

JOHN FINNIS AND THE UNIVERSITY OF ADELAIDE: THE CHRISTIAN FAITH HALF A CENTURY AGO

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I INTRODUCTION

A *John Finnis and the University of Adelaide*

In March 1958, as school leavers including John Finnis entered the University of Adelaide, they would have read the first issue of *On Dit* of that year.¹ There were welcoming words from the Vice-Chancellor, Albert Rowe,² the Warden of the Union, the Rev Frank Borland,³ and Michael Smyth, the President of the Student Representative Council (SRC). Rowe was still able to describe the student body as ‘that small fraction of an age group for which formal learning does not end with school days’.⁴ The all-male first-year class in the Law School of which John Finnis became a member consisted of about 30 students. If students were interested in extracurricular activities there were many opportunities. The Footlights Club, the Science and the Arts

* Professor Emeritus, University of Adelaide; Honorary Professor, University of Queensland. My sincere thanks go to those who have assisted me. Colin Nettelbeck, Ivan Shearer, Bill Holdsworth, Ben Hensley and, last not least, John Finnis himself have generously given me accounts of their reasons for converting to Catholicism. Richard Broinowski has commented on his friendship with John Finnis and on his early religious experiences. David Hilliard and Peter Howell have contributed their insight into and their personal knowledge of the religious background of the 1950s and 1960s. Michael Detmold has helped me understand difficult issues involved in the jurisprudence of natural law. Lee Kersten was a student during the period and has provided much useful information about the *dramatis personae* of the story. The late John Bannon made informative comments at the lecture I gave in Adelaide on 28 April 2014 and contacted Will Baynes on my behalf. Baynes has written from England about his links with Finnis as co-editor of *On Dit* in 1961 and as fellow-resident at St Mark’s College. Geoffrey Lindell has provided information about his experiences as a student of Maurice Finnis; he has also made helpful suggestions for improvements. David Kelly has generously read important sections of this paper and has made many helpful comments. I also thank members of the audience for the many useful contributions to the discussion which took place after my lecture. Finally, the Adelaide University Archives and the Barr Smith Library have promptly and efficiently answered all my queries. Any mistakes and other shortcomings are solely my responsibility.

** John Finnis has made the following comment (letter dated 5 June 2016): ‘I would be grateful if you would say that though I have read everything and have offered some corrections and additional information here and there, I have not tried to align the work at all completely with my own understanding or memory of some of the main elements in the history, or to adjust its estimates and assessments.’ He adds (23 November 2016): ‘Anyone wishing to know what I now hold about reason and revelation, which is essentially what I began holding in 1961-2, could take their pick of the 24 essays in *Religion and Public Reasons*’ (see below n 17).

¹ *On Dit*, the student newspaper, was accountable to the Student Representative Council (SRC), to which it had been transferred from the University Union in 1947 (Margaret M Finnis, *The Lower Level, a Discursive History of the Adelaide University Union* (Adelaide University Union, 1975) 197. The author was John Finnis’s mother. The Barr Smith Library (BSL) has made *On Dit* available to the public in digitised form. That has greatly facilitated this study.

² (7 March 1958) 26(1) *On Dit* 1, 1.

³ Finnis, Margaret, above n 1, 201.

⁴ (7 March 1958) 26(1) *On Dit* 1, 1. There were about 6,000 students in the University. Now there are more than 20,000 – see <<https://www.google.com.au/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=student+numbers+at+adelaide+university>>.

Association, the Liberal Union, the Literary Society, the Debating Club and the Society for Confining Immoral Impulses Among Engineering Students (SCIIAES) extended invitations to become members.⁵ The Christian churches had a presence on campus through a number of religious societies. The SRC which had some 36 members⁶ represented the interests of students; its activities were extensively reported in *On Dit*. Not just *On Dit* but also the *Adelaide University Magazine (AUM)* and other, faculty-based, publications presented students with outlets for early literary ambitions.

The invitation issued by the Debating Club⁷ proved irresistible to Finnis. He took part in his first debate before the end of first term 1958. He and Alec Hyslop, 'one of the foremost student leaders in this University',⁸ were chosen to represent Adelaide at the 1958 Interschool Debates in Armidale. Hyslop and Finnis became a very successful and popular debating team; we find them still teaming up two years later when they both had many other commitments.⁹ Finnis's willingness to undertake onerous administrative tasks seems to have had no limits. While a student he held the positions of Debates General Secretary, Secretary of the SRC, delegate to the National Union of Australian University Students (NUAUS), Member of the Union Council and the Union House Committee¹⁰ and, in 1961, co-editor of *On Dit* with Des Cooper, a genetics student, and Will Baynes, an Arts student and a candidate for Holy Orders of the Anglican Diocese of Adelaide. All three were residents of St Mark's College where *The Groaning Stone*, the College Club paper, was published.¹¹

Finnis had been Dux of St Peter's College (the 'Collegiate School of Saint Peter', to give it its statutory name), the leading Anglican School for boys in Adelaide. He achieved excellent results throughout his law course, winning many prizes.¹² In 1962 he graduated LLB with first class honours and became the South Australian Rhodes Scholar. In Oxford he forged a brilliant career. From 1976 to 1978 he was the Head of the Law School at the University of Malawi. While there, on secondment from Oxford, he wrote *Natural Law and Natural Rights (NLNR)*,¹³ his now famous contribution to our understanding of the nature of law. He is now the Oxford Professor Emeritus of Law and Legal Philosophy,¹⁴ an Honorary Fellow of University College Oxford, a

⁵ See (7 March 1958) 26(1) *On Dit* 1, 6–7.

⁶ Walter George Keith Duncan and Roger Ashley Leonard, *The University of Adelaide 1874–1974* (Adelaide, Rigby, 1973) 150. The SRC was replaced by the Students' Association of the University of Adelaide in 1971.

⁷ 'If you have been a keen school debater, then the University Debating Club offers you every opportunity to continue this interest and improve your technique. The Club conducts debates every Monday during the lunch-hour . . .' (7 March 1958) 26(1) *On Dit*, 6. Debating had a long history in Australian universities and in Adelaide in particular – see Finnis, Margaret, above n 1, 159–63.

⁸ His achievements are detailed in (4 September 1959) 27(14) *On Dit* 1, 3.

⁹ Wayne Anthony, 'I do not apologise' (19 September 1961) 29(12) *On Dit* 1, 2.

¹⁰ (18 September 1959) 27(15) *On Dit* 1, 3. For a detailed account of the Union, see Finnis, Margaret, above n 1.

¹¹ I am grateful to Ms Monica Smith, Archival Clerk of St Mark's College, for having made issues of *The Groaning Stone* available.

¹² In 1960 he was declared the RW Bennett Scholar, for he had been awarded RW Bennett Prizes (exceptional merit in any Ordinary subject at the November examinations) in 1958, 1959 and 1960. In 1961 he was declared the Stow Medal/Scholar, for he had been awarded Stow Prizes (exceptional merit in at least two subjects) in 1958, 1960 and 1961. He also won the Angus Parsons Prize (most meritorious Honours graduate) for 1961 and the Justin Skipper Prize (active and effective part in student life and two distinctions at the end of the course) for 1961. This information has been provided by the University Archives.

¹³ John Mitchell Finnis, *Natural Law and Natural Rights* (OUP, first published 1980, 2nd ed 2011).

¹⁴ He has acted as an adviser to the Vatican. On constitutional matters he has also advised

Professor at the University of Notre Dame in Indiana, a Fellow of the British Academy and a member of Gray's Inn.¹⁵ The year 2013 saw the publication of two Festschriften in Oxford and Brisbane respectively.¹⁶ Oxford University Press has celebrated his achievements by publishing *Collected Essays of John Finnis* in five volumes.¹⁷

Finnis had received what he has described as a 'high-class' Anglican religious education.¹⁸ However, he arrived at the University with agnostic if not atheist convictions and maintained this outlook until 1960. However, during 1961, his last year as a student, he received instruction which prepared him for the Catholic faith and was received into the Catholic Church in 1962. His conversion is the focal point of this study.

Having been appointed to a senior lectureship at The Adelaide Law School in 1961, I taught Private International Law to a class which included John Finnis. His examination paper was written with great clarity; it very convincingly placed doctrines in their historical context. By 1966 he had become a law tutor at University College. In 1968, my year in Oxford,¹⁹ we met occasionally, usually at college dinners. In 1970 I was Dean and Head of the Law School and arranged for John to be appointed to a visiting lectureship. He and his family spent the 1971 academic year in Adelaide where he lectured and examined in Jurisprudence. In 1983 The Adelaide Law School celebrated its centenary and I was the editor of a special edition of the *Adelaide Law Review*; like many other former members of staff, Finnis accepted my invitation to contribute an article.²⁰ Since then our contact has been sporadic.

B Student interest in religious issues

In the mid-20th century Christian religious belief was one of the most important topics of conversation, disputation and agitation among Adelaide students and many members of staff. Ivan Shearer who was a student from 1956–59 has spoken of the 'ferment of religious debate within the University' and of the 'passionate and widespread interest' which religious debate aroused in the University community.²¹ In March 1960 an editorial in *On Dit* stated:²² 'It is a strange commentary on Australian University students that religion, which one might almost assume as settled, should be more productive of discussion than politics, which one might suppose more controversial.' Numerous reports of events, debates and articles concerned with

Australian state governments and the Foreign Affairs Committee of the House of Commons. It was John Finnis who nominated Aung San Suu Kyi for the Nobel Peace Prize which was awarded in 1991 – see <http://en.wikipedia.org/wiki/John_Finnis>.

¹⁵ He practised at the Bar from 1979 to 2009.

¹⁶ John Keown and John Robert P George (eds), *Reason, Morality, and Law: The Philosophy of John Finnis* (OUP, 2013); Mark Sayers and Aladin Rahemtula (eds), *Jurisprudence as Practical Reason. A Celebration of the Collected Essays of John Finnis* (Supreme Court Library Queensland, 2013).

¹⁷ *Reason in Action* (I), *Intention and Identity* (II), *Human Rights and Common Good* (III), *Philosophy of Law* (IV), *Religion and Public Reasons* (V) (OUP, 2011).

¹⁸ Letter dated 20 July 2015.

¹⁹ For personal recollections of that remarkable year, see 'The Siege of All Souls' (2011) 51 *Supreme Court of Queensland Review of Books* 78–80.

²⁰ 'The Responsibilities of the United Kingdom Parliament and Government under the Australian Constitution' (1983) 9 *Adelaide Law Review* 91–107.

²¹ Letter dated 21 March 2014.

²² (18 March 1960) 28(2) *On Dit* 1, 2.

religious issues written by students, members of staff and established clerics found their way into *On Dit* and *AUM*.

One reason for this great interest in religion, perhaps the main one, was that many students had enjoyed religious education, particularly in private schools, and had attended daily worship. Moreover, many students came from middle-class churchgoing families and had been members of church-based youth groups. It seems likely that the situation in other Australian universities was not very different. The reasons for this state of affairs and the surrounding circumstances should be of interest at a time when support for the Christian religion has waned significantly. One focus of attention will be the apparent dominance on campus of Catholicism which was found so attractive by some students that they converted to it rather than adhere to the faith in which they had grown up.

II CHRISTIANS ON CAMPUS

A *Christian advocacy*

The religious societies were prominent and active. At the beginning of each year they published elaborate plans and programs which reflected the importance of religion to the lives and minds of the student population. In the first 1958 issue of *On Dit* the Anglican Society, the Aquinas Society and the Evangelical Union advertised their first-term programs.²³ The Anglican Society promised daily corporate communions followed by breakfast, matins and evensong, and daily devotional addresses during Holy Week.²⁴ In May 1958 there was to be a conference at Retreat House, Belair. The Anglican Society also arranged occasional missions to the University. In 1957 an English clergyman, Rev Michael Fisher, conducted one of these. He described his experience as follows:²⁵

I'll never forget Adelaide. Almost half the University came each lunch time for the talks, but the excitement had been heightened by a group of agnostic lecturers who had arranged an anti-session. When I finished they began! They had transcripts of every talk . . . and, taking another hall, had meetings to refute them. Everyone poured in. . . . I saw more students privately than in any other university and several remained friends. One is a non-stipendiary priest working for the BBC in London . . .²⁶

The Student Christian Movement, a large and vigorous body,²⁷ promised 'addresses, discussions and conferences' and the Evangelical Union 'Bible studies, prayer meetings, public meetings, house parties *etc* to bring the Christian faith to the individual'.

²³ (7 March 1958) 26(1) *On Dit* 1, 7.

²⁴ The program for Holy Week announced a month later included a special communion, an announcement of tutorials on the history of the Church in England and social events (a dance and a barbeque) – (2 April 1958) 26(2) *On Dit* 1, 1.

²⁵ Michael Fisher, *For the Time Being: A Memoir* (Gracewing, 1993) 129.

²⁶ The person referred to is Will Baynes. I am grateful to him for having drawn Fisher's book to my attention.

²⁷ I owe much of the information about the religious orientation of students of the period and about the persuasive strength of the Catholic Church to Dr David Hilliard of Flinders University – letters dated 9 and 11 February 2014.

The Aquinas Society was the most prominent and active of the religious societies. They advertised a late afternoon opening Mass followed by Tea and a Freshers' Dance in the evening. The Rosary was to be said each day at midday and a Mass was to be held 'each first Friday'. Three special events were planned: a hike, an informal dance at Aquinas College and on one Sunday in April there was to be a 'Day of Recollection'.

B *The attraction of Catholicism*

The Jesuit Fathers at Aquinas College were very effective spokesmen for the Catholic cause. As Fr Benedict Hensley OP (the law student John Hensley who converted to Catholicism in August 1957) has said:²⁸ 'The Jesuit Frs. Scott (especially), Greene, and Daly presented a most attractive face of the Church.' Fr Scott was an impressive man with interests in mathematics, philosophy, religious art and church architecture.²⁹ In the words of Peter Howell, he had a 'fine sense of humour and "formidable charm", and could mix in any company'.³⁰ The agnostic student (and later lecturer) Jeff Scott was no match for him. Ivan Shearer has explained that it was the debates between Fr Scott and Jeff Scott which enabled him to understand the strength of the Catholic position.

Fr Thomas Vincent Daly SJ was no less persuasive than Fr Scott. He was one of the leading Australian exponents of the work of the Canadian Catholic philosopher Bernard Lonergan SJ.³¹ In 1961 one of Finnis's fellow-students told him about Fr Daly's enthusiasm for Lonergan, and he thus became interested in Lonergan's philosophy which was to play a major role in his conversion. Fr Peter Green SJ, a Tasmanian graduate in science and engineering, was ordained in 1952, spent some time at Aquinas College and returned to Tasmania in 1960 to become Chaplain to the University there.³²

Colin Nettelbeck who was received into the Catholic Church in June 1960 has explained:³³ 'At a time when religious discussions were part and parcel of everyday life, Catholicism did seem to me to have a clear and largely unified voice, a claim for a long and unbroken tradition, a strong organisational structure, a coherent view of the world.' Ivan Shearer has stated:³⁴ 'At the emotional level I was greatly moved by the universality of the Church, that it existed in virtually every country, and was not a branch or national church like that of Canterbury.'

Aquinas College and the Aquinas Society also arranged missions to the University. In 1958 'Modern Ethical Problems', a mission for the week commencing Monday, 21 July 1958 was held. Fr K O'Sullivan SJ, LLB³⁵ gave a series of talks

²⁸ Letter dated 29 March 2014.

²⁹ Peter A Howell, 'Scott, Michael Arthur (1910–1990)' in *Australian Dictionary of Biography*, see <<http://adb.anu.edu.au/biography/scott-michael-arthur-15491/text26706>>.

³⁰ Ibid.

³¹ See the obituary for Fr Daly published by the Lonergan Research Institute – <<http://www.lonerganresearch.org/news/rip-thomas-vincent-daly-s.j/>>. For a eulogy, held at a Memorial Mass for Fr Daly who died on 25 June 2014 see <<http://www.lonerganresearch.org/news/rip-thomas-vincent-daly-s.j/>>.

³² Peter Howell's letter dated 29 April 2014 (personal recollections). Fr Green died in July 2006 – see <http://www.tsv.catholic.org.au/priests/biographical/father_peter_green_sj.php>.

³³ Letter dated 19 March 2014.

³⁴ Letter dated 21 March 2014.

³⁵ Peter Howell knew Fr O'Sullivan and has commented as follows: 'Fr Kevin O'Sullivan, a solicitor before he joined the Jesuits, came to Hobart as Dean of St John

which were summarised in *On Dit*:³⁶ ‘... having first established the existence of an objective morality, by an examination of the nature of man, [Fr O’Sullivan] applied this to the most weighty problems of our society. Birth control, Divorce and Abortion, being obvious and harmful negations of the proper use of sex and marriage must in all reasonableness be condemned as moral evils.’ *On Dit* also reported that the mission had met an ‘obvious demand in the intellectual climate of our University’, that each day the Lady Symon Hall had ‘overflowed into the foyer’, and that 250 copies of each talk had been sold during the week.

The Catholic Church derived its biblical legitimacy from Matthew 16:18. Jesus is there reported as having said (responding to his disciple Peter): ‘And I say also unto thee That thou art Peter, and upon this rock I will build my church.’ In the words of David Hilliard:³⁷ ‘One of the attractions of the Roman Catholic Church before the 1960s was its claim that it was the one true church founded by Jesus Christ and this was shown by its unbroken history since the first century – other Christian bodies were breakaways . . .’ ‘Upon this Rock’ was the theme of a mission held from 4 to 8 April 1960 under the auspices of the Aquinas Society.³⁸ An *On Dit* editorial promised students ‘one of the most disturbing, thought-provoking periods in their lives’.³⁹ The main speaker was Fr HA Johnstone SJ. On two evenings the widely respected Catholic philosopher Dr Max Charlesworth added to Fr Johnstone’s message by discussing ‘Philosophy and God’. Not only the Anglicans, Methodists and the other protestant churches, but also the agnostics were outflanked by the Jesuit Fathers of Aquinas College.

III RELIGIOUS SCEPTICS

A *Philosophy and religion*

In the first few decades of the 20th century reflections about religious matters were considered a legitimate and important concern for philosophers. In 1907 the Head of the Philosophy Department at the University of Melbourne, Professor W R Boyce Gibson, published a book about the German philosopher Rudolf Eucken,⁴⁰ a leading authority on ethics and religion. Philosophers of the period tended to admire the achievements of science but thought that man’s intuitive powers opened the way to broader insights, including religious insights. Writing in a leading theological journal, Gibson stated:⁴¹ ‘Our faith, our sense of spiritual reality is not content to define itself imaginatively in the literary form of legend and parable, but will seek sooner or later a more definitely philosophical expression.’ The work of another German philosopher, Edmund Husserl, became one of Gibson’s main preoccupations. Husserl considered

Fisher College, and always preached at the Red Mass at the start of each year. A great polemicist and expert in “apologetics”, he toured Australia addressing meetings to advance the case for state-aid for church schools, and had quite an influence in shaping my own notions of natural law.’ – Letter dated 29 April 2014.

³⁶ (11 August 1958) 26(11) *On Dit* 1, 5.

³⁷ Letter dated 9 February 2014.

³⁸ (18 March 1960) 28(2) *On Dit* 1, 2.

