

Abortion, Homosexuality and the Slippery Slope: Legislating ‘Moral’ Behaviour in South Australia

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Abstract

This thesis examines the circumstances that permitted South Australia's pioneering legalisation of abortion and male homosexual acts in 1969 and 1972. It asks how and why, at that time in South Australian history, the state's parliament was willing and able to relax controls over behaviours that were traditionally considered immoral. It charts the shift in discussion about abortion and homosexuality that was evident in the middle decades of the twentieth century, then analyses the debates about the reforms that occurred in parliament, amongst the churches, medical professionals, activists, the media and members of the public. It compares the arguments used by those who supported and opposed the reforms and demonstrates that although legalisation was achieved, the arguments of opponents, seeking to preserve the status quo, influenced the extent of the reforms and therefore the extent to which the state continued to control private behaviour.

I argue that the shift in conversation about abortion and homosexuality, characterised by the weakening of the taboo surrounding their public discussion and stimulated by a series of events between the 1930s and 1960s, was critical to the issues earning a place on the political reform agenda. I show that it was not the nature of the discussion that changed during this time, but rather the location of that discussion. Abortion and homosexuality continued to be considered 'immoral' and undesirable, and the politicians who passed the reforms did not suddenly accept the behaviours, but rather accepted the premise that, no matter how undesirable the activity, the law was no longer an appropriate mechanism with which to control private behaviour. Thus, discussion about the nature of abortion and homosexuality did not change substantially from the attitudes exhibited in earlier decades. What had changed was the site of the discussion: the topics were now able to be discussed openly in public and this demonstrated to parliamentarians that community support existed for the reforms.

This thesis also contributes to an understanding of the progressive political climate in South Australia during the late 1960s and early 1970s, a period obscured by the popular memory of the 'Dunstan Decade'. Parliamentary debates are a key location for analysis of

public discussion about abortion and homosexuality, as the arguments used by politicians reflected and perpetuated the limitations on what was considered appropriate or acceptable to say. In addition, a demographic study of the parliamentarians who supported and opposed the measures reveals much about the effect of the lengthy Playford government on the political activity that followed, and demonstrates the role of a free (conscience) vote on legislating ‘moral’ issues. The thesis is innovative in showing that the South Australian reforms were not simply part of a global shift in discussion about abortion and homosexuality, nor merely an example of local exceptionalism. Instead, the timing of the reforms led to the passage of distinctive legislation that balanced the progressive forces’ desire for liberalisation with conservatives’ fears about the prevalence of the two activities.

Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university without the prior approval of the University of Adelaide.

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List of Abbreviations

ACT	Australian Capital Territory
ALRA	Abortion Law Reform Association
ALRASA	Abortion Law Reform Association of South Australia
<i>ALRN</i>	<i>Abortion Law Reform News</i>
AMA	Australian Medical Association
BBC	British Broadcasting Corporation
BMA	British Medical Association
<i>BMJ</i>	<i>British Medical Journal</i>
BSLSC	Barr Smith Library Special Collections
CAMP	Campaign Against Moral Persecution
CCL	Council for Civil Liberties
CSO	Community Standards Organisation
DLP	Democratic Labor Party
FOL	Festival of Light
GAA	Gay Activists Alliance
HA	House of Assembly
HLRS	Homosexual Law Reform Society
LC	Legislative Council
LCL	Liberal and Country League
LCP	Liberal/Country Parties
LM	Liberal Movement
MHA	Member of the House of Assembly
<i>MJA</i>	<i>Medical Journal of Australia</i>
MLC	Member of the Legislative Council
NCW	National Council of Women
NHMRC	National Health and Medical Research Council
NSW	New South Wales
SA	South Australia
<i>SAPD</i>	<i>South Australian Parliamentary Debates</i>
<i>SAPP</i>	<i>South Australian Parliamentary Papers</i>
SLSA	State Library of South Australia
TAB	Totalisator Agency Board
UK	United Kingdom
US, USA	United States of America
VD	Venereal Disease
<i>WAPD</i>	<i>Western Australian Parliamentary Debates</i>

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A Note on Terms

Throughout the thesis, I use the term ‘legalise’ to describe the reforms of both abortion and homosexual acts. This is the usual term to describe abortion law reform, but some of the literature prefers the term ‘decriminalise’ to describe the removal of homosexual offences from the statute books, arguing that to decriminalise is to remove an offence entirely, while to legalise is to retain an offence but prescribe circumstances in which it is legal. However, this is not a distinction consistently recognised by the legal profession. For that reason, and for reasons of brevity when discussing the two reforms together, I have chosen to use ‘legalise’ in both cases, or the more common legal term, to ‘make lawful’.

I use ‘abortion’ to mean the procedure of terminating a pregnancy by choice, rather than the strict medical sense in which abortion can also include what the lay-person would usually refer to as a miscarriage (i.e. when the body spontaneously ends a pregnancy).

The language used to describe homosexual men has changed significantly over time. For the most part I use the term ‘homosexual’. I use the term ‘men who have sex with men’ when discussion includes men who may not identify as homosexual, but who engage on occasion in homosexual acts, and ‘gay’ only when describing a person or group who self-identifies as such and uses the word (or similar) to describe themselves.