Professor Frank Brennan - Publications

Books

Joint author of the National Human Rights Consultation Report, September 2009 Books


Reconciling Our Differences, Aurora Books, 1992 (editor and co-author)

One Land, One Nation, University of Queensland Press, 1995

Legislating Liberty, University of Queensland Press, 1998


Acting on Conscience, University of Queensland Press, 2007

Monographs

The Timor Sea’s Oil and Gas: What’s Fair?, Australian Catholic Social Justice Council, 2004

Securing A Bountiful Place for Aborigines and Torres Strait Islanders in a Modern, Free and Tolerant Australia, Options Paper on the Position of Indigenous Peoples, Constitutional Centenary Foundation Inc, 1994

Agreeing on A Document, Key Issue Paper, no. 7, Council for Aboriginal Reconciliation, 1994

Controlling Destinies, Key Issue Paper, no. 8, Council for Aboriginal Reconciliation, 1994(co-authored)

Sharing The Country: The Real Truth About Mabo, Helder Camara Lecture, Catholic Commission for Justice, Development and Peace (Melbourne Archdiocese), Just Reading No.1

**Articles**


“Constitutional Possibilities for Self-Determination for Aborigines and Torres Strait Islanders”, in *Aboriginal Self-Determination in Australia*, Christine Fletcher (ed), Australian Institute of Aboriginal and Torres Strait Islander Studies, Report Series, 1994, pp. 85-98

“Government Responses to Aboriginal Demands Before and After Mabo - a Queensland Case Study” in *Aboriginal and Torres Strait Islander Human Rights Revisited*, Barbara Hocking (ed), Allen and Unwin 1994 (forthcoming)


“Catholic Social Teaching and Contemporary Australian Proposals for Bills of Rights”, (1994) 71 Australasian Catholic Record 171-195


"The Mabo Decision: Australia is Terra Nullius No More", in Redressing History, Peter Van Ness (ed.), 1996 (forthcoming) (paper delivered at 91st Meeting of American Political Science Association)


“Pastoral Leases, Mabo and the Native Title Act”, in Land, Rights, Laws: Issues of Native Title, Issues Paper No. 1, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2-5.

“Aboriginal Reconciliation”, in Bringing Human Rights to Schools, Human Rights and Equal Opportunity Commission and Victorian Council for Civil Liberties, 8pp

“Aboriginal Self-Government”, Pacific Research, Vol 7, No. 4, 8pp


"Consultation", Aboriginal Law Bulletin, No. 11, August 1984, pp. 1,4,5,9


"ATSIC - Seeking a National Mouthpiece for Local Voices", Aboriginal Law Bulletin, Vol. 2, No. 43, April 1990, pp. 4-6


"Religion and Resistance in the Torres Strait", *Arena Magazine*, October-November 1993, 54-6


"Mabo and the Future of Aboriginal Reconciliation", *St Mark’s Review*, Canberra, No. 158, Winter 1994, 4-12


"By Law Established", in *Save Our ABC - the Case for Maintaining Australia's National Broadcaster*, M. Fraser and J. O'Reilly (eds), Hyland House Publishing, Melbourne, 1996, pp. 25-9

"The Pulpit, the Parliament and the Public Domain", Melbourne College of Divinity, Addresses at the Launching of the degree of Doctorate of Ministry, 1996, pp8-14


"Thirty Years On, Do We Need a Bill of Rights?", (1996) 18 *Adelaide Law Review* 123-157


“Political and Ethical Issues in Response to Wik”, Res Publica, Vol. 6 No. 1, 1997, pp.1-4, Centre for Philosophy and Public Issues, University of Melbourne

“Political and Ethical Issues in Response to Wik”, in Sharing Country: Land Rights, Human Rights and Reconciliation after Wik, Research Institute for Humanities and Social Sciences, University of Sydney, 1997, pp. 75-81

“Aborigines and the Constitution”, Young Lawyers, No 6, June 1997, pp 5-6, Law Institute of Victoria


“Euthanasia and the potential adverse effects for Northern Territory Aborigines”, (with John Collins), Lancet 1997; 349: 1907-8


“Religion, the State and Social Conscience”, in Discerning the Australian Social Conscience, Jesuit Publications, 1999, pp.247-262

“Justice Brennan and Mabo”, Quadrant, September 1999, pp.5-6 (Letter)


“Seven Steps for Answering the Question” and “Conclusion” in What Can Australia Do to Create a More Just World, Anna-Louise van Gelder (ed.), Jesuit Publications, 2000, pp 5-16, 117-122

“Reconciling Our Differences” in Reconciliation, Michelle Grattan (ed.), Bookman, 2000, pp 23-30

“Foreword”, The Flying Nun, Jeanne Ryckmans, 1999


“Mining and Native Title Post-Wik”, in Human Rights and Corporate Responsibility, Stuart Rees and Shelley Wright (ed.), Pluto Press, 2000, pp. 102-115

“The High Price of Earth Without Heaven in the New Millennium”, 2000 Australasian Catholic Record pp 438-448


“Getting The System, The Process And The Outcomes ‘Just Right’”, in The Cup of Equity, Ian Rae (ed)