³⁹ *Ibid.*

⁴⁰ William Ralph Boyce Gibson, *Rudolf Eucken's Philosophy of Life* (London, Adam and Charles Black, 1907). See the review by Ralph Barton Perry in (1908) 5(25) *Journal of Philosophy, Psychology and Scientific Method* 697–8; see also the entry on Rudolf Christoph Eucken in the *Encyclopedia Britannica* – <<http://www.britannica.com/biography/Rudolf-Christoph-Eucken>>.

⁴¹ ‘From Science to Religion’ (1918) XVII(1) *Hibbert Journal* 90–8, 98.

that for philosophers God and religion posed the most important of all problems.⁴² In Edinburgh Andrew Pringle-Pattison was the author of one of the most extensive studies of the place of religion in philosophy. In 1917 he published *The Idea of God in the Light of Recent Philosophy*, based on The Gifford Lectures he had delivered in the University of Aberdeen in 1912 and 1913.⁴³

By the 1950s all this had changed. Many philosophers considered that they were finally taking seriously the empiricist message, *viz* that human knowledge is derived from sense-based experience.⁴⁴ Metaphysics was incapable of yielding genuine insights. Articles of the Christian faith were bereft of meaning, for attempts to employ language derived from human experience to assert matters not of this world were bound to result in vacuity and contradiction. They believed that the clarity of their work would finally replace confusion, mysticism and superstition, *ie* metaphysics and all the supposedly obscure facets of the Christian faith. Reminiscing about his first contact with British philosophy, Charlie Martin, then Reader in Philosophy in the University of Adelaide, called the 1950s a ‘well spent’ time of ‘brashness and idol-smashing’, when philosophers dismissed religious language as ‘nonsense’ and as ‘meaningless’.⁴⁵

B *The Adelaide philosophy department*

A religiously sceptical spirit prevailed in the Adelaide Philosophy Department under its Head, Professor Jack Smart, who occasionally described himself as a ‘reluctant atheist’.⁴⁶ Most members of that Department were unbelievers. At least six of them, Max Deutscher, Chris Mortensen, Brian Ellis, Graham Nerlich, Brian Medlin and Charlie Martin became professors in various universities.

The atheist message was not kept within the four walls of the Philosophy Department. The differences between the philosophers and the Christians were often fought out in the pages of *On Dit* and *AUM*. The Christian concept of the resurrection of the dead aroused special interest. In 1958 Michael Bradley,⁴⁷ an Arts student (and later a lecturer in the Philosophy Department), published ‘After death – what?’ in

⁴² When asked what he thought to be the most fundamental problem in philosophy, Husserl is supposed to have replied: ‘The problem of God, of course.’ – Louis Dupré, ‘Husserl’s Thought on God and Faith’ (1968) 29(2) *Philosophy and Phenomenological Research* 201–15, 201.

⁴³ Andrew Seth Pringle-Pattinson, *The Idea of God in the Light of Recent Philosophy* (Oxford, Clarendon Press, 1917). See the review by Ernest Albee of Cornell University in (1917) 26(6) *Philosophical Review* 649–59.

⁴⁴ ‘. . . all our ideas, or weak perceptions, are derived from our impressions, or strong perceptions, and that we can never think of anything which we have not seen without us, or felt in our minds.’ – David Hume, *Treatise of Human Nature, Being an Attempt to Introduce the Experimental Method of Reasoning into Moral Subjects* (published anonymously in 1739) 642.

⁴⁵ Charles Burton Martin, *Religious Belief* (Cornell University Press, 1959) 7.

⁴⁶ See the obituary by Jane O’Grady in *The Guardian* (online), 31 October 2012 – <<http://www.theguardian.com/books/2012/oct/30/jjc-smart>>.

⁴⁷ Spokesmen for the Department have called Michael Bradley a ‘stimulating presence’, far beyond his ‘list of publications and academic rank’ – <<http://books.publishing.monash.edu/apps/bookworm/view/A+Companion+to+Philosophy+in+Australia+and+New+Zealand/56/xhtml/chapter01.html>>. He had attended Adelaide Boys’ High, a well-regarded state school. I personally found Bradley’s advice very helpful when I tried to understand the difference between syllogistic and analogical reasoning.

Varsity, the forerunner of *AUM*.⁴⁸ He rejected a number of arguments often put forward to support the view that there is life after death ('this comforting belief in the metaphysical views of the Christian churches'). Ivan Shearer remembers the debates within the University.⁴⁹

These were hugely attended affairs consisting of regular lunch-time debates between the two Scotts: Fr Michael Scott SJ, Rector of Aquinas College, and Mr Jeff Scott, a perpetual student and atheist. What is remarkable about these debates, compared with the general lack of interest in religion (although perhaps not altogether in spirituality) by the students of today, is that they engaged such passionate and wide-spread interest.

In June 1960 one AA Dawson defended the case for agnosticism and announced in *On Dit* that the Agnostics' Society had been re-formed and that Professor Smart would give a lecture on the subject 'Is God obsolete?'.⁵⁰ At a seminar organised by the Philosophy Department Antony Flew, one of the leaders of the neo-empiricist movement in England, suggested that Tolstoy had probably been ill when he became too preoccupied with the 'meaning of life'. Flew was an atheist at the time but later became a believer.⁵¹ In 1959 one LD Atkinson suggested sarcastically that the outlook of Dr Billy Graham (who had begun his successful Australian crusade two months earlier) and that of George Adampski, the ufologist, were very similar, for '[b]oth awaited a sign from an extra-terrestrial being'.⁵²

The most articulate expression was given to the atheist cause by Charlie Martin. As a youngster in Boston, his home town, he had been a child preacher in his local church.⁵³ He studied at Boston University and then became a doctoral student at Emmanuel College, Cambridge, where he lost his Christian faith. He chose the analysis of religious language as his first project. John Wisdom, who was then partial to the new trends in British philosophy, became Martin's supervisor. Martin admired him; he regarded Wisdom's article 'Gods'⁵⁴ as an advance on the philosophy of David Hume.⁵⁵ Martin had his first significant article, 'A Religious Way of Knowing',⁵⁶ published in *Mind*. A believer, so Martin suggested, might have a religious experience of God and might conclude that God exists. That proved only that the experience occurred, not that

⁴⁸ [1958] *Varsity* 34–5.

⁴⁹ Letter dated 21 March 2014.

⁵⁰ (10 June 1960) 28(7) *On Dit* 1, 7.

⁵¹ 'I must stress that my discovery of the Divine has proceeded on a purely natural level, without any reference to supernatural phenomena. It has been an exercise in what is traditionally called natural theology. It has had no connection with any of the revealed religions. Nor do I claim to have had any personal experience of God or any experience that may be called supernatural or miraculous. In short, my discovery of the Divine has been a pilgrimage of reason and not of faith.' – Antony Flew, *There is a God. How the World's Most Notorious Atheist Changed his Mind* (Harper, 2007) 93.

⁵² 'Pluto, Pulp and Pulpit' (17 April 1959) 27(4) *On Dit* 1, 2.

⁵³ Paul Snowden, 'Professor C. B. Martin: Philosopher Noted for the Depth and Originality of his Thinking' (2 December 2008) *The Independent*. See <<http://www.independent.co.uk/news/obituaries/professor-c-b-martin-philosopher-noted-for-the-depth-and-originality-of-his-thinking-1047117.html>>.

⁵⁴ John Wisdom, 'Gods' (1944–1945) 45 *Proceedings of the Aristotelian Society* (New Series) 185–206.

⁵⁵ 'Wisdom's argument in "Gods" can be read as a profound development and correction of Hume's masterpiece, the *Dialogues Concerning Natural Religion*.' – Martin, above n 45, 12.

⁵⁶ Charles Burton Martin, 'A Religious Way of Knowing' (1952) 61 (no 244) *Mind* (New Series) 497–512.

God exists. The crucial difference between that and a sense-based experience is that the latter can be verified by ‘checking procedures’ (touching what one thinks one is seeing, taking a photo, asking others whether they are seeing it too, *etc*). Because of the absence of such procedures to those who believe they have seen God, God’s existence cannot be confirmed in the only way available to worldly creatures like us. Reviews of the article were critical but on the whole encouraging; one of these acknowledged that the article had had ‘considerable influence in England’.⁵⁷ Having been appointed to a lectureship in Adelaide in 1954, Martin published ‘The Perfect Good’ in the leading Australasian philosophical journal.⁵⁸ Martin’s argument (again greatly simplified) was: even a person with the best possible reputation might still turn out to have been a rogue (perhaps because of the discovery of a secret diary). However, when we say of God that he is ‘the perfect good’ (departures from his goodness being inconceivable) we will have turned ‘goodness’ into part of the definition of God and will thus have produced a formula which is circular and vacuous (good = good). The article was attacked by other philosophers,⁵⁹ enabling Martin to sharpen his argument.⁶⁰

In 1959 Cornell University Press published Martin’s *Religious Belief*,⁶¹ a critical account of the logic, or lack of it, behind the Christian belief system as seen from an agnostic, if not an atheist, point of view. His first two articles were incorporated, together with his responses to his critics (Chapters Three to Five). In ‘*A Religious Way of Knowing*’ Martin had excluded the problem of resurrection after death.⁶² This was covered in Chapter Six (*‘Life after Death’*): how do we know, once a person has turned to dust, whether a seemingly identical person who appears later is not just someone who is merely extremely similar but not identical? There is no chain of identity (individuation) capable of linking a person with his or her disembodied state after death. Chapters Three to Six contain what might be called Martin’s core argument. The *Australasian Journal of Philosophy* did not review Martin’s book but mentioned it under ‘books received’ with a brief explanatory note.⁶³

It appears that the ‘missions’ conducted by ‘pagan secularists’⁶⁴ were not without some success. David Hilliard has said:⁶⁵ ‘[Quite a number] of students raised in Catholic families . . . lost their faith at university and left the church. Many Catholic bishops and clergy saw the universities as a danger to faith.’ Other students resisted the lure of the atheist cause. According to Bill Holdsworth, a law graduate of 1961 who converted to Catholicism in May 1959, the agnostic/atheist arguments put forward by people like Michael Bradley and Max Deutscher were counterproductive in his case.⁶⁶

⁵⁷ WD Glasgow, ‘Knowledge of God’ (1957) 32(122) *Philosophy* 229–40, 229.

⁵⁸ Charles Burton Martin, ‘The Perfect Good’ (1955) 33(1) *Australasian Journal of Philosophy* 20–31.

⁵⁹ The most significant was Roderick Ninian Smart, later one of the foremost authorities on comparative religion: ‘Discussion. The Perfect Good’ (1955) 33(3) *Australasian Journal of Philosophy* 189–94. See also ‘Ninian Smart’ <http://en.wikipedia.org/wiki/Ninian_Smart>.

⁶⁰ Charles Burton Martin, ‘The Perfect Good: Replies’ (1956) 34(1) *Australasian Journal of Philosophy* 27–37.

⁶¹ Martin, above n 45.

⁶² ‘Another important subject with which this paper has not dealt is the connexion between what the believer expects from immortality and his religious belief.’ – Martin, above n 56, 512.

⁶³ (1960) 38(1) *Australasian Journal of Philosophy* 89. The book earned 90 citations in other books and journal articles.

⁶⁴ The expression was coined by the Rt Rev John Vockler – ‘Why Not a Chair of Theology?’ (2 August 1961) 29(10) *On Dit* 1, 6.

⁶⁵ Letter dated 5 May 2014.

⁶⁶ Letter dated 30 March 2014.

‘I became increasingly impressed with Fr. Daly’s demolition of their arguments. I was confirmed in my belief in the existence of a Divine Being.’

C Reinforcement for the atheist cause: John Finnis

During John Finnis’s early years the family lived in Walkerville, an Adelaide suburb. His father, Maurice Stericker Finnis was an Anglican. Maurice and the priest at St Andrew’s Church in Walkerville which Maurice attended laid the foundation for John’s religious education. He was confirmed in the Church of England at St Andrew’s and was a choirboy there until he was 13 years old. At St Peter’s College he received an Anglican religious education which he has described as ‘high-class’.⁶⁷ ‘. . . the admirable lay Headmaster Colin Gordon personally took a good many of the RE lessons with the top boys and used Dorothy Sayers’ excellent *Man Born to be King* (with its very effective introduction about the authenticity and plausibility of the Gospels) . . .’ Regular religious observances were also the rule at the Anglican St Mark’s College. Despite this intensive religious training young Finnis developed an interest in agnostic and atheist literature. According to an account of this period, written by Finnis himself and published by his close academic friend and collaborator in later years, Germain Grisez,⁶⁸ Finnis ‘spent his teenage years as an atheist reader of Rationalist Press Association publications, Bertrand Russell, and in due course David Hume’.⁶⁹ As implied in this passage, he was finding religious scepticism more persuasive than the Christian message.

Philosophy ran in the Finnis family. In 1922 John McKellar Stewart,⁷⁰ John’s maternal grandfather, had succeeded Sir William Mitchell⁷¹ as Hughes Professor of Philosophy at Adelaide University, had retired in 1950 and died in 1953.⁷² Maurice

⁶⁷ Letter dated 20 July 2015.

⁶⁸ Until 2009 Germain Grisez was the Most Rev Harry J Flynn Professor of Christian Ethics at Mount Saint Mary’s University in Emmitsburg, Maryland.

⁶⁹ Germain Grisez, *The Way of the Lord Jesus* – <<http://www.twotlj.org/Finnis.html>>.

⁷⁰ See JJC Smart, ‘Stewart, John McKellar (1878–1953)’, in *Australian Dictionary of Biography*, see – <<http://adb.anu.edu.au/biography/stewart-john-mckellar-8667>>. My account of Stewart’s life and career is further based on E Morris Miller, ‘McKellar Stewart: A Contemporary’s Appreciation’ (1954) 32(3) *Australasian Journal of Philosophy* 169–84 and on William Mitchell, ‘Professor McKellar Stewart as a Philosopher’ (1953) 1(5) *The University of Adelaide Gazette* 54–5, reprinted in part in (1953) 31(3) *Australasian Journal of Philosophy* 137–8.

⁷¹ See VA Edgeloe, ‘Mitchell, Sir William (1861–1962)’, *Australian Dictionary of Biography*, see <<http://adb.anu.edu.au/biography/mitchell-sir-william-7610>>.

Sir William had held the Hughes Professorship from 1895 until 1916. When he was appointed, the Chair was called the Hughes Chair of English language and literature and mental and moral philosophy. By 1922 the title had changed to Hughes Chair of Mental and Moral Philosophy – see Nick Harvey, Jean Fornasiero, Greg McCarthy, Clem Macintyre, Carl Crossin (eds), *A History of the Faculty of Arts at the University of Adelaide 1876-2012* (University of Adelaide Press, 2012) 7.

⁷² Stewart served as the University’s Vice-Chancellor from 1945 to 1948. His most substantial work is *A Critical Exposition of Bergson’s Philosophy* (Macmillan, 2nd ed, 1913) [304 pages]. There are numerous contributions in the *Australasian Journal of Psychology and Philosophy*, published from the beginning of 1947 as *Australasian Journal of Philosophy*. Stewart’s work on Nietzsche shows his close interest in, and familiarity with, German philosophers of the 19th and early 20th century – see John McKellar Stewart, ‘Nietzsche and the Present German Spirit’ in *University of Melbourne War Lectures no 5* (Melbourne, George Robertson, 1915) 125–39. There is also a ten-page pamphlet entitled *The Policy of the Free Hand in Education* (Adelaide,

Finnis, John's father, was a senior lecturer in the Philosophy Department with its atheist orientation. Could it be Maurice was just following convention at St Andrew's Church but in truth shared the convictions of so many of his fellow-philosophers? John has affirmed that his father's faith was genuine and that he is very unlikely ever to have been a religious sceptic.⁷³ Even if he had been, it would have had no impact on John, for father and son never discussed philosophy during the relevant period.

John McKellar Stewart was a religious sceptic, but one of a special kind: he was a Christian believer but thought that religion should be kept out of philosophy.⁷⁴ His colleague and friend, E Morris Miller, has summed up Stewart's outlook:⁷⁵ 'We are not provided with thought instruments sufficiently penetrating to bring the universe into anything like a complete subjection to our thinking.' John Finnis has made it clear that the interest in religious scepticism which he began to develop at school and to which he gave expression in his student publications was in no way influenced by his maternal grandfather.⁷⁶ 'I am certain he [my grandfather] never discussed Hume in my hearing, or said anything in my hearing that suggested scepticism.' Stewart died when John was only 12 years old, so a philosophical influence is inherently unlikely.

Finnis's early interest in philosophy is hardly surprising in a young person of his intellect and the turn it took towards agnostic if not atheist philosophy might have been his reaction to the richness of the religious fare he was made to enjoy at St Peter's College. His arrival at the University boosted the ranks of the agnostics and atheists.⁷⁷

IV CONVERSIONS TO CATHOLICISM: SOME CAUSES

A number of former students have kindly given me accounts of their experiences when they converted to the Catholic faith. They reveal the importance of a number of possible causes. Personal circumstances and motives were different in every conversion case. However, the preoccupation with religion of the student population was still an important influence if not a necessary precondition. One cause, 'the attractive face of the Catholic Church' has already been discussed. There are other important factors.

Hunkin, Ellis and King, 1932) [Address to annual conference of the South Australian Public Teachers' Union, 5 September 1932].

⁷³ 'My father went to (Anglican) Church throughout my boyhood. I never saw any hint of rebellion or thoroughgoing rejection . . . As to Hume, . . . my guess is that my father remained an admirer of Plato and Aristotle, against Hume, throughout, and it seems clear to me that he was delighted with my attack on Hume in NLNR. Beyond that, I cannot say, and I use the term "guess" advisedly. For I never attended any of his lectures and we never ever discussed philosophy during my boyhood or student years, in any shape or form. He never gave any encouragement to my teenage scepticism, which I kept private from him. He told me on his deathbed that he would have become a Catholic if his circumstances had been different . . .' – Letter dated 20 July 2015.

⁷⁴ This appears clearly enough from John McKellar Stewart, *A Critical Exposition of Bergson's Philosophy* (Macmillan, 2nd ed, 1913) and also from numerous articles which Stewart contributed to the *Australasian Journal of Philosophy*.

⁷⁵ Above n 70, 177.

⁷⁶ Letter dated 20 July 2015.

⁷⁷ His commitment to the cause of religious scepticism is apparent from some of his contributions to student publications which preceded his conversion to the Catholic faith in 1961.

A Literature

Foremost among the literature which influenced the students who decided to convert were the works of John Henry Newman, *Apologia pro Vita Sua* (1864), *A Grammar of Assent* (1903) and particularly *An Essay on the Development of Christian Doctrine* (1845). English writers who exerted some influence were Evelyn Waugh, T S Eliot, Gerald Manley Hopkins, Graham Greene, Hilaire Belloc and G K Chesterton. The American Thomas Merton attracted attention and so did some French authors.

