public, to write to the New Zealand Prime Minister and to the main New Zealand newspapers (addresses supplied) in support of the Bill, and to ‘participate in actions against the anti-gay policy of the Salvation Army.’

International gays meddled in New Zealand waters. The International Gay Association (IGA) sent Sylvia Borrin (a New Zealander living in the Netherlands) as its official representative to New Zealand. She appeared before the Select Committee to present the IGA submission. She also advised gay activists on campaign tactics before reporting back to IGA. IGA representatives around the world wrote lobbying letters to key New Zealand figures, especially to the Prime Minister. The International Secretary of Gay Legal Rights Coalition Inc (Fitzroy, Australia) fired this warning: ‘Failure to give lesbians and gay men their full human rights is just as disgusting and reprehensible as apartheid [sic]. You might just find that New Zealand faces sporting boycotts and economic sanctions if full human rights are not granted to the 10% of the New Zealand population who are homosexual.’ New Zealand gay activists used their

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103 Alison Laurie: Gay Task Force, campaign tapes recorded 10 September 1986, tape V. Original held by LAGANZ.
104 Ibid.
international connections to ensure that whenever New Zealand politicians went overseas they were lobbied by gay and lesbian groups in the countries that they visited. Overseas interests on both sides of the debate were seeking to influence the New Zealand outcome.

Sheldon’s visit in particular seems to have influenced the formation of a national CCC which emerged the same month as his visit. The concept behind the coalition appears to have been the notion that massive influence could be exerted on domestic politics by the various New Zealand groups concerned about traditional moral and conservative issues, strengthening the objectives they shared in common, by forming a large united pressure group. It was alleged that this group was parallel to, and imitative of, the highly publicized Moral Majority of America. While CCC denied direct connection with Moral Majority, allegation of that connection was nevertheless commonly made. Such linkage exposed the coalition to accusations of

Administrative / Campaign Correspondence 85-86' box, 'Copies of other people's correspondence' file. Emphasis original.

106 Alison Laurie: Gay Task Force, campaign tapes recorded 10 September 1986, tape V. Original held by LAGANZ.


110 Its media spokesperson, Pastor Barry Reed, while asserting that CCC was not modelled on the Moral Majority of the United States, did state, 'We reserve the right to take advice from any quarter in the world.' Quoted by M.E. Baker, 'Moral Group in NZ “Just a Baby”', Auckland Star, 30 August 1985, p.A4. See further Barry Reed's distancing of CCC from the Moral Majority in 'Halting Moral Landslide', Outlook, November 1985, pp.20-1 at p.21. For allegations of Moral Majority links refer to Alison Laurie and Bill Logan: Gay Task Force campaign tapes recorded 10 September 1986, tape V. Original tape held by LAGANZ.
being fundamentalists, religious bigots, racists, militarists.\footnote{Auckland Star, p.A8; R. Gordon, ‘Fear and Loathing and the Moral Majority: God’s Carpenters, American Moral Tourists, Prayer, Politics and the Petition’, Auckland Metro, V, 54, 1985, pp.121-41 at p.129.} These were difficult charges to refute, especially given the extremely negative rhetoric that the coalition used concerning gays. Its media spokesperson Barry Reed realized the danger of such public perceptions, urging anti-reform supporters in October 1985 that they must learn to have compassion for gay people.\footnote{J. Rankin, ‘Pastor: Anti-gay Group Must Learn Compassion’, Evening Standard, 2 October 1985.} This was bitingly satirized in a Tom Scott cartoon of the anti-reform leaders a few days later:

The coalition was portrayed as a powerful grouping, at least in part because it emerged while the massive signature-collecting petition was still under way and key petition leaders had strong connection with the coalition.\footnote{T. Scott, Cartoon, Evening Post, 5 October 1985.} A letter from Fran Wilde to Sir Guy

\footnote{Anon., ‘Halting Moral Landslide’, Outlook, XCII, 10, November 1985, pp.20-1 at p.21.}
Powles in September 1985 indicates her sense of the threat posed by CCC: 'The one thing of which I am most fearful now is the growing and well organized right-wing fundamentalist lobby. I fear that as in America, they may erode the gains we have all made over the years. They will undoubtedly gather strength if this Bill is defeated, which makes the work to get it passed all the more important.'

From its beginning, the Coalition saw itself as having a much broader agenda than simply blocking homosexual law reform. It was concerned not just with homosexuality, but with 'halting a moral landslide'. Keith Hay expressed the conservative concerns thus: 'It's not only the legislation for homosexual law reform, it's been a general opportunity for people to express their opinion against the decline in moral standards. We've had enough.' There had earlier been deep conservative Christian concern over abortion and sex education in schools in the 1970s. More recently there had been deep opposition to ratifying the United Nations convention of the elimination of all forms of discrimination against women, on the grounds that the convention was anti-family, overturned traditional gender roles, and could become a tool to promote abortion. The vehement opposition to the convention looked as if it might be successful until David Lange unilaterally went ahead and ratified the

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116 See comments by Pastor Barry Reed, media spokesperson for the coalition in Outlook, 92, 10 November 1985, p. 20. Note also 'Moral Coalition to Help Halt Decay', Challenge Weekly, 6 September 1985, p.1.
117 In M. Riddell, 'The Divine Right' New Outlook, September/October 1985, pp. 24-7 at p. 25.
119 Low, 'The United Nations Convention', pp.4-6. Also LAGANZ file, 'Ratification of the U.N. Convention on the Elimination of All Forms of Discrimination against Women: LAGANZ: MS Papers 0403, box 4, folder 8. For gay activist realization that the conservative protest against the United Nations Convention was a warning as to the level and nature of protest that would emerge against homosexual
convention just prior to Christmas 1984. Failure in such struggles meant that conservative Christians had now ‘had enough’. There needed to be a rolling back of liberal gains of the past decade or two. Hence the text on a Coalition flyer: ‘A sector of our community is promoting homosexuality as an acceptable alternative lifestyle. This is the first issue to defeat. There are then other issues to be dealt with so as to return to a happy traditional family outlook in New Zealand.’ Other concerns included abortion, law and order, the lack of censorship, violence, and the lack of discipline. Expressing this in visionary terms, Keith Hay asserted, ‘Christians are going to take control of this country. The next two years are going to be the most exciting years this country’s had.’

The coalition was thus a movement seeking to re-establish traditional values in New Zealand society, especially those seen as crucial to the well-being of the family unit. Major social and values shift had occurred, and was occurring in New Zealand, much of it distressing to fundamentalists. The issue of homosexual law reform was thus the catalyst, not the crux, of CCC. In the words of its media spokesperson, Barry Reed, ‘Homosexuals came along at the wrong psychological moment . . . . In the petition people saw an opportunity to say something about the trend - and the homosexual copped it.’ Bruce Jesson put his finger clearly on this issue: ‘It isn’t homosexuality as an isolated phenomenon that is being blamed, but homosexuality as part of a broader

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law reform, see comments of Alison Laurie: Gay Task Force campaign tapes recorded 10 September 1986, tape 7. Original held by LAGANZ.  
120 Ibid., p.1. 
121 Flyer captioned ‘The Future is Bright - - - if YOU make the Right choice now’. LAGANZ, MS Papers 081, Gay Task Force, 8/2. 
122 Outlook, 92, 10 November 1985, p. 21. 
social movement of secular humanism encompassing feminism, Marxism, sexual freedom,商业化, commercialism, liberalism.'127 Inglehart rightly saw fundamentalist Western developments akin to CCC as 'the rearguard action of a dwindling section of the population, not the wave of the future.'128

Evidence of its focus being broader than the issue of homosexuality alone can be seen in a ‘Statement of Present Issues’ brought by Peter Van Rij to the first steering committee of CCC on 13 September 1985. Three of the six issues mentioned related to homosexuality, one to the Bill of Rights, one to moral values being taught in schools, and one to abortion.129 A few days later CCC public relations officer Barry Reed was reported as saying that once the bill had been defeated, CCC would investigate other ‘liberal’ issues, mentioning abortion in particular.130

On the reform side Fran Wilde also sensed that the argument was far larger than a debate over homosexuality. In an interview during the debate in 1986 she noted that if the antis won there would be the kind of organized and heavily politicized campaign that America had seen against other liberal issues. On the other hand a defeat on the gay bill would be a serious setback for the ‘moral Right’, and make it difficult for it again to mount such a strong fight on any other issue.131 This broader attack on liberal policies gave basis for reform forces to appeal to people of liberal sentiment to join

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128 Inglehart, Postmodernization, p.72.
129 ‘Present Issues to Be Addressed’: attachment to minutes of the meeting of the Steering Committee of the CCC 13 September 1985. Papers of Bill Van Rij now held by Julie Belding, 20 Surville Place, Mairangi Bay. At that meeting a National Executive of four was elected including Peter Van Rij as secretary, and Bill Van Rij as treasurer.
them in promoting this liberal homosexual initiative – if that was lost other liberal issues might also be rolled back.132

The emergence of the CCC at the time of the fight over homosexual law reform may have led to its being over-rated as an ongoing movement. It was not an unstoppable conservative machine capable of toppling liberal MPs from parliament and replacing them with people who supported traditional values.133 Nor was it to be a major electoral force in the 1987 election.134 Although political scientist Barry Gustafson initially overstated the likely significance of CCC, he probably identified a main reason for what was to be their failure to have long-term public clout - lack of credible leadership: the CCC leaders were perceived as fringe church-people backed by second-echelon politicians.135 Coupled with that was a lack of clear political strategy.136 The main significance of CCC was its co-ordinating role in the later part of the homosexual law reform struggle.

Overall, the mass mobilization of the first few months of the bill was of great importance. The mobilization of conservative forces meant that the process of the bill was likely to be slow and drawn out. On the other hand, this provoked a counter-mobilization of pro-reform people. This encouraged closet gays and lesbians to 'come

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130 NZ Herald, 18 September 1985.
132 So argued, for example, in NZHLRS Newsletter, LXIII, June 1985.
133 McLoughlin, NZ Herald, 23 August 1985, p.1, quoting an unnamed organizer of CCC.
134 An editorial in the Evening Post, 26 September 1985, asserted, ‘If the signatures on the anti-homosexual law reform petition stand a vigorous examination, there can be little doubt that the Concerned Citizens will be a major electoral force in 1987.’ See also political scientist, Barry Gustafson’s comment of the ‘powerful conservative effect on politics’ CCC would exert, reflecting a ‘linking of conservative forces unparalleled in New Zealand political history’: Auckland Star, 30 August 1985, p.A8. For the negligible effect of CCC on the 1987 election see an analysis by June Vize, 'Radical Right', an unpublished ms supplied to Fran Wilde: LAGANZ: MS Papers 402.
out'. The consequence was that the populace at large was now much more likely to view the issue in the context of homosexuals they personally knew, and overall this would likely move them in a more liberal direction. Mass mobilization meant an intensity of polarization. This probably aided the gay cause, with sentiment firming towards reform in the period when Fran Wilde’s bill was under consideration, Heylen polls indicating that 57% supported decriminalization at some age in April 1985, increasing to 64% a year later. Gay activist, Bill Logan even went so far as to see Norman Jones as having done the gay cause a favour in launching the petition that led to the mass struggle. In his view the subsequent intensity of debate enabled gay activists to gain a much wider hearing for their education program.

The presentation of the Hay-Tait petition to parliament:

The presentation of the petition to parliament with something over 800,000 signatures occurred on 24 September 1985, a month after the formation of CCC. The petition was presented with a great deal of fanfare, flag waving, and Christian singing. The gathering of petition signatures had been undertaken with a great deal of fervour. Many had put in days, even weeks of time, for the cause, and at least one had been assaulted

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137 LAGANZ: Pam 729.75 HEY.
138 Transcript of interview of Bill Logan by Laurie Guy, 19 October 1997, p.3.
139 Gay Task Force, campaign tapes recorded 10 September 1986, tape IV. Original held by LAGANZ.
140 NZPD, 1985, 466, pp.6978-9. The petition organizers had kept the petition open much longer than originally intended. Clearly the goal was to achieve the psychologically intimidating figure of 1,000,000 signatures or something as near to that as possible. The organizers continued to receive signatures after the petition’s presentation and kept a running total. When Hay and Tait put in supporting submissions on 30 September 1985 they indicated that the total at that date was 824,114 signatures. For sympathetic account of the presenting of the petition see Challenge Weekly, 4 October 1985.
in the process.\textsuperscript{141} Now was the climax and hopefully this would lead to the saving of the nation.

The numerical strength of the petition was magnified by using boxes far larger than the contents inside required. The \textit{Dominion} report of the presentation, for example, asserted, ‘The boxes, although of uniformly large size, were obviously light and as the stack grew it teetered and needed support.’\textsuperscript{142} Presentation of the petition was accompanied by the expression of intense opposition to the petition, Fran Wilde, in her own words, ‘screaming like a banshee’ to arouse her supporters against the din of bands and loud-hailers.\textsuperscript{143} Wilde claimed on several later occasions that the petition presentation was like a Nuremberg rally.\textsuperscript{144} For her it was a turning point in the campaign, at least in crystallizing for the media the extreme nature of the anti-reform forces. The fact that no newspaper at the time reported the ceremony in such graphic language, suggests that this perspective should be treated with caution. At the same time, however, aspects of the public presentation were clearly offensive to sections of New Zealand society, and may have negatively influenced middle-of-the-road MPs and

\textsuperscript{141} A teacher struck a petition collector when she quoted a biblical passage at him after he remonstrated with her for seeking signatures of teenagers. The judge regarded the offence as ‘trivial’ and discharged him without conviction but requiring him to pay $50 towards the cost of prosecution: ‘Petition Prompts “Trivial Offence”, \textit{Auckland Star}, 14 May 1985.

\textsuperscript{142} \textit{Dominion}, 25 September 1985, p.1.

\textsuperscript{143} Transcript of interview of Fran Wilde by Laurie Guy, 18 October 1985, p.6. Also telephone conversation of Fran Wilde with Laurie Guy 10 April 2000.

members of society. Gay rights leaders, such as Bill Logan, viewed it as an American-style rally which was extremely culturally dissonant here.

Faced with the challenge of a massive petition against their position, the reformers sought to discredit the validity of the petition. The petitioners must have been aware of this possibility because they had had what they claimed was an independent, non-religiously-affiliated, Justice of the Peace, Charles Linden, scrutinize and validate the process of receiving and counting the signed petition forms as they were received at the campaign headquarters. A letter from Norman Jones to Linden in May 1986 indicates, however, that Linden was a key activist in the HLRB opposition.

Apart from the issue of Linden’s neutrality (which was not picked up at the time), many other aspects of the petition were also open to challenge. In the first place many of the signatories were minors. This was because the petitioners had made a conscious decision to seek signatures from those as young as twelve years, ostensibly on the grounds that they should have their say as they were potentially affected by the legislation, but probably really to swell the number of signatures. Should such young people be able to participate in what the petitioners claimed was effectively a

145 So argued by Gavin Young in written communication to Laurie Guy, February 2000.
146 Transcript of interview of Bill Logan by Laurie Guy, 19 October 1997, p.4. Also Gay Task Force campaign tapes recorded 10 September 1986, tape V. Original held by LAGANZ.
147 Fran Wilde in a newsletter to supporters stated, ‘It seems to be to be [sic] inevitable that the petition will hit its one million objective’, and urged people involved with signatures given in irregular circumstances to write in to help discredit the petition. LAGANZ: MS Papers 168.
149 Letter Norman Jones to Charles Linden 2 May 1986. Original held by Barry Reed, 92 Marsden Ave, Mount Eden; copy held by Laurie Guy. Linden’s lack of independence is clearly indicated in the first sentence of Jones’s letter: ‘Something along these lines would be appropriate to include in Keith Hay’s letter to all M.P.s who voted against the Bill.’
referendum, when they did not have the vote?\textsuperscript{151} Could weight be put on such votes, or was there the likelihood of undue parental or other influence?

The matter of undue influence was a major point of attack from the reformers, not only in relation to parent-child relationships, but also in relation to alleged pressure tactics from people in authority in churches, work-places, schools, hospitals and rest-homes.\textsuperscript{152} The numerous letters received by Fran Wilde and others, alleging this, suggest that there was some basis for complaint on this point.\textsuperscript{153} One such letter came from the Anglican bishop of Christchurch:

It appears the petition has been filled by many people obtaining signatures in a most unfortunate manner. For instance, one retired man told me that ‘I visited all the young mothers in my district and told them that their children would be sodomised by their teachers if this bill is passed. I have obtained 400 signatures.’ With the passion with which this man spoke and his rather intense manner I would not blame a young mother for signing anything to get him away from her home.

Recently I was on a back country farm and a young shepherd there told me with some embarrassment that he had signed the petition although his considered opinion was in favour of reform of the law. However, during a social time in a country hotel several men had taken the petition around and if anyone had shown doubt about immediately signing it they were called names such as ‘queer’ and ‘poofter’. He told me that they had got some 300 signatures on this one occasion.\textsuperscript{154}

The very nature of the petition-gathering exercise made it a not-altogether-reliable gauge of public opinion. As the Auckland Star pointed out, ‘There is plenty of evidence

\textsuperscript{151} For the claim that the petition was effectively a referendum see ms ‘To Members of Parliament and the Public of New Zealand: Notes on the Petition/Referendum regarding Homosexual Law Reform’: LAGANZ: MS Papers 081, Folder 7/32.

\textsuperscript{152} Ibid. Also Auckland Star, 26 April 1985 A6, re concern from principals of Hillary College, Papatoetoe High School and Tangaroa College at soliciting of students to sign to and from their way to school.

\textsuperscript{153} Numerous such letters remain in the personal possession of Fran Wilde: ‘HLR: Correspondence re petition’ file.