"The Strange Logic of 'Wrongful Life'", Disparity, ACROD, (2002) Vol 1, No 1, pp. 4-8


"Tampering With Asylum", in Migration Action, Ecumenical Migration Centre, Vol 24, No 2, pp. 15-22


"Tampering With Asylum: Recent Developments in the Treatment of Asylum Seekers in Australia", in Reflections on Social Justice, Asylum Seekers and Refugees in Australia, Anglicare Social Action and research Centre, Tasmania, 2002, pp 7-36

"When We Know What We Are, And Can Go On, I Wish For You What You Wish For Me", in Colloquium (2002) Vol 34/2, pp. 107-120

"Risking Embrace: Living the Theology of Reconciliation" in Colloquium (2002) Vol 34/2, pp. 93-106

"Mandatory Detention - What Australians Don't Know", The Sydney Papers, Volume 14, No.4, Spring 2002, pp. 69-89

"The Challenge of our Collective Trauma", Psychotherapy in Australia, Vol 9, No 3, May 2003, pp 24-29

"Religion - Bridge or Barrier to Understanding?", Australian Mosaic, Issue 2, Autumn 2003, Federation of Ethnic Community Councils of Australia, pp. 12-15

"Getting the system, the process and the outcomes 'just right'”, in Where's the Fair Go? The Decline of Equity in Australia, Ian Rae (ed.), Delegate Productions, 2003, pp 11-16

"I am happy to find the centrality of that which is sacramental", in Why I am Still a Catholic, Kate Englebrecht (ed.), David Lovell Publishing, 2003, pp 83-93

"Seeing the Globalised World from Both Sides of the River", Promotio Iustitiae, Social Justice Secretariat, No 81, 2003/5


Newspaper Op Ed pieces including:

"The year of living harmoniously", The Australian, 1 April 1992
"2001: a race odyssey - a target date for reconciliation", The Sydney Morning Herald, 5 June 1992
"Law of the Land: the way to a fairer future", The Australian, 4 November 1992
"Who Speaks for Whom on Mabo?", Sydney Morning Herald, 5 April 1993
“White Fellas Fighting: Mabo Minus Placebo”, The Age, 11 June 1993
“Mabo is Simple if You Care to Look”, Sydney Morning Herald, 15 June 1993
“What’s Needed is Certainty”, Financial Review, 2 September 1993
“You Lose Again”, Sydney Morning Herald, 4 October 1993
"Sticking Points", The Weekend Australian, 23-4 October 1993
“Undermining Mabo”, The Age, 4 October 1993
“Vested Interests”, Canberra Times, 4 October 1993
“Sticking Points”, Weekend Australian, 23-4 October 1993
“Downer’s Chance for Fame”, The Age, 6 August 1994
“Law Won’t Soften Hearts of Racists”, The Australian, 12 August 1994
"This time, there is nothing to offer Aborigines", The Australian, 27 May 1996
"Federalism Calls the Shots When a Territory Goes It Alone", The Australian, 12 July 1996
"Both Sides Pin Their Hopes on Mabo Act", The Australian, 17 July 1996
"Time to Take Charge, Prime Minister", The Weekend Australian, 28-9 September 1996
"PM must lead the way in sharing the country", Sydney Morning Herald, 9 October 1996
"PM's Native Title Muddle", Courier Mail, 31 December 1996
"Wik is Howard's equal rights acid test", Sydney Morning Herald, 4 January 1997
"How to Share the Land, Not Divide It", The Australian, 28 February 1997
"The Ten Point Losers", Sydney Morning Herald, 30 April 1997
“Privacy and the Ethics of Freedom”, Sydney Morning Herald, 2 September 1997
“A certain kind of justice” The Canberra Times, 4 September 1997
“No happy Christmas for Labor”, Sydney Morning Herald, 5 September 1997
“Senate should unstick Wik”, The Australian, 6 April 1998
“Harradine’s Blink Puts Wik Behind Us”, Sydney Morning Herald, 3 July 1998
“Harradine Delivers on Native Title” The Age, 3 July 1998, The Courier Mail, 4 July 1998
“Broken vows demand redress”, The Australian, 7 July 1998
“No indigenous reform without fairness on both sides”, The Australian, 16 October 1998
“Yes to a New Preamble”, *The Age*, 11 February 1999
“When officialdom turns a deaf ear to rights abuse”, *The Australian*, 19 August 1999
“Howard’s Long Journey”, *Sydney Morning Herald*, 2 September 1999
“Heart of the Matter”, *Courier Mail*, 1 January 2000
“Democracy Not the Cure-All For What Ails Society”, *Jakarta Post*, 4 February 2000
“Acrimony Reconciles Nothing”, *The Australian*, 2 June 2000
“The Indecency of Detention”, *Courier Mail*, 15 April 2002
"Much Work to Do, but let’s give thanks for decision that’s part of the landscape", *Sydney Morning Herald*, 3 June 2002
"Rule in Good Conscience", *The Australian*, 17 January 2003
"Call for Orderly Process on Refugee Matters", *Canberra Times*, 10 February 2003
"Exploiting Pain for Political Gain", *The Australian*, 9 January 2004
“Maritime Boundary Claims Down to Shelf Life”, *The Australian*, 3 September 2004
“Closed Door Assurances Offer no Protection”, *Canberra Times*, 6 December 2005
“Every Embryo Deserves Respect”, *Sydney Morning Herald*, 3 January 2006
“Asleep at the Wheel in Precarious Amoral Waters”, *Canberra Times*, 3 March 2006
“Canberra Joins the People Trafficiers”, *Sydney Morning Herald*, 17 April 2006
“Pacific Solution Mark 2 Won’t Work”, *The Age*, 17 April 2006
“Aborigines Need to Choose their own leaders”, *The Age*, 7 July 2006
“It’s still embryonic”, *The Australian*, 22 August 2006
“Stem Cell Bill Takes Us Down a Slippery Slope”, *The Age*, 20 October 2006
“What’s Lost in Translation”, *The Age*, 23 January 2007
“Pacific Solution without answers for refugees”, *Canberra Times*, 30 March 2007
“Easter inspires a plea for peace”, *Sydney Morning Herald*, 7 April 2007
“Let us reconsider today’s treatment of the stolen generation”, *The Age*, 3 August 2007
“Let’s all sit down together and reconcile this sorry mess”, *The Age*, 28-29 December 2007
“Room for Church views”, *The Australian*, 11 January 2008
“We need to find balance between individual rights and common good”, *Sydney Morning Herald*, 2 April 2009
“Human rights are there for bikies, too”, *The Age*, 6 April 2009
“Parliament, not judges, review rights”, *The Australian*, 26 June 2009
“It’s not Christmas on this island home”, *The Age*, 15 August 2009
“A fairer go for all”, *The Australian*, 9 October 2009