In Finnis's case, the works of Denis John Bernard Hawkins with their critical accounts of Locke, Berkeley and Hume were an influence [*The Criticism of Experience* (1945), *Causality and Implication* (1937), *Approach to Philosophy* (1938), *The Essentials of Theism* (1949)]. No book was more important to Finnis than Lonergan's *Insight*. (1957).⁷⁸

B Friendships and acquaintanceships

Ivan Shearer has stressed the importance of his close Catholic friends to his conversion: 'I became interested in Roman Catholicism . . . partly because most of my friends at University happened to be Catholics: David Kelly, Gervase Coles and his brother Hilary, and Helen Bardolph.'⁷⁹

Finnis also had a circle around him which seems to have arisen through his various extracurricular activities. Religiously it was much more mixed than Shearer's. Des Cooper, in his second year when Finnis was a fresher, later became a Professor of Genetics at Macquarie University. Cooper was an agnostic if not an atheist.⁸⁰ Finnis forged a close association with Alec Hyslop, later Associate Professor of Philosophy at La Trobe University, through their common debating activities. Hyslop also converted to Catholicism but later left the Church again. Michael Smyth, the President of the SRC in 1958 and, like Finnis, a Rhodes Scholar (zoology) was a member of this circle. He remained an agnostic or atheist until his early death from cancer at age 37. Another close friend was Colin Nettelbeck, later Professor of French at Monash and then Melbourne University. They met when they were both doing military service.⁸¹ The Catholic Church has remained Nettelbeck's spiritual home. Will Baynes was a candidate for Holy Orders of the Anglican Diocese of Adelaide. Another member of this group was Marie McNally, a distinguished scholar of English Literature, whom Finnis married in June 1964.⁸² Both were members of the SRC Executive in 1959. Nettelbeck also mentioned Fr Michael Scott as 'a key figure in the mix'.

C Influence of Catholic members of staff

One of the prominent Catholic laymen in the University was Professor DP O'Connell, Reader in law and Dean of the Faculty when I arrived in Adelaide in 1959. He took an interest in the religious orientation of members of staff and, presumably also of his students. He had gone back to the Treaty of Westphalia of 1648 and had concluded that I came from a part of Germany which had become Catholic, so my Lutheran religion must have been a disappointment to him. He gave me a short

⁷⁸ Bernard J F Lonergan, *Insight. A Study of Human Understanding* (Longmans, Green and Co, 1957).

⁷⁹ Letter dated 21 March 2014. Helen Bardolph became David Kelly's wife.

⁸⁰ Will Baynes's letter dated 17 September 2014.

⁸¹ Letter dated 22 February 2014.

⁸² They have three daughters, three sons and twelve grandchildren.

book on Catholicism but I was well past my religiously formative period and, let me admit it, read it only out of courtesy.

O'Connell's commitment to his Catholic faith was obvious from his lectures in Jurisprudence and International Law. I doubt whether this had any impact on Finnis's decision to convert, for he, Finnis, seems to have travelled a lonely road. Ivan Shearer has made it clear that he was influenced by O'Connell:⁸³ '... in his jurisprudence lectures he introduced us to natural law theory. O'Connell also represented a figure whose evident commitment to his faith commanded a certain degree of wonder and respect.' There may have been others who were similarly affected.

Students in the Faculty of Arts were perhaps even more interested in religious issues than were law or science students, an interest which certainly extended to writers who were Catholic or interested in Catholicism. As Nettelbeck has explained:⁸⁴ 'The Arts students at Adelaide were very much plugged into the debates over order and disorder, and there was a lot of reading going on (T S Eliot was one of our key poets, as was G. Manley Hopkins) and philosophical-theological discussion.' If there were many staff members with anti-Catholic attitudes, Professor Brian Coghlan, the Head of the German Department, was not one of them. A reviewer of Coghlan's book on Hugo von Hofmannsthal⁸⁵ has suggested that Coghlan tended to exaggerate Hofmannsthal's Catholicism.⁸⁶ Fr Ben Hensley considers that Coghlan influenced a number of students who converted to Catholicism. Among these were Hans Sasse (Arts, son of Hermann Sasse⁸⁷), Margaret Magor (Arts) and Kevin Magarey (Arts). There was also Helen Northey, a science student who later became a Dominican Sister. If one adds to these the converts who came from the Law School (Shearer, Bill Holdsworth and Ben Hensley) and those from the Finnis circle (Finnis and his friends Colin Nettelbeck and Alec Hyslop) and remembers that there must have been other, less prominent ones, one arrives at a significant number.

D *The underdog syndrome*

The young tend to favour the underdog. The Anglican religion had been the most dominant one throughout the history of South Australia. The Methodists were perhaps second in strength and influence. Catholicism with its Irish undertones was not regarded with much favour by the adherents to these two denominations. One of my correspondents, when explaining the reasons for her conversion from Anglicanism to Catholicism, has stated: 'The anti-Catholicism of Anglicans and others repelled me and seemed unreasonable too.' Comments made after the lecture I gave in Adelaide on 28 April 2014 suggested that the underdog status of the Catholic Church in South Australia might have motivated young John Finnis to join it. It is difficult to gauge the

⁸³ Letter dated 21 March 2014.

⁸⁴ Letters dated 22 February and 19 March 2014.

⁸⁵ Brian Coghlan, *Hofmannsthal's Festival Dramas: Jedermann, Das Salzburger große Welttheater, der Turm* (MUP, 1964).

⁸⁶ 'In line with his evident attempt to emphasize Hofmannsthal's Catholic traits, Coghlan here again neglects important autobiographical and self-confessional aspects which would have shown the basic continuity of Hofmannsthal's total production.' – Roger C Norton, 'Hofmannsthal's Festival Dramas' (1966) 65(1) *Journal of English and Germanic Philology* 136–8, 138.

⁸⁷ Hermann Sasse was a well-known Lutheran theologian and a friend of Dietrich Bonhoeffer – Maurice Schild, 'Sasse, Hermann Otto Erich (1895–1976)', *Australian Dictionary of Biography*, see <<http://adb.anu.edu.au/biography/sasse-hermann-otto-erich-13184>>.

extent to which such considerations motivated young students of the period. David Hilliard has cast doubt on such suggestions:⁸⁸

Roman Catholicism in almost every English-speaking country until the 1960s was a distinct subculture. I don't think the atmosphere of South Australia was particularly 'anti-Catholic' – certainly not more than Sydney and Melbourne – but certainly there was a sense that Catholics were different (with their strict rules and their own schools) and Catholics in turn felt themselves to be different – outside the dominant Anglican-Methodist elite.

There is no trace of the underdog syndrome in any of the responses I have received, so I am inclined to dismiss this as a relevant factor.

V SOME PERSONAL STORIES

A change in religious orientation can be a profound and life-changing experience. The personal accounts generously given to me show that, usually, intellectual and emotional factors combine to bring about such a move but there is also an element of mystery. If one could fully understand it, we might all be believers. I am very grateful for these accounts, particularly for John Finnis's which has some special features.

A *Changing allegiance*

Colin Nettelbeck, who was received into the Catholic Church on 16 June 1960, was an Anglican and 'lapsed' in his mid-teens but, as he said: 'I don't think I ever became a real non-believer.'⁸⁹ He sought instruction from Fr Scott at Aquinas College in 1959 and 1960. His reasons were university friendships with various Catholics, certain aspects of his French studies course, reading poems by TS Eliot and Gerard Manley Hopkins, the *Spiritual Exercises* of Saint Ignatius and the famous French film *Diary of a Country Priest*, which touched him 'in a truly transformative way'. Unless I have misunderstood him, he was searching for the most perfect expression of what he already knew and felt and found it in Catholicism.

Ivan Shearer makes his inner journey seem effortless if not comfortable. He had been born into an Anglican family, though not a very devout one. He attended weekly services from age 17 and explained that he was influenced by Fr Scott's demonstration of the strength of the Catholic position and by his close Catholic friends. He was received into the Catholic Church at Easter 1959.⁹⁰

Bill Holdsworth, who was received into the Catholic Church on 28 March 1959, was 'a reasonably devout Anglican'. Listening to Fr Daly's arguments confirmed his belief in the existence of a Divine Being. He read Catholic literature and accepted that the Catholic Church could prove its provenance as to its Founder. He thinks that God's Grace helped to make his transition easy and painless.⁹¹

⁸⁸ Letter dated 9 February 2014.

⁸⁹ Letter dated 19 March 2014.

⁹⁰ Letter dated 21 March 2014.

⁹¹ Letter dated 30 March 2014. From my rumpus room of useless recollections comes this story: Dan O'Connell had asked his international law students to write to law faculties in other countries to enquire how treaties were translated into domestic law. Holdsworth wrote to one of the Italian faculties. He promptly received a reply in the most respectful terms: the Faculty had established a subcommittee to examine the matter; our humble student had been mistaken for Sir William Searle Holdsworth, sometime Vinerian Professor of English Law at Oxford University,

John Hensley came from a committed Methodist family and was received into the Catholic Church in the Aquinas College chapel on 15 August 1957. He has explained that he was inspired by the courage displayed by Margaret Magor, Helen Northey and Hans Sasse when they faced strong family opposition to their move. It seems likely that they were religiously committed before their transition.⁹²

B *John Finnis's conversion*

1 *A special case*

Finnis's case is different from each of these others, if only because he moved from unbelief to Catholicism.⁹³ Famous historical figures like St Paul⁹⁴ or Blaise Pascal, the 17th century philosopher, were led from unbelief to the Christian faith by the kind of sudden and profound spiritual awakening which Pascal has described.⁹⁵ 'From about half past ten in the evening until about half past twelve, FIRE – God of Abraham, God of Isaac, God of Jacob, not of the philosophers and scholars. Certitude, certitude. Heartfelt joy, peace. God of Jesus Christ. My God and thy God. Thy God shall be my God.' Finnis's conversion was not such a sudden and violent upheaval which would have buried his agnostic convictions. In fact he has told me that he has never had a 'religious experience'.⁹⁶

Finnis has given us a clear picture of his intellectual journey to Catholicism which began with doubts he felt about Humean empiricism to which he had hitherto been committed.⁹⁷ In early or mid-1961 he took these doubts to Spencer Dunkerley, the high-Anglican chaplain of St Mark's College. Dunkerley gave him books by an English Catholic Priest, Denis John Bernard Hawkins, which contained critical accounts of Locke, Berkeley and Hume. He found these useful but not sufficient. The break with his earlier philosophical orientation was achieved when he read Lonergan's *Insight*.

In his study of empiricism Lonergan argues that empiricists are unduly concentrating on observable facts:⁹⁸

. . . what can be observed is merely a datum; significance accrues to data only through the occurrence of insights. . . . without the combination of data and correct insights that together form a virtually unconditioned, there are no

who had died in 1944!

⁹² Letters dated 29 and 30 March and 4 June 2014.

⁹³ As an unbeliever he is unlikely to have felt what Isaiah Berlin has called the 'Protestant nostalgia for the Catholic Church'. Berlin has attributed this statement to the German poet Joseph Freiherr von Eichendorff – Isaiah Berlin, (H Hardy, ed), *The Roots of Romanticism* (Princeton UP, 1999) 16. There are numerous Eichendorff statements about nostalgia (*Sehnsucht*) in Internet sources yet I have not been able to verify Berlin's ascription.

⁹⁴ The Acts of the Apostles 22: 6–11.

⁹⁵ This event is supposed to have occurred on the Feast of St Clement 1654 (Monday, 23 November) – see William J Tsamis, 'Blaise Pascal – Faith and Reason' in *Fidei Defensor* – <<http://fidei-defensor.blogspot.com.au/2009/06/blaise-pascal.html>>. The translation into English is presumably by Tsamis.

⁹⁶ 'I was then and have remained totally averse to all appeals to "religious experience". I've never had any.' – Letter dated 20 July 2015. I confess that I found this comment surprising.

⁹⁷ Letter dated 10 March 2014.

⁹⁸ Above n 78, 411–2.

facts. . . . For man observes, understands, and judges, but he fancies that what he knows in judgment is not known in judgment and does not suppose an exercise of understanding but simply is attained by taking a good look at the 'real' that is 'already out there now'. Empiricism, then, is a bundle of blunders, and its history is their successive clarification.

He developed what has been called a generalised empirical method (GEM) which includes 'conceptual content produced in the intellect by the unconscious co-operation of the intellective and the imaginative powers of the soul' and much more.⁹⁹ The empiricist philosophers of the mid-twentieth century had tried to consign all of metaphysics as developed over the centuries and all religious faith to the dustbin; if Lonergan was right, all or much of that came flooding back. The insights achieved by reflecting about Lonergan's analysis, so Finnis says in his account, 'finally did away with all the Hume/Russell empiricism'. After much reflection Finnis formulated two crucial questions:¹⁰⁰

For me . . . the fundamental questions were simply two: the existence or non-existence of God as transcendent creator and providential governor of everything in nature, and the fact or non-fact of divine communication with humankind by historically given events of revelation in Israel. . . . My judgments on these matters have remained in all essentials the same as the ones I formed in 1961/2.

Finnis found affirmative answers to both questions:¹⁰¹

During his final two years as an undergraduate in Adelaide, he became convinced both of the truth of God's existence and of the reality of his self-disclosure to Israel and in Christ, by extensive reading in philosophical works critical of empiricism, among them B.J.F. Lonergan's *Insight. A Study of Human Understanding* along with some of Newman's work on revelation.

These answers are reflected in his published work.

Finnis's intellect was his guiding light. What is remarkable about his account and what distinguishes his experience from that of the other converts who have written to me is the apparent absence of emotional 'triggers'. He was not following the example of his friends. The conversions of Colin Nettelbeck and Alec Hyslop were coincidental – he never inquired about their reasons for their conversions. His exchanges with them about these matters were limited:¹⁰²

I had one conversation, in a suburban street, with Alec in which we agreed that if there is any truth in the claims about revelation, they are to be found in the Catholic Church as the only plausible successor to whatever Jesus founded in his life on Earth. Colin Nettelbeck, whom I came to know in the Adelaide University Regiment, conversed a bit more about fundamental things, but

⁹⁹ Ibid, 412. Martin Luther seems to have expressed a similar insight when he stated: 'Denn wer da will gläuben, der muß nicht achten, was die fünf Sinne begreifen und zeigen.' ('Whoever wants to be a believer must not heed what the five senses understand and show.') – Johann Konrad Irmischer (ed), *Dr. Martin Luther's Exegetische Deutsche Schriften* (Frankfurt a.M. & Erlangen, von Heyder & Zimmer, 1852) 125.

¹⁰⁰ Letter dated 10 March 2014.

¹⁰¹ Grisez, above n 69.

¹⁰² Letter dated 10 March 2014.

mostly in verse that explored the problem or issue that for me was fundamental: the objectivity of ordinary natural reality, which Humean scepticism, also in its Bertrand Russell form, tends to dissolve.

He was not swept up in a wave of student conversions. He never perceived the instances I have mentioned as such. After all, most of those in the Arts Faculty had occurred before he entered the University and he was probably unaware of the conversions of Shearer and Holdsworth which occurred when Finnis was still finding his feet in his second year. The example set by the impressive Fr Michael Scott was not a significant influence, for Finnis had already decided that ‘Catholicism was very probably true’ when he first spoke to him.¹⁰³ The instruction he received from Fr Scott in 1962 consisted mostly of good and useful books from the Aquinas College library being selected and lent to him. Once in Oxford he presented himself to the Master of Campion Hall so that he could be received into the Catholic Church, which he was on 19 December 1962.

It is part of the Lutheran pietist tradition which was strong in the 18th and the 19th centuries that reason alone could not lead one to God. Count Nikolaus von Zinzendorf¹⁰⁴ is reported as having said:¹⁰⁵ ‘Whoso[ever] wishes to grasp God with his intellect becomes an atheist.’ The statement echoed the teachings of Martin Luther who had called reason ‘the Devil’s greatest whore’.¹⁰⁶ It is difficult to see much sense in such extreme views. At any rate, whether emotional or intellectual factors predominate in providing the crucial trigger, what matters is the outcome. Ivan Shearer has provided the correct perspective when commenting on his own conversion:¹⁰⁷ ‘Of course, reason and emotion can take one just so far: to the edge of faith. The final step was a leap of faith, one I have never regretted.’ My insight into these matters is very limited,¹⁰⁸ but I assume that such a conversion involves the whole person, not just the intellect, and that its genuineness is tested by one’s future life. Hywel David Lewis has put this well:¹⁰⁹ ‘For religion certainly does require commitment, and it is in giving ourselves to it in a total way and adopting it as “a way of life” that we have the illumination it offers.’ Who can doubt John Finnis if he is judged by such a criterion?

¹⁰³ Ibid.

¹⁰⁴ Count Zinzendorf was one of the leaders of the Moravian Church; he extended its influence to England, the West Indies and North America. See *Christian History* – <<http://www.christianitytoday.com/ch/131christians/denominationalfounders/zinzendorf.html?start=2>>.

¹⁰⁵ Berlin, above n 93, 38. See also Charles Taylor, *A Secular Age* (Harvard University Press, 2007) 314: ‘True religion couldn’t consist in this intellectual fascination with doctrine; it had to engage the whole heart, or it was nothing. Count Zinzendorf pronounced a terse and final judgment on the apologetic obsessions of establishment theologians.’

¹⁰⁶ ‘But since the devil’s bride, Reason, that pretty whore, comes in and thinks she’s wise, and what she says, what she thinks, is from the Holy Spirit, who can help us, then? Not judges, not doctors, no king or emperor, because [reason] is the Devil’s greatest whore.’ – see *Dr. Martin Luthers Werke: Kritische Gesamtausgabe* (Weimar, Herman Boehlaus Nachfolger, 1914), Band 51:126, Line 7ff.

¹⁰⁷ Letter dated 21 March 2014.

¹⁰⁸ I have been a religious sceptic ever since my revered religion teacher, the Lutheran Pastor Hanusch, announced at our matriculation party in Wuppertal in 1949: ‘Do I know that my redeemer liveth? The honest answer is that I don’t.’ That caused a great éclat in the Lutheran Church and it caused me to give up my plan to study theology.

¹⁰⁹ Hywel David Lewis, *Our Experience of God* (Allen and Unwin, 1959) 59.

2 Some speculative reflections

Nine of the fourteen of Finnis's student articles I have discovered are concerned with moral issues as they arise in personal, national, or international relations. The first of these is 'The Morals of the Mission',¹¹⁰ written by Des Cooper (who took the lead) and John Finnis (still in his first year). At the 1958 Catholic mission Fr O'Sullivan had condemned birth control, divorce and abortion as moral evils (see above at n 36). The authors charged Fr O'Sullivan with having failed to establish a sound basis for such judgments and having responded to students' sincere questions with insincere truisms and prompt analogies, making 'a mockery and a travesty' of established sound methods of enquiry. The talks, so they said, had been 'a misuse of the intellect, . . . a violation of the academic method' and should have been published in *Reader's Digest* or held on the banks of the Yarra.¹¹¹

A year later, in 'Lung Cancer and Smoking',¹¹² the same authors, joined by one J Peacock, criticised the anti-smoking campaign of the British Medical Association:

In the last analysis the question raised is a moral one. It is not whether ends ever justify means, but whether the medical profession (and *a fortiori* the Government, which in Britain sponsors the campaign) is justified in using fear as a technique of therapy *in this case*, in which, among other things, the basis of diagnosis is far from conclusive.¹¹³

In April 1960 Finnis argued that the churches had no right to put forward views on temporal matters and expect favoured treatment from legislators:¹¹⁴ 'Whatever aura of sanctity some of us may think attaches to the leaders of the faith is undoubtedly dimmed if not extinguished when these leaders open their mouths to speak of things temporal.'

Two months later Finnis published an article about the shooting down of an American U-2 spy plane over the Soviet Union on 1 May 1960 and the capture by the Soviet Union of the pilot, Francis Gary Powers.¹¹⁵ The US Government at first denied but then admitted that such flights had been conducted. The incident led to an escalation of the cold war. Finnis condemned these flights not just as contrary to international law but also as an 'odious affront' to 'the development of sane international relationships'. He also saw them as part and parcel of the nuclear armaments race and condemned both the US and the Soviet Governments for their failure to negotiate the renunciation of nuclear weapons: 'The U-2 affair can serve only to emphasise how near may be the time when there may be no conquerors, no conquerors, and no weeping, but only universal ruin.'