\textsuperscript{154} Letter Maurice Goodall, bishop of Christchurch, to J.R. Sutton, MP for Waitaki, 4 July 1985. Copy in personal papers held by Fran Wilde, ‘H.L.R Corresp.’ Box.
that people will sign things for all sorts of reasons other than firm approval for what they are signing. They sign to please the pollster; to get away because they don’t really care one way or another and don’t want to have a row; because they are embarrassed about being stopped in public and feel going along is the safest course.¹⁵⁵

Authenticity of signatures was also queried. Because the petition forms had no space for the printing of signatories’ names, it was impossible to scrutinize many of the signatures and check them off against an electoral roll.¹⁵⁶ In a few electorates, a superficial scrutiny of the petition figures suggested that there were major irregularities in relation to those electorates. This was most pronounced in the two Hamilton seats. While Hamilton East had 20,873 electors, it had 20,299 petition signatures; and while Hamilton West had 21,359 electors, it had 17,608 petition signatures.¹⁵⁷ Something seemed patently wrong with such a high percentage of signatures even allowing for the fact that adolescents 12 - 17, who would not have been on the electoral roll, were encouraged to sign. This was especially the case, given that public opinion polls indicated that Hamilton, like the rest of the country, had a slight majority favouring some sort of homosexual law reform. Trevor Mallard claimed in parliament that while his seat showed 17,000 petition signatories, coding showed that only 12,000 of these in fact belonged to the electorate, and of these only 3188 were on the Hamilton West electoral roll.¹⁵⁸ Bill Dillon indicated that while his electorate showed ‘an almost unbelievable 97.25 percent’ of his electorate had signed the petition, a check by a

¹⁵⁶ Ibid.
¹⁵⁸ NZPD, 1985, 467, p.7733. See also his comments in ‘Petition Misleading’ Dominion, 2 October 1985.
University of Waikato professor indicated that only 37 percent of the roll had signed the petition.159

Confirmation of the unreliable nature of the signatures in the two Hamilton electorates is also indicated in the electorate results of 1987. Given that CCC was determined to punish MPs who were strong supporters of the Wilde Bill (as especially Trevor Mallard and, to a lesser extent, Bill Dillon were), one would have expected that they would have been toppled in 1987 in view of their slender 1984 majorities (1100 and 803 respectively). In fact both were returned with increased majorities, a result which even CCC, in proclaiming ‘incredible, if as yet unperceived victory for the morals movement right across New Zealand’, had to admit was an ‘enigma’.160 Such a result suggests there was no marked (homosexual) morals concern in Hamilton in 1987, and this in turn casts further doubt on the incredibly high percentage of petition signatories in those electorates in 1985.

The length of time that the petition was open for signature (175 days) and the multiple opportunities people had to sign (the petition being circulated door-to-door, at places of work, through churches, via newspaper advertisements, in the streets, at shopping centres, and outside schools), led to allegations of people signing the petition several times.161 This led to a mocking poster from a lesbian group, ‘Anti-Gay Petition Doesn’t...
Add Up'. The text of the poster gave the appearance of signatures on one of the petition forms. However, in place of signatures it had, in various hands, the text, 'I signed it the first time because my teacher was watching and I need to pass . . . . I signed it the second time because my boss was signing and I need the job . . . . I signed it the third time because my husband is one of their organizers and I'm scared of him. . . . I signed it the fourth time because my pastor was collecting names and I'd feel guilty otherwise.'

Although the petition was flawed, it was not flawed to the extent that it was meaningless. Even if only 75% of the signatures were valid, then it represented a massive number of people sufficiently concerned to sign the petition. In fact the Auckland Star commissioned a survey of 400 of the signatories and found 370 genuine responses (92.5% of those contacted). Despite major irregularities, it is therefore going too far to describe the petition as a massive fraud as Fran Wilde did. However, the reformers were able to highlight the irregularities to such an extent as to cast doubt as to whether the petition had any significance at all. Skilful exploitation of such weaknesses meant that the petition results were perceived as uncertain and unreliable, rather than being a massive, clear-cut public statement. Such an outcome highlights the relative political skills of the two campaigning forces: a remarkably astute reform campaign versus a significantly stumbling anti-reform response.

162 LAGANZ: MS Papers 081, 7/44.
163 A point noted in an editorial 'The Moral Majority' in the Dominion, 10 October 1985. The editorial went on to argue that despite the massive numbers signing the petition a much better guide to public opinion was the public opinion polls which showed that a majority wanted reform.
164 'Gay Petition Valid, Poll Finds', Auckland Star, 9 November 1985, p.A1. Also reported in Challenge Weekly, 22 November 1985. See also 'Presbyterian Tests Claim over Petition', Auckland Star, 20 June 1986, A10, which reported Presbyterian minister, the Rev. Bill Milward holding random surveys in seven Auckland shopping centres, and finding that almost all who had signed the petition would do so again.
The direct response of parliament to the petition was unsurprising, given that supporters of reform were in a majority in the Justice and Law Reform Committee, chaired by Trevor Mallard, that considered the petition, and given that the petition was clearly designed as a political ploy to derail legislation that was likely otherwise to be given parliamentary approval. The response to the petition was ‘no recommendation’, the least approving response that could be made.\(^{166}\) Perhaps the threat that MPs who opposed the petition would lose their jobs at the next election, may have backfired with regard to short-term reaction.\(^{167}\) The written submission of Sir Peter Tait in support of the petition had been quite explicit in making such a threat: ‘Thousands of New Zealanders will pledge themselves to register their votes at the next election against any Member who votes for the Bill irrespective of Political Parties . . .’

Rejection of the petition was a major blow to the conservative forces. They had put all their eggs into the petition-strategy basket and were significantly at a loss when it failed. In the words of Graeme Lee, ‘The vehicle [for mobilizing public opinion] was the petition.’\(^{168}\) The petition’s rejection was basically the end of its political significance, apart from the fact that its massive numbers might still be a coercive grey cloud looming in the background of the odd MP’s mind who was still wavering on the possible electoral consequences of voting for the reform bill. Ongoing opposition to the HLRB continued, but further attempts to galvanize public opinion largely subsided. The process of events highlights naïvety and lack of sophisticated strategy in the

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\(^{165}\) Subsequently Fran Wilde described the petition as ‘completely fraudulent’: transcript of interview of Fran Wilde by Laurie Guy, 18 October 1997, p.6.

\(^{166}\) NZPD, 1985, 467, pp.7732-42.


\(^{168}\) Transcript of interview of Graeme Lee by Laurie Guy, 15 April 1999, p.3.
conservative approach, something acknowledged by their media spokesperson, Barry Reed. When asked in 1998 what he would do differently if he faced the issue again, Reed’s response in part was:

I would . . . study Parliament more, and I would also work out the tactics better. I wasn’t actually trying to work the tactics out. I was just trying to take the vehicle, take the petition, do the things, report what people were saying, and so on. So we didn’t have what I’d call strategy meetings. I think one of the best things that I could say, ‘It was just like Topsy, it just growed’.

Further political progress of the reform bill:

By the time parliament had essentially rejected the petition, the Justice and Law Reform Committee had already reported back on the Wilde bill, recommending that it proceed with only minor amendments. There had been a massive amount of public interest and concern in the proposed measure, resulting in 1096 written submissions to the Committee (over 600 being from individuals), together with a further 1138 letters. There seems to have been no sharp distinction between ‘submissions’ and ‘letters’. The classification appears to have been that the ‘submissions’ came with the requisite 25 copies, whereas the ‘letters’ came as single copies. According to Department of Justice figures, 643 submissions were in favour of the bill with 406 against. However, only 379 of the letters received were in favour of the bill with 759 against. The variance of support between the two sets of figures perhaps suggests

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169 Transcript of interview of Barry Reed by Laurie Guy, 28 August 1998, pp.5-6.
171 A. Butcher, ‘Homosexual Law Reform – Summary of Submissions’: LAGANZ: Pam 729.75 BUT.
172 Ibid. The breakdown of support is approximate only. The legislation had a number of aspects and had two major parts. The Justice Department analysis put some submissions which supported Part I but opposed Part II as supporters of the bill but put other similar submissions as opponents of the bill.
173 Ibid.
that supporters of reform were on the whole better aware of the proper way to present submissions (with the requisite copies). Either they were more educated people or had more careful instruction from their campaign leaders about how to present submissions. The anti-reform letters (which carried less weight than the submissions) suggests many people speaking out who had never engaged in the political process in this manner before. An example of such a person is the following from Glenfield, 'Dear Sir, we are opposed to the Homosexual Law Reform Bill. We believe that homosexuality is immoral and contravenes God’s law as revealed in His Word the Bible. Yours faithfully, [name supplied].'

The virtually unprecedented volume of submissions meant that after 70 hours of hearings, only 111 oral submissions had been heard. Taking the position that the ground had now been covered, and that hearing a further 85 submissions that sought oral hearing would be time-consuming and unproductive, the committee cut short the hearing process and reported back to parliament.

On 9 October 1985 the bill began its second reading. This again proved to be a lengthy process which was completed only on 13 November 1985. Subsequent consideration by the whole House in committee then took many months. The strength of Part II (the non-discrimination human rights section) was greatly weakened by a number of amendments before the section as a whole was dropped from the legislation in April 1986 by 49 votes to 31. According to Fran Wilde the defeat of Part II was to some extent a case of MPs having a bob each way for electoral advantage: they voted Part II down so that when they later voted for decriminalization they could at least tell their

electorates they hadn’t swallowed the whole bill and had been critical to some extent.\textsuperscript{175} The third reading of the reduced bill took place in July 1986, with final approval by 49 votes to 44 occurring on 9 July 1986.

Much of the protracted delay that took place as the bill went through the parliamentary process seemed to be the result of deliberate anti-reform delaying tactics. Norman Jones acknowledged this on air on 13 November 1985 as the bill was completing its second reading.\textsuperscript{176} In response to the question, ‘Are you stalling?’ Jones responded, ‘No. . . ah . . . well, yes we are . . . we are certainly . . . as far as I’m concerned the longer it’s prevented from getting through in any stage at all, the better. Not stalling. Just exercising our democratic rights to keep . . . to keep the argument going.’ AIDS victims were pawns to be used by Jones in this delaying power game. He went on to state, ‘I would think that if this Bill goes through until after Christmas, and there’s another six or seven deaths from AIDS as there will be - by Christmas - that would certainly influence some of these Members to change their votes.’\textsuperscript{177} In response to the suggestion that he was employing scare tactics Jones stated:

It’s tactics. It’s the same tactics as the homosexual people are taking. They know damned well that if this Bill isn’t passed this session, AIDS will see to . . . deaths from AIDS will see to it that it’s never passed. They know it’s their last chance because if they don’t get it through now, the increasing deaths from AIDS will make sure it never comes through, so as far as I’m personally concerned if people are dying from AIDS then they may as well die sooner than later because I know there’s at least seven in critical stages in intensive care now. If those people die, and they should die, and they will . . . looking to the dying in the next three or four months, and the Bill’s not through by then, of course it will help our cause.\textsuperscript{178}

\textsuperscript{176} Transcript of 2YA Checkpoint programme, 13 November 1985, 6.10pm, item Gay Law Bill Reading. The breaks shown in Jones’s speaking in this and immediately subsequent quotations indicate pauses by Jones, and not that words have been omitted from his responses.
\textsuperscript{177} Ibid.
\textsuperscript{178} Ibid.
In the intense political feeling of that time neither of the core groupings of MPs supporting and opposing reform were willing to compromise on the age of consent in relation to decriminalization. It was a win-all or lose-all approach. It was the mind-set of the two groups of MPs and/or their backers which led to this playing for high stakes. The debacle over the 1979 and 1980 Freer initiatives had indicated that anything less than full equality with heterosexuals (i.e. an age of consent of 16) was unacceptable to the activist section of the gay community. Fran Wilde’s public position was that age of consent at 16 was ‘non-negotiable’. Likewise, for the core anti-reform MPs, homosexual acts were so abhorrent that they could not be tolerated at any age.

After claiming his side had rock-solid support of 36 MPs, and that Fran Wilde had rock-solid support of 34 MPs, Norman Jones commented on the no-compromise, go-for-broke approach being pursued by both sides: ‘There are 24 to 25 members in between that are looking for the middle of the road - ah, 18 or 20 years. Now, I’ll make sure that my group vote against 20 years of age and I’m quite sure Fran Wilde’s group will do the same so that puts that out. Get down to 18, the same. Eventually those Members of Parliament on both sides of the House will be faced with 16 years of age or nothing and at that stage that’s where they’re really going to do the agonising.’

In the outcome, at least with regard to Part I, the reformers won everything, and the conservative opponents lost everything. Had either side compromised, the legislation would have sailed through, but with an older age of consent and without full equality as between homosexual and heterosexual acts. The reform movement was clearly aware

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180 Norman Jones: transcript of 2YA Checkpoint programme.
of an easier and more certain passage on such a basis, having already faced internal debate on the matter during the 1979 and 1980 Freer initiatives. As gay activist Warren Lindberg (later head of NZAF) observed subsequently, 'It was indicated to us that the whole thing would be on a plate if we'd just go to 18.'¹⁸¹

While the reform forces publicly stood rock-solid for 16, there were some elements of wavering as the vote went to the wire and faced the risk of outright rejection. Collapse of the bill would mean many more homosexuals would remain in the closet. This would have major implications with regard to the apparently impending AIDS epidemic.¹⁸² Private wavering was expressed in personal conversation and correspondence as the crucial final vote loomed.¹⁸³

One vote the reformers failed to get in 1986 was that of Venn Young who was the first MP to initiate an attempt at homosexual law reform in 1974-5. His earlier measure started with an age of consent of 21 which was then amended at the select committee stage to age 20. In the 1985/6 process Young voted for the Rodger amendment to decriminalize at age 20, but declined to support the Gair amendment to decriminalize homosexual acts at age 18, and voted against the bill as a whole on its third reading.¹⁸⁴ Young's objection was the implication conveyed by age 16 - that heterosexual and

¹⁸² A reason expressed by Phil Parkinson for privately considering compromise on the age of consent: emails Phil Parkinson to Laurie Guy, 6 and 9 February 1999. Also letter Phil Parkinson to Laurie Guy, 15 February 2000.
¹⁸³ Acknowledged as occurring within pro-reform ranks by Alison Laurie & Bill Logan: Gay Task Force, campaign tapes, recorded 10 September 1986, tape VII. Original held by LAGANZ. See also letter Deirdre Milne to Fran Wilde, 12 June 1986: original letter held by Fran Wilde in her personal papers: 'H.L.R. Administrative / Campaign Correspondence 85-86' box, 'H.L.R Administrative Campaign Correspondence 1986' file. Emphasis original.
homosexual acts should be placed on an equal footing. This was something he, and, in his view, society, was not prepared to accept.\textsuperscript{185}

Despite the reformers' 49 to 44 final victory at the third reading, the result was not a foregone conclusion. They had to ensure they had the numbers whenever the bill was being debated, in case there were any derailment attempts. According to Fran Wilde, one reformist strategy was to get appropriate reform sympathizers to engineer the inviting of reform opponents away on all sorts of engagements on the Wednesday evenings when the bill was being debated. The reality that the invitations were to get anti-reform MPs out of the House during the debate process, was masked in the invitation process.\textsuperscript{186}

Notwithstanding such attempted manipulations, the bill came very close to derailing on 2 July 1986. The reformers were caught by surprise by a motion to close debate on the third reading and appeared to lack the numbers to have the bill pass its third reading. By this stage, with only a few exceptions, parliamentary votes on homosexual law reform were largely proceeding on party lines. On a free vote, one who might have been expected to support law reform, National deputy leader George Gair, was possibly wavering from that position, basically because of his concern that the setting of the age of consent at 16 was too low.\textsuperscript{187} The crucial nature of Gair's vote can be seen in the way Des Smith of HUG wrote to 160 HUG supporters in Gair's electorate in that final

\textsuperscript{185} Article, 'Age 16 - That's the Rub, They Say', \textit{Evening Post}, 26 April 1985, p.5.

\textsuperscript{186} Transcript of interview with Fran Wilde, 18 October 1997, p.9. Note similar comments by Bill Logan: Gay Task Force campaign tapes recorded 10 September 1986, tape VII. Original held by LAGANZ.

\textsuperscript{187} Letter George Gair to Barry Reed, 13 May 1986, sets out that concern. Letter held by Barry Reed, 92 Marsden Ave, Mount Eden, copy held by Laurie Guy.
debate period urging each one to write to Gair, lobbying him to support age 16.\textsuperscript{188} When the closure motion came up, Fran Wilde seized the few minutes available, prior to its being put, to plead with Gair to vote against the closure motion, and so preserve the bill for another day. Gair voted accordingly, and the closure motion was lost 42 to 43.\textsuperscript{189} It was Gair who saved the bill on that occasion.\textsuperscript{190}

A week later the reformers had the numbers, and the bill gained its final approval by 49 votes to 44. Why the closeness of the vote, given that there was an increasing sense that homosexual law reform was called for? The crux was the age of consent at 16. Back as far as 1973 a Heylen poll of 1000 New Zealanders had indicated that 59.2\% wanted law reform for homosexual acts of consenting adults in private.\textsuperscript{191} A similar poll in April 1985 indicated that 57.1\% held to that view. However, when questioned about the age at which homosexual acts should be decriminalized, the picture became much more complex, with the following percentages supporting decriminalization at the following ages:

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 16 years</td>
<td>0.1%</td>
</tr>
<tr>
<td>16 years</td>
<td>21.3%</td>
</tr>
<tr>
<td>17 - 19 years</td>
<td>13.4%</td>
</tr>
<tr>
<td>20 years</td>
<td>10.6%</td>
</tr>
<tr>
<td>21 years</td>
<td>7.2%</td>
</tr>
<tr>
<td>More than 21 years</td>
<td>2.8%</td>
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</tbody>
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\textsuperscript{188} Des Smith: Gay Task Force, campaign tapes recorded 10 September 1986, tape VII. Original held by LAGANZ.
\textsuperscript{189} Gair later asserted that his vote was not influenced by Fran Wilde's pleading. He claimed, 'there is no way I would let the bill fall over': transcript of interview with George Gair, 2 April 1998, p.7.
\textsuperscript{190} Dominion, 3 July 1986; Out, June/July 1996, p.30; transcript of interview with Fran Wilde 18 October 1997, p.9.
\textsuperscript{191} Sunday Times, 15 April 1973.
Allow but uncertain re age 1.7%
No at any age 38.3%
Don't know 4.6%

A significant feature of these figures is that only 21.3% supported the age of consent stated in the bill; only with an age of consent at 21 was there a clear majority in favour of homosexual law reform. Similar polls taken in June and September 1985 indicated some shift towards homosexual law reform (for example, the percentage in favour of law reform at some age increased from 57.1% to 62.3%) but conservatism remained with regard to the age of consent.