**Eureka Street Articles:**

"Time to Treat Justly", May 1991, pp 6-9
"Calling in Columbus' Debts", June 1992, pp 18-20
"Terra Nullius No More", July 1992, pp 4-5
"Rights of Spring", September 1992
"Undermining Mabo", October 1993, pp 6-7
“A Cook’s Tour From Malo to Mabo”, November 1993, 21
Sir Ronald Wilson's life in compartments, 17 October 2007
Loose reasoning on death penalty - Frank Brennan, 25 October 2007
Frank Brennan replies to Tony Abbott on religion in politics, 25 October 2007
Don't boycott pro-choice Amnesty, 14 November 2007
Lawyers' role in a democracy, 29 November 2007
“Time for Due Process in East Timor Assistance”, 13 December 2007
Now is the moment for political leadership, 6 February 2008
Stolen Generations apology 'about right', 14 February 2008
Civil disobedience a democratic safeguard, 7 March 2008
Amplifying the 'still, small voice' of indigenous rights, 2 April 2008
Indigenous summitites put dreams into practice, 30 April 2008
Fence-sitter seeks balance on same-sex marriage, 26 May 2008
Getting the balance right after the 2020 Summit, 26 May 2008
The terror that ended World War II, 24 June 2008
Catholic teaching affirms freedom that may annoy pilgrims, 3 July 2008
Church abuse protocol is no joke, 22 July 2008
'Agnostic' priest's social inclusion skepticism, 27 August 2008
The right not to kill, 8 September 2008
Totalitarian abortion law requires conscientious disobedience, 24 September 2008
Frank Brennan rebuts 'authoritarian' abortion allegations, 30 September 2008
Educating leaders for the contemporary Australian Church, 6 October 2008
Killing people for killing people, 17 October 2008
Neither Scott nor Amrozi deserves death, 17 October 2008
Obama's Dream at the Lincoln Memorial, 11 November 2008
Maintaining the UN's moral gold standard, 10 December 2008
Stolen Generations apology 'about right', 6 January 2009
My friend Justice Kirby, 3 February 2009
People of hope, not hate, 24 February 2009
Human Rights Without God, 27 February 2009
Euthanasia: doctors' conscience vs patient rights, 2 March 2009
St Mary's, Bishop Robinson and the value of dialogue, 27 March 2009
Bikies have rights too, 2 April 2009
Sex and power in the church, 13 April 2009
Eulogy for Francis Xavier Costigan QC, 20 April 2009
What Frank Costigan did, 21 April 2009
Vilification laws fuel disharmony, 11 May 2009
In honour of Indigenous agitators, 14 May 2009
The meddling priest and the Redfern prophet, 16 July 2009
Stradbroke Island homily, 18 August 2009
Right to lifers miss the point, 19 August 2009
Patient autonomy and the doctor's conscience, 18 September 2009
Human rights: Australia has spoken, 8 October 2009
Human Rights Consultation and beyond, 14 October 2009
Hillary comes to Pakistan with baggage, 12 November 2009
Entries on “Aboriginal Lands” for Reader’s Digest Atlas and on “Native Title” for Encyclopaedia of Aboriginal and Torres Strait Islander Australia
Entry on "Race" in Oxford Companion on the High Court, OUP, 2002
Entry on "Aboriginal Land Rights" in The Australian People, Cambridge University Press, 2001