In the next issue of *On Dit* Finnis commented on the Adolf Eichmann affair.¹¹⁶ Eichmann, a former SS Officer in charge of transporting Jews to the extermination

¹¹⁰ (11 August 1958) 26(11) *On Dit* 1, 4.

¹¹¹ The article drew a sharp response from Ivan Shearer and David St L Kelly: '. . . for the sake of the ideal of Christian unity, such attacks . . . are not [to be] repeated again at this University'. – 'Pride and Prejudice' (19 September 1958) 26(12) *On Dit* 1, 5.

¹¹² (6 August 1959) 27(12) *On Dit* 2.

¹¹³ [1959] *AUM* 33–6, 34. In 1961 an opinion piece in *On Dit* extended the argument in the article on smoking to the then still uncertain causal link between fat and butter and heart attacks – (14 March 1961) 29(1) *On Dit* 1, 8.

¹¹⁴ 'Religion in Politics' (14 April 1960) 28(4) *On Dit* 1, 6.

¹¹⁵ 'U-2: Why was it Criminal & Foolish?' (10 June 1960) 28(7) *On Dit* 1, 5, 7.

¹¹⁶ 'Two Current Heresies' (24 June 1960) 28(8) *On Dit* 1, 4.

camps in Eastern Europe, had found refuge in Argentina. The Israeli Intelligence Agency, the Mossad, had captured him and smuggled him to Israel where he was put on trial for mass murder. Again Finnis condemned the Israelis for breaking international law. He had no time for Eichmann ('the wretched fellow'), but, so he thought, it would have been better 'if Eichmann had been allowed to live out his life in Argentina rather than that he should have been seized from his place of refuge with a noisy display of self-righteous cunning and illegal force'. The tone of this sentence implies moral as well as legal disapprobation.

In 1960, the last year of his agnostic period, Finnis spelled out his major premises for solving moral problems. In 'Education and Freedom'¹¹⁷ he affirmed a utilitarian formula which he appears to have derived from the early writings of Bertrand Russell: 'I believe that the greatest happiness of the greatest number ought to be the aim of society.'¹¹⁸ Happiness, he argued, is not an 'opiate euphoria', it is achievable only 'through the highest and most harmonious development of a man's powers to a complete and consistent whole'. A Letter to the Editor of *The Groaning Stone*¹¹⁹ saw such major premises applied to the question whether homosexual conduct is immoral. Having dismissed religious considerations as irrelevant,¹²⁰ he applied the 'happiness' test: 'I myself would pronounce homosexuality immoral if I were convinced that its practice left the individual unhappier than he would otherwise have been or left his human potentialities less fulfilled.' This question, so he said, could not be answered until more information became available about 'both the causes of homosexuality and its effect on character and personal well-being'. He then expressed the hope that, in view of rapid developments in psychology and sociology, we would soon be provided with the information needed to make 'a correct moral judgment'.

Finnis, a young man of 'shining intelligence',¹²¹ must surely have realised soon after he made this optimistic prediction that moral guidance was not to be expected from such sources. It may not be too far-fetched to suggest that his conversion to Catholicism was, at least to some extent, an expression of his disillusionment with the moral potential of secular thought and of the social sciences. He may well have felt that the great Catholic ethical tradition offered a more dependable alternative.

In some ways, Finnis's conversion presents one with a perhaps surprising sense of continuity. Even though his ideal, the promotion of 'the highest and most harmonious development of a man's powers to a complete and consistent whole' was based on secular premises, the Catholic tradition did not force him to jettison that ideal. Rather, it enabled him to greatly enrich it by spelling out the basic human goods which are now to be found in *Natural Law and Natural Rights* and in his further mature academic writing.

There is, however, one important qualification. A secular ideal can be modified as changed circumstances, new experiences or simply shifts of opinion suggest. Catholic doctrines may be refined over time but changes are not at the disposal of 'a member of the true Church' as Fr Johnstone is likely to have explained at the mission entitled 'Upon this Rock' (see above at n 39).¹²² In his essay 'Education and Freedom',¹²³

¹¹⁷ [1960] *AUM* 12–17.

¹¹⁸ *Ibid.*, 13 column 1.

¹¹⁹ Letter to the Editor (1960) 2(2) *The Groaning Stone* 1–4 (on homosexuality).

¹²⁰ '... my remarks are not addressed [to] those who believe homosexuality to be wicked on the grounds of some divinely revealed moral ordinance ...' – *ibid.*, 1.

¹²¹ Fr Ben Hensley, OP, so described the young student – Letter dated 29 March 2014.

¹²² One of Fr Johnstone's talks was entitled 'What it means to be a member of the true Church'.

¹²³ [1960] *AUM* 12–17.

Finnis is very critical of Isaiah Berlin's essay on liberty.¹²⁴ To Finnis (who was still in his agnostic phase) liberty or freedom¹²⁵ is not a first principle but only 'a means to some more basically desirable ends'.¹²⁶ The context suggests that he considered freedom to be less fundamental than the pursuit of happiness. Berlin would have disagreed. Within his system of value pluralism, the 'minimum area of personal freedom' (which must always be preserved) comes as close as anything to an absolute value. Berlin saw man as 'a self-transforming creature whose each next age is the result of the satisfaction of the needs of the previous ones' and thus rejected as an 'absurdity' the view of the seventeenth century natural lawyers and of the Catholic Church that 'there is such a thing as natural law engraved upon the hearts of men'.¹²⁷ The difference between young Finnis's position and Berlin's view could not have been more fundamental. I confess that I have been an admirer of Berlin and of his ideas ever since I listened with fascination to his radio broadcasts on Romanticism.¹²⁸

VI FINNIS'S STUDENT PUBLICATIONS

During his student days Finnis contributed many articles to *On Dit*, the *AUM* and *The Groaning Stone*.¹²⁹ Only three of these articles will be considered in some detail because they illuminate Finnis's view of the world before and after his conversion to the Catholic faith.

A *Finnis's publications before his conversion 1958–1960*

There are four articles in this group which are based on the empiricist philosophy which dominated Finnis's thinking during his first three years as a student in the University of Adelaide. One encounters striking phrases such as: 'As children of the Twentieth Century we fear the conjunction of power and moral certitude.'¹³⁰ '[M]uch of the present freedom of the universities is wasted on students whose minds are no longer free, but are enchained in the prejudices of their early tutors . . . the people who

¹²⁴ Isaiah Berlin, *Two Concepts of Liberty: an Inaugural Lecture Delivered Before the University of Oxford on 31 October 1958* (Oxford, Clarendon Press, 1958).

¹²⁵ Berlin treats 'freedom' as synonymous with 'liberty' – *ibid*, 6.

¹²⁶ Above n 117, 13, column 2.

¹²⁷ Isaiah Berlin, 'Vico, Voltaire and the Beginnings of Cultural History' – <<https://www.google.com.au/#q=vico%2C+voltaire+and+the+beginnings+of+cultural+history>> (full text) 17.

Berlin was reporting the views of Vico but the context makes it clear that they reflect his own opinion.

¹²⁸ Berlin, above n 93.

¹²⁹ I - Topical Issues, 1959 – 1962: 'Why Won't They Think' (17 April 1959) 27(4) *On Dit* 1, 7; 'American and British Influences' (12 June 1959) 27(7) *On Dit* 1, 5; 'Lung Cancer and Smoking' (6 August 1959) 27(12) *On Dit* 1, 2; 'Two Current Heresies' (24 June 1960) 28(8) *On Dit* 1, 4; 'Sancta Simplicitas and Snow' (9 May 1962) 30(5) *On Dit* 1, 5; 'The Poverty of C.P. Snow' (19 April 1962) 30(4) *On Dit* of 1, 10; 'U-2: Why was it Criminal & Foolish?' (10 June 1960) 28(7) *On Dit* 1, 5, 7; 'Was this always so?' [1963] *AUM* 21–3.

II - Religious Scepticism, 1958 – 1960: 'The Morals of the Mission' (11 August 1958) 26(11) *On Dit* 1, 4 (with Des Cooper); 'Religion in Politics' (14 April 1960) 28(4) *On Dit* 1, 6; 'Education and Freedom' [1960] *AUM* 12–17; Letter to the Editor (1960) 2(2) *The Groaning Stone* 1–4, 2 (on homosexuality).

III - The Christian Faith, 1961 – 1962: 'Theology and Criticism' (19 September 1961) 29(12) *On Dit* 1, 5–8 and 'The Immorality of the Deterrent' [1962] *AUM* 47–61.

¹³⁰ 'Religion in Politics' (14 April 1960) 28(4) *On Dit* 1, 6.

run schools for the open and avowed purpose of propagating certain religious and social doctrines.¹³¹ '[T]he servility of men to the supposed opinions of their gods has inspired and justified every conceivable action and every conceivable moral precept and more bloody horrors than can be conceived . . .'¹³²

For present purposes the most useful of these articles is 'Religion in Politics',¹³³ for it not only shows Finnis's attitude to matters of religion but also that of a number of his fellow students. The events which preceded these writings were as follows:

In the 1940s BA Santamaria, a Melbourne Roman Catholic, had founded 'The Movement' [later the 'National Civic Council' (NCC)], an anti-Communist group which aimed to combat the growing communist infiltration of and influence in the union movement. It gained strong support from the Roman Catholic Archbishop of Melbourne, Dr Daniel Mannix, and from other influential clerics including Arthur Francis Fox, a hardline conservative and the auxiliary bishop from 1956. In 1954 Roman Catholic members of the Australian Labor Party formed the Democratic Labor Party at federal level and in some of the States. It split the Labor movement and kept conservative federal governments in power until 1972.

The Matrimonial Causes Act 1959 (C'th)¹³⁴ introduced breakdown of marriage regardless of fault as a ground for divorce, a concept grossly at odds with the Roman Catholic view that marriage is indissoluble. During the debate of the Bill the Roman Catholic Senator Hannan predicted that 'this measure [will crumble] into the dust from which [it] should never have emerged . . .'¹³⁵ Bishop Fox announced in Melbourne that members of Parliament who voted for the Bill had forfeited the right to be called Christians.¹³⁶ Many politically active and interested Australians, including students, wondered how much influence, if any, churches should be allowed to wield upon politics and the legislative process. By the time the first term of 1960 got underway, *On Dit* had received a number of contributions on this issue.

The first of these to be published was 'Religious Influence in Politics' by Linus,¹³⁷ 'the first of a series of articles to be run in *On Dit* by various contributors'. Linus claimed (under the sub-heading 'Catholic Action') that the Roman Catholic Church did not need prompting, for it was politically active and influential as shown by one of the Encyclicals of Pius XII: 'To try and draw a line of demarcation between the Church and the world, as if they had nothing to do with each other . . . is absolutely alien to Catholic thought and obviously anti-Christian.' This tradition, so Linus thought, went back to 'the time of Hildebrand'¹³⁸ at least.

The protestant churches on the other hand, so Linus suggested, were shirking their responsibility of political action, perhaps because they were still ashamed of what their predecessors had done to Servetus and Sir Thomas More: ' . . . the glow of

¹³¹ 'Education and Freedom' [1960] *AUM* 12, 17.

¹³² Letter to the Editor (1960) 2(2) *The Groaning Stone* 1–4, 2.

¹³³ (14 April 1960) 28(4) *On Dit* 1, 6.

¹³⁴ For an account of the background to the Act, see Garfield Barwick, 'Some Aspects of the New Matrimonial Causes Act' 1961 3(3) *Sydney Law Review* 409–38.

¹³⁵ Quoted in John Finnis, 'Religion in Politics' (14 April 1960) 28(4) *On Dit* 1, 6.

¹³⁶ *Ibid.*

¹³⁷ (1 April 1960) 28(3) *On Dit* 1, 6. The author was probably Will Baynes; it was certainly not John Finnis.

¹³⁸ Hildebrand was Pope Gregory VII who denied the right to invest bishops to the German Emperor Henry IV; at Canossa Henry had to bow before the Pope to plead for the withdrawal of his excommunication – see <http://en.wikipedia.org/wiki/Pope_Gregory_VII> and <http://en.wikipedia.org/wiki/Walk_to_Canossa>.

Servetus' embers and the ruddy head of Sir Thomas More', so he stated, still blind Protestants to the fact that 'politics is a valid and necessary field for religious activity'. While he pleaded for tolerance and respect for 'deviant attitudes', he also affirmed that 'the social nature of Christianity may well demand Political Alliance'.

In the first of the May issues of *On Dit* Linus struck a more cautious note. In 1960, when John F Kennedy campaigned to become a candidate for the Presidency of the United States, many Americans wondered whether a Roman Catholic should ever occupy that office. Roger Leonhard suggested in *On Dit*¹³⁹ that a number of American Protestants considered it undemocratic to deprive forty million American Catholics of their democratic right to participate fully in the political process; it followed, so Leonhard said, that there was nothing wrong with JFK's candidacy. Linus added a short comment to the article wondering whether a Roman Catholic politician would tend to follow the teachings of his Church at the expense of views he would form if he were free to think and act independently.

Finnis's substantial article¹⁴⁰ recalled the bad old days when churchmen were also politicians. Echoing the fear of theocratic government expressed by Senator Brown in the debate on the *Matrimonial Causes Bill* of 1959, Finnis suggested that those days might return if the churches were ever to regain 'their old strength and confidence'. Under the heading 'Superior Wisdom' he identified what he saw as the current approach (the 'eminently sound working rule for our democracy'):

We think that faith is prejudicial to clear thought about the needs of society; that the religious jargon of 'right', 'God's law' and so on make impossible political debate in a common language, let alone on even similar assumptions. On all these grounds we are satisfied with the usual modern belief in Australia that politics and religion are two compartments of man's social existence that are better kept separate.

He expressed agreement with the suggestion made by Sir Garfield Barwick in the debate about the *Matrimonial Causes Bill* that a churchman not only had a right but also a duty to 'express his point of view on a matter of social or moral concern to the community'. However, in truth Finnis's approach was somewhat more restrictive:

. . . churches should, in general, abstain from pronouncements and agitation on particular secular political issues, and should expect their pronouncements on other matters, within their province as keepers of the souls of their adherents, to receive no peculiar favour with the legislators, but to be regarded as simply the expression as one among the many community interests to be harmonised by wise legislation.

Finnis concluded that the pronouncements by Senator Hannan and by Bishop Fox were inappropriate. Senator Hannan had used strong language in the Senate to voice his opposition to the Bill. However, he was a parliamentarian; there is no rule against the use of strong language in an effort to persuade fellow-lawmakers of one's point of view.

Bishop Fox was an outsider and his more problematical statement seemed like an attempt to invoke the Church's religious authority to bludgeon Catholic parliamentarians into opposition to the Bill. Parliamentarians often follow their party line rather than weigh up the arguments for and against a legislative measure, but being

¹³⁹ 'A Catholic in the White House' (2 May 1960) 28(5) *On Dit* 1, 7.

¹⁴⁰ (14 April 1960) 28(4) *On Dit* 1, 6.

controlled from Rome must have seemed problematical even in an Australia which was still many decades away from her multicultural era.

Disagreeing with Finnis's restrictive approach, one DA Smith accused Finnis of having distorted the position of the Roman Catholic Church.¹⁴¹ As a Christian country, so he said, Australia should accept that the churches had every right to engage in the affairs of government and law. Invoking biblical authority for his views,¹⁴² he applauded the fact that the Ninth Lambeth Conference of 1958 had defined the position of the Anglican Communion on 'an extremely diverse range of politico-social and humanitarian issues' (contraception being one).

Terry McRae, one of Finnis's fellow law students, was a member of the Labor Club. Like Finnis, he wrote many contributions to *On Dit*.¹⁴³ In 'Papacy, Popery and Politics',¹⁴⁴ he attempted to define with some precision the legitimate ambit for church intervention in politics. Considering the sources which he used to support his arguments, his contribution is written from a Roman Catholic point of view. He saw two instances in which 'the Church may, or should, temporarily organise as a political force':

1. Where justice in some serious matter, e.g. education, is denied to Catholics and cannot be obtained except through power politics.
2. Where some anti-Catholic force, e.g. Communism, threatens the very existence of the Church and cannot be successfully opposed except by uniting into a political force in defence of the State.

These were only two particularly clear instances of a much broader principle which, according to McRae, justified intervention. Quoting at some length extracts from an address to the higher clergy in Rome in 1954 by Pope Pius XII and from the encyclical *Singulari Quadam* of 1912 by Pope Pius X, he affirmed that political issues often involve moral issues. Such issues are governed by natural law and are therefore, in the words of Pius XII, 'within the Church's power . . . by God's appointment'. Moreover, the Church hierarchy has the power, albeit one which is exercised sparingly, to bind men's consciences, rendering personal judgment irrelevant and simply demanding obedience.

McRae's article concludes with a brief essay on lay apostolates, groups of laymen formed to take political action when the need arises, for 'to pray and be devout is not enough'. Some apostolates are organised and under the control of a bishop, others do not answer to a bishop but are still bound by the moral directives of the Church.

These essays are of particular interest for they underline the comments by Ivan Shearer and others which stress the importance of religious issues to the students of the period. Finnis's growing skill as a writer is apparent from the striking phrases he employed in 'Religion in Politics': 'I think politics is better without the passion of religious dispute . . .' or, more striking still: 'As children of the Twentieth Century we

¹⁴¹ 'Christianity in Politics' (2 May 1960) 28(5) *On Dit* 1, 6.

¹⁴² In St John, 20:21 Jesus is said to have told his disciples: 'As my Father has sent me into the world, even so do I also send you into the world.' The quotation is taken from Smith's article rather than from the somewhat briefer statement in the King James Version of the Bible.

¹⁴³ Examples are 'Playfordism in Perspective' (13 May 1960) 28(6) *On Dit* 1, 6 and 'Communist and Youth Organisations' (24 June 1960) 28(8) *On Dit* 1, 7. In 1962 *On Dit* provided him with 'McRae's Corner' which he used to voice his political views. See, for one example, (9 July 1962) 30(8) *On Dit* 1, 6.

¹⁴⁴ (27 July 1960) 28(10) *On Dit* 1, 6.

fear the conjunction of power and moral certitude.’ The essay shows that by April 1960 the philosophical and religious outlook with which Finnis had arrived at the University was still intact.