Despite the Wilde bill being a conscience vote, some MPs who finally voted against the bill clearly did so with an eye to public opinion and to future political advantage. In response to the suggestion that as Muldoon played the rugby card for political advantage with regard to the Springbok tour in 1981, so here some National MPs were voting for political advantage, Fran Wilde asserted, 'Oh the Nats were. There is no doubt about that - or a number of them were - and I knew perfectly well a number of them who voted against it, actually supported it and would be quite relaxed today about voting for it as a Government bill. But they thought it would be damaging for us.'

Fran Wilde’s assertion seems to be borne out in that 10 of the 11 National cabinet ministers who voted for the Katherine O’Regan human rights amendment protecting those of homosexual orientation in 1993, had voted against the third reading of the Wilde bill in 1986. While there was a marked swing in public opinion in favour of gay issues in those seven years, it seems doubtful that the swing was so marked that it
changed all those 10 MPs to vote for something even more radical than that which they opposed seven years earlier. Given that a major motivation for many MPs was the issue of electoral votes, one needs to assume that some of the negative voting in 1986 was in anticipation of gaining electoral popularity in so doing.\textsuperscript{193}

One tactical voter was Doug Graham, National MP for Remuera. The Christchurch \textit{Press} reported that Graham preferred the age of consent to be 18, not 16, but that he intended voting for the bill if he thought it would otherwise be defeated, yet held back and voted against it when he knew it had the numbers to pass.\textsuperscript{194} Fran Wilde claimed that several other National members voted similarly.\textsuperscript{195}

In many ways the debate by 1986 was not whether homosexual acts should be decriminalized, but rather at what age this should be done. Deep passions were aroused over differences of just a few years in the proposals. To probe the passions that were so aroused, this thesis will now investigate the arguments and motivations of the protagonists in the 1985-6 period.

\textsuperscript{192} Transcript of interview of Fran Wilde by Laurie Guy, 18 October 1997, p.9. For her earlier comments that Opposition MPs were 'courting a rising and strengthening radical Right' see editorial \textit{Evening Post}, 18 April 1986.
\textsuperscript{193} Morrison, ‘Political Implications’ p.50.
\textsuperscript{194} \textit{The Press}, 10 July 1986, p.1.
\textsuperscript{195} Telephone conversation Fran Wilde with Laurie Guy, 10 April 2000.
CHAPTER SIX: THE WAR OF WORDS: THE RHETORIC OF DEBATE, 1985-6

This publication will give some of the facts to answer the lies and propaganda being spread.¹

The debate on the Homosexual Law Reform Bill has been accompanied by much myth and conjecture.²

Establishing the main arguments concerning homosexual law reform in 1985-6 is not a simple exercise. A multitude of groups and individuals had a stake in the law reform issue. The issue itself was complex, and could thus evoke a range of views, and not simply a ‘Yes’ or a ‘No’. Further, a deluge of written and oral material cascaded into the public arena during the main 16 months’ debate period, March 1985 - July 1986. Recognizing that no analysis can do justice to the diversity of opinion on the complex issue, I propose in examining the arguments primarily to utilize the following documents as representative of the overall debate:

- the Truth Examiner, a one-off, four-page publication, set out in newspaper format delivered to parts of the Hutt Valley in August 1985. This was prepared by the Wellington GTF in conjunction with Fran Wilde.

- a CCC 55 page booklet, The Social Effects of Homosexuality in New Zealand, issued in September 1985. This was primarily written by James Bacon, MBA, BCom, a lecturer in accountancy at the University of Canterbury.³ While Bacon’s target audience was the average New Zealander, he brought to the task some academic ability to articulate and weigh argument.

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¹ Truth Examiner, August 1985, prepared by Fran Wilde and Wellington GTF, p.1
³ While the booklet simply lists Bacon as editor, he confirmed in a letter to me, 4 November 1997, that he was the main author, but with interview input from professional colleagues, including lawyers and teachers.
The Truth Examiner material:

A major focus of the Truth Examiner was to persuade people to think about the difficulties and hardships of homosexuals - their being pariahs, facing shame, enduring discrimination. An editorial by Max Abbott, director of the Mental Health Foundation of New Zealand, in Mental Health News, was reprinted in the Truth Examiner. It began with a counselling experience of Abbott with a young gay man some years earlier. It spoke of the young man's anguish, and the crushing insensitivity of his church in dealing with the young man's situation. The story ended with the death (suicide?) of the young homosexual a few weeks after his last meeting with Abbott. The editorial story and comment clearly said, 'Hey, don’t you realize human beings, human lives, are at stake in this debate? And, hey, don’t you realize that negative attitudes to homosexuals are destructive to them, even to the extent of causing their deaths?' The editorial was a challenge to homophobia and an urging that people come to know
homosexuals and recognize them as fellow human beings who were different in only one aspect of their lives: ‘Research shows that contact with homosexuals, especially family members and friends, is the most potent way to reduce homophobia.’

The *Truth Examiner* projected itself as expressing a struggle for truth and compassion towards an oppressed minority group. Again and again the newspaper, directly and indirectly, urged that it was simply giving the facts against a backdrop of hysteria and lies. Fran Wilde’s message, for example, began, ‘The hysteria and emotion being whipped up by those opposing the Homosexual Law Reform Bill is a frightening phenomenon. A campaign of fear and deception has resulted in thousands of New Zealanders signing the petition opposing the bill, many of them without having any real factual information about the proposed law change or its implications. This publication will give some of the facts to answer the lies and propaganda being spread.’

A strong feature of the publication was its stress on homosexuals being a minority group. There was very little focus on the behaviour of homosexuals, apart from the fact of their sufferings caused by oppression. One article, focusing on the human rights issue (Part II of the proposed legislation), repeatedly drew attention to discrimination and suffering occurring to homosexuals, not for anything they did, but for ‘who they are’. This phrase was repeated four times in the article, and the final reference stated, ‘Lesbians and homosexual men have been beaten to death in New Zealand simply because of who they are and their attackers and murderers escape with little or no punishment because it is believed that, on some level, the victims have “asked for it”.’ Surely, it was argued, people - and homosexuals are people - should not be so treated.
There was strong reliance in the publication on the concept of fixed homosexual orientation. The authors were certain that this was established in the earliest years. The Human Rights Commission was quoted with regard to sexual orientation being established 'very early in life, probably before age 5'. Another article asserted that, 'the fact is that for the vast majority of people, sexual orientation is well established prior to the mid to late teenage years when sexual activity commences.' The main authority for such claim was the Kinsey Institute - researchers such as Alan Bell, Martin Weinberg, and Sue Hammersmith.

The assertion of sexual orientation being fixed in the pre-pubertal period (commonly in early infancy) as a certain scientific fact, was a feature of reform argument in a number of pro-reform publications and addresses. There was repeated stress that scientific evidence was conclusive on this point: 'the fact is', 'modern research accepts', 'scientific and social research indicate overwhelmingly', 'all the major studies on homosexuality show', 'research has now established'.

In point of fact such statements ran far ahead of the evidence. While biological factors (genetic or hormonal) may be a factor in aetiological explanation, this was (and is) by no means certain, and if such is later more firmly established, it is still unlikely to be

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4 As quoted above.
7 1985 submission of the New Zealand University Students' Association (Inc.), p.9: LAGANZ: MS Papers 098.
9 For a critique of doubtful scientific method of the more than 1,000 studies on homosexuality over the last century or so, especially with regard to causation, see comments by Frederick Suppe, professor of philosophy at the University of Maryland, that 'this body of literature provides a virtual encyclopedia of methodically unsound research': F. Suppe, 'Explaining Homosexuality', pp.167-8. For support in
the total explanation.\textsuperscript{10} What was happening in 1985 was that environmental explanations had been overwhelmingly dominant, but were starting to be re-challenged by biological explanations. Some of the challenge stemmed from recent research, much from political propaganda. This latter aspect was well demonstrated by a letter from Tony Hughes to Bill Logan in 1985 suggesting how Logan should respond in his section of the GTF response to the CCC booklet: ‘On the “Possible Causes” chapter suggest you quote liberally from Bell & Weinberg especially the section “Biology?”’ That is one of the references xeroxed and included with my biological submission. I know how I’d write it, but that may be too biological for your liking! Never mind, don’t underestimate how powerful that line of argument is as a method of undermining the moralists’ position. It also will be listened to by MPs.\textsuperscript{11} Irrespective of validity or otherwise of the biological argument, there was strong incentive for gay activists to querying the ‘scientific’ nature of much research into homosexuality see J. Gonsiorek, ‘An Introduction’, pp.371-7.


\textsuperscript{11} Letter Tony [Hughes] to Bill [Logan] undated, but clearly, from the contents, September 1985. Emphasis original: NZAF library: File: Homosexual Law Reform – Parliament/MPs. For further acknowledgment of the political dimensions and/or motivations with regard to biological aetiology see
promote that argument, for biology meant destiny, and destiny could be extrapolated to mean that no judgment could be passed against homosexual behaviour. Conversely, of course, this meant that there was strong incentive for anti-reformers to reject that argument.

Early environmental factors are likely to have some aetiological significance with regard to homosexuality, and this still tended to be the assumption of most who asserted the early fixed nature of homosexual orientation in 1985. A fair statement at that time (and since) was to accept that the cause(s) of homosexual orientation have not been (and probably will not be) clearly identified, something which Max Abbott, director of the Mental Health Foundation of New Zealand, for example, was quite happy to acknowledge. If one accepted aetiology as uncertain, then argument for certainty of early fixed orientation required an argument from other empirical data drawn from pre-adolescent research. Little had been done from such standpoint in the early 1980s (or since). This led Gonsiorek in 1982 to assert that at that point, it was unknown how stable sexual orientation remained over time. The only major published work on the issue by 1985 was the 1981 study of Bell, Weinberg and Hammersmith. The fact that this was the only major published work seems to have been tacitly acknowledged by Phil Parkinson, administrator of the Lesbian and Gay Rights Resources Centre, in his 1985

Paul, 'Childhood Cross-Gender Behavior', p.46; Burr, A Separate Creation, p.204; Le Vay, Queer Science, p.250.

12 On the political implications of the biological argument see discussion in transcript of interview of Tony Hughes by Laurie Guy, 29 June 1999, p.5.
The Bell, Weinberg and Hammersmith study was largely based on memories of homosexual people recalling, *inter alia*, that they were different as children, a basis which may be confirmatory of fixed early childhood sexual orientation, but hardly sufficiently probative to lead to the 'all research establishes' type of statement. The childhood memories evidence had been critiqued as early as 1973 by Gagnon and Simon: 'One of the lessons of existentialism is that our biographies are not fixed qualities but are subject to revision, excision, and other forms of subtle editing based on our place in the life cycle, our audience, and the mask that we are currently wearing. Indeed, for many persons the rehearsed past and the real past become so intermixed that there is only the present.' Similar doubts with regard to the evidential value of memory as proving fixed childhood sexual orientation have been expressed by a number of other writers. In Troiden's view, reinterpretation of childhood experience as indicating a homosexual potential occurs as a necessary part of developing a homosexual identity. In other words, memory is likely to shift to make sense of one's present perceptions.

Exploring the *Truth Examiner* with regard to its claim for fixed childhood sexual orientation as a research fact highlights the problematic nature of scientific research in regard to homosexuality and the dangerous extent to which the boundaries between science and political propaganda have been blurred. *Truth Examiner* contributor, Max Abbott, himself elsewhere acknowledged that science was 'not value free', and showed

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15 This is based on his citing that study as the main study, though he also appeals to his own (more minor) surveys in New Zealand: LAGANZ: MS Papers 098.
17 For other comments on the dangers of relying on childhood memories see Le Vay, *Queer Science*, pp.6-7; Mondimore, *A Natural History*, p.117; Dr John De Cecco, psychologist and editor of the *Journal of Homosexuality* in J. Brody, 'Homosexual Study Upsets Old Theories', *Dominion*, 26 August 1981.
awareness of the dangers of its becoming a propaganda tool: ‘We take into our research and clinical practice many of the values and prejudices we have developed as citizens in this society at this time. Consequently, while there are some safeguards built into scientific and professional practice to protect against gross distortions, one would be naïve to think that bias does not exist.’\(^{19}\)

Expansion of my examination of *Truth Examiner* to related reform assertions indicates that appeal to science was widespread in the 1985-6 reform camp and that much of such appeal must be regarded as propaganda rather than a careful dealing with evidence. The answer most careful of the evidence on the matter of the fixed nature of sexual orientation, both in 1985 and now, was that of Queen’s Counsel, former NZHLRS vice-president, Don Mathieson: ‘the jury is still out’ on that issue.\(^{20}\) In similar vein the 1985 submission by University of Auckland department of philosophy staff (John Bishop and others) while noting that there was evidence that a person’s sexual preference was determined, continued by commenting that ‘the scientific evidence on this matter is not yet conclusive’.\(^{21}\)

Interestingly, Max Abbott, in the 1985 submission of the Mental Health Foundation of New Zealand, after asserting that ‘The only thing that appears to be certain from the research in this area is that the basis for our sexual preference is laid down early in life and it is not something acquired during puberty or in later years, even if the first manifestations of it occur after puberty’, immediately went on to state, ‘Yet even this

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\(^{19}\) 1985 submission, pp.2-3: LAGANZ: MS Papers 098.

\(^{20}\) Transcript of interview of Don Mathieson by Laurie Guy, 20 October 1997, p.2.
statement needs to be qualified. While orientations are set up in childhood and some, probably most of us develop restrictive and rigid orientations, others appear to be more open and flexible.22 How could Abbott argue for rigid certainty while acknowledging open flexibility? Given his important qualification, why use the language of certainty at all? Does it not show the power of a constantly reiterated assertion which Abbott subconsciously adopted even though he recognized that it lacked sufficient empirical backing to be expressed in that form?

The assertion of immutability of sexual orientation was a crucial building plank in the reform argument. The Catholic anti-reform newspaper New Zealand Tablet noted that ‘opponents of the Bill are on the back foot’, and attributed this basically to the constantly reiterated statement that ‘sexual orientation begins in childhood’.23 Immutability was a basis for the argument that homosexuals were a persecuted minority group who needed to have their human rights protected, a protection that other minority groups had recently gained. Assertions or assumptions of immutability left no room for arguments about choice, about redirecting sexual behaviour, about asserting that young males could be seduced into homosexuality, about claiming that legislative permission would lead to an increase in the number of homosexuals, about denying their existence as a class. In the words of the Truth Examiner, ‘This [five to ten] percent proportion [of homosexual men and women] remains stable, whatever the state of the law.’

21 Submission of the University of Auckland Department of Philosophy Staff, p.12: LAGANZ: MS Papers 098.
22 Submission of the Mental Health Foundation of New Zealand, p.6: LAGANZ: MS Papers 098.
How that assertion squared with preceding acknowledgments that 'sexual orientation is not an "either-or" situation' but 'is very complex', and that 'there are many other situations' on the scale between exclusive homosexuality and exclusive heterosexuality, was not explained. Nor was it tied in with Fran Wilde's earlier assertion in the same newspaper with regard to human rights: 'The ability of an individual to choose her or his own cultural, religious, political or sexual preference is the hallmark of an enlightened community.'

Such comments indicate that the cloth of argument was commonly cut to fit the suit of legislative success without altogether careful concern for total consistency or for empirically established truth.

This was marked with regard to assertions as to the percentage of homosexuals in society. The Truth Examiner claimed that 'Most research seems to indicate that in New Zealand there are about 300,000 lesbians and gay men . . . that is, people who never have heterosexual relationships.' In fact there had never been any major, in-depth, large-scale, random survey in New Zealand to substantiate such a claim. The figure appears to have been calculated on the basis of homosexuals being 10% of the New Zealand population at that time (which was then little over 3,000,000). That 10% figure appears to have been drawn from one project only, that of Kinsey and his co-workers. Moreover, Kinsey did not make the claim that the article asserted. The article spoke of exclusive homosexuality ('people who never have heterosexual relationships'). Kinsey's figure for lifetime exclusive male homosexuality was 4%, and his figures for female homosexuality were about half of that. The Truth Examiner distorted Kinsey's statistics, ignored his distinction between incidence in men and in women, took in the

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24 Emphasis added.
total population instead of the adult population (can one really say that pre-pubertal children are homosexuals?), cited one body of overseas research as if it was a multiplicity of research with some New Zealand base, and ignored other research and estimation which tended to put the incidence of male homosexuality (depending on what criteria were employed) at somewhere between 1% and 6%. The ‘most research’ 300,000 claim of the Truth Examiner was far from established truth, as well as internally inconsistent with the figure of 5 - 10% cited twice elsewhere in the newspaper. The Truth Examiner certainly dispelled some of the lies of the opposition under headings such as ‘Heard this one lately’, but only at the expense of telling some whoppers itself.