B *Finnis’s publications after his conversion*

The two essays in this group show that Finnis had abandoned his former empiricist world view and had embraced Catholicism. By August 1961 he had come to admire the scholarly quality of the theological literature he had read. By comparison he found contemporary philosophical writing crude and unscholarly: ‘We cannot believe that bulls, for all that they succeed in breaking things, are worth more than the potters of fine china.’¹⁴⁵ Finnis had also persuaded himself that the Rt Rev John Vockler had been right when he had complained in *On Dit*:¹⁴⁶ ‘Much university teaching which is critical of theology suffers from an inadequate knowledge of what theology and theologians *are saying*.’ So Finnis called Charlie Martin’s book

... an eloquent if unintended testimony to the grievous consequences of any attempt to discuss theology without knowing much about it. . . . [this] book might have proved more of a credit to this university if there had been, in the University, an academic theologian to let the author know when he was attacking a real theologian and when he was merely routing an impotent man of straw.¹⁴⁷

‘Theology and Criticism’, Finnis’s hostile review of the book, is a wide-ranging critique of about 10,000 words.¹⁴⁸ He considered the scholarly defects of Martin’s book to have been symptomatic of the whole of contemporary Anglo-Saxon philosophy which is:

... broadly, a philosophy of analysis and criticism [but is] . . . in outlook and technique indifferent or opposed to the demands of scholarship. And what is scholarship if not a certain zeal to learn, to understand, and not to misrepresent, the views that one is subjecting to analysis and criticism? . . . It is fair to point out (and it is relevant to our conclusions about the nature of contemporary philosophy) that *Religious Belief* was ‘most painstakingly read’ by seven Australian and American philosophers, including no less than four professors. (Introd)

The review is divided into two parts, segments 1–8 (pages 5–6) which deal with supposed shortcomings of Martin’s scholarship, and segments A–H (pages 6–8) which deal with the substance of Martin’s arguments. Finnis condemned Martin and his book for ignorance and misrepresentations of religious doctrines (5, s1, s2 & s5), inadequate citation of authorities and unsystematic structure (5, s4), poor writing style, slackness, vagueness and ambiguity of reasoning (5, s6), gratuitous assumptions and logical slides (6, s7) and loose ends (6, s8). To add insult to injury, he claimed that he was presenting his criticisms only in outline (Introd).

¹⁴⁵ ‘Theology and Criticism’ (19 September 1961) 29(12) *On Dit* of 1, 6.

¹⁴⁶ ‘Why Not a Chair of Theology?’ (2 August 1961) 29(10) *On Dit* 1, 6.

¹⁴⁷ (2 August 1961) 29(10) *On Dit* 1, 1. The passage appears in an editorial but there is no doubt that it was written by Finnis; it appeared again in the conclusions of Finnis’s review, ‘Theology and Criticism’.

¹⁴⁸ (19 September 1961) 29(12) *On Dit* 1, 5–8.

A full account of the review would require a separate article. A few general comments must suffice. Martin, said Finnis, had misstated about 30 tenets of the Christian faith including the beatific vision, the Trinity, the hypostatic union and the resurrection: 'As far as we can discover, every one of Dr. Martin's incursions into revealed and dogmatic theology begins and ends in parody' (5, s2). Finnis considers Martin's refutation of such 'strawmen' to be nothing more than a tilting at windmills, leaving true Christian theology unaffected. Testing the correctness of these claims would mean comparing them with the state of theological scholarship in 1961, a task I might have attempted had Finnis cited the material which would have facilitated such comparisons.

Finnis correctly criticised the all-too-numerous 'this will be discussed later' statements (5, s4), a clear sign of structural difficulties. In the Cologne Law Faculty 'be systematic' had been drilled into me: avoid *infra* references whenever possible! Deal fully with an issue when it arises and the best systematic structure will emerge!¹⁴⁹

Established philosophers like Hywel David Lewis and WD Glasgow had taken Martin's Chapter Five (which repeated the arguments about God's existence from the article 'A Religious Way of Knowing') quite seriously. Surprisingly, in the midst of a very elaborate attack on almost all aspects of the book, Finnis says very little about Chapter Five, devoting only 15 lines to it (7, sD), a clear weakness of the review.

Martin suggested that his empiricist concept of the human soul ('memory and the capacities of mind and heart') failed the test of individuation and thus meaningfulness. Its Christian counterpart he considered even less promising: 'The suggestion that the concept "soul" may be employed to provide a principle of individuation requires that this concept be given content. I do not see any way of doing this (116).' Finnis's response is a dissertation about the Christian concept of the soul which might have given some added weight to the Rt Rev John Vockler's criticism (above, at n 146) but it also means that Martin and his critic did not really join issue with the same set of problems.

Finally, when dealing with the Thomist view of God as the source of all moral virtue, quoting from the *Summa Theologica* (S.T. I-II, 71, 2, Resp.): 'That which makes the man who has it good, and makes the thing he does good, by making him act according to his nature, i.e., according to reason.' Finnis continued:

This makes no mention of God; but since natures are natures because God made them so, to deviate from them is the same thing as to contravene the rule laid down by God in the creative act. The rectitude of the human will (of which 'good' is the object) is thus measured *at once* by its accord with the divine will *and* by its accord with reason.' . . . Certainly Dr. Martin's hypothetical moral formula is non-theistic in form (so are Thomist formulae); but Thomists go one step further. The Thomist (explanatory) definition of moral value in terms of God's will (or God's reason or the eternal law) is certainly *compatible with* a system of non-theistic moral statements—but to prove his point Dr. Martin has to show that that definition is either false or contradictory . . . he does not even attempt to do this . . . (7, sB).

¹⁴⁹ Another useful piece of advice was: 'Avoid the word *offensichtlich* (obvious). It is usually attached to something which is either quite wrong or at least in need of much further elaboration.' Yet another: 'Never tell the reader what you are about to do; just do it; if your writing is systematic and clear, the reader will know your purpose.' In how many judgments have I seen phrases like: 'It is convenient now to consider . . .?' That always strikes me as a waste of ink.

Unless I am mistaken, at least one of the essential features of Finnis's famous book¹⁵⁰ is already foreshadowed in this passage.

In her book about the University Union, Margaret M Finnis, John's mother, has described the uproar following the publication of the review.¹⁵¹

ON DIT . . . engaged in wholesale polemics, the most controversial of which (concerning the existence of God as seen by a member of the Philosophy Staff) led a professor to button-hole an editor, shout 'y'bloody little twerp!' and engage in a two hour, two-man open debate with a three-Faculty audience. The caucus of which this student was a member drove one departmental lecturer to burst into his staff tea-room bellowing to a colleague 'no one is safe from that son of yours!' Balm and rebuke were mingled in a letter to *On Dit* from two members of the same Department, ending with the rectitudinous quotation (intended for the sinner/editor): 'We are all frail, Lord Angelo.'

The colleague who was 'bellowed at' was Maurice Finnis.

The second essay¹⁵² is even more clearly based on his new-found faith as is apparent from the reasons he gave for his support for the aims of the Campaign for Nuclear Disarmament. In June 1960 Finnis had published an article in *On Dit* which dealt with the shooting down of an American U-2 spy plane over the Soviet Union and the nuclear arms race (see above at n 115). Two years later, only a few weeks before his departure for Oxford, he returned to these issues in an address to the Wranglers' Club of St Mark's College.¹⁵³ His talk, later published in *AUM* under the title 'The Immorality of the Deterrent',¹⁵⁴ was a plea for unilateral nuclear disarmament.

After Hiroshima and Nagasaki the first Soviet nuclear device was tested in 1949 and the nuclear arms race began in earnest in the 1950s, causing widespread anxiety about the looming dangers. In 1958 Bertrand Russell, then in his 80s, founded the Campaign for Nuclear Disarmament (CND) in Britain.¹⁵⁵ On trial for his antinuclear activities, Russell gave eloquent expression to the fear of nuclear annihilation of life on earth:¹⁵⁶ 'Our ruined, lifeless planet will continue for countless ages to circle aimlessly around the sun, unredeemed by the joys and loves, the occasional wisdom and the power to create beauty which have given value to human life.' Clergymen like John Collins, a canon of St Paul's Cathedral, featured prominently in the CND.¹⁵⁷ Five English Roman Catholic thinkers pleaded for unilateral nuclear disarmament in *Nuclear Weapons and Christian Conscience*, a book published in London in 1961.¹⁵⁸ Australia had no plans to acquire nuclear weapons or to build atomic power plants but was nevertheless involved, for the exploitation of Australia's massive uranium deposits

¹⁵⁰ Finnis, above n 13.

¹⁵¹ Finnis, Margaret, above n 1, 197.

¹⁵² 'The Immorality of the Deterrent' [1962] *AUM* 47–61.

¹⁵³ The Club had been established in 1928 to conduct debates and entertain distinguished guests – see <[http://en.wikipedia.org/wiki/St_Mark's_College_\(University_of_Adelaide\)](http://en.wikipedia.org/wiki/St_Mark's_College_(University_of_Adelaide))>.

¹⁵⁴ Above n 148.

¹⁵⁵ For detail concerning the history of the movement, see <<http://www.cnduk.org/information/info-sheets/item/437-the-history-of-cnd>>.

¹⁵⁶ Quoted in Caroline M Hoeffler, *British Student Activism in the Long Sixties* (Routledge, 2013) 34.

¹⁵⁷ See <[http://en.wikipedia.org/wiki/John_Collins_\(priest\)](http://en.wikipedia.org/wiki/John_Collins_(priest))>.

¹⁵⁸ Walter Stein (ed), *Nuclear Weapons and Christian Conscience* (Merlin, 1961). The book was reviewed favourably by David P Gauthier in (1962) 1(2) *Dialogue* 230–1.

by mining and exportation had started in 1954.¹⁵⁹ Moreover, during 1956 to 1963 seven British nuclear tests were carried out in the Woomera Prohibited Area of South Australia.¹⁶⁰

In the brief introduction Finnis disclaimed any originality in relation to the central thesis which, as he explained, was to be found in *Nuclear Weapons and Christian Conscience*.¹⁶¹ Nevertheless, he must later have considered this article to have been more significant than all his others published in *On Dit* and *AUM*, for it is the only one of these which has found its way into the bibliography in the *Collected Essays of John Finnis*.¹⁶² His final plea, firmly and explicitly based on the new moral foundation which his conversion to Catholicism had given him, was stated as follows (61):

. . . the only possible conscientious course open to [a Christian] is to give up nuclear weapons even if this is followed by the worldly triumph of wicked men and the subversion of justice by a Godless and heartless system—such a Christian, I should say, can be sure at least of this: that the universal Church of Christ will never fail. He has the assurance of God Himself, and nothing can be more sure than that: ‘Lo, I am with you always, even to the end of the world’. And more, ‘We know that our Redeemer liveth’.

The steps which led Finnis to this conclusion might be set out as follows: Certain pacifist arguments are responsible for having led many people to accept that causing harm or even killing by force, or indeed going to war, is always morally evil although they concede that it may sometimes be necessary. Such acts may have ‘evil’ consequences (in the simple sense of causing damage), but they may nevertheless be good (not evil in the sense of morally reprehensible). It may be morally permissible or even a moral duty for a person to do such things to prevent acts of rape or terror. The same applies to acts of warfare (49):

Pacifism is anarchism. The existence of all political society at all times and in all places depends, at bottom, on the power of the authorities forcibly to suppress anarchic bands of criminals, terrorists and subversives who seek to impose their factious will on society and to disrupt the order of peace and justice. . . . it was St. Paul who said to the Roman Christians: ‘Let every soul be subject to its lawful superiors . . . the ruler beareth not the sword in vain, for he is the minister of God, to inflict punishment on the wrongdoer.’

Society is a good; the need for it is built into every man’s nature and character as planned by God. To maintain this great good, it is necessary to suppress, if needs be to the death, all violent aggressors who unjustifiably engage in internal wrongdoing or sedition, or who roam as pirates or bandits on the borders, or who seek the destruction of a society as enemies beyond the seas.

Attempts made by pacifists to base their message on some of the pronouncements of Jesus in the Sermon on the Mount (‘all those who take the sword shall perish by the sword’) or in the Garden of Gethsemane (‘put it back in its scabbard’) are

¹⁵⁹ See <<http://www.world-nuclear.org/info/Country-Profiles/Countries-A-F/Australia/>>.

¹⁶⁰ See <http://en.wikipedia.org/wiki/British_nuclear_tests_at_Maralinga>.

¹⁶¹ Stein, above n 158.

¹⁶² Above n 17.

misinterpretations and theologically misguided (48): ‘. . . the mind of the Church in interpreting such passages is quite otherwise.’

Considering all warfare to be wrong (the pacifist position) leaves one without any scope for limiting it as required by ‘reasonable morality’ (49). One of these limits founded on God’s commands and His covenant with mankind is (50): ‘It is always and everywhere wrong and absolutely forbidden to deliberately kill the innocent . . .’ This raises the issue of the ‘incidental effects’ of acts of war (now often referred to as ‘collateral damage’), eg the death of innocent people. Finnis stated what seemed to him to be the correct principle (53): Particular acts of war are not necessarily wrongful if they foreseeably result in the death of the innocent, so long as those deaths are not directly intended, are not out of all proportion to the good to be achieved by the act of war, and are not so vast in number as to make the whole notion of ‘incidental effects’ simply meaningless.

In a justifiable war like WWII the enemy’s troop concentrations and munitions factories were legitimate targets even if attacks on them would also foreseeably kill innocent people, as long as such deaths were not intended (and, one might add, if care had been taken to minimise such deaths). However, ‘if I decide to bomb non-combatants simply in order to cause confusion and demoralisation among the enemy, then I am engaged in the wicked activity of deliberately killing the innocent, or murder, even though it may assist me to win the war’.¹⁶³ Drawing the line is sometimes difficult and in a justifiable war one is allowed to resolve genuine doubt in favour one’s own side.

If these are the correct principles, there can be no doubt that nuclear warfare cannot be permissible even in a just war (54 & 59):

Nuclear weapons obliterate the distinction between combatant and non-combatant, and give us over to an indiscriminate slaughter of innocent persons that can hardly fail to amount to murder. . . . nuclear war would involve the deliberate, chosen and intended killing of the innocent . . . [That] is, in all foreseeable circumstances, intolerable to the Christian, or any reasonable person, whether the use be in self-defence OR NOT.

It might be argued that it is only the use of nuclear weapons and not their possession which is morally reprehensible. Let us assume that a communist takeover¹⁶⁴ would be a terrible disaster and that the nuclear deterrent would be the only insurance against that or a similar event. To make it effective the deterrent must surely be based on a real intention to press the nuclear button in certain circumstances. If the use of such weapons is immoral so is the intention to use them; in support Finnis quoted biblical authority (59).¹⁶⁵ In a representative democracy every Christian must insist that his government abandon nuclear weapons even if that has to be done unilaterally (61).

As if to underline Finnis’s warnings, just a few months later, in October 1962, the Cuban Missile Crisis burst upon the world, dragging it to the brink of nuclear

¹⁶³ It seems likely that Finnis was impliedly referring to the decision made by Churchill and Lindemann to concentrate bombing on the living quarters of German workers and their families as reported in Snow’s *Science and Government* 47–51. Finnis and Hyslop reviewed the book in *On Dit* – ‘Sancta Simplicitas and Snow’ (9 May 1962) 30(5) *On Dit* 1, 5.

¹⁶⁴ One must remember that the Cold War was still in progress; the Berlin Wall had only just been built.

¹⁶⁵ ‘Whoever hateth his brother is a murderer’ – 1 John 3:15, and ‘whosoever looketh on a woman so as to lust after her has committed adultery with her already in his heart’ – Matthew 5:28.

annihilation.¹⁶⁶ I well remember the gloom and pessimism in the tearoom of the Philosophy Department (I had been temporarily accommodated in that Department). Charlie Martin thought John F Kennedy was the worst person to be in charge of the nuclear button: 'His life has been nothing but success; he doesn't know how to lose.' In the event the crisis was resolved by mutual concessions for which Nikita Khrushchev deserved at least as much credit as did Kennedy. Finnis did not forget the agony caused by these events nor the continuing dangers inherent in nuclear weapons. In 1987 he, Joseph Boyle and Germain Grisez published a book of some 430 pages on the subject.¹⁶⁷

VII CONCLUSION

Finnis arranged for the dust jacket of each of the five volumes of his essays by Oxford University Press to carry an image of early South Australia with an explanation of its historical context, printed in the volume itself.¹⁶⁸ One hopes that libraries will have had the good sense to keep the dust jackets. Ideally they should have acquired the paperback edition as well, for it has identical but not easily removable covers, corrections and a much improved index. To his Australian friends these images are a welcome demonstration of Finnis's continuing attachment to the place of his childhood, his schooling and his time as an undergraduate.

Adelaide University gave Finnis much more than just a legal education. As he made clear in one of his essays, he rightly regards the interest he took in matters philosophical and religious as an important part of his education.¹⁶⁹ The same might be said of all his extracurricular activities. He gave much time to student affairs and debating.¹⁷⁰ He cultivated his friendships. He played hockey and cricket. He had learnt to play the piano as a child and loved to listen to classical music. Colin Nettelbeck has explained:¹⁷¹ 'Before John went to England, and before I went to France, we . . . exchanged writings, composed "whistling" symphonies together, played chess [and] had endless discussions' Finnis also did his national service, went on bivouacs, took part in the rigorous physical exercises demanded by the Army and took the courses and tests required to qualify as an officer. As a resident at St. Mark's College he arranged lectures and revues and worked for the College club.¹⁷² One must wonder whether there was ever a student in the University of Adelaide who fitted as much into his or her undergraduate years as Finnis did.

To a young man deeply committed to the pursuit of scholarship the University of Oxford must have been like paradise on earth for Finnis. Yet it did not overwhelm the appreciation of the positive start which his alma mater had given him. In 1963 he wrote to *AUM*, describing his impressions of Oxford University where he was then spending his second year.¹⁷³ He acknowledges the richness of extracurricular student life in

¹⁶⁶ See <<http://www.jfklibrary.org/JFK/JFK-in-History/Cuban-Missile-Crisis.aspx>>.

¹⁶⁷ See John Finnis, Joseph Boyle, and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (London, Oxford, Clarendon Press, 1987).

¹⁶⁸ To give one example: the image of an oil painting dated 1860 by Charles Hill, entitled *Wreck of the Amelda*, is to be found on the dust jacket of the first volume and is explained on page xi.

¹⁶⁹ See 'Self-refutation revisited' in *Reason in Action: Collected Essays* Volume 1, 88.

¹⁷⁰ See above nn 7–11.

¹⁷¹ Letter of 22 February 2014.

¹⁷² 'Personal Portrait' (23 March 1962) 30(2) *On Dit* of 1, 4.

¹⁷³ 'Was this always so?' [1963] *AUM* 21–3.

Oxford. There are numerous public clubs and societies as well as many private associations for dining and discussion (by invitation only). Dramatics and music flourish 'so that no one need ever feel deprived of opportunities to perform, watch, listen or criticise' (22). However, in some respects Oxford compared unfavourably with Adelaide. Unlike its Adelaide counterpart, the Oxford SRC was 'unrepresentative, unheard of, ineffective' (21). *Cherwell* and *Isis*, the student publications, were not linked to the SRC and lacked the 'tenuously "official" character' which, in Adelaide, derived 'from S.R.C. sponsorship and the S.R.C. appointment of editors' (21). Thus, *Cherwell* and *Isis* reproduced the opinion of students rather than student opinion. In Oxford few of the University-wide clubs and societies (as distinct from those limited to particular colleges) had offices or meeting rooms of their own and were thus forced to meet in college rooms or in a few available centres like those of the Labour Club, the Catholic Chaplaincy, the Humanist Association or the Quaker Meeting House. These observations were not complaints about Oxford 'whose genius is to transcend all particular pre-occupations, to subject them to a process of confrontation, examination, attrition to prove itself bigger than them' (23). However, in Oxford activities are so dispersed that no observer can 'extrapolate from the particular to the general' (23) so as to understand 'the scope and nature of the whole context of student life' (21), that nobody can judge 'the general health of, say, literary groups or student verse? Or the force and extent of student feeling and thought? Or the strength or extent of religious concern . . . (22).' The Adelaide experience had given Finnis something unique which Oxford could not rival, which greatly contributed to his education and to that of his friends and which he continued to treasure: a compact campus. In Finnis's day the Adelaide campus was manageable for staff and students not only in the physical (geographical) sense but also in what Finnis called the 'institutional sense' by which, one assumes, he meant the institutions of student self-administration like the SRC, *On Dit* and *AUM*, and the University Union. The smallness of the North Terrace site (about 90 acres) imposed regrettable limits but also had advantages. The various academic disciplines were housed in close proximity and none were far from the BSL. A few steps took one to friends and acquaintances in other disciplines. On a larger campus with more dispersed buildings Finnis might have found it more difficult to form as many links and friendships across the faculties.