The CCC Social Effects of Homosexuality material:

The booklet set out in summary form ten objections to homosexual law reform, together with a summary of 24 arguments supportive of homosexual law reform. Doing this gave the publication the appearance of being open-minded and fair. The booklet

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26 Gagnon, a former researcher with the Kinsey institute, estimated exclusive male homosexuality at three to four percent: Human Sexualities, pp.253-4. See also later work (about which, of course, protagonists in the 1985-6 debates must necessarily have been ignorant): R.E. Fay, et al., 'Prevalence and Patterns of Same-Gender Sexual Contact Among Men', Science, CXLIII, 1989, pp.338-48 at p.346 (reporting some level of male homosexual contact at a minimum of 3.3%); Rogers, S.M., & C.F. Turner, 'Male-Male Sexual Contact in the U.S.A.: Findings from Five Sample Surveys, 1970-1990', Journal of Sex Research, XXVIII, 4, 1991, pp.491-519 at p.500 (reporting about 2% male-to-male contact in the previous year and a reported adult incidence of any such experience at all at any time at 6.7%); S.N. Seidman, & R.O. Rieder, 'A Review of Sexual Behavior in the United States', American Journal of Psychiatry, CLI, 3, 1994, pp.330-41 at p.339 (reporting, inter alia, the National Survey of Men as indicating 1.1% of males having had exclusive same gender during the past ten years, with a variety of studies indicating a range of 1 - 6% of men having sex with men in the preceding year); E.O. Laumann, et al., The Social Organization of Sexuality: Sexual Practices in the United States, Chicago, 1994, p.293 (reporting some level of male homosexual identity at 2.8%); M. Diamond, 'Homosexuality and Bisexuality', pp.291-5 (noting various surveys on male homosexuality with a variety of questions producing incidence figures of 1.1 to 7.3%).
then expanded the case against law reform in its final 38 pages. In a nutshell the booklet argued that homosexual practice is evil and destructive both of the individual and of society, that the behaviour is learned and reversible, and that decriminalization would lead to spread of the practice and therefore to more social harm.

In asserting the evil nature of homosexual practice, James Bacon, the conservative Christian primary author of the booklet, played down the extent to which he was drawing mainly on Christian teaching as the basis for his views. Thus Bacon basically linked his argument with scriptural teaching only towards the end of the booklet (pp.40-2). There Bacon argued that in contrast to the ‘change and uncertainty’ characterizing the present age, one ought to turn to the unchanging scriptures which have been ‘a guiding light for generation upon generation’. These scriptures clearly condemned homosexual acts, but offered mercy and forgiveness to the repentant sinner. Recognizing, however, that biblical appeal was inappropriate to the average New Zealander, the booklet pitched its main appeal to enlightened reason, basing most of its argument on reason rather than revelation. This is to be contrasted with the explicit reliance on the Bible for authority in in-house conservative-to-fundamentalist Christian publications, and in a number of the 1985 conservative Christian submissions to parliament.

Despite its downplaying the biblical element, the essentially conservative Christian basis of the booklet is apparent with its opening ‘Testimony of a Former Homosexual’,

27 See, for example, Challenge Weekly, 15 March, 1985, p.2; Challenge Weekly, 18 July 1986, p.2.
28 See, for example, submissions of the Mana, Avalon, and Lower Hutt Baptist Churches; of the Associated Pentecostal Churches of New Zealand; of the Church of Jesus Christ of Latter-Day Saints [Mormons]; of the Reformed Churches of New Zealand Political Committee: LAGANZ: MS Papers 098.
and with its concluding ‘Healing for the Homosexual’, urging Christian conversion as the way forward for the dilemma for practising homosexuals.29 The booklet was written by one whose views were shaped by the Bible, but who attempted to mount a largely secular argument, in order to communicate with his largely secular audience. Bacon’s attempt to reach a wide audience largely failed. In March 1986 the CCC noted that secular bookshops had shown very little interest in the book from the very beginning, that some bookshops were returning their unsold copies, and that overall sales of the publication were ‘very disappointing’.30

Bacon needed to make clear that the CCC quarrel was with behaviour, not with people, nor with a minority group. This clarification came in the introduction: ‘It needs to be stated at the outset that this book concludes against homosexuality, or more precisely against homosexual acts. Yet it is not against the person of the homosexual.’31 Bacon and fellow-contributors were distancing themselves from any possible charge of being gay-bashers. However, Bacon could make the distinction between people and their behaviour only if homosexuality was not a fixed immutable destiny (the stock lefthandedness analogy). If behaviour was fixed - unchosen - without possibility of being otherwise, then it was part of the person’s being, and an attack on behaviour was an attack on people who could appropriately be considered a minority group.

Bacon brushed aside the idea of a fixed identity, emphasizing that much of any pull towards homosexual behaviour was simply an avoidable ‘predisposition’.32 Again and

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29 Pp.7-8, 49-51.
30 Report National Administrator, CCC, 6 March 1986. Papers of Bill Van Rij now held by Julie Belding, 20 Survile Place, Mairangi Bay.
31 P.10. Emphasis original.
again he stressed that homosexuality was a behaviour which was learned,\textsuperscript{33} chosen,\textsuperscript{34} a habit,\textsuperscript{35} reversible.\textsuperscript{36} According to Bacon there was 'fairly wide agreement' among medical and psychological studies on these matters.\textsuperscript{37} That was clearly a gross overstatement - truth and political argument never seem to be entirely compatible bedfellows. The various writers on both sides felt an urgent need for persuasive argument - propaganda - and truth seemed to get rather bent in the process.

While biological arguments were not as fashionable as they became a decade later, much environmental-learning argument placed that learning so early in childhood development that it was later no longer malleable or subject to conscious choice or change. Moreover, while in sociological argument social constructionism (the view that, with regard to sexual matters, regards sexuality as subject to an enormous degree of socio-cultural moulding)\textsuperscript{38} was dominating over essentialism (the view that, with regard to sexual matters, assumes that there must be a single, basic, uniform pattern ordained by nature itself),\textsuperscript{39} nevertheless at a popular level essentialist views were clearly dominant.\textsuperscript{40} However, even social constructionists still commonly saw the social processes as leading to outcomes which were as inevitable as if major biological forces were involved. Certainly there were social constructionist academics who argued that sexuality was, to some degree at least, chosen.\textsuperscript{41} Such views, however, were not

\textsuperscript{33} Pp.25, 43, 47.
\textsuperscript{34} P.45.
\textsuperscript{35} P.36.
\textsuperscript{36} Pp.25, 48.
\textsuperscript{37} P.45.
\textsuperscript{38} See Weeks, \textit{Sexuality}, p.54.
\textsuperscript{39} Weeks, \textit{Sexuality}, p.15. For the dominance of social constructionism over essentialism in academia see D'Emilio, \textit{Making Trouble}, p.139.
\textsuperscript{40} Laumann et al., \textit{The Social Organization}, p.285.
explored by Bacon. His main authority was Masters and Johnson. Bacon asserted that Masters and Johnson claimed a reversal-of-orientation success rate of 70%. In point of fact the Masters and Johnson institute did not make such a claim. Bacon drew his material from a 1984 article by Schwartz and Johnson, which rather claimed a failure rate of 28.4%. Only by implication could one turn this around and claim a success rate of more than 70%. However, in an earlier work, which Bacon appears not to have consulted, Masters and Johnson claimed that only failure in change of sexual orientation could be established, and that because the extent of failure could never be fully measured by an outsider, one could not establish a success rate on the basis of a failure rate. Bacon’s case was not as rosy as his citation of Masters and Johnson appeared to suggest.

Bacon claimed that there was ‘fairly wide agreement’ with regard to choice and with regard to reversibility. In relation to choice, it must be said that at an academic level Bacon’s position did have some support, but that support was clearly a minority position. In relation to reversibility, the situation was similar in 1985. There had been a period of a decade or so, ending in the early 1970s, when there was significant professional optimism that a change of sexual orientation was possible. A 1971 report of a survey of 163 professional therapists in the San Francisco Bay area indicated that 72% believed that a change in sex orientation was possible, 38% said they would treat

42 P.48.
44 W.H. Masters & V.E. Johnson, Homosexuality in Perspective, Boston, 1979, p.381.
a homosexual with the direct aim of changing sex orientation, and 31% of the total stated they had had success in changing sexual orientation (though only 21% of the total stated that they had had success in changing exclusive homosexuality).45

There was also some optimism in conservative Christian circles as to the possibility of change, together with claims of success.46 However, much of such writing was impressionistic and lacking in academic rigour. Moreover, many claims to success were short-lived.47 In fact this was the case with Gavin Johnstone whose testimony of cure was featured in the opening of Bacon’s booklet. Despite being described as a ‘former homosexual’, Johnstone was perhaps more a child molester than a typical homosexual, and a year or two later he was again behind bars for a sexual assault on a male.48 While there seems to have been some basis for Bacon’s claim for the possibility of change of sexual orientation, there was little basis to suggest that it would be likely to occur in all cases where it was sought. There was not ‘fairly wide agreement’ that ‘the homosexual condition is reversible to a normal heterosexual

47 For a searching critique of conservative Christian claims see R. Blair, Ex-Gay, New York, 1982. Blair inter alia drew attention to only 30 of the 300 who sought help in the program discussed in the Pattison article being ‘cured’, only 11 of these being willing to be subject to interview, only 3 of these having no current homosexual dreams, fantasies or impulses, and one of these being still incidentally homosexual. Blair then asserted that this reduced the number of ex-gays covered by the article to two (see pp.30-3).
48 Letters Rev Rob Yule to Laurie Guy, 5 November and 19 November 1997; letter Ralph Knowles (a gay activist) to C.J. Brown, 3 March 1986 (papers of Bill Van Rij now held by Julie Belding, 20 Surville Place, Mairangi Bay); letter Phil Parkinson to Kevin Hague n.d. [October 1989]: NZAF ‘Pink’ file on ‘Lion of Judah’. For a critique of Johnstone’s claims in Bacon’s booklet see press statement by Phil Parkinson, 4 November 1985: LAGANZ: MS Papers 111.
orientation through an appropriate treatment programme, given an openness to and acceptance of the treatment'.

In a world increasingly focused on individual and minority rights, Bacon could not maintain the case for continued criminalization of homosexual acts by simply asserting that such acts were evil. The Wolfenden-type distinction between crime and sin was too well accepted to argue for continued criminalization simply on the basis that homosexuality was sinful. Bacon needed to show that homosexual behaviour was also harmful. Moreover, that harm needed to be shown to relate to society and not just to the individual involved. It is no accident then that the booklet title was *The Social Effects of Homosexuality in New Zealand*. Bacon was intent on showing the harm that homosexual behaviour was causing to New Zealand. His argument focused on three areas: the impact of homosexuality on marriage and family life, the evil practices and lifestyle associated with homosexuality, and the association of homosexual behaviour with sexually transmitted diseases, especially AIDS.

The alleged threat of homosexuality to the family was rather weakly argued. Bacon simply stated, 'Homosexual behaviour does not procreate and sustain the human species. While some would argue that this is a good thing, a lifestyle that, if logically extended to all, would lead to the extinction of society must be unnatural and against a fundamental goal of human life, which is to procreate itself. Typical homosexual behaviour is different from being just single and celibate, because it is an active force against marriage and family life.' How it was an active force against marriage and family life was not explained. The powerful argument that adultery is much more
destructive of marriage and family life than homosexual behaviour is, was also weakly dealt with: 'Homosexuality has been compared to adultery in terms of sinfulness but there is a difference. Homosexuality is not just sinful; it is also unnatural and abnormal.' The increasingly pluralistic nature of society in the 1980s meant, however, that such claims of unnaturalness and abnormality clearly carried much less weight than they did in New Zealand's earlier, much more unitary, society.

It is worthy of note that the first argument in the booklet against decriminalization of homosexual acts was that homosexuals do not procreate. Linkage between sex and procreation had in the last couple of decades become much weaker in public consciousness. Bacon was articulating what was increasingly seen as an old-fashioned view. Moreover, his appeal to lack of procreative potential would not have carried much weight in a world increasingly aware of the problems of over-population.

The CCC booklet weighed in heavily against the evils of homosexual practice. Much was made of the 'typically promiscuous lifestyle' of homosexuals. A footnote, for example, noted a newspaper report that the AIDS crisis had led to the average number of partners of San Francisco gays dropping from 71 per year to 30 per year. The CCC booklet was quite restrained on this point in citing only this one study - there were a lot of other studies showing gays having remarkably high numbers of sexual partners.

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49 P.17.
50 P.41.
51 See Money & Tucker, Sexual Signatures, p.17, for a discussion of the sexual revolution under way with contraceptive measures being available to all, 'separating sex play from reproduction, recreational sex from procreational sex'.
52 P.29.
53 P.32, n.5d. The article cited was from the Auckland Star, 14 May 1985, p.B3.
which could have been used to buttress the CCC argument. Alan Bell from the Kinsey Institute, for example, claimed in 1978, ‘A modalistic view of the white homosexual male based on our findings, would be that of a person reporting 1,000 or more sexual partners throughout his lifetime, most of whom were strangers prior to their sexual meeting and with whom sexual activity occurred only once.’

Bacon exercised no restraint, however, in focusing on the practices of actively homosexual men. Among the figures he cited were 90% of male homosexuals practising anal intercourse, 98% practising anilingus, 40% practising fisting, and 20% urinating or defecating on partners. These figures were not supported by specific references, but only by a general listing of articles and books with no specific page references cited. As the references all come from America there was an unvalidated assumption that patterns of homosexual behaviour in New Zealand were largely the

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54 The restraint probably stemmed from lack of research into the literature rather than from squeamishness or from compassion in not wanting to attack homosexuality further, as Bacon showed no such restraint in discussing specific behavioural practices associated with homosexuality.

same as those in America. Nor did there seem to be any awareness that different authorities might cite different figures. Anything in print that was useful became authority for a point that was to be established.

Bacon’s percentage of men involved in anal intercourse seems rather high. This is particularly the case because the impact of AIDS was already leading to a reduction in this high-risk behaviour. At a calculated guess, a figure between 50% and 75% would have been a much fairer number to use. Bacon’s figures on anilingus, fisting, and urinating/defecating were also high. The urinating/defecating reference seemed to be a low blow in the debate struggle. In all probability a very low percentage of homosexual men would have involved themselves in defecating on a partner (as would a very low percentage of heterosexual men).

Bacon seemed determined to link homosexual practice with the anus as much as possible. As an example of this, he insisted at one point that the present law was

and the early 1980s, and his claim that ‘most of my friends would carelessly connect with four or five different strangers a day’.


57 See Parkinson, ‘Homosexuality Debate’, p.867; P. Parkinson, ‘The Sex Life’; P. Parkinson, ‘Sexual Behaviour in Gay Men and their Response to AIDS’, Sites, XIX, 1989, pp.43-63. Surveying 179 gays in Wellington, Parkinson had a figure of 52% for gays who were involved in insertive anal behaviour and 44% for receptive anal behaviour, most of the second group also being involved in insertive anal behaviour. Parkinson's figures need to be treated with caution because they were collected by a major protagonist in the debate and apparently for the purposes of the debate. Keith Marshall’s 1990 figures (sample of 106 men in New Zealand) were 68.4% involved in active anal intercourse, and 55.9% involved in receptive anal intercourse: K. Marshall, ‘Knowledge of AIDS and Sexual Behaviour Change in a Sample of Gay Men’, MA thesis, Victoria University of Wellington, 1990, p.39. Simon Rosser’s equivalent figures in a 1987 study were 56.5% and 45.9%: B.R.S. Rosser, Male Homosexual Behavior and the Effects of AIDS Education: A Study of Behavior and Safer Sex in New Zealand and South Australia, New York, 1991, p.28. Rosser had a figure of 63% in another study: B.R.S. Rosser, ‘HIV Testing and Sexual Behaviour in New Zealand Homosexuals’, NZ MedJ, CI, 1988, p.493. A much higher figure for male homosexual anal intercourse (89%) was that provided by Jane Chetwynd: J. Chetwynd et al., ‘Condom Use in Anal Intercourse Amongst People who Identify as Homosexual, Heterosexual or Bisexual’, NZ MedJ, CV, 1992, pp.262-4. A figure from Britain of 68% of homosexual men reporting
against anal intercourse.\textsuperscript{58} In fact the law at that time criminalized all male homosexual acts, not just anal intercourse. Throughout the long campaign for decriminalization, reformers struggled against a simple equation of homosexuality with sodomy.\textsuperscript{59} However, street-fighter-type campaigners like Norman Jones were so successful in turning the decriminalization issue into a sodomy issue that in 1985 there was a common popular misconception that all that was currently proscribed was sodomy, and that the issue at stake was the decriminalization of sodomy.\textsuperscript{60} Among the people who seemed to view the HLRB as focused on sodomy, were Patricia Bartlett,\textsuperscript{61} Rev David Stewart, principal of the Bible College of New Zealand,\textsuperscript{62} and Pastor Brian Winslade of the Pukekohe Baptist Church.\textsuperscript{63} Patricia Bartlett, for example, asserted, ‘[I]t is not homosexual tendencies but anal intercourse which is the criminal act.’\textsuperscript{64} This mindset that the 1985 bill was a sodomy bill seems to help explain the strong focus on matters related to the anus in the CCC booklet.

Such focus made a natural platform from which to speak about the markedly unsafe health aspects of male homosexuality, such aspects relating particularly to anal

\textsuperscript{58} P.23.

\textsuperscript{59} See 1974 submissions of NZHLRS, p.7, referring to ‘the false belief that homosexual acts mean sodomy’, and that ‘attempts to arouse emotions by equating any one sexual practice with homosexuality and to legislate on that basis is dishonest’: National Archives: ABGX Acc. W3706, Box 11.


\textsuperscript{63} Letter 725 to the Justice and Law Commission considering the HLRB, from Pastor Brian Winslade, 23 April 1985.

\textsuperscript{64} Submission of SPCS/Patricia Bartlett: LAGANZ: MS Papers 098.
intercourse. These included STDs, hepatitis B, and ‘gay bowel’ disease. Bacon put the higher incidence of these matters among male homosexuals compared with the general population, at 300% for gonorrhoea, and 400 to 1300% for hepatitis B. He also claimed that 50% of all cases of syphilis occurred in homosexuals, and that 68% of all homosexual men had gay bowel disease. Bacon was on strong ground with these allegations, even though the particular percentages might be open to dispute. A number of books and articles warning of the increased health risks associated with anal sex had appeared in the previous decade. One, providing a detailed list of homosexual anal practices and their consequences, was a 1985 article in the Journal of Homosexuality. Ironically, the article was followed by one arguing for the affirmation of homosexuality as an ‘alternative healthy lifestyle’.

Some of the figures quoted in this sort of literature were quite disturbing. For example, Rowan and Gillette’s The Gay Health Guide, a gay-sympathetic book, had in its opening page the statement, ‘The fact is, the typically homosexually active male will get venereal disease ten times more often than the typical male whose activity is

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exclusively heterosexual. In examining the social consequences of homosexuality it was therefore quite appropriate for Bacon to raise the issue of sexually transmitted diseases and other health conditions more strongly associated with anal intercourse.

The most threatening health issue of all was the matter of HIV/AIDS. This was a relatively new disease, first recognized in the United States as a distinct disease in 1981. It was declared a notifiable disease in New Zealand in August 1983, and it first showed up in this country in 1984. It was strongly linked in popular consciousness with homosexuality. The *Auckland Star*, for example, had referred to it as 'the incurable homosexuals' disease', and the Haemophilia Society had called for the banning of receiving blood donations from homosexuals in order to lessen the risk of blood contamination. Bacon discussed the issue of AIDS at some length, highlighting its 'very high mortality rate', the fact that no cure was in sight, and the fact that it was reported to be assuming 'holocaust' precautions in the United States. Even though AIDS was largely a disease of the gay community, the fact of bisexuality meant AIDS put the whole of society at risk of the disease.

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74 Pp.30-1.
75 P.31.
In hindsight Bacon's use of the term 'holocaust' seems grossly excessive language. After all, the number of reported cases of AIDS in June 1985 was only ten,\textsuperscript{76} and the cumulative number of reported cases having HIV over the next decade was only 1077 in total (523 of these having developed AIDS)\textsuperscript{77} - hardly a 'holocaust'. However, Bacon's language was not intemperate in terms of the semi-panic of the mid-1980s. A July 1985 Department of Health promotion leaflet noted that reported AIDS infections were currently doubling every six months in the United States. Using that as a basis for estimation as to the course of the disease, the leaflet estimated that in 1990 New Zealand would have had 57,344 infected individuals.\textsuperscript{78} The leaflet wisely did not proceed further than 1990. Using its method of future estimation, by 1994 the entirety of New Zealand's population would have been wiped out - and the writing of this thesis by a New Zealand researcher would have been an impossibility.

Alarmist predictions were prominent in the news media at the time of the 1985-6 debate. In September 1984 the 	extit{Dominion} reproduced an article by Australian Peter Ward, which indicated that mortality from AIDS after three years was approaching 100\%.\textsuperscript{79} The 	extit{Press} carried a story in January 1985 of a Royal College of Nursing report estimating that one million people would have AIDS in Britain by 1991. Auckland virologist Paul Goldwater described the threat of AIDS in May 1985 as 'the greatest

\textsuperscript{76} 'The Prevention and Control of AIDS in New Zealand', a Department of Health Division of Health Promotion publication, July 1985: LAGANZ: MS Papers 099.
\textsuperscript{78} 'The Prevention and Control of AIDS in New Zealand', a Department of Health Division of Health Promotion publication, July 1985: LAGANZ: MS Papers 099.
\textsuperscript{79} 	extit{Dominion}, 14 September 1984.
threat to mankind, second only to nuclear war'.

80 Fellow Auckland venereologist, Janet Say, asserted the same month, ‘Aids virus is going to cause the worst infectious disease we have seen affect mankind’. 81 In July 1985 venereology consultant John Seale stated that on present evidence, AIDS ‘would produce a lethal pandemic throughout the crowded cities and villages of the Third World of a magnitude unparalleled in human history’. 82 In August 1985 the New Zealand press quoted Dr William Haseltine, a biochemist at Harvard University school of public health, that AIDS might become the world’s worst epidemic ‘since the 1918 influenza plague or even the black death, the plague which swept Europe in the 15th [sic] century’. 83 A few days later the NZ Herald quoted U.S. ‘expert’, Dr Robert Gallo, whose research team identified the AIDS virus in 1983, as estimating that between 30,000 and 60,000 New Zealanders would be infected with the virus in the next few years. 84 At the same time the New Zealand-circulation edition of Time magazine noted that AIDS had been described as ‘the disease of the century’. 85 In December 1986, the Minister of Health, Dr Michael Bassett, in speaking of the ‘alarming’ spread of AIDS, asserted, ‘It is not hysterical to apply the term “epidemic” to the disease AIDS’. He concluded, ‘I believe that in AIDS we are confronting a public health issue of such potentially catastrophic proportions that extraordinary solutions have to be contemplated.’ 86 Thus James Bacon’s use of ‘holocaust’ language with regard to AIDS was not extreme in that time of panic.

83 NZ Herald 1 August 1985 and Auckland Star of the same date.
84 NZ Herald 12 August 1985.
Bacon argued that the seriousness of AIDS to society as a whole meant that homosexual acts were of concern to everyone, and that the ‘liberty ideal’ should be suspended.\textsuperscript{87} In case the horrendous number of deaths in prospect did not move people, Bacon went on to draw attention to the financial cost of AIDS to New Zealand. It was leading to ‘massive spending’ in matters such as medical care and blood screening, and so diverting money from other areas of public expenditure.\textsuperscript{88} Bacon therefore argued that society had an interest in stopping homosexual behaviour, the major factor in the spread of AIDS in New Zealand.\textsuperscript{89} Moreover, New Zealanders should note the terrible form of deaths by AIDS - ‘swelling, drenching night sweats, fevers, weight loss, diarrhoea, malignant tumours or skin spots, meningitis and other maladies, are typical in the dying AIDS sufferer’ - and thus ‘society must care about a lifestyle that can lead to such a horrible ending, and we should not in conscience do anything to encourage or condone that lifestyle’.\textsuperscript{90}

Bacon warned that the social evils of homosexuality would increase with decriminalization, basically because the practice, with its attendant social evils, would increase. A significant part of Bacon’s argument was that decriminalization would be associated in the popular mind with social and moral acceptability, giving ‘the stamp of legislative approval to the homosexual lifestyle’.\textsuperscript{91} Moreover, the proposed human rights aspect of the Bill was an attempt at ‘social engineering’, an attempt ‘to form people’s attitudes according to the views and beliefs of a given group’.\textsuperscript{92} The outcome of increasing social acceptance of homosexual behaviour would be increased

\textsuperscript{87} P.31.
\textsuperscript{88} P.34.
\textsuperscript{89} Ibid.
\textsuperscript{90} P.36. Emphasis original.
\textsuperscript{91} Pp.19, 22, 23, 36, 38, 43.
homosexual experimentation, especially among impressionable young people. This would place the vulnerable young at risk of being permanently enmeshed in a homosexual lifestyle. One aspect of this would be the use of the proposed legislation as a lever for gay activists to promote ‘the homosexual lifestyle’ in sex education classes in high schools. In fact, the ‘international “gay” network’ was thought to be seeking to ‘secure New Zealand as a country’. The fundamental basis of society would be destroyed by such an evil take-over.

Threat to children and young people was a significant emphasis in the CCC booklet. After all, ‘homosexuals cannot reproduce so they must recruit, especially amongst the young, and they are making every effort to do so’. Concern for children also related to influence via schools: children would become subject to homosexual influence and propaganda. This ongoing conservative concern had surfaced in relation to ‘“Gay” activists ... moving into schools and extolling homosexuality as a life-style’ as early as 1979. Fear that such developments would occur had been expressed back in 1976. Even earlier, senior National MP Brian Talboys had alleged in 1974 that gay liberationists had been promoting homosexuality in liberal studies groups in high schools. The fear was starkly expressed in a Concerned Parents

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92 P.22.
93 P.19.
94 Pp.43, 22
95 P.53.
96 Pp.53-4.
97 P.44n. Emphasis original.
98 P.43.
101 'Gays Reply to Rob', Salient, XXXVII, 17, 17 July 1974, p.5.
Association newsletter heading in 1985: ‘It’s Children They’re After – Implications of the Homo Bill’. The Association gave a blunt warning: ‘[C]hildren in schools are a prime target. Should the Bill be passed, there will be an unprecedented increase in the efforts of homosexuals to reach impressionable teenagers, particularly through the schools. As homosexuals cannot reproduce, they must recruit.’

CCC concern for children was intensified because of an alleged strong link between homosexuality and paedophilia: decriminalizing would be a step on the slippery slope leading to ‘the acceptance of additional increments in negative, anti-social, destructive behaviour’. Paedophiles were also organizing around the world for equal rights along with homosexuals: ‘The acceptance of homosexual behaviour sets the scene for the acceptance of paedophilia, and therefore puts all children at risk.’

This claim was not simply unthinking scurrilous propaganda. Earlier literature had tended to lump ‘perversions’ in together and the effect of this was to make homosexual acts and paedophilia bedfellows. Thus David Newton, in refuting the connection, also noted how strongly the general public made the association. Such linkage may have lacked academic underpinning, but it did have a significant effect on popular consciousness. Dallard, Controller-General for New Zealand prisons 1925-49, for example, claimed in 1980, on the basis of his personal observations, that homosexuals had a predilection for youth and a high proportion were paedophiles. The CCC

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102 ‘It’s Children They’re After – Implications of the Homo Bill’, Concerned Parents Association Newsletter, April/May 1985, pp.4-7 at p.4.
103 Ibid.
104 P.38.
105 Ibid.
argument was a continuation of this sort of thinking. The struggle then, from the CCC perspective, was not just whether there should be sanctions against aberrant and evil behaviour, but the preservation of society.¹⁰₈

A great deal of Bacon’s argument was premised on the basis that legislative change would lead to moral and social acceptability of ‘the homosexual lifestyle’ with subsequent dire consequences, especially for the young and vulnerable. For this reason, homosexual behaviour should remain criminalized, even though the current sanction of imprisonment was inappropriate, and should be replaced by a system of fines and counselling.¹⁰⁹ Such fundamental issues were at stake that criminalization of homosexual behaviour must remain, in order to state loudly and clearly, ‘Homosexuality is wrong and destructive’. At stake was not just the conservative Christian world but also society as a whole.

Rebuttal by the Gay Task Force:

The CCC publication provoked immediate response from the GTF. A fortnight or so after the CCC booklet appeared, the Rebuttal emerged.¹¹⁰ A prominent aspect of the Rebuttal was the denial that there was such a thing as ‘the typical homosexual lifestyle’.¹¹¹ ‘Different homosexuals have different lifestyles’.¹¹² This point enabled the GTF then to assert that elements of ‘the typical lifestyle’, as stated by CCC, were

¹⁰⁸ Pp.53-4.
¹⁰⁹ Pp.11, 31, 52.
¹¹¹ Pp.4, 8.
¹¹² P.8.
statistically abnormal among gays.\textsuperscript{113} Such an approach meant that the \emph{Rebuttal} could then sidestep some of the accusations of the CCC booklet without having to discuss them specifically.

Among the allegations not specifically rebutted, were those relating to promiscuity and to anal intercourse. Such sidestepping was probably a wise move. A head-on clash on these issues was likely to be an unwinnable argument for GTF. There was data, popular and scientific, from sympathetic as well as unsympathetic sources, to support the CCC allegations to significant degree (though certainly not fully). Even if GTF had the data to rebut some of the CCC allegations, mud has a habit of sticking, and denials would reinforce the associations in people’s minds. Better to respond with generalizations.

GTF did, however, defend with vigour the charge that homosexuals were sick or unhappy people. GTF cited authorities to show that homosexuals who had accepted their orientation were no more distressed psychologically than heterosexual people.\textsuperscript{114} The key lay in self-acceptance. If there was more psychological disturbance among homosexuals, this stemmed from lack of self-acceptance, which in turn sprang from the heavy negative images loaded on homosexuals by society. The problem was not homosexuality, but homophobia - the sort of propaganda CCC was pushing.\textsuperscript{115} The solution then, was not to end homosexuality (an impossibility), but rather to end homophobia, just the sort of thing the proposed legislation aimed to do.

\textsuperscript{113} Ibid.
\textsuperscript{114} Ibid.
\textsuperscript{115} Ibid.
Rejecting claims of high levels of psychological illness among homosexuals, GTF also sought to turn back charges of high levels of physical illness and of spreading of disease. Linking homosexuality with the anus, and with contact with faecal material (shit), had created a powerful image for CCC. While largely by-passing homosexual practices which lay behind such allegations, GTF produced recent data from a study in northern New York State to show that STD rates of homosexuals for specific diseases on the whole were not significantly higher than for the population at large. Such a study seemed to contradict patterns elsewhere, and may illustrate the point that combatants seeking to establish a position would eventually find data confirming that view through persistent quarrying in academic journals.

However, the GTF material also provides a caution. While the material was at variance with that in, say, San Francisco, it pointed to the dangers of using materials from some areas to make statistical claims in regard to other areas. For surely a factor as crucial as unhealthy practices was the rate of infection in a particular area. The risk lay not just in the one factor of what one did but also in the factor of the likelihood that the other person had a disease that could be communicated by that practice. And rates of various communicable diseases would vary significantly from area to area and country to country. How certain then could New Zealanders confidently use any of the medical data connected with homosexuality, when most of that data had come from the United States and Britain? Could such statistics do anything more than provide an intelligent guess as to what the situation might be like in New Zealand?

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One STD issue that GTF had to address directly was that of AIDS. The degree of prominence given to that condition in public consciousness, and the linkage of AIDS with homosexuality as a ‘gay disease’ meant that the issue must be tackled head-on. GTF argued rather weakly that AIDS was not a gay disease ‘for no germ can selectively infect people by their sexual orientation’. This made for good academic argument, but was still unpersuasive, in that the group most at risk of AIDS in New Zealand was gay people, and that through bi-sexual practice this could spread more strongly into the wider population.

A stronger GTF argument was that there had been marked behaviour modification within the gay community, thus minimizing the risk of AIDS spreading. GTF proclaimed that ‘the virus will not now spread significantly in the openly gay community’. Such a prediction has proved to be fairly reliable. Moreover, GTF had confirmation from experts that decriminalization was vital to the management of the AIDS crisis. Only with decriminalization could an effective educational campaign be mounted, and only then would at-risk gay people come forward for testing and treatment. GTF turned the tables on their CCC accusers: ‘It is not an exaggeration to say that the campaign of the CCC, by keeping them [practising homosexuals] in the shadows, is helping to kill them.’ The outcome of this sort of debate over AIDS probably affected the legislative reform debate in two ways. On the one hand, the threat

117 Pp.19, 45.
119 P.21.
120 Ibid. Emphasis original.
121 Dickson & Paul, ‘HIV Infection’, p.21 indicated a cumulative figure of HIV infection in New Zealand to December 1995 at 1077.
of homosexually-linked AIDS gave some conservatives a greater sense of the life-and-death nature of decriminalization. On the other hand, it encouraged decriminalization as a practical step towards minimizing the spread of AIDS.

GTF strongly attacked the stereotype that homosexuals preyed on the young. This stereotype had two aspects. One was the portrayal of the homosexual as child-molester. Noting that the only real source of evidence for the linkage was the ‘discredited liar’, Paul Cameron, GTF produced a significant number of authorities indicating that there was no connection between homosexuality and paedophilia. They also noted that reputable gay organizations were against the advocacy of man-boy relationships, and that it might even be asserted that it was heterosexuals, not gays, who were the primary child molesters.

The second aspect of the image of homosexuals preying on the young was the notion that homosexuals seduced young males into a lifetime of homosexuality. GTF basically ignored whether homosexual seduction of the young was a major practice. Rather it asserted that this could not alter sexual orientation and practice because orientation was an early fixed given in an adolescent’s life. Again, in a typical turning-of-the-tables argument, GTF produced data from Bell, Weinberg and Hammersmith indicating that more heterosexual than homosexual men reported that their first sexual encounter was

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123 P.21.
124 Pp.10, 24, 49-51. Cameron was a bête noire for gay activists. See criticism of him in P. Parkinson, ‘Greater Expectations: Services to Lesbians and Gay Men’, New Zealand Libraries, XLV, 5, March 1987, pp.92-7 at p.97. Note also Parkinson’s later attempt in 1993 to have one of Cameron’s books (P. Cameron, Exposing the AIDS Scandal, Lafayette, 1988) banned as indecent in New Zealand. The Indecent Publications Tribunal ruling was that the book was not indecent, being more pathetic than dangerous. See NZAF library: Cameron file.
with another male (39% for homosexual respondents, but 62% for heterosexual respondents). A clever rejoinder might be that such figures were a strong indicator of the interest of homosexuals in young men. It was something the CCC theorists missed: there was no such rejoinder.