Adelaide University was also compact in the sense that the student population was still small and that most of the students came from families with comparable social and religious backgrounds. The religious ferment of the period was one of the outstanding characteristics of student life at the time. That, the influence of the Philosophy Department and of the religious societies of which the Aquinas Society had the strongest and most persuasive approach, caused Peter Tivor and Bruce Reid, two self-confessed unbelievers, to conclude in 1960: 'A person must be either (i) a Catholic or, (ii) an unbeliever'.¹⁷⁴ No attempt to explain the conversions to Catholicism which have been examined can ignore these circumstances which were a necessary though not a sufficient condition. Had these young men and women been children of the Soviet *Nomenklatura*, their categories of thought would have been very different. Joining the Russian Orthodox Church, corrupted by Stalin, would not have been an option. They might then have wondered whether to continue with quasi-religious communism or allow the market to play its part.

Compared with the other conversion stories of which we have accounts, Finnis's conversion exhibits a number of unusual features. His radical move from unbelief to Catholicism suggests that he had a powerful religious experience of which there are

¹⁷⁴ (2 May 1960) 28(5) *On Dit* 1, 3.

some famous examples. Yet he tends to downgrade the importance of religious experience and has made it clear that he has never had one.

In Finnis's case there was no kind of emotional trigger which would help explain his conversion. He was not swept up in any kind of movement towards Catholicism, he was not motivated by love or friendship, he was not moved by admiration for an academic teacher or for one of the Jesuits from Aquinas College. He was not emotionally overtaken by a book he read or by a film he saw.

Finnis's conversion was a highly intellectual (rather than an emotional or experiential) affair. He was disillusioned by the message of empiricist philosophers like Hume and Russell and found a more persuasive approach in Lonergan's criticism of empiricism. He was impressed by the scholarly excellence of Catholic theological literature and found the writings of contemporary philosophers crude and unscholarly by comparison. I have argued somewhat speculatively that he was searching for a secure foundation for moral judgments and turned, having found secular philosophy and the sciences wanting in that respect, to the age-old Catholic ethical tradition. Commenting on his own conversion Ivan Shearer has stated that 'reason and emotion can take one just so far: to the edge of faith.'¹⁷⁵ The final step, so he said, is a 'leap of faith', a step which may well defy rational analysis.

APPENDICES

The appendices contain extracts of correspondence conducted with people who either have personal experience of the situation in the University of Adelaide during the 1950s and early 1960s or have developed an interest in that period. This correspondence has played an important part in the progression of the project and contains much important information and comment not contained in the main part of the article.

The first of the appendices (Appendix Babie) explains the commencement of the project under the auspices of the Research Unit for the Study of Society, Law and Religion of the University of Adelaide. I am very grateful to the Director, Professor Paul Babie, for having accepted the project and generously having offered help when required.

The next group of appendices contains correspondence which helps explain the religiously charged atmosphere which prevailed in the University at the time, the setting in which the Finnis story evolved (Appendices Hilliard and Howell).

The final group consists of conversion stories. A number of persons who were students in the University of Adelaide during the 1950s and early 1960s converted to the Catholic faith. Some of these have generously explained the reasons which

¹⁷⁵ Letter dated 21 March 2014.

prompted them to take this step (Appendices Shearer, Nettelbeck, Hensley and Holdsworth). John Finnis has also provided an account of the reasons for his conversion (Appendix Finnis) which leads this second group.

THE PROJECT

APPENDIX BABIE

Professor Paul Babie
Associate Dean (Research), Faculty of the Professions,
Associate Dean of Law (Research), Adelaide Law School
Director, Research Unit for the Study of Society, Law and Religion,
The University of Adelaide

9.01.2014

Dear Paul,

I am writing to you because I am wondering whether you might be interested in some work I have been doing concerning John Finnis, one of our graduates. In my opinion John Finnis is the most important scholar ever to have emerged from our Law School. I have been trying to understand why the University of Adelaide has chosen to ignore him when it has bestowed honours on many of our other graduates. His close association with the Vatican does not seem to me an acceptable reason for this apparent neglect. After all, he is not a theologian but a legal philosopher. Throughout his time in the University of Adelaide he found enough time to become active in student affairs and to contribute many articles to *On Dit*, the student newspaper, and to the *Adelaide University Magazine*. He lived at St Mark's College and took a similarly active interest in College affairs, becoming one of the contributors to *The Groaning Stone*, the College Club paper.

Religious issues were much debated in the University at that time. There were very active religious student clubs such as the Aquinas Society. The pages of *On Dit* were enlivened both by articles from established clerics and by those from members of the Philosophy Department, most of them committed atheists.

Even before John Finnis became a law student, he had been steeped in publications of the Rationalist Press Association, the works of Bertrand Russell and the works of David Hume, one of the early philosophers who can be described as a religious sceptic. John entered the University with atheist convictions. Germain Grisez has described Finnis's religious development as follows:

'During his final years as an undergraduate in Adelaide, Finnis became convinced both of the truth of God's existence and of the reality of his self-disclosure to Israel and in Christ, by extensive reading in philosophical works critical of empiricism. He was received into the Catholic Church in St. Aloysius Church, Oxford, on 19 December 1962, at the end of his first academic term in Oxford.'

Should you be interested in an address to a meeting arranged by the Unit for the Study of Society, Law and Religion, I would attempt to analyse some of Finnis's articles which were published in *On Dit* and in the *Adelaide University Magazine*, showing not only his gradual development from atheist to believer, but also the links between his early articles and his later mature work. What I had in mind was to present, perhaps in April or May, some of this material within the framework of the Research Unit for the Study of Society, Law and Religion and to offer it later for publication. Please let me know whether you are interested in these suggestions. Horst

9.01.2014

Dear Horst,

Many thanks for your e-mail and for your fascinating letter, which I very much enjoyed reading. My answer can be reduced to a single, resounding 'yes!' I would be delighted to organise a presentation for you on this topic. I couldn't agree more that for whatever reason we continue to overlook Finnis. I, too, do not know why that is, but I hope that your lecture would do something to overcome that neglect. And, as Editor of the *Adelaide Law Review*, I can say we would be thrilled to receive that as a submission.

Paul.

The lecture was advertised as follows:

RESEARCH UNIT FOR THE STUDY OF SOCIETY, LAW AND RELIGION
PUBLIC LECTURE

Adelaide's John Finnis: The Origins of a Mastermind

When: Monday, 28 April, 2014 at 1.00pm Where: Moot Court Room, Ligertwood Building, Law School

Speaker: Horst Klaus Lücke is Professor Emeritus of the Adelaide Law School and Honorary Professor, University of Queensland (from 2007). His recent publications include 'Ulrich Hübbe and the Torrens System: Hübbe's German background, his life in Australia and his contribution to the creation of the Torrens system' (2010) 30 *Adelaide Law Review* 213–244; 'Legal history in Australia: The development of Australian legal/historical scholarship' (2010) 32 *Zeitschrift für Neuere Rechtsgeschichte* 236–260; republished (2010) 34 *Australian Bar Review* 109–148; 'Statutes and the intention of the lawmaker as the ultimate guide to their applicability: history and prospects' [2010] *Supreme Court History Program Yearbook* 1–24; 'The European natural law codes: the age of reason and the powers of government' (2012) 31(1) *Queensland University Law Journal* 7–38; 'Early Australia. English and Scottish "Old Colonists" with Hamburg connections', Rahemtula, Aladin & Sayers, Mark (eds), *The Idea of Legal History, A Tribute in Honour of Dr Michael White QC* (Brisbane, Supreme Court of Queensland Library 2013) 183–201.

Synopsis: John Finnis is one of the most important scholars ever to have emerged from the University of Adelaide. He is the Oxford Professor Emeritus of Law and Legal Philosophy, a Fellow of the British Academy, a Professor at the University of Notre Dame in Indiana, and the author of *Natural law and natural rights*, his now famous contribution to our understanding of the nature of law. He has also acted as an adviser to the Vatican. Oxford University Press has celebrated his achievements by publishing selected essays in five volumes. Each volume has a dust jacket with a scene of early South Australia. Two Festschriften have been published, one in Oxford and one in Brisbane. In this lecture, one of his Adelaide former law teachers presents a study of Finnis's Adelaide origins, concentrating not on his brilliant Law School record (1958 to 1962), but on his extracurricular activities. At that time religion was a major concern for many students. Numerous reports, debates and articles concerned with religious issues found their way into *On Dit*, the student newspaper, and the *Adelaide University Magazine*. At certain times the Debating Club, the Student Representative Council and, indeed, *On Dit* itself were dominated by Finnis and his friends. Many intellectuals, both in England and Australia, were attracted by the Roman Catholic Church, for it seemed to them the one true Church, confident, unchanging and free of the fickleness and the confusions which marked the Protestant religious scene. Finnis and others at Adelaide during his student days converted to Catholicism. The lecture will concentrate on Finnis's conversion and will highlight how some of his early concerns remained with him and are reflected in his mature work.

29.04.2014

Dear Horst,

Thank you so very much for a wonderful lecture yesterday! Many people are talking about how much they enjoyed it, and seeing you again.

Paul

2.05.2014

Dear Paul,

Not a single member of the audience could have enjoyed him- or herself as much as I did. Thank you very much for organising the session! John Bannon's contribution to the discussion was fascinating. I must write to him to see whether he might be willing to reduce some of what he said to writing.

Horst

2.05.2014

Dear Horst,

Yes, it was a wonderful event, and I am still hearing positive feedback from my colleagues. There were no less than five former Deans of the Adelaide Law School in the room including you! I'm sure John Bannon would be delighted to hear from you. Take care and I look forward to continuing to work with you on the Finnis project.

Paul

9.12.2014

Dear Paul,

You must have been wondering how my essay on John Finnis is proceeding. It has taken longer than I expected and has turned into quite a long paper. I found that unavoidable because Finnis dealt with complex issues [like Isaiah Berlin's concept of liberty and CP Snow's theory about two cultures (the scientific and the literary)] which made it necessary for me to familiarise myself with difficult material. I sent Finnis a copy of the lecture and he seemed very pleased with it.

Horst

GENERAL BACKGROUND MATERIAL

APPENDIX HILLIARD

Dr David Hilliard OAM
Adjunct Associate Professor
Flinders University

28.01.2014

Dear David Hilliard,

Please allow me to introduce myself. I was a law teacher in the Adelaide Law School from 1959 to 1984 and am now, at the age of 84, an honorary professor at the University of Queensland. One of my students during my early years in Adelaide was John Finnis who has become a law professor in Oxford, a widely celebrated legal philosopher and a very prominent Catholic layman and advisor to the Vatican. I am working on a project concerned with his Adelaide origins and have tried to explain the reasons for his conversion as follows:

‘The students in the early sixties seemed to think of nothing other than religion. I suspect that the prevalence of students who came from religiously oriented high schools, where they were taught religion and had to attend daily religious rituals, probably accounts for that. They probably came to the University with two possible reactions: faith (or at least respect for tradition) or rebellious atheism, the latter much reinforced by our Philosophy Department.’

Not having grown up in Adelaide, I put this to Lee Kersten. She mentioned your interest in the wave of conversions to Catholicism in the 1950s and 60s and a number of names of persons who had become converts. She doubts my explanation and put forward a number of other possible reasons. She mentioned that you have a special interest in these matters; you may even have written about them. I should be very grateful for your advice.

Horst Lücke

28.01.2014

Professor Lücke

These are interesting questions and I do have some thoughts on the subject. However tomorrow morning I am off to Melbourne so don't have time at the moment for more than this note. After I return to Adelaide on 6 February I will write a fuller reply.

Certainly the Roman Catholic Church before the Second Vatican Council (1962–65) did hold attractions for some intellectuals because it offered religious certainty – a popular image of the church was a rock – amidst a sea of liberalism and competing claims to truth. In England there were some distinguished converts in the 1940s and 50s. See Adrian Hastings, *A History of English Christianity, 1920-1985*, ch. 31. Some of these were philosophers such as Michael Dummett, Peter Geach and his wife Elizabeth Anscombe. However, there were very few notable intellectual converts in Australia, and these were far outnumbered by the intellectuals who rejected or drifted away from the Catholicism of their upbringing. One important convert of the 1940s was the poet James McAuley – see his entry in the Australian Dictionary of Biography online.

I'll get back to you in a few weeks' time.

David Hilliard

9.02.2014

Dear Professor Lücke

Here are a few more thoughts on the questions you raised.

One of the attractions of the Roman Catholic Church before the 1960s was its claim that it was the one true church founded by Jesus Christ and that this was shown by its unbroken history since the first century – other Christian bodies were breakaways – and its universality, existing in every continent and country, signified by the almost universal and unchanging Latin Mass. Of course this reading of history was contested by Protestants but it nonetheless had power. Moreover, the Catholic Church was confident and authoritative. It offered an ordered and coherent view of the world and claimed to teach unchanging truth in doctrine and morals, a rock, uncompromising, whereas Protestants were always adjusting their teachings to fit the spirit of the age. Outside the Catholic Church, it claimed, there was only intellectual and moral confusion. Again, contentious but it caught people's imagination. The roll-call of English intellectual and literary converts in the first half of the 20th century is an interesting one. One thinks of novelists Graham Green and Evelyn Waugh, G. K. Chesterton, Eric Gill, philosophers Peter Geach, Elizabeth Anscombe, James Cameron and Michael Dummett. But there were not many in Australia. Irish-Australian Catholicism did not attract intellectuals. As Adrian Hastings observed, most of the English converts were not into theology. Rather, they were atheological – accepted the current Roman Catholic position in doctrine and practice as right in all its details and found it a sure framework for literary and artistic creativity and for a degree of intellectual exploration.

Roman Catholicism in almost every English-speaking country until the 1960s was a distinct subculture. I don't think the atmosphere of South Australia was particularly 'anti-Catholic' – certainly not more than Sydney and Melbourne – but certainly there was a sense that Catholics were different (because of the Church's strict rules and their own schools) and Catholics in turn felt themselves to be different, outside the dominant Anglican-Methodist elite. The barriers crumbled quite rapidly in the 1960s as a result of the Second Vatican Council.

Many converts of the pre-Vatican II years who had been attracted to the Roman Church because it was firm and unbending and required obedience found it hard to adapt to the new theology and more liberal outlook that was initiated by the Council. Some of them felt that the church they had joined had been undermined and weakened. From what I have read, John Finnis, and the natural law philosophy he expounds, is definitely on the conservative wing of the Catholic Church, and it is likely that he does not approve of many of the trends in the Church since the 1960s.

Without knowing much about John's own religious journey these points may be relevant. Just as his philosopher father Maurice had rebelled against the quiet moderate-to-high Anglicanism of his father Canon Horace Finnis – a much respected priest and church musician in Adelaide – so too young John went his own way as a young man and adopted a philosophical position that was a long way from his father's. Nor, it seems, was he drawn to the upper-middle-class Anglicanism of St Peter's College and St Mark's College. He may have felt it to be lacking in intellectual rigour. Do we have any clues?

It is possible/likely that John's interest in Catholicism began in Adelaide through the Jesuits at Aquinas College, notably Fr Michael Scott, who was well known around the University. See his entry in the Australian Dictionary of Biography:

<<http://adb.anu.edu.au/biography/scott-michael-arthur-15491>>

Then there is the Oxford factor. Significantly John was received into the Church of Rome in Oxford which (more than Cambridge) has seen a number of distinguished converts since the 1840s – J. H. Newman and his followers, Ronald Knox, and various academic figures. The Jesuits had a strong presence in Oxford (at Campion Hall) and so did the Dominicans (at Blackfriars), and among them were some lively and inspiring priests who were used to answering the questions of young intellectuals who were seeking enlightenment. It would be interesting to know who instructed and received John into the Catholic Church.

David Hilliard

16.04.2014

Dear Professor Lücke

Thank you for the update. You have certainly done a great deal of research on this – what a fascinating subject to explore. I knew Alec Hyslop in the late 1960s when he was on the library staff at Flinders before he took up a lectureship in philosophy at La Trobe.

Conversions of that kind are hard to find these days and after the Second Vatican Council the Catholic Church is not the rock-like body that it appeared in the 1950s or early 1960s. A more typical convert of recent decades in Britain, the United States and Australia is a conservative journalist or public activist (for example, Charles Moore in England, William F. Buckley in the USA, Christopher Pearson in Australia).

I will try to get to your lecture.

David Hilliard

5.05.2014

Dear Professor Lücke

I was so pleased I was able to get to your lecture which clearly aroused wide interest. One day I must hunt up that copy of *On Dit*! I hope the discussion will help you in your project. Since then a few things have occurred to me.

Clearly my comment to you that SA in that period was not particularly anti-Catholic upset a few people! I could have got up to say something then but did not want to divert the discussion to this new area! Certainly there was a good deal of quiet anti-Catholic prejudice and young Catholics still found it hard to get jobs in some old-established firms and banks. But there were a fair number of Catholics in politics, local government, the public service and the professions, though very few on the university staff – not because of overt prejudice because until the late 1950s the number of Catholic graduates was quite small. Certainly it was nothing like the early 1920s when there was a good deal of feeling against Irish Catholics for their alleged disloyalty to the Empire. In 1950s SA one sees very few examples of anti-Catholic prejudice in print and Catholics did not complain publicly about Protestant bigotry. It was very different in Sydney. The election of Pope John XXIII in 1958 and the Second Vatican Council led to a huge change very quickly and the Catholic/Protestant divide that had run through Australian society for a century largely evaporated.

Of course the fact that Catholics were seen as different, outside the mainstream of Protestant/Adelaide SA (only 16 per cent of the SA population in 1954, when migration from Italy etc was beginning), and because many people were quite opposed to their doctrines and rules (eg, on mixed marriages), this in turn made the Catholic Church, its universality and its intellectual system, seem attractive to some young people who were rebelling against their family background. One can see the appeal to the young John Finnis.

The number of youthful converts to Catholicism at Adelaide University in the 1950s/early 1960s was not particularly large as a proportion of the number of students.

And it would have been greatly surpassed by the numbers of students raised in Catholic families who lost their faith at university and left the church. Many Catholic bishops and clergy saw the universities as a danger to faith.

Meanwhile, other students rebelled against their non-religious families by having an evangelical conversion through the Evangelical Union. One of my former colleagues at Flinders had that experience.

David Hilliard

APPENDIX HOWELL

Dr P. A. Howell
Associate Professor
Flinders University

29.04.2014

Dear Horst,

Thank you for that most interesting paper. I've had a lifelong interest in converts to Catholicism, initially I suppose because my maternal grandmother was one, but also, as a schoolboy I became an avid reader of the autobiographical writings, sermons, polemical works and other people's lives of more prominent converts, such as Newman, Chesterton, Douglas Hyde, Alfred Noyes, Arnold Lunn, Jacques Maritain, Ronald Knox and so on (more than twenty in all), and my own first book (incidentally, it was the only one that was reviewed by the *Times Literary Supplement*) was on Prof. Tom Arnold, the favourite son of Arnold of Rugby, who became a Catholic in 1856 while serving as Inspector of Schools in Van Diemen's Land.