GTF relied heavily on the notion that sexual orientation was an early fixed given. The ‘all evidence suggests that sexual orientation is formed very early in life’ formula was used, but the only evidence cited for this was Bell and Weinberg (1978) and Bell, Weinberg and Hammersmith (1981), together with a small study in New Zealand by Phil Parkinson. Lack of reference to page numbers in relation to Bell and Weinberg (1978) - something over which GTF took CCC to task - make it difficult to know what assertion in that work GTF was referring to. My own reading of Bell and Weinberg indicates that that work did not significantly address the issue of sexual orientation. That was left for the 1981 work, the authors of which GTF called ‘the social scientists par excellence in the field’. This study was a very important one in the case for the early fixed nature of sexual orientation. The only problem was that it was only one work, and could not be described in terms of ‘all evidence’.

In arguing for the fixed nature of sexual orientation, the GTF authors explored the issue of biological causation, coming to the fair conclusion that biology may be a significant factor, but by no means a certain or total factor. They rightly took CCC to task for

126 P.5.
127 Pp.10-12, 5, 30.
128 P.12.
129 Pp.5, 12, 31-3.
130 P.42.
131 P.32. Emphasis original.
132 Pp.31-3.
assuming that if biology was not the answer, then a learned-behaviour model was: ‘The social environment can have a fundamental and unchangeable impact on the development of a pre-school child’s personality structure in a manner which the word “learning” does not cover.’\textsuperscript{133} Despite absolute statements concerning the early fixed nature of sexual orientation, one of the GTF writers ended the section on ‘Possible Causes of Homosexuality’ with the otherwise unexplained sentence, ‘Such elements of \textit{choice} appear to exert their influence in most instances very early in life, and to have a highly complex character.’\textsuperscript{134} In this slight but apparent acknowledgment of the element of choice, there was still a clinging to the early development of a fixed sexual orientation, with the concession that part of this may be the outcome of choice. The choice of a four year old? The thinking at this point does not seem to be altogether coherent.

The fixed-nature argument was essential to the adamant GTF denial that change was possible for homosexuals. They rightly drew attention to the strong CCC focus on healing as a way out for homosexuals. They showed that the testimony of Gavin Johnstone was flawed, and that his situation was one of paedophiliac attraction rather than straight homosexuality.\textsuperscript{135} Was he ‘healed’? GTF wished him well, but noted from his inconsistencies, as well as his own testimony, that he was not over his problems.\textsuperscript{136} As earlier indicated Johnstone was jailed for nine months a few months later for assaulting and indecently assaulting a twenty-year-old deaf-mute man.\textsuperscript{137}

\textsuperscript{133} P.31.
\textsuperscript{134} P.33. Emphasis added.
\textsuperscript{135} Pp.5-7.
\textsuperscript{136} P.6.
\textsuperscript{137} The \textit{Press}, 28 February 1986.
GTF rejected the term ‘healing’ in relation to homosexuals, because homosexuality was not a disease.\textsuperscript{138} What the CCC opposition was really arguing was change in sexual orientation. GTF said that professional opinion held the view that this was not possible except in the most exceptional circumstances.\textsuperscript{139} This, however, was not the conclusion of the Masters and Johnson clinic. Masters and Johnson were therefore dismissed as dealing with married bi-sexuals and not true homosexuals, of having unreplicated results, and of using a method that was too time-consuming and intensive to be used on a large scale.\textsuperscript{140}

The other focus of CCC healing was Christian ministry. GTF examined the 30 cures that a couple named Pattison had reported in the 1980 \textit{American Journal of Psychiatry}.\textsuperscript{141} If cure was so available, why were there only 30 cures out of a total of 300 who had entered the programme? And why did only 11 out of the 30 agree to cooperate with the authors? And why did 8 out of the 11 still have homosexual fantasies? With such probing GTF was able to cast serious doubt as to whether there had been any change at all. Fundamentalist Christians were desperate to see miracles.\textsuperscript{142} In the view of GTF, in terms of change of sexual orientation, there were none.\textsuperscript{143}

GTF rejected the view that they were promoting a huge social upheaval or change in morals. All that would happen was that New Zealand would gain a tolerant acceptance of diversity such as was appropriate in a pluralistic society.\textsuperscript{144} There would be no

\textsuperscript{138} P.34.  
\textsuperscript{139} Pp.34-5.  
\textsuperscript{140} Pp.35-6.  
\textsuperscript{141} Pp.36-7.  
\textsuperscript{142} P.4.  
\textsuperscript{143} Pp.36-8.  
\textsuperscript{144} P.15.
changes with regard to what happened in schools: 'The CCC’s concerns that homosexuality might be taught as a valid lifestyle and that parents would be unable to object ... are both unfounded in law.' 145 How this squared with the start of this sort of advocacy already occurring in liberal-arts-type classes was not explained. In exposing some CCC myths, GTF was creating some of its own.

GTF addressed the allegation that acceptance of gayness within society would lead to the breakdown of society.146 Drawing from their argument that the number of homosexuals is a constant in all societies, GTF denied that the number of gays would increase. As regards family breakdown, it was homophobia that broke up families, not gay activity. And it was Christianity which caused existing societies to break down (for example, the impact of Christianity on pre-European Maori and Pacific Island societies), not gays.147 What the GTF analysis was serving to show was that if there was change, any felt negative impact would be borne by the vestiges of conservative Judeo-Christian society, not the sort of society that the mainstream was increasingly accepting.

Overall, the Rebuttal chalked up points for its position, as the CCC booklet did for its position. However, the end result was not a draw. The Rebuttal scored a king-hit towards its conclusion. This related to its overall analysis of the quality of the CCC argument. GTF was able to show that academic data was seriously misused in major parts of the book. For example, while CCC cited a view that AIDS was linked with homosexual activity leading to cellular impairment, GTF was able to point out that

145 P.29.
146 P.23.
such a view was expressed in 1982 when the cause of AIDS was unknown. To assert this three years later in the light of more recent knowledge of AIDS was blatantly misleading.\textsuperscript{148}

Repeatedly, GTF was able to show faulty citations, misrepresentation of the content of scholarly arguments, and misuse of statistics.\textsuperscript{149} A significant aspect of flaws in the CCC research was that a lot of its material was drawn from secondary sources, increasing the risks of misunderstanding and misquoting. GTF picked up this unscholarly practice: ‘It is fairly plain that many of the sources quoted were not seen by the editor of the booklet, but were quoted from references supplied or from secondary sources.’\textsuperscript{150}

Particularly serious to the CCC position was its major reliance of the writings of the American writer, Dr Paul Cameron, and his Institute for the Scientific Study of Sexuality (ISIS).\textsuperscript{151} Bacon himself has more recently acknowledged that about 10\% of his material came from Cameron.\textsuperscript{152} For its part, the \textit{Rebuttal}, noting both acknowledged and unacknowledged references to Cameron and ISIS, concluded, ‘Indeed, it is not an exaggeration to say that the influence of Cameron permeates whole sections of the booklet.’\textsuperscript{153}

\textsuperscript{147} Ibid.
\textsuperscript{148} P.41.
\textsuperscript{149} Pp.41-48.
\textsuperscript{150} P.42.
\textsuperscript{151} For a close analysis of the CCC booklet and Cameron’s publications see New Zealand AIDS Foundation library, Cameron file.
\textsuperscript{152} Letter James Bacon to Laurie Guy, 4 November 1997.
\textsuperscript{153} P.49.
The problem with using Paul Cameron was that he was a homophobe. The term 'homophobe' should be used with extreme caution, and only to indicate someone with an extreme fear or hatred of homosexuals. Nevertheless, the term may legitimately be used of Cameron. Apparently he had been the victim of homosexual rape as a child, and this may help explain his later position. Cameron made extreme claims, for example, his assertion that homosexual teachers were '90 to 100 times more apt to involve themselves sexually with pupils than teachers who confine themselves to heterosexual acts'. Cameron's methods were markedly unscholarly. His method for the claim in the previous sentence was to review all the 'accessible literature in a major university's library'. Particularly damning for Cameron was that he was dropped from the membership of the American Psychological Association in December 1983 for ethical violations in relation to his claims and his research procedures. To regard his claims to academic credibility as spurious, and to view him as homophobic, should be seen as fair comment rather than gay propaganda. The problem for CCC and other conservative Christians was that excessive reliance was placed upon this suspect source.

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154 See text of News Talk Television talk show of July 7, 1995: 'Religious Right Homophobe Paul Cameron Says He Was Victim of Male Rape': www.qrd.org/wwr/cameron.html. See this website for a number of Cameron's pamphlets and writings, together with attacks on his positions and practices.
156 Cameron, 'Homosexual Molestation', p.1228. While the material could be balanced and fair, it could equally be biased by the nature of the university, or by its library policy, or by the person ordering the acquisition of material in that area. Some of Cameron's later endeavours indicate that extreme bias was likely. For example, Cameron later produced figures that while 80% of married men died old, (aged 65 or older), only 32% of single men died old, only 9% of gay men (non-AIDS) died old, and only 1% of gay men with AIDS died old. These bizarre figures were drawn from comparing obituaries in eighteen homosexual journals with obituaries from two conventional newspapers. See P. Cameron et al., 'The Longevity of Homosexuals: Before and After the AIDS Epidemic', *Omega*, XXIX, 3, 1994, pp.249-72 at p.249.
157 For later reliance on Cameron's nonsensical figures about dying old, see J. McDiarmid, *Fact Booklet*, Auckland, 1996, p.27. McDiarmid's formal academic qualifications were only the New Zealand
This made the CCC booklet particularly vulnerable. In CCC's reliance on Cameron, GTF was able to blow the CCC booklet out of the water. One example was its use of the Cameron claim that 'you are 15 times more likely to be killed by a gay than a heterosexual during a sexual spree'. GTF was able to show that of 444 homicides studied in relation to this assertion, only 5 were judged to be sexual, and only 3 of the 5 were in homosexual relationships. GTF rightly argued that the number of cases was too small to be statistically significant.\textsuperscript{158} From detailed analysis of a few such examples, GTF was able to assert, 'The heavy reliance upon the fraudulent data of Cameron in this booklet, and the extent to which statements of his have been incorporated into the text or paraphrased . . . renders the CCC's stated aim of providing “a book that presents the facts” about homosexuality farcical.'\textsuperscript{159}

The CCC use of Cameron in its booklet was a major flaw. Skilful GTF research and probing showed how defective such material was. This then left an impression that the whole CCC booklet was flawed. If the GTF material on Cameron was not a knock-out, it certainly led them to a win on points.

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\textsuperscript{158} P.50.
\textsuperscript{159} P.51.
Submissions to the Justice and Law Reform Committee in 1985 with regard to the Homosexual Law Reform Bill:

Examination of these submissions must perforce be brief and impressionistic, given the fact that over 2,000 written submissions and letters were received. This section examines some of the main arguments and concerns of both sides in the debate. In examining the material, one outstanding feature is that nearly all submissions by university academics were largely in favour of a significant measure of law reform. These included a joint submission by 25 members of the Victoria University of Wellington faculty of law and its institute of criminology, another by 55 academic staff of the same university, and another by 10 members of the department of philosophy at the University of Auckland. Individual academics also weighed in, including Felix Donnelly, lecturer in community health at the University of Auckland medical school, Jane Ritchie, reader in psychology at the University of Waikato, and Paul Goldwater, senior lecturer in virology at the University of Auckland medical school. The scales of such opinion-makers had clearly tilted in favour of gay argument.

This weight of academic opinion was strengthened by the positive submissions of most of the professional bodies that were concerned with human behaviour and psychological health. These included the Royal Australian and New Zealand College of Psychiatrists, the New Zealand Society on Sexology, the New Zealand Association of Social Workers, the New Zealand Sociological Association, the New Zealand Psychological Society, and the Mental Health Foundation of New Zealand. To the

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160 For other analysis of these submissions, see T. McCreanor, ""Why Strengthen the City Wall"" pp.83-4.
extent that parliamentarians needed guidance on matters of expertise beyond the ken of lay New Zealanders, expert opinion was strongly in favour of reform.

So were the churches. The NCC, the joint Methodist-Presbyterian Public Questions Committee, and the Anglican Provincial, Public and Social Affairs Committee supported reform. The Baptist Union of New Zealand Public Questions Committee gave cautious support for decriminalization at an age older than 16, while making it clear that it did not regard homosexual acts as acceptable behaviour. The Catholic Church did not put in a submission, but 31 members of the Catholic Society at the University of Wellington put in a positive submission. This left only numerous individual congregations opposing reform, together with the national bodies of some of the smaller denominations - the Salvation Army, the Associated Pentecostal Churches of New Zealand, the Reformed Churches of New Zealand, and the Church of Jesus Christ of Latter-Day Saints (Mormons).

Few organizations or individuals having the sort of mana that pertained to some of those supporting reform, opposed reform. One group opposing reform was the Christian Medical Fellowship of New Zealand. However, that body would not carry enormous weight as it could be considered simply a minority group within the wider medical profession. Other bodies opposing reform included several youth organizations, expressing concern at potential danger to teenagers: the Scout Association of New Zealand, the Boys’ Brigade in New Zealand, and Youth for Christ New Zealand.
One interesting submission was that of Janet Says, a venereologist working at the Auckland STD clinic. An evangelical Christian, Says viewed the proposed legislation with unease: 'My main concern is that if easy facilities are prevalent in the society young men, uncertain about their future will be conditioned into joining the homosexual community.' She was very concerned about health problems associated with anal intercourse - hepatitis B, 'gay bowel' disease, other STDs. 'Aids virus is going to cause the worse [sic] infectious disease we have seen affect man-kind. In New Zealand we may have a chance, if we make the right decisions now to prevent it from spreading to our population.' From such perspectives Says seemed drawn to continued criminalization. However, her professional experience showed her the need to have an environment where potential AIDS patients would come forward for testing and treatment. That was much less likely under the existing law: 'Judgemental attitudes will drive him [the homosexual] away from the campaign to prevent AIDS in the community.' She therefore saw the need for a middle-of-the-road approach and concluded, 'I suggest that the law should be decriminalized allowing homosexual acts not to be an offence, punishable by imprisonment, in consenting adults over 21 years, in private.' This abruptly expressed conclusion suggests a tension between Says the evangelical Christian and Says the venereologist, leading to grudging acceptance of some measure of reform.

Overall, the weight of academic and professional argument in the submissions clearly favoured decriminalization. The summary by Audrey Butcher, advisory officer of the Department of Justice, drew attention to the advice of several professional bodies that

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161 LAGANZ: MS Papers 098.
sexual orientation developed at an early age.\(^{163}\) The report of the Secretary of Justice made a similar point: 'The weight of current medical opinion, as indicated in the submissions, is that sexual behaviour in the younger adolescent years, much less at 16 years or older, does not result in heterosexual boys developing a homosexual orientation or vice versa. It is generally agreed that by the age of 16 sexual experiences tend to confirm an existing sexual orientation.'\(^{164}\) At the level of academic and professional submissions to parliament, reform argument was clearly in the ascendant.

One issue raised by objectors to reform was the notion that law reform would give moral approval to homosexual behaviour. The issue was not so much the occurrence of homosexual acts as their validation.\(^{165}\) This view was expressed early in the debate by Cardinal Williams when he wrote to his flock opposing the bill: '[F]or so many people the Law is the touchstone of what is socially acceptable, even of what is morally right and wrong. For them the decriminalizing of homosexuality simply suggests that it is socially and morally permissible. In this sense, Law is educative. Its power to mould public opinion, social mores and community moral standards cannot be underestimated.'\(^{166}\) Cardinal Williams' concern persisted throughout the campaign. In April 1986 he wrote against the passage of the bill in the following terms: 'As the debate has unfolded, it has become more obvious that the proposed law reform is, for some of its supporters, a stratagem for promoting the idea that homosexual activity is

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\(^{162}\) She indicated awareness of this point a year earlier. See D. Chisholm, 'Fear Forces Disease into Hiding', *Auckland Star*, 1 August 1984, A1.

\(^{163}\) A. Butcher, 'Homosexual Law Reform – Summary of Submissions', pp.6-7: LAGANZ: Pam 729.75 BUT.


\(^{166}\) In *WEL-COM* (monthly newspaper of the Catholic Archdiocese of Wellington) March-April 1985. Copy held by Laurie Guy.
moral acceptability, and that homosexual partnerships are morally equal to heterosexual marriage.'\textsuperscript{167}

The Richmond Baptist Church similarly argued that the law had an educative function: ‘[W]hat the law allows, society approves’. The present proposals were therefore viewed as the thin end of the wedge. As the Otumoetai Baptist Church submission argued, ‘On the whole, what people do in their own homes is their own business. The difficulty is, however, that too many homosexuals and supporters of the bill intend this step as part of a wider programme, which is to create the impression that homosexual behaviour is natural, a valid alternative to heterosexual marriage, and therefore morally acceptable.’\textsuperscript{168}

Some of the negative submissions plainly saw acceptability as the sticking point. A number were clearly embarrassed that the present law provided for imprisonment for homosexual acts. Most people on all sides of the debate were agreed that imprisonment was inappropriate for homosexual behaviour.\textsuperscript{169} Even if sanctions should continue against homosexual behaviour, how could imprisoning homosexuals in places where homosexual behaviour was well known to be rife, help the situation?\textsuperscript{170} In opposing law reform, conservatives were therefore defending a law

\textsuperscript{167} Circular letter to all members of parliament 14 April 1986 from the New Zealand Catholic Bishops Conference, signed by Thomas, Cardinal Williams on behalf of the New Zealand bishops. Copy held by Fran Wilde among her personal papers: ‘H.L.R. Administrative/Campaign Correspondence 85-86’ box, ‘H.L.R Administrative Campaign Correspondence 1986’ file.

\textsuperscript{168} LAGANZ: MS Papers 098.

\textsuperscript{169} The problematic nature of penal sanctions for homosexual behaviour were felt throughout the period under discussion. For early consideration of this point see New Zealand Department of Justice Report, Crime and the Community: A Survey of Penal Policy in New Zealand, Wellington, 1964, p. 68.

\textsuperscript{170} A point acknowledged, for example, in the submission of the Salvation Army with regard to the 1985 bill, despite which the Salvation Army still opposed decriminalization: LAGANZ: MS Papers 098.
that was generally recognized to be bad law.\textsuperscript{171} Even co-presenter of the massive petition, Sir Peter Tait, recognized that 'the present law is bad law',\textsuperscript{172} while his fellow-presenter, Sir Keith Hay, agreed that 'the current law is no good'.\textsuperscript{173} Why should bad law be defended so vehemently? Many views and opinions lined up with those expressed by Pastor Lloyd Rankin of the Mahurangi Baptist Church: 'The major reason I do not want homosexuality legalised is not to oppress homosexuals, but because the law as it stands holds back the situation which would inevitably arise should the law be changed. I have no doubt it would lead to homosexuality being actively promoted as an acceptable, normal or alternative lifestyle. It would undoubtedly lead in time to the recognition of homosexual "marriages", allowing innocent children to be adopted by such couples. I therefore do not wish to see any change to th [sic] present law except a possible change of penalty.'\textsuperscript{174}

One gains the impression that if there was a way for society to decriminalize while still clearly asserting that homosexual acts were morally wrong, some of the opponents would have become neutral in the debate. This position was indicated by the public questions committee of the Baptist Union of New Zealand. In making its oral submission to the parliamentary select committee, supporting Part I with reservations, the committee noted that a number of individual Baptist churches were in some measure against the public questions committee submission, and noted that one of such

\textsuperscript{171} An example of the conservative difficulty can be seen in a resolution adopted by the Waikato/Bay of Plenty Baptist Association on 25 April 1985: 'While recognising the inadequacies of the present law regarding homosexual behaviour we . . . express our total opposition to the Homosexual Law Reform Bill as presented to Parliament by Fran Wilde.' (Quoted in submission 613 on that bill by the Matamata Baptist Church: LAGANZ: MS Papers 098).

\textsuperscript{172} 'Call to Prayer over Revision of Bill', \textit{Challenge Weekly,} 19 April 1985, p.1.

\textsuperscript{173} 'Alternatives to Wilde Bill Are Proposed', \textit{Challenge Weekly,} 26 April 1985, p.1.

\textsuperscript{174} Submission 868 to the Statutes Revision Committee in relation to the HLRB 1985 by Mahurangi Baptist Church: LAGANZ: MS Papers 098.
churches had suggested adding a preamble to the bill specifically stating that homosexual behaviour was not condoned by society.\footnote{New Zealand Baptist Historical Society archives: B01/92, file 702.}

That would have assuaged much concern. Such, however, would be an unusual step that was unlikely of implementation. Consequently, the only way to make a national assertion as to the continued unacceptability of homosexual behaviour seemed to be to argue for the continued criminalizing of homosexual behaviour. Rev Paul Grant expressed a view similar to such parliamentary submissions in a letter in a church newspaper: 'Present law is not perfect, but by inference, it acts as a buffer against the total acceptance of homosexual acts as normal.'\footnote{In Focus, July 1985, pp.2-3 (located in Methodist Church of New Zealand archives, Christchurch).} Current law was a 'peg put in the ground',\footnote{Expression of Graeme Lee. See transcript of interview of Graeme Lee by Laurie Guy, 15 April 1999, p.2.} it showed explicitly that homosexual behaviour was wrong. Thus acceptability was the fundamental point at issue. This issue was particularly to the fore, both because of Part II of the Act, the part most strongly opposed by those concerned about social acceptability, and because of the age of consent at 16, which also had overtones of homosexual and heterosexual acts having equal acceptability. In the words of Graeme Lee's former pastor, Bruce Puddle, 'I was quite happy for it [continued criminalization of male homosexual acts] to stand on the statute books but never be pursued . . . for the police to be totally relaxed about it . . . I felt it made a statement of society about the practice that needed to be still made and enshrined in law.'\footnote{Transcript of tape recording made by Bruce Puddle in December 1998 and sent to Laurie Guy, p.2.}

The report of the Secretary of Justice on the submissions on Part I of the bill picked up the issue of the age of consent, noting that a number of submissions argued for a
differential age of consent, believing that this would 'demonstrate and reinforce social approval of heterosexual status'. It drew attention to the fact that only 22% of the 62% from the most recent Heylen Poll supporting the bill, wanted 16 as the age of consent, and commented, 'Accordingly, there is reason to believe that the law would move substantially ahead of trends in public opinion by selecting 16 as the age of consent. We simply comment that, from the pragmatic point of view, selection of 18 as the age is likely to lessen what appears to be the genuinely held concerns of a considerable number of people in the community.' Against this, however, was 'the deeply held conviction of many in the "gay" community that an age of consent higher than 16 would be unfair, discriminatory and, indeed, unacceptable to them'.

One thing that was becoming patent in the ongoing public debates in 1985, and in the public submissions to parliament, was that the nub of the battle being fought was the age of consent. While a large minority of New Zealanders was opposed to decriminalization at all, there was sufficient groundswell of support for decriminalization with regard to adults, that legislation framed in such terms would easily come into law. The sticking point was the age of consent.

The reform position with regard to the age of consent was well expressed by the Victoria University of Wellington Faculty of Law and the Institute of Criminology. The 25 signatories argued that criminal law should have no role to play in the control of private morality. With regard to the age of consent, the age of 16 was felt to be adequate to protect female minors from exploitation. With sexual morality per se not being the issue, the appropriate assumption was that age 16 should be the appropriate age for the protection of male minors. The onus of proof then should rest on those
arguing for a higher age. Moreover, there were positive reasons for insisting on an age marking equality between homosexual and heterosexual acts:

We also submit that the law should protect the freedom and self-esteem of young homosexual men. We have already noted that sexual orientation is fixed by puberty. There are by all estimates a significant number of persons of homosexual orientation in our society. We submit that the role of law in a free and democratic society is not to condemn and stigmatise those young people who through no exercise of choice find themselves with a sexual orientation different from that of the majority of the community. Any age of consent higher than 16 serves only to perpetuate the idea that in some way the law regards young homosexual males differently from and in some way worse than persons of heterosexual orientation.

Linked with the issue of age of consent was the issue of acceptability. The New Zealand Sociological Association had denied that a change in the law would lead to general approval of such acts: ‘This appears to go against the evidence from overseas, where social approval of such behaviour is often strongest in countries where it is legal, yet in other countries it is widely tolerated even though it is completely illegal.’

In contrast, several bodies argued that New Zealanders did need to change their attitudes towards homosexuals, and a change in the law would facilitate such a change of attitude. The Lesbian and Gay Rights Resource Centre was quite up-front on the issue of acceptability: ‘Of course homosexuality must come to be seen as socially acceptable. Anything less treats lesbians and gay men as second class citizens. But homosexuality will not become acceptable as a result of legislation, but only by the result of a change in the hearts of New Zealanders. That has already happened to a considerable extent. Removing the legal sanctions merely strengthens that

conviction.'\textsuperscript{180} While such a sentiment might not be persuasive, coming from a clearly partisan lobbying group, several other groups with a purpose unrelated to homosexuality argued similarly, the New Zealand Association of Social Workers and the Victoria University of Wellington law faculty each arguing that the law had an educative role to change attitudes. The latter body argued that the law should act as a 'catalyst for and as a means of change', citing the Equal Pay Act 1972 and the Race Relations Act 1971 as examples of such legislation. The law faculty then concluded: 'The legislation in these areas operates both as an expression of political will and as an educative force to point the way in the development of social attitudes. We believe that the implementation of an age of consent of 16 years for both men and women could have similar potential.'\textsuperscript{181} Thus while pro-reform groups like the faculty of the philosophy department at the University of Auckland argued against the appropriateness of the law having an educative role (this in relation to retaining criminalization of male homosexual behaviour to show society's disapproval of such acts), other pro-reform groups were arguing that the law should have an educative role to change attitudes towards certain people. What we therefore can see is that while the anti-reform plea for continued criminalization for educative reasons was rejected as an inappropriate use of law, the pro-reform position commonly held, and sometimes articulated, the view that one reason for legislative change was its educative role.\textsuperscript{182}

The proposed legislative change was therefore in part a struggle for the hearts and

\textsuperscript{180} 1985 submission, p.88: LAGANZ: MS Papers 098. For similar views see ms, 'Interview with Gay Rights Activist – Bill Logan', p.5. This ms was prepared by Kevin Green in Wellington, 1985 for Out! Magazine: LAGANZ, MS papers 131.

\textsuperscript{181} 1985 submission, pp.11-12: LAGANZ: MS Papers 098.

\textsuperscript{182} For later argument along these lines see NZAF submission to the Justice and Law Reform Select Committee on the Human Rights Commission Amendment Bill 1990 dated 14 February 1991, p.70, asserting that the law 'establishes a benchmark for what is and is not acceptable in our society, and in this way can have a powerful effect on those who discriminate': NZPL.
minds of New Zealanders in the future as well as in the present. The pro-reform forces won that argument, and major attitudinal change followed.

Both sides were subsequently to acknowledge that shift. In a newspaper article in 1989, Bill Logan of the Wellington GTF viewed the 1985-6 debate as a watershed: ‘A remarkable shift in public opinion occurred which is being expressed in a new mood of tolerance’. In the same article Graeme Lee, MP, accepted that such a shift had occurred: ‘The passage of the Bill has had a very deep impact in terms of liberalisation of attitudes towards homosexual activities in the nation.’

The debate in parliament, 1985-6:

This was an intermittent but marathon process, spanning 16 months in total. Reports of the debates occupy approximately 190 pages of Hansard, indicating something of the protracted nature of that debate. Acknowledging that no discussion can give a total description and assessment, and recognizing that much of the argument was similar to other arguments already discussed in this thesis, I will seek to comment on what appear to be some of the more salient and significant aspects of the parliamentary debate.

In a nutshell, the reformers argued that law and morality were separate issues and that therefore consenting adult sexual activity was not an issue for criminalization. Again and again there was appeal to the famous statement of Pierre Trudeau, when Prime

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183 For comment on the primary reform goal ‘to win the hearts and minds of people’ see transcript of interview with Gavin Young by Laurie Guy, 9 October 1999, p.1.
Minister of Canada, that the state had no business in the bedrooms of the nation.\(^{185}\)

This bypassed the issue of whether homosexual behaviour was sinful or not. Support for decriminalization was not necessarily support for homosexual practices.\(^{187}\) Rather, there was the libertarian principle that criminal law was needed only to prevent harm to others.\(^{188}\) Here, there were no issues of harm when homosexual practices occurred between consenting adults in private.\(^{189}\) The only legislation needed was to ensure that the vulnerable young were protected.\(^{190}\) For females the age of protection was 16. Logically the age of protection should be the same for boys as for girls.\(^{191}\) There needed to be sensitivity and compassion for homosexuals in their fixed identity, and they should be treated as human beings and given human rights, as the rest of the Western world had largely done.\(^{192}\) Furthermore, the present situation was absurd.

\(^{185}\) This was a repetition of the argument so clearly and articulately argued by the Wolfenden Committee. On this point see M.A. Hercus, NZPD, 1985, 466, p.7601; F.D. O’Flynn, NZPD, 1985, 466, p.7606; V.S Young, NZPD, 1985, 461, p.3524, NZPD 1986, 472, p.2814.


\(^{187}\) For statements by supporters of some measure at least of decriminalization that they did not condone homosexual behaviour or else viewed it as sinful but that they nevertheless supported decriminalization see T.A. de Cleene, NZPD, 1985, 461, p.3520; F.D. O’Flynn, NZPD, 1985, 466, p.7606; J.G. Dillon, NZPD, 1985, 466, p.7608, NZPD, 1986, 472, p.2600; R.J. Tizard, NZPD, 1986, 472, p.2602.

\(^{188}\) For the libertarian argument against unnecessary infringement of individual liberty see H.E. Clark, NZPD, 1985, 466, p.7207. For the argument that the criminal law should concern itself only where there was harm to others see V.S Young, NZPD, 1985, 461, p.3524; E.E. Isbey, NZPD, 1985, 466, p.7273; T.A. de Cleene, NZPD, 1985, 466, p.7273; J.M. Keall, NZPD, 1985, 466, p.7432; P.B Goff, NZPD, 1985, 466, p.7434; R.J. Northey, NZPD, 1985, 466, p.7446; M.A. Hercus, NZPD, 1985, 466, p.7601.


\(^{190}\) Some supporters of the principle of decriminalization came to oppose Fran Wilde’s Bill on the basis that the age of consent was too low and that vulnerable (young) people were not being adequately protected. Most outstandingly was this the case with Venn Young, the proponent of the 1974-5 measure: NZPD, 1985, 461, p.3524.


\(^{192}\) For argument on the fixed nature of sexual identity see post. For assertion that the matter was a human rights issue, see H.E. Clark, NZPD, 1985, 461, pp.3528-9; R.J. Northey, NZPD, 1985, 461, pp.3531-2. For the argument that which New Zealand was lagging behind other Western nations on the issue of decriminalization see V.S. Young, NZPD, 1985, 461, p.3524; H.E. Clark, 1985, 461, p.3528; F.H. Wilde, 1985, 466, p.7254; G.F. Gair, NZPD, 1985, 466, 7273; J.M. Keall, NZPD, 1985, 466,
First, if one was concerned with issues of morality, surely one could not discriminate between male and female acts of homosexuality. Yet only the former were the subject of criminal sanctions. Secondly, the present law was barely being enforced if at all currently. Why then keep a dead law on the books?

The crux of the anti-reform argument was that homosexual behaviour was sinful, and/or harmful to the individual, and/or harmful to society. Legislation needed to remain, to reassert society’s moral values, and/or to stop the spread of AIDS, and/or to protect children who might be seduced or sucked into long-term homosexual behaviour.

Issues of aetiology were fundamental to the parliamentary debate. A key plank in the reform argument was that homosexuals were as they were by destiny and not by choice. This then gave inevitability to their persons (their sexual orientation) and, by implication, to their behaviour. Persons should not be punished for matters that were


193 J.P. Anderton, NZPD, 1985, 466, p.7267, 1986, 472, p.2595; T.A. de Cleene, NZPD, 1985, 466, p.7426; P.B. Goff, NZPD, 1985, 466, p.7433; N. Scott, NZPD, 1985, 466, p.7441; W.D. Sutton, NZPD, 1985, 466, p.7619. In all my research I have come across no conservative response to this point. This may suggest that the argument is irrefutable. It may also suggest that a significant aspect of conservative concern was anal intercourse, something which was not possible in lesbianism.


196 See post for fuller discussion of these arguments.

beyond their control and were fundamental to their person. The crucial nature of the choice issue had been highlighted by sociologist Dr Henry Heald at a gay liberation teach-in in the 1970s. In arguing that homosexual aetiology found its total explanation in a combination of genetic and environmental factors, and therefore involved no element of choice, Heald conceded that if there were choice ‘there would be a basis for legal control’. Arguments over aetiology were therefore sites of intense struggle because of their potential legal and moral implications.

A crucial aspect of the inevitability argument was the assertion that sexual orientation was fixed early in life. This was a repeated argument of the pro-reformers. Typical was the comment of Bill Dillon: ‘[T]he orientation is established very early in life - probably before the age of 5 years’. Linked with this was the assertion that change or ‘cure’ of one’s orientation was not possible. Such viewpoint was drawn from the evidence and assertions of scientific experts, Fran Wilde for example, boldly asserting that ‘all reputable social and medical research shows that sexual orientation is established at an early age, and is not changed by a law banning homosexual activity.

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199 Ibid., p.3.
201 For the view that change or ‘cure’ of one’s orientation was not possible see F.H. Wilde, NZPD, 1985, 466, p.7255; M.K. Shields, NZPD, 1985, 466, pp.7262-3; C.D. Matthewson, NZPD, 1985, 467, p.7808; C.R. Marshall, 1986, 472, p.2586.
between adults'. Academic, professional and scientific argument was therefore critical in the debate.

Peter Tapsell, a former surgeon and ultimately an opponent of the reform legislation, warned, however, against the dangers of relying on the evidence of apparent medical experts. Noting that earlier he had done some surgery now known to be worthless, and some known to be positively harmful, but all of which had then been 'backed by irrefutable evidence', he concluded, 'Expert medical witnesses are a very useful tool in the hands of those who know something about the subject, but a fearful weapon in the hands of those who do not know a lot about it or are determined to use it to support their own case.' Especially was caution needed, according to Trevor Young, because there was divergence of conclusion on homosexuality within expert opinion.

No anti-reform speaker accepted the claim of the fixed nature of sexual orientation. To do so would have made argument for continued criminalization extremely difficult. Why should people be punished for that over which they had no control? Consequently anti-reform speakers either ignored the issue of aetiology or else asserted that homosexuality was learnt behaviour. If the behaviour was learnt, then it could be unlearnt. There was thus justification for treating homosexual acts as culpable.