You might also be interested to know that I purchased my copy of, and began reading, Bernard Lonergan's *Insight* in November 1957, when John Finnis was still a schoolboy. It's a pity that I did not meet John until I was working with Dan O'Connell on the Offshore Sovereignty matter, in London and Oxford in May-June 1973, but could not pursue the acquaintance as that was the year Louise and I became engaged and married, and John's path and mine never crossed again!

I knew Fr Peter Green from boyhood, because for twenty years my parents had a holiday house at Deviot, West Tamar, just two doors from his parents' more modest place. Peter had taken degrees in science and engineering before he joined the Jesuits, and we were invited to his ordination in 1952. In 1960, while I was still president of the University of Tasmania Newman Society, he returned to Tas as chaplain to the university. We often went bushwalking at weekends, he was one of the concelebrants (Archbishop Sir Guilford Young being the principal one) at our Nuptial Mass in Newman College Melbourne, and we remained good friends until he died at an advanced age. Fr Kevin O'Sullivan, a solicitor before he joined the Jesuits, came to Hobart as Dean of St John Fisher College, and always preached at the Red Mass which was held each year when the courts reopened after their Christmas/New Year recess. A great polemicist and expert in 'apologetics', he toured Australia addressing meetings to advance the case for state-aid for church schools, and had quite an influence in shaping my own notions of natural law.

The other two Jesuits you mentioned today, Michael Scott and Tom Daly, I knew from Jan-Feb 1963, when I first stayed at Aquinas College while reading Ralph Hague's writings and researching the archival sources on Judge Boothby – to supplement the South Australian Parliamentary Papers, Parliamentary Debates and newspapers I had read in the Tasmanian Parliamentary Library, and the Australian Joint Copying Project microfilms of the despatches of Governors Young, MacDonnell and Daly to and from the Colonial Office in London, borrowed (on inter-library loan) from the Melbourne Public Library's set.

Peter

CONVERSION ACCOUNTS

APPENDIX FINNIS

John Mitchell Finnis

Oxford Professor Emeritus of Law and Legal Philosophy, Honorary Fellow of University College Oxford, Professor at the University of Notre Dame in Indiana, Fellow of the British Academy, Member of Gray's Inn.

10.03.2014

Dear Horst,

I'm sorry I have taken so long to reply to your letter of 27 February, which came at an academically very busy time.

I appreciate very much your interest in the little ferment of searching, debate, contrarian ideas, and more or less profound judgments and decisions in Adelaide University student life 1958-61. A few observations about what I can glean from the draft flyer.

1. There was in no sense a movement, rather some partial coincidences. I was, I think, unaware of or unconcerned about conversions to Catholicism elsewhere. In relation to the two student converts whom I knew, Colin Nettelbeck and Alec Hyslop, I never knew and never enquired about what moved them towards Catholicism. I had one conversation, in a suburban street, with Alec in which we agreed that if there is any truth in the claims about revelation, they are to be found in the Catholic Church as the only plausible successor to whatever Jesus founded in his life on Earth. Colin Nettelbeck, whom I came to know in the Adelaide University Regiment, conversed a bit more about fundamental things, but mostly in verse that explored the problem or issue that for me was fundamental: the objectivity of ordinary natural reality, which Humean scepticism, also in its Bertrand Russell form, tends to dissolve.

2. The high-Anglican chaplain at St Mark's (where I resided throughout), Spencer Dunkerley, had a few conversations with me in which I must have touched on that problem, and he lent me some small books by an English Catholic priest, J.D.B. Hawkins, giving critical accounts of Locke, Berkeley, Hume et al. I do not possess them and have never gone back to them, though I thought they were very good and have no reason now to doubt it: looking at the catalogues now I suppose they probably were his *The Criticism of Experience* (1945) and *Causality and Implication* (1937), and possibly his *Approach to Philosophy* (1938) and *The Essentials of Theism* (1949). Dunkerley probably also suggested reading Newman, and that I did, though with mixed appreciation: notably his *Apologia pro Vita Sua* and to some extent his *A Grammar of Assent*.

3. I think Colin Nettelbeck has mentioned to you the influence of Fr Michael Scott SJ. I would not place much stress on this; the first time I really spoke to him was when I had decided, after much thought, that Catholicism was very probably true. Perhaps more influence came from the presence of his assistant at the University chaplaincy, Fr Tom Daly SJ, though again I scarcely knew him, if at all. But I knew that he admired Bernard Lonergan's book *Insight*, so I got that and read it, and it finally did away with all the Hume/Russell empiricism. I pursued my interest in Lonergan's work while I was working on my DPhil in Oxford and my settled view of the value of and profound flaws in his thought can be seen in the references to him in my *Essays*. I think his work after *Insight* was not of value (though unfortunately of considerable influence among Catholic theologians – see essay 9 in vol. V, a very fundamental

essay, in parts), but even *Insight* is flawed in ways I indicate e.g. in vol I at pp. 88-9, and throughout essay 8 (as early as 1975 – more crisply developed in *Fundamentals of Ethics* (1981/3)).

4. For me, whatever may have been the case with Alec and Colin, the fundamental questions were simply two: the existence or non-existence of God as transcendent creator and providential governor of everything in nature; and the fact or non-fact of divine communication with humankind by historically given events of revelation in Israel. The former is given a review in the last chapters of *Natural Law and Natural Rights* and *Aquinas*, and the latter is given its framing as a question in the one sentence about it on p. 392 of *NLNR*, at the end of the first paragraph, and the outlines of a response in the page or two on revelation in the *Aquinas* chapter. There are of course bits and pieces all through vol. V, and I am working on a short book on both issues which I hope to finish in the next year or so. My judgments on these matters have remained in all essentials the same as the ones I formed in 1961/2.

5. So I would accept that ‘the Roman Catholic Church seemed [=came to seem] to [Finnis] the one true Church’. But as to ‘confident, unchanging, and free of the fickleness...’, I think this misses the mark. There was certainly at that time a kind of unity (in fundamentals) among Catholic theologians writing for the public that has now evaporated, and that made easier the judgment that this is the same Church as Christ founded c. 30 AD. But I was very conscious of the development of doctrine about which Newman wrote a famous book, and about the tumultuous history of the Church.

About the question of republication, I remain very uncertain. Particularly about the two with Des Cooper, in which he will have had the leading hand, I think – and he is not part of your story. I have not yet had time to look at any of them except the long 1961 essay (I have the 1961 *On Dits* in a bound format). I will reserve judgment, if I may.

With all good wishes,

John

APPENDIX SHEARER

Professor Ivan Shearer AM, RFD, FAAL
Emeritus Professor of Law (University of Sydney)
Adjunct Professor in the School of Law (University of South Australia)
Member of the Bars of New South Wales, Victoria and South Australia
Arbitrator, UN Convention on the Law of the Sea

Recollections of the Finnis Era at Adelaide University

I should begin by saying that John Finnis's years as an undergraduate at the University of Adelaide Law School (1958–1962) did not exactly coincide with my own. I began at the University in 1956 and completed course requirements in 1959. Indeed, in that last year I was effectively a part-time student since I had entered into articles of clerkship and spent most of my time at the offices of Genders Wilson and Bray. I graduated in April 1960.

I remember John Finnis, but only distantly. He was editor for a time of *On Dit*, the student newspaper, and dragged it out of the doldrums. I remember especially one edition of that paper: a spoof on *The Sunday Mail*, Adelaide's only Sunday newspaper. It came out as *The Mundane Snail*. Most other editions, however, were serious, and the layout was strongly reminiscent of the *Manchester Guardian Weekly*.

I do not remember the mission of 1960 by Fr Johnstone SJ of Melbourne (I think he was rector of Newman College at Melbourne). At that time I was serving as an Associate to the Supreme Court judge Sir Bruce Ross, and thus was probably not there. What I remember clearly is the ferment of religious debate within the University in the period 1956–59. These were hugely attended affairs consisting of regular lunch-time debates between the two Scotts: Fr Michael Scott SJ, Rector of Aquinas College, and Mr Jeff Scott, a perpetual student and atheist. What is remarkable about these debates, compared with the general lack of interest in religion (although perhaps not altogether in spirituality) by the students of today, is that they engaged such passionate and widespread interest.

I became interested in Roman Catholicism at about this time, partly as a result of the debates between the Scotts in which I came to see the strength of the Catholic position, and partly because most of my friends at University happened to be Catholics: David Kelly, Gervase Coles and his brother Hilary, and Helen Bardolph. We were also taught by Professor Daniel O'Connell, who in his jurisprudence lectures introduced us to natural law theory. O'Connell also represented a figure whose evident commitment to his faith commanded a certain degree of wonder and respect. The religious allegiance (if any) of our other teachers remained unknown. So the question arose: did it matter?

It did matter to me. I was raised as an Anglican and went to an Anglican school. My parents were not especially devout but went to church on major occasions. However, from about the age of 17 I attended church weekly, went on the occasional retreat, and took an interest in the liturgy.

The influences of my life at University caused me to read and reflect more intensively. I began to attend Mass as an observer. I read about church history. I read apologetics. I consulted with my Anglican parish priest. What finally led me to the frontier of faith in the Roman Church was the conviction that the history of Christianity inexorably led in that direction. Crucial in my reading was John Henry

Newman's 'The Development of Christian Doctrine' and his 'Apologia Pro Vita Sua'. Although the Church might move slowly to accommodate itself to new ideas, it was this very slowness in developing its well thought out theological positions that offered stability and rationality at a time when my own church seemed to embrace a wide spectrum of changing or ambiguous views.

At the emotional level I was greatly moved by universality of the Church, that it existed in virtually every country, and was not a branch or national church like that of Canterbury. That it should have survived at all the excesses, abuses and scandals of the past seemed to demonstrate its inherent validity and divine guidance. The timelessness of the Mass in Latin was also a powerful attraction (fortunately I was a good Latin scholar). The beauty of the liturgy was enhanced at high masses by the music of famous composers, who were mostly Catholic. I felt drawn to a community of saints and sinners, to people of all races, the aristocracy and the great unwashed, artistic geniuses, famous writers, and just plain ordinary people doing their best. It was not a place only for 'respectable people'; one did not need to wear a tie to Mass.

Of course, reason and emotion can take one just so far: to the edge of faith. The final step was a leap of faith, one I have never regretted.

I was received into the Church in St Francis Xavier's Cathedral, Adelaide, during the Easter Eve vigil ceremonies in 1959. There were several others, including Bill Holdsworth and John Hensley (later to become a Dominican priest as Fr Benedict Hensley OP.) Archbishop Beovich himself conducted the ceremony and conditionally re-baptised us: '*Si non baptizatus es, ego te baptizo in nomine Patris et Filii et Spiritus Sancti*'. (Since that time, converts from Anglicanism and Lutheranism are no longer conditionally rebaptised: their earlier baptisms are now accepted as valid.)

I was warned by my Anglican friends that submission to 'the Roman obedience' would come at a cost. The heady early days of the pontificate of John XXIII (1958–1963), which breathed new life into the Church, were followed by the dismaying reaffirmation of the prohibition of artificial methods of birth control by Pope Paul VI in *Humanae Vitae* in 1968. A few converts of the Finnis era left the Church as a result. Indeed there was a massive defection world-wide, including many priests, not all because of *Humanae Vitae* but through disappointment that the promise of reforms set in train by the Council were not being followed through. The denial of Holy Communion to the divorced and remarried was another embarrassment. (Fortunately, now under Pope Francis, this rule seems certain to be re-assessed.) I myself suffered a personal embarrassment through Church rules when I asked for permission to act as best man at the wedding of Anglican friends. At that time attendance at non-Catholic services was forbidden except in rare circumstances. My application for a dispensation was turned down by Bishop Gleeson who was acting in the place of Archbishop Beovich, who was attending the Second Vatican Council in Rome. Bishop Gleeson was merely applying diocesan policy grounded in what he called indifferentism. I did not accept this decision and appealed directly to the archbishop in Rome. He overruled his auxiliary and gave me permission. I heard later that Archbishop Beovich took the general principle to a meeting of the Australian Bishops, who rescinded the rule in such cases as mine, and for weddings generally, funerals and special family occasions.

Although I was not in contact with John Finnis during these years it is clear that he remained firm in his allegiance. Indeed, he appears to have become associated with what might be termed the conservative wing of the Church. He is rumoured to have helped in the drafting of some of Pope John Paul II's encyclicals. One of his sons is named John Paul.

Despite my limited knowledge of Finnis, I think I can say that he was not in any sense a cult figure, or one who gathered a group of followers at the University of Adelaide. He was a reserved and somewhat shy man, who did not parade his learning

or academic success. His subsequent brilliant academic career at Oxford, which is tolerant of religious diversity and where Catholics have no need to hide their allegiance, is indeed something in which Adelaide can take pleasure.

Ivan Shearer

March 2014

APPENDIX NETTELBECK

Emeritus Professor Colin Nettelbeck (University of Melbourne),
FAHA, BA (Adelaide),
Doctorat d'Université (Paris), *Dip Phonétique*,
Chevalier de la Legion d'Honneur

22.02.2014

Dear Professor Nettelbeck,

By way of introduction, please allow me to say that I was a young law tutor and then lecturer when you were still a student in the University of Adelaide. I am engaged at present in a project concerning the young John Finnis. He was one of my students in 1961, the last year of his law studies. In 1962 he went to Oxford, equipped with a Rhodes scholarship. Having completed his DPhil, he became a fellow of University College and eventually a professor. You may know of his development; suffice it to say that the editor of a recent *Festschrift* has called him 'one of world's leading thinkers' and 'a leading authority on legal, moral and political philosophy, constitutional law, medical law, theology and Shakespeare'.

When Finnis commenced his studies in 1958 he was an agnostic as is apparent from an early contribution to *On Dit*. Later he accepted the Christian faith and was accepted into the Catholic Church in Oxford in 1962. One of my tasks is to find an explanation for this change. Dr David Hilliard of Flinders University has offered the following partial explanation:

'One of the attractions of the Roman Catholic Church before the 1960s' (see Appendix Hilliard)

Lee Kersten who, I believe, is known to you has told me that you also converted to Catholicism. She does not know when this occurred. I am not indiscreet enough to enquire into your personal reasons for your decision but I am hoping that you might be able to shed some light on the points made by Dr Hilliard.

Horst Lucke

22.02.2014

Dear Horst (if I may, and please call me Colin),

Your project is of very great interest to me. Although my friendship with John dissipated gradually over the years, and has been inactive for the past thirty or so, the period of which you speak is still vivid in my mind; I must also, being an inveterate hoarder, have a good deal of correspondence from John related to the 1960s, though it would undoubtedly take some time to dig it out. I tend to think that John and I drifted apart precisely over our approaches to our Catholicism: he did indeed take a very conservative path, which I thoroughly understand, but was not myself called to follow. I'm sure you know that he has been an advisor to the Vatican, and his position on things like female priesthood and birth control, while impeccably argued, have failed to persuade me on a holistic level. For all that, I have continued to be a practising Catholic since my own entry into the church in 1960.

Before John went to England, and before I went to France, we were very close in many ways. We shared time in military service, exchanged writings, composed 'whistling' symphonies together, played chess, had endless discussions, many involving another friend, Alec Hyslop, whose conversion occurred around the same time as mine. Alec later left the church. John and I kept close contact, and I think we

were important to each other, through the Californian years and the 1970s. I visited him regularly in Oxford, and he often stayed with us in Melbourne, into the 1980s.

David Hilliard's comments make a lot of sense to me, both on an individual level and collectively, but only to a certain point. The Arts students at Adelaide were very much plugged into the debates over order and disorder, and there was a lot of reading going on (TS Eliot was one of our key poets, as was G Manley Hopkins) and philosophical-theological discussion. A key figure in the mix was Fr Michael Scott SJ, the master of Aquinas College (who later went to Newman, and later still left the order to marry); but there were many others, not least the woman whom John was later to marry, Marie McNally, who did her first year at university as a novice nun; or Michael Smyth, another important friend and Rhodes scholar, who remained agnostic-atheist (a scientist, but well-read in literature) until his early death from cancer at 36 or so.

But surely the best approach would be to ask John himself? Whatever reading or interpretation we outsiders might give, it is surely the subject himself who is the only real touchstone in terms of his conversion?

I came across an article John wrote with Des Cooper for *Adelaide University Magazine* in 1959, in which they attack the campaign against smoking. I photocopied it to send to John, but haven't got around to it. It does give a good idea of the sort of thinking and the cultural framework of the time. And many of the contemporaries have written there as well.

Well, that's as much as I can do for on a cloudy and cold Saturday morning in Melbourne. I am very happy to continue the conversation if you find it useful.

Colin

22.02.2014

Dear Colin,

Thank you very much for your letters, the most pleasant, agreeable and helpful mail I have had for a long time. I am very grateful for your prompt and invaluable assistance. John knows what I am doing for I felt that I could not pry without letting him know into family matters and others which were perhaps somewhat intimate. He responded *inter alia* as follows:

'I have no objection to your project, though it seems to me a pretty thankless one and I'm honoured by your willingness to undertake it, in the midst of other cares of which I'm both sad and happy to hear. Nor to your contacting Jane and Catherine, and using your good judgment about whatever they may send.'

The 'sad and happy' refers to the fact that my wife is in a nursing home and that I am nevertheless carrying on with academic projects. I have not asked him why he converted to Catholicism for two reasons: (1) The kind of speculation in which I am engaging will, I hope, shed some light on the role religion played among students at that time (*On Dit* enables one to put together an interesting jigsaw puzzle), and (2) Finnis's answer, which I would have to accept as authentic, might be affected by rationalisation and, perhaps, self-justification which might be misleading. The first of these reasons is by far the more important. I might ask him for his reaction when I have done this job and then publish what he has to say. To give you an impression of the way I am proceeding, I attach an extract (still to be checked and improved) from the paper. Finnis and Des Cooper (later a well-regarded professor of genetics) wrote an extremely rude review of poor Fr O'Sullivan's talks. Having conceded that these talks might be suitable for the 'Reader's Digest or for the Banks of the Yarra' they concluded:

‘But should the forum of this University be for a whole week dominated by such a misuse of intellect, by such a violation of the academic method?’

Incidentally, the BSL has digitised *On Dit*, enabling me to read all the issues from 1958 to 1962. The *AUM* has not been digitised but I have photocopies of important material from that publication.

Thank you also for mentioning the article on smoking in *AUM*. I did not copy it when I was in Adelaide, for there is a similar article in *On Dit*. However, I shall now ask the BSL to send me a copy; they are very good and prompt about such things. Knowing Finnis, I think that the two versions are unlikely to have been exactly the same.

Horst

22.02.2014

Dear Horst

I would encourage you to write to Alec Hyslop. Not so long ago, the daughter of a deceased friend of those years, who had not known her father well, got in touch with Alec and found him very helpful and kind. He did, in his soft Scottish accent, have a fiery tongue, but he was a dear friend to both John and me. He may well enjoy reflecting on the religious climate of the time, although he ceased believing relatively soon after his reception into the church.

Colin

24.02.2014

Dear Colin,

Please let me know when I become a nuisance; so far you have given me the impression that you quite like to be reminded of your early experiences in the University of Adelaide. I have asked the BSL to send me the *AUM* article on smoking which you mentioned and also to let me know what is in *On Dit* no 11 of 1957 (which they have neglected to digitise). That should contain the list of newly elected RSC members.