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204 NZPD, 1985, 467, p.8049.
Because homosexuality was learnt behaviour its rate of incidence in society was not fixed. This meant that homosexuality could increase, and increase it would, with the removal of deterrent and with implied endorsement under the proposed legislation. Robin Gray's concern was typical of those holding this viewpoint: 'I cannot see how that stable family relationship can be maintained if we allow homosexuality to spread throughout society.'

Increase of homosexual behaviour, should legislative change occur, was felt to have dire consequences for the country because of the negative aspects of homosexual behaviour. Graeme Lee articulated a number of behaviours which he clearly viewed as disgusting, including anal intercourse, rimming (tonguing the anal area), and fisting (which he claimed to be the insertion of the fist and arm through the rectum right up the body of the partner). Lee's source for much of this alleged behaviour may be material from Dr Kevin Hume in Australia. One of Hume's public addresses, which was in print circulation in New Zealand in 1984, spoke of “handballing” – insertion of the fingers, hand (or hands) and arm of one homosexual into the rectum and large bowel of another, penetrating up to the shoulder in some cases[!!].

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207 Rex Austin claimed that the incidence was as high as 50% in many Middle Eastern countries, and as low as 2% in some Polynesian countries: NZPD, 1985, 466, p.7437.


209 NZPD, 1985, 466, p.7269.

210 Leaflet 'Medical Aspects of Homosexuality' by Dr Kevin Hume, M.B., B.S., F.R.A.C.G.P., director of Waverley Family Centre. Copies held by Barry Reed, 92 Marsden Ave, Mount Eden, and Laurie Guy. Other possible sources may be the James Bacon, CCC booklet, The Social Effects of Homosexuality in New Zealand, p.30, or material from Paul Cameron in America from whom Bacon drew much of his material. See, for example, Cameron’s later article: P. Cameron, K. Cameron, & K. Proctor, ‘Effect of
It was clearly the anal aspect of homosexual practice that was most upsetting to some of the MPs. Neither Jim Bolger nor Neil Morrison could bring themselves to vote for anal intercourse, while Norman Jones established to his satisfaction that homosexual acts were abnormal because ‘if the good Lord wanted us to procreate the race through the rear he would have put the womb down there’.211

Focusing on anal intercourse caused a focus on the disease aspect of homosexual behaviour. Decriminalization would mean a marked increase in the incidence of sexually transmitted diseases.212 Of particular concern was AIDS. New Zealand was ‘sitting on a medical holocaust’.213 AIDS was a ‘time bomb’ waiting to go off.214 If the bill was passed then ‘more New Zealanders will die of AIDS in the next ten years than would die of a nuclear explosion’.215

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214 N.J. Morrison, NZPD, 1985, 467, p.8053.

A particularly bizarre claim of Norman Jones was that the gay community was deliberately seeking to infect the world's blood supply so that the problem would become so widespread that governments would cease being tardy and would devote maximum resources to finding a cure for AIDS. However, the claim was not total nonsense. In July 1983 Daryl Wilson, northern representative of the Gay Rights Coalition, urged gays to use AIDS as a weapon by continuing to donate blood until heterosexual society was infected or decriminalization of homosexual acts occurred. Horrified response followed, and the Auckland Gay/Lesbian Welfare Group denounced Wilson's position. The threat was an isolated one, but it may well have provided the ammunition for Jones's apparently bizarre claim.

The dire threat of an AIDS holocaust explains much of the passion expressed by those most violently opposed to decriminalization. They saw themselves engaged in a life-and-death struggle. If the primary cause of AIDS was homosexual activity (specifically anal intercourse), if AIDS was poised to decimate the population, and if the proposed legislation would lead to the spread of homosexuality and so of AIDS, then an extreme depth of opposition to the proposed legislation was perfectly appropriate. The first premise was valid at that time in New Zealand; the second appeared to be valid (though in fact it was not); it was the third premise - the spread of AIDS consequent on decriminalization - which was at the crux of argument.

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216 NZPD, 1983, 467, p.7811.
218 For letters to the editor, including a reply by Wilson, see Auckland Star, 6 July 1983, A8, 11 July 1983, A8, 12 July 1983, A8.
The AIDS issue was one that the reform speakers needed to tackle. Fran Wilde went on the attack on this issue. Clearly in her mind, to seek to stem the threat of AIDS by stopping anal intercourse was to have one’s head in the sand. Sexual activity of all sorts would continue, irrespective of legislation. What needed to be done was to persuade people to modify their practices to make them safer. Decriminalization was a crucial aspect of this process. While criminalization remained, it would be difficult for education programmes advocating safe sex for homosexuals to be instituted, and homosexuals would be reluctant to present themselves for testing. To stop the spread of AIDS in New Zealand ‘we must remove the criminal label from the target group and ensure that those people feel secure enough to participate in a public education programme’.219

With the reformers’ sense of the inevitability of homosexual behaviour came the argument that such behaviour was not unnatural or abnormal. Rather it was a normal variant of human behaviour.220 Tied in with this issue was a question of semantics. Did normality refer to statistical normality or did it refer to some ideal type?221 And did ‘nature’ have a normative usage (that which is good) or did it have a scientific usage

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221 On this issue see D. Leal, Debating Homosexuality, Cambridge, 1996, p.12. For earlier rejection of the term ‘abnormal’ with regard to homosexuality, arguing that difference did not mean abnormality and the preference of 10% of the male population should not be despised because it was different, see S. Hansen & J. Jensen, The Little Red School Book, Wellington, 1972, pp.107-9.
(the sum total of things which can be observed)? Most of the reform assertion about normality seemed based on scientific value-free usage. That which occurred in a sizeable minority of the population could not be called abnormal. In contrast, most of the anti-reform argument that homosexual behaviour was abnormal was based on prescriptive criteria: it was sinful, immoral, wrong. In relation to the (un)naturalness and (ab)normality of homosexuality, the two groups were commonly using different understandings of the terms and were largely talking past each other.

At times, however, reformers would argue for the morality of homosexual acts (and by implication their normality). The focus was that the essence of heterosexuality was warm and caring relationships, and that that same essence could equally apply to homosexual relationships. If homosexual behaviour was at times reprehensible because of its promiscuity or because of other factors, this was the result of societal and legal pressures that currently worked against the establishment of warm stable relationships. Decriminalize, and promiscuity would lessen. Helen Clark forcefully expressed such a view: ‘Our law works against the formation of stable relationships,

222 Pronk, Against Nature, p.3. For the view that ‘natural’ is a moral category, indicating that which accords with God’s will see Schmidt, Straight and Narrow, p.133. Similarly, d’Entrèves, putting the case for the validity of natural law concepts, asserted, ‘The notion of natural law . . . refers to human behaviours, not to physical phenomena. Our concern is with ethics and politics, not with natural sciences’: d’Entrèves, A.P., Natural Law: An Introduction to Legal Philosophy, 2nd edn, London, 1970, p.12. For a rejection of the concept of natural law see the 1966 Working Party Report to the British Council of Churches, Sex and Morality, pp.20-5, which noted that natural law related to a body of principles recognized and accepted by good people in every society, and that on that basis there were only a small number of exceedingly general principles which no reasonable man would dispute.

223 H.E. Clark, NZPD, 1985, 461, p.3529; R.J. Northey, NZPD, 1985, 461, p.3531. Note the strong reliance on Kinsey Institute data in supporting such a position.


because stable homosexual relationships attract more attention from snooping neighbours who might alert the authorities. It is hoped that, with decriminalization, homosexuals will be able to form stable relationships with the sanction of the law.\textsuperscript{226}

The argument was thus that with decriminalization homosexuals would be more moral in their relationships.

It was not only some reform MPs who used the concept of normality loosely. Basically, the most outspoken anti-reform MPs would thunder against homosexual activity as abnormal because of its immorality. For Norman Jones it was a ‘sickening matter’.\textsuperscript{227} Geoff Braybrooke viewed such activity as ‘evil and perverted’.\textsuperscript{228} In Graeme Lee’s eyes decriminalization was ‘an abomination to God and man’.\textsuperscript{229} While the anti-reformers thus saw homosexual behaviour as abnormal in a moral sense, at times they would describe such behaviour as abnormal because of biological factors (either because it was unrelated to the procreational aspect of sex, or because of its association with disease or faecal material).\textsuperscript{230} The debate over (ab)normality and (un)naturalness was not one that was won or lost. Different starting points and different understandings of

\textsuperscript{228} NZPD, 1985, 461, p.3522.
\textsuperscript{229} NZPD, 1985, 461, p.3525.
the terms meant that there was no clear engagement of argument. That aspect of the debate was in significant degree a matter of mis-communication.

Of major concern to a number of anti-reform MPs was the risk to families that they saw as a likely consequence of the passing of Part I.231 How the bill threatened families was not clearly articulated. In some way the term ‘family’ seems to have been a code word pointing to the core basis of a stable and healthy society. The two were interlocked. If society was threatened, the family was threatened, and vice versa.232 Another reason for asserting that decriminalization was a threat to the family was the dire threat that decriminalization was felt to pose for young impressionable men. The threat was acute because the homosexual was a ‘predatory being’,233 a recruiter,234 a targeter of the young.235 Believing that homosexual behaviour was learned, and that adolescent males often had a period of confusion and experimentation in sexual matters, some conservative MPs feared that 16 year olds could be seduced, and through that initial seduction brought into a lifetime of homosexuality.236 This problem would be

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heightened because decriminalization would mean that impressionable and vulnerable young people might well come to view homosexual behaviour as now acceptable.\textsuperscript{237}

Moreover, the issue was not just decriminalization. This was just another step on the slippery slope which would lead to other abhorrent changes, including gay marriages, adoption of children by homosexuals, influencing of children in schools, and, worst of all, child sex.\textsuperscript{238} For those genuinely holding such convictions, it is no wonder that they fought the proposed reform so passionately. In vain did the reformers protest that there was no evidence to particularly link homosexuality and child molestation, that it was a myth that homosexuals were paedophiles in any greater proportion to their numbers than heterosexuals were.\textsuperscript{239} In the minds of many, children were at grave risk.

Compounding conservative fears was the sense that legislative change would give homosexual behaviour ‘a cloak of respectability’.\textsuperscript{240} Parliament had a duty to set standards for the nation.\textsuperscript{241} The present law set a ‘benchmark’ of standards.\textsuperscript{242} Removing that statement of moral values would lead to a lowering of moral

\textsuperscript{240} Language used by Geoff Braybrooke, NZPD, 1986, 472, p.2587.
standards.243 The result would be to ‘cloak homosexual activities with respectability’, and to make the behaviour as socially acceptable as heterosexual behaviour.244 Especially was this the case with Part II (the human rights section), ‘the worst and most ominous part of the Bill’.245 Rejection of any felt facilitation of social acceptance of homosexuality was probably the primary reason for the scuttling of that part of the bill. Fran Wilde had been upfront that Part II would change social attitudes: ‘I believe that this provision will serve as a trigger to start a major change of attitude in the community.’246 Unwillingness to see that change come to pass meant that parliament would not sanction Part II of the legislation.

One feature of the debate was its passionate intensity. All sorts of deeper and larger issues appeared to be at stake. From a reform point of view, should people who could do no other, be treated with condemnation and hell-fire, or with love and compassion? After all, was not Christianity itself fundamentally about compassion?247 However, from the most conservative angle the new legislation would destroy New Zealand society, ruin many young lives, and destroy countless numbers of people through the AIDS plague. The reformers projected themselves as rational, the opposition as

243 H.N. Austin, NZPD, 1985, 467, pp.7804-5.
246 NZPD, 1985, 466, p.7257.
247 D.A.M. Graham, NZPD, 1985, 466, p.7273. Graham finally voted against decriminalization, but was clearly sympathetic to some measure of decriminalization. See also the assertion of Ann Hercus: ‘The values of a loving New Testament God are reflected in an acceptance of homosexuals in a non-judgmental manner as fellow citizens equal under the law’: NZPD, 1985, 466, p.7600. See also J.G. Dillon, NZPD, 1885, 466, p.7609; C.R. Marshall, 1986, NZPD, 472, pp.2585-6.
emotional. This was a gross oversimplification. There was rationality and emotion on both sides of the debate - though a huge amount of the debate focused on deeply emotive appeal. The Auckland Star, for example, noted 'the sustained outbursts of public hysteria' in the HLRB debate, and observed, 'It is hard to think of any way in which the present debate could have been worse handled given that the intention was to persuade the public to take an informed, rational and humane view of the issue.'

With passions being stirred by both forces, it is probably true that the emotional dimension was far more obtrusive on the anti-reform side. Not only were homosexual practices beyond the pale but survival itself was at stake - survival of society, of young people, of potential AIDS victims. The matter was too deep and urgent for calm dispassionate argument: 'gut feeling' was the best guide to the perils of the proposals. Homosexuality was a 'sickening matter', to be viewed with 'deep-seated abhorrence'. Self-acknowledged anger was an appropriate response to the reform proposal. Too much was at stake for compromise on the age of consent because the age of consent was irrelevant to the conservative forces. Graeme Lee agreed with the gay lobbyists on one point only: 'The Bill cannot be amended; it can only be thrown out.' Part I of the bill was not amended or thrown out. Not as a

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250 N.P.H. Jones, NZPD, 1985, 461, p.3523. See also 'Checking Veracity of Petition', Auckland Star, 25 September 1985, p.A8, which interpreted the size of the anti-reform petition as showing that 'the gut reaction of many New Zealanders is disapproval of homosexuality.'
255 NZPD, 1985, 466, p.7268. Similarly N.P.H. Jones, NZPD, 1986, 472, p.2820. The 'like it or lump it - the whole deal or nothing at all' attitude of both sides was lamented by George Gair who was hoping for a compromise age of consent: NZPD, 1986, 472, p.2811.
gamble, but out of deep conviction, the anti-reformers took a win-all or lose-all approach. And they lost.
CONCLUSION:

In 1960 homosexuals were widely perceived to be unfortunate people in the grip of a developmental sickness. Despite this apparent determinism, there was seemingly an element of choice, at least with regard to behaviour. Homosexuals were perceived to be evil people who must take responsibility for their disgraceful and abhorrent actions. 'Go to jail', was the prescription for male homosexual acts. Unless homosexual acts were repressed, society itself was imperilled.

In 1985 the dominant perception remained deterministic: homosexual orientation was the result of developmental and/or biological factors beyond conscious control. However, the increasing view was that homosexuals were not sick or evil, but simply different. A diverse society demanded tolerance - imprisonment was a relic of the dark ages.

This sharply changed perception occurred in a relatively short space of time – just 25 years. While the change was not absolute, with a large minority still adhering to the dominant 1960s perception, nevertheless the shift was striking and sudden. It raises the big question, Why? Why did the change occur? And if, as the increasing mood of the 1980s seemed to indicate, the 1960 position was untenable, why did society as a whole adhere to that position in the first place?

In examining the gay debate in that rapidly changing quarter-century, this thesis has sought to lay bare the rationale for each position and to explore the tributaries which collectively created the river of change. The debate over homosexuality was not an
isolated issue. It arose out of overarching views of the world and of morality. Perhaps it is no accident that the law moved out of legislating for adult sexuality at a time when a 'Rogernomics' government was moving away from intervention in many economic and other aspects of national life. While moral conservatives were wanting continued criminalization of homosexual acts as a statement of national values, moral liberals were removing the state from the bedroom and simultaneously making a new statement of national values – live and let live.

There was a new worldview, a new paradigm, a new way of looking at society. There was a suddenness about the change. One has the sense of a Kuhnian-type paradigm shift. For decades the old paradigm filtered out alternative perspectives. Mid-twentieth-century shifts in society and the growth of gay liberation increasingly stimulated a clamour for change that could not be silenced. A new paradigm replaced the old and started the process of silencing the old. But that was post-1986. 1985-6 was the watershed, when on this issue, as with others, a new generation, increasingly shaped by post-modernity, took over. In the area of sexual morality, traditional church and social values were discarded. Fundamentalism was decisively pushed to the edges of New Zealand society. It was a victory for pluralism and for social and moral liberalism.

1 Observation in transcript of interview of Rob Yule by Laurie Guy, 28 January 1998, p.5; see also C. James, *New Territory*, p.133.
2 See Inglehart, *Postmodernization*, pp.5, 325, for the view that major worldview shift is occurring in the economically developed world, with changing attitudes to homosexuality simply being part of that much broader shift.
3 Strictly speaking, these views of Thomas Kuhn were developed to explain revolutions in scientific thought only. However, they have striking parallels at times in other areas of human thought. With caution it is at times helpful to draw attention to parallel between the change being studied and Kuhnian theory. For Kuhn’s basic ideas see T.S. Kuhn, *The Structure of Scientific Revolutions*, 2nd edn, Chicago, 1970, *passim*.
4 See comment by Quentin Skinner on the way science seldom seeks counter-example, and so controls what is permitted to count as knowledge. Note the parallel this is to aspects of Michel Foucault’s thought: Q. Skinner (ed.), *The Return of Grand Theory in the Human Sciences*, 2nd edn, Cambridge, 1990, p.10.
Despite the suddenness and decisiveness of the change much of it had been undergoing long gestation prior to the 1985-6 debate. This thesis has sought to trace the roots and evolution of the new perspectives. In contrast to its earlier uniformity and conformity of thought and behaviour, New Zealand society opted for a diverse society. Major shifts of worldview were part of this change process. In the end, two diametrically opposed worldviews lay behind the bitterly fought 1985-6 struggle. The depth of divergence of perspective was such that, at least for the chief protagonists on both sides, it was ‘do or die’. Worlds were in collision.

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5 Here one may note Foucault’s focus both on epistemological rupture and also his awareness of the pre-history leading up to such rupture: M. Foucault, *The Archaeology of Knowledge*, London, transl. A.M. Sheridan Smith 1972, pp.4, 5, 175.
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