Horst

25.02.2024

Hello Horst.

It's not so much a question of liking to be reminded, as re-opening contact with a still living source of vitality; the people of whom you are writing were very close to me and among the most influential in the pathways I explored and followed. Your inquiries have led me to re-establishing email contact with John, which is wonderful.

Be that as it may, I'm not in a position to help in terms of the student politics. I was not involved in that at all, and my connections with John, Marie, Alec and others had more to do with the arts, sports, and all sorts of philosophical and religious discussions. Once again, it seems to me that in terms of the facts, the simplest thing would be to ask John. While your sources are good for what one might call his public life, they don't offer much about his inner journey. I think your present text risks being rather too speculative, and that you could clear up some of the queries quite readily by asking those most directly concerned.

I was curious to see my name associated with the editorial pages of *On Dit*: I have no memory of contributing, other than through a series of little pieces I wrote from Paris, which some readers really hated.

Ah, Derrence Stevenson! He was our back-fence neighbour in Tranmere, and I think the nephew of the builder responsible for the house I lived in with my family until I left Adelaide. But I had no idea that Finnis beat him in an SRC election! Colin

26.02.2014

Dear Horst

I guess it is my training and practice as a historian that has provoked my concern about how much you are relying on those published sources, but no doubt John will have some thoughts when you do submit your draft to him. I'm pretty sure he wouldn't be too concerned about how his positions on controversial topics might be received: he must have had to face opposition on those many times over.

In relation to Michael Smyth, I don't think he would have lived long enough to make it to a chair. He was in his mid-thirties when he died of stomach cancer, a huge loss to his many friends and to his family, and indeed to Australian science. Like Finnis and me, he did a stint in California before returning to Adelaide: I visited him in Venice California in the late 1960s as I did often enough in Oxford, while he was there, and in Adelaide once he returned. His specialism was what he called 'ecology', defined as the study of animals in their natural habitat. He was particularly interested in mice and other small rodents, and at the end of his life was studying rodent populations on the edges of the South Australian salt lakes. He was always the voice of scientific reasoning, passionate about it, but allowed himself to tussle with the big questions of the cosmic 'WHY?' He was from the country, Salters Springs, where his family farmed. He was school captain at Prince Alfred College, a very able sportsman as well as being academically brilliant. I have this vague memory that he may have held the rank of Reader, but I'm not sure of that.

Colin

28.05.2014

Dear Colin,

Further to my earlier e-mails I should let you know that I gave my lecture in Adelaide on 28 April 2014. It was well attended. John's sisters Catherine and Jane were in the audience. Catherine wrote to me afterwards; she seemed pleased with what she had heard. Others who were there were David Hilliard, Fr Ben Hensley, Bill Holdsworth, Lee Kersten, Peter Howell and some of my former Law School colleagues. John Bannon made extensive comments about John and also about Will Baynes (about whom I had found almost nothing in the internet). I hope that he will be prepared to put this in writing.

What I said is more or less contained in the attached transcript. I should have sent it earlier, but I was unavoidably side-tracked. I shall now re-insert the footnotes, add some further detail and think about publication. John might allow us to add his student articles and, perhaps some comments. The University would then be prepared to publish all this as a small book. If he does not want to see his early articles added, the piece might find a place in the *Adelaide Law Review*. I should be most grateful if you could find the time to have a look at the lecture and tell me whether and where I have gone wrong, particularly in paraphrasing or quoting what you have told me.

Horst

15.6.2014

Dear Horst,

Sorry to have been so slow in answering. We left Melbourne 24 April, and only got back this week, via Iran and other places. I'm glad the lecture went well. Having read it through, I am sure that it will have evoked a lot of keen memories.

I have only one comment on the parts that concern me: I was Professor of French at Melbourne, not of Linguistics; I was head of the School of Languages (which included linguistics, and now does formally in its name), but that was an administrative rather than a disciplinary role. Colin.

APPENDIX NETTELBECK NO 2 - COLIN NETTELBECK'S RECOLLECTIONS

I was received into the Catholic Church on the Feast of Corpus Christi (16 June 1960). I left for Paris in September that year. I had been receiving instruction from Fr Michael Scott SJ for much of the preceding year.

I would say that the process leading up to the so-called 'conversion' began with a restlessness of spirit that became evident in my final year of secondary school (1955). I was a student at Prince Alfred College, at that time a Methodist school. Direction became clearer to me in the course of my university friendships with various Catholics, and there was a strong thread that came through my French studies course.

I was as a child baptised and confirmed in the Anglican Church; I taught Sunday School to little children when I was in my mid-teens, but then 'lapsed'. I don't think I ever became a real non-believer.

I had no political interest or activity at university. I certainly have no memory of attending any missions. I had never heard of Mannix, the DLP or Santamaria (with whom I became familiar through an Australian friend in Paris). I did attend, with Catholic friends, a few liturgies at the Monastery at Glen Osmond.

I have since that time of course meditated on all kinds of psychological reasons that readied me for the move into practising Catholicism; at the time, as well as the friendships and poets like Eliot and Hopkins, the two critical experiences for me were:

- 1) The Bresson film of Bernanos's *Diary of a Country Priest*
- 2) The *Spiritual Exercises* of Saint Ignatius.

The former, screened at the university film club, touched me in a truly transformative way. It was while I was working my way through the latter—and I can't remember how they came my way—that I contacted Aquinas College and asked to be given instruction.

I would say that it was in Paris, rather than Adelaide, that my personal spiritual direction took the shape that has guided me since. I became thoroughly involved in church life (daily mass, etc), and engaged with many enriching activities through the student chaplaincy at the Sorbonne (the Centre Richelieu), which involved theology courses with the likes of Jean Daniélou SJ, the annual Chartres pilgrimage, frequent discussions about Vatican II, and so on. I did my doctoral thesis on Georges Bernanos, and through that work came to know a good deal about the religious and political tensions and conflicts in France since the Revolution; my knowledge of Australian religious history, and indeed of Australian history as a whole, remained almost a complete blank for many decades.

My subsequent marriage to an Italian American and my early years as an academic in California opened up other directions again, and led to the discovery of other dimensions of spirituality.

So I don't think I fit very well the patterns you describe. I did however consider John Finnis and Alec Hyslop my closest friends. How they saw me, I cannot say, but it felt as if the friendship was mutual. We certainly communicated deeply and constantly about many things.

When I wrote that I found David Hilliard's text plausible, what I meant was this:

At a time when religious discussions were part and parcel of everyday life (and from today's perspective, that is something that needs remembering), Catholicism did seem to me to have a clear and largely unified voice, a claim for a long and unbroken tradition, a strong organisational structure, a coherent view of the world. I agree that there was no special anti-Catholic climate in the Adelaide of those days. The Catholics I came to know and socialise with (music, dancing, tennis, etc) were indeed confident about their religion, not pushy about it, but able to respond intelligently to the questions and challenges that might come forward. I agree too that for some, at least, the apparent change of teaching and style that came in the lead-up to Vatican II, and then after it, presented problems.

Of the writers that Hilliard mentions, I can vouch that we read Greene and Waugh, perhaps Chesterton. We knew about the Oxford movement and read Eliot and Hopkins. But it needs to be remembered that from our first-year English course, we were also in the sway of the metaphysical poets—Donne and Marvell—and then of the crisp clarities of Dryden and Pope. And we were plunged into Elizabethan tragedy: Marlowe and Shakespeare and the big questions they evoked. I think it would be reductive to describe the intellectual and spiritual ferment that we experienced in terms limited to the sociology of religion.

Colin Nettelbeck

March 2014

APPENDIX HENSLEY

Father Ben Hensley, OP
St Laurence Priory, North Adelaide

28.03.2014

Dear Father Ben Hensley,

Ivan Shearer and Bill Holdsworth have both suggested that you might not mind if I were to contact you seeking some information about the conversion to the Catholic faith of John Finnis. I have undertaken to give a lecture in Adelaide on that subject (see the attached announcement). As you probably know, John Finnis has become one of Oxford's great legal philosophers. I am trying to write the story of his early life which includes his conversion to Catholicism as one of the very important episodes. Ivan Shearer has told me that you also converted (in 1960?). I have now discovered six students who took this step at that time and am asking myself why there was such a mini-wave of conversions. Lee Kersten has just mentioned Kevin Magarey as a further convert. Most of these people have been kind enough to have given me accounts of the personal experiences which led them to take this step. I am interested in this because it must surely explain, to some extent, why Finnis joined this group. David Hilliard of Flinders University has commented as follows:

'One of the attractions of the Roman Catholic Church before the 1960s' (see Appendix Hilliard)

I would understand if you did not want to comment on your personal reasons for the decision you made then but you might be willing to comment on the points made by Dr Hilliard. For that I would be very grateful. I should mention that I live in Brisbane. May I assume that you were Anglican before you joined the Catholic Church?

Horst Lücke

29.03.2014

Dear Professor Lücke,

I was pleased to hear of your forthcoming presentation concerning John Finnis and, in particular, aspects regarding his reception into the Catholic Church. Unfortunately I can be of little help, as I have known nothing of what led him to that decision. I do remember being quite astonished as a novice with the Dominicans in Melbourne in 1961 when approached by Fr Patrick Farrell who asked me if I knew of a John Finnis. Fr Farrell had written a trenchant and detailed article which was published in the Melbourne 'Advocate' under the title: 'Academics assail central Christian positions'. He had stated instances in which he considered that some philosophers in criticising certain Christian tenets had not correctly grasped those tenets. In the flurry of discontentment over Fr Farrell's piece, expressed in letters by some Catholic academics working in philosophy or related fields, a letter of strong support arrived from one John Finnis. Having read a year or so earlier in *On Dit* a piercing critique of a Catholic Mission at the University written by John with another student (whose name I think was Porter), I remember a certain sadness at finding John so seemingly anti-Catholic. He showed such a shining intelligence. They had argued that the priest giving the talks had to be either a knave or a fool. Hence my great surprise at John's support of our Catholic apologist.

Such a scarcely relevant reminiscence may indicate little more than my appreciation of the magnitude of (and delight in) the event of John's reception into the

Church. Several fine and gifted students – in various faculties – became Catholics at Adelaide University in the 1950's. The Jesuit Frs Scott (especially), Greene, and Daly presented a most attractive face of the Church. Dr Coghlan in the German Department too had a notable influence. You mention Lee Kersten; I am sure she would have much interesting information about the general 'faith-seeking' atmosphere at that time.

My own pathway was comparatively minor and merits no special attention. My family on both sides were Methodist.
Fr Benedict Hensley OP

30.03.2014

Dear Father Hensley,

Thank you very much for your comments which are very helpful. In the paper, which is still being written, I have given a brief account of the article written by John Finnis and D W Cooper (not Porter – he became a highly regarded geneticist) which you will find attached. John has told me that Cooper took the lead on this. That is not surprising, for Cooper was in his second year and John a fresher. However, the substance of the article accorded with John's philosophical outlook at that time. He had read Hume's and Russel's books and was an empiricist, an outlook which he later abandoned under the influence, inter alia, of Bernard Lonergan's philosophy.

I wonder whether you might be willing to tell me when you converted. There was a kind of 'mini-wave' of conversions and timing is an important factor.

Horst Lücke

30.03.2014

Dear Horst,

Thank you for the clarification regarding John's *On Dit* piece. I was baptised by Fr Michael Scott in Aquinas College chapel on 15th August 1957. The Methodists were less committed to the sacraments in those days. My mother had told me that in the Bordertown Methodist Church there had only been a sort of welcoming ceremony for me as a baby, not a baptism. When I informed Fr Scott of this he immediately said, 'That means you don't have to go to confession before being received into the Church', which, I might say, was just fine by me. The fact that there were others I knew of who were taking instructions or who had been received was certainly a positive influence. It mitigated the strangeness one felt; and indeed the estrangement within one's family and family circle. Margaret Magor (a student then in the German Department), Helen Northey (in the Science Faculty and later a Dominican Sister), and Hans Sasse (English) all had very strong family opposition to contend with. Hans' father Herman Sasse was Principal of Luther Seminary and acknowledged world-wide as a leading Lutheran theologian. So you can imagine the ructions in the Sasse home aroused by that! I was at his reception at the Aquinas Chapel by Fr Scott in 1956. The courage and confidence of such students as these had an impact on people like me.

I do hope all goes well with your presentation, I found your attachment most interesting and informative, as I had not known of John's study of the English philosophers you mention.

I had several happy years in Brisbane in our parish at Carina from the beginning of 2001 until 2005. The natives are friendly.

Fr Ben Hensley

04.06.2014

Dear Horst,

Being able to attend your lecture in April was for me a pleasure, spiced with admiration and a degree of amazement. Amazement that the issue of conversion to Catholicism – even of such an intellectually gifted and subsequently prestigious alumnus as John Finnis – should be offered for consideration by yourself as a Professor from the Faculty, that this should occur in the Law School, and that there was such a good number attending. No doubt your own standing and interest, the cooperation of Dr Fr Babie, plus John's exceptional *Natural Law and Natural Rights* in the Clarendon Law Series all played a part.

Perhaps the fact that, as you have noted, John's pathway to Catholicism was so individual, so little influenced by other students pondering and making the same step adds to the surprise of your presenting the wider context. In that regard, I wonder whether reference to my own relatively insignificant status should rate as any more than a casual obiter dictum. Likewise the mention of Margaret Magor, Helen Northey OP and even Hans Sasse, since they were really part of only my little story and had no connection with either the Law Faculty or John himself.

May I add just for your own interest in respect of the non-philosophical literary influences you have mentioned, that I owe a great debt of gratitude to a fellow resident at a Methodist student hostel for introducing me to G.K. Chesterton's *Orthodoxy* (which I read in one night), the poetry of Gerard Manley Hopkins, and of T.S. Eliot. In the Dominicans I have lived for fifty years with the writings of Thomas Aquinas. This has added to my interest in John's work.

Fr Ben Hensley OP

11.01.2016

Dear Father Hensley,

Thank you again for the assistance you gave me some time ago with the John Finnis project. John has read the manuscript and has called it 'a very generous piece'.

John Finnis's conversion to Catholicism has remained one of my focal points. There are short footnoted quotes from your e-mails and an expression of appreciation, but I would also like to add a verbatim record as an appendix. The information did not all come in one e-mail so I would consolidate it in one document which I would submit to you for your approval. I hope that you will find this acceptable.

Horst

11.01.2016

Dear Horst,

Thank you for your information on recent developments concerning your project on the conversion of John Finnis. I was pleased to learn of his response to your manuscript. I remain somewhat astonished at the fact of such a lecture having been delivered under the auspices of the Law School. Perhaps something of the influence of the late Prof O'Connell has lingered. I remember hearing an unenthusiastic student on the way to DP's Jurisprudence lecture mutter that they were 'going off to catechism'. Personally I was delighted with his Jurisprudence course. I suppose, generally speaking, religious convictions and connections were kept quite separate from the study of Law. In the 1950's and 60's Protestants and Catholics tended to keep their distance from each other, and I think this was represented in the legal profession. Things have changed now.

I had to leave the Moot Court before the end of question time after your lecture unfortunately, but I did hear an intriguing comment from Michael Detmold about the (historically) inappropriate sources used by John in his relentless critical analysis of Dr Martin's work. From memory, it was that, he said, that rendered John's tour de force to his mind 'impertinent'(?). I would have liked to have heard the comment elaborated further.

I look forward to the appropriate footnote(s) you intend to send, noting again the insignificance of any part I may have had on the general scene at the time of John's remarkable conversion to the Catholic faith.

Fr Ben (John) Hensley

APPENDIX HOLDSWORTH

William Holdsworth
Amateur vigneron, South Australia

24.03.2014

Dear Bill,

As you probably know, John Finnis has become one of Oxford's great legal philosophers. I am trying to write the story of his early life which includes his conversion to Catholicism. Ivan Shearer has told me that you also converted (in 1960?). I have now discovered six students and I am asking myself why there was such a mini-wave of conversions. Most of the students who also took this step at that time have given me accounts of their personal experiences. I am interested in this because it must surely explain, to some extent, why Finnis joined this group. David Hilliard of Flinders University has commented as follows:

'One of the attractions of the Roman Catholic Church before the 1960s . . . [see Appendix Hilliard].'

You might be willing to explain your reasons and also to comment on the points made by Dr Hilliard. Attached please find the announcement of a lecture I am due to deliver on the subject in Adelaide. I should mention that I live in Brisbane. May I assume that you were Anglican before you joined the Catholic Church?

Horst Lücke

30.03.2014

Dear Horst,

I have spent the last few days recollecting as best I could my conversion to Catholicism. When I came to University it was a whole new world. It would be fair to say I was a bit of a country bumpkin who was a reasonably devout Anglican. I was totally ignorant of the existence of the Catholic Church. I became aware of it initially through conversations with Ivan Shearer and Gervase Coles. Coincidentally I became aware that religion was a hot topic within the University. There were a number of opportunities to attend discussions/debates about religious questions. Prominent at many of these public forums was a strong agnostic/atheist line of argument. There were two principal protagonists: Mike Bradley and Max Deutscher. Invariably, the issue of the existence of God became the focus of attention. I became increasingly impressed with Fr Daly's demolition of their arguments. I was confirmed in my belief in the existence of a Divine Being.

This did not tackle the existence of the Anglican Church and its claim to be the valid way of worshipping God. I set about reading as much as I could about the Reformation. It did not take me long to find some serious problems in the Anglican position. At the same time I was beginning to read Chesterton and other apologists for the Catholic Church and was drawn to the cogency of their arguments. I was also impressed with the lives and works of the Saints and the fact that they professed allegiance to the Catholic Church. Some of the Catholic poets, in particular Roy Campbell, opened up a whole new world to explore. Dan O'Connell was not a factor to any great extent.

It did not take me long to reject the Anglican position and recognise that I had to join the Catholic Church as it claimed and could prove its provenance as to its Founder. It did not involve a lot of soul searching or anything like that. I think God's Grace had a lot to do with the easy transition. Once I sorted out the two questions: God's

existence and the claims of the Anglican Church the path was clear. I was to a large extent an unquestioning convert. I sometimes wonder what Fr Daly thought of my blithe acceptance of his instruction as we worked through the catechism. I had no intellectual difficulties. I just wanted in. I was baptised on 28 March 1959 in the Cathedral.

I approved of the changes brought in by Vatican II although I joined prior to its deliberations. I wonder if David Hilliard's analysis really fits me. I hope this helps. If there is anything you want clarified, please ask. Can I come to the talk?

Bill

30.03.2014

Dear Bill,

I am very grateful for the help you are giving me. John Finnis has also been good enough to explain the reasons for his conversion. The fact that the Catholic Church was able to establish its provenance as to its founder, as you put it, was also uppermost in his mind. Ivan Shearer has told me that, in his case, the influence of Dan O'Connell was a factor. You will be more than welcome to attend the lecture.

Horst

3.06.2014

Dear Bill,

Thank you for having attended the lecture on John Finnis. As you heard, and as you will also see from the attached transcript of the lecture, your comments have been very helpful to me. If there is anything in the lecture with which you disagree or which you find needs correction, please let me know.

Horst Lücke

4.06.2014

Dear Horst,

Congratulations! The draft reads well and I would not change or add anything. If the booklet goes ahead then every effort should be made to include his long paper and also Ivan and David Kelly's response to John's critique of Fr Sullivan with of course a copy of John's critique.

Bill

