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> "Leave your country, your kindred and your father's house for a country which I will show you; and I shall make you a great nation." (Gen. 12:1–2 NJB)

This paper discusses the role of Christian theology in Australian law and society in the period after the arrival of the First Fleet and in contemporary Australia. It argues that Christian theology was foundational to the Australian colonies. Whilst the theology of Australia's Christians has always been divided doctrinally, a shared knowledge and understanding of Christianity provided the vast majority of colonists with a common understanding of the world and a common language of discourse about it. This understanding was not shared by the indigenous peoples who had their own cultures, traditions, and understandings of the world and their own languages and laws. Whilst a belief in the sacred was a common characteristic of the belief systems of the old and new inhabitants of the continent, each had different ways of understanding the world, the sacred, and the land. This incongruity, combined with a general lack of willingness or interest of the new arrivals to understand or recognise the value of the cultures, traditions, and understandings of the original inhabitants of the continent, was at least one cause of conflict between them. This conflict still has not been adequately resolved.

After a consideration of the place of religion in law and society before and after the arrival of the First Fleet, the paper shifts its focus to contemporary Australia. Until quite recent times, only a small minority of the people who came to Australia after the arrival of the First Fleet were from religious

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traditions other than Christianity and very few disclaimed any religious belief. Today the environment is quite different. Largely due to immigration, there are a growing number of adherents of non-Christian religious traditions now living in Australia. In addition, there is an increasing proportion of the population who consider themselves as having "No Religion" and a consequential growth in identity politics. This article explores the implications of these changes with particular consideration of Douglas Murray's views, espoused in his two most recent books: *The Strange Death of Europe* (2018) and *The Madness of Crowds* (2019). The argument of this article is that there are limits to the law's ability to force people with such disparate viewpoints and beliefs to live together in relative harmony. This harmony can only be achieved if people are willing to recognise and accept difference.

I.   In the beginning: Australia before and after the arrival of the First Fleet

People were living in Australia for over 60,000 years before the First Fleet arrived. Between 400,000 and 1.5 million people were already living in Australia in 1788.[1] There were hundreds of clans with distinct languages, traditions, practices, and laws. Each clan had its own deeply spiritual relationship with the particular land and places where they lived.[2] Each had organisational structures, rites of passage, responsibilities, formation, and obligations. Their spirituality, law, custom, ceremony, art, land, and place were interconnected and inseparable. The land was their spiritual homeland filled with evidence of individual and ancestral origins, story, and myth which provided life, forged their identity, and revealed the sacred.[3] Their connection with the land is such that removing Aboriginal people from their country is to deprive them "of their very soul."[4] Their spiritual tradition has been described as "a genuine cosmotheandric spirituality" involving "a sacramental vision permeating everything."[5] They had a knowledge of a God responsible for their creation, the creation of the land and the law.[6] They believed that people had a soul and in eternal life—tthe dreamtime.[7] Their perspective might properly be styled "religious" because life and the world was given being, meaning, beauty, and order by association with the sacred.[8] They lived what William James characterised as:

> The life of religion in the broadest and most general terms possible [consisting] of the belief that there is an unseen order, and that our supreme good lies in harmoniously adjusting ourselves thereto.[9]

From 1788 onwards, these peoples were forced to interact with new arrivals on the continent who had a very different understanding of, and relationship

with, the land. These new arrivals not only had far superior military technology, they also wanted to occupy, use, and own Aboriginal land.

The new arrivals brought with them a legal system deeply rooted in Christianity.[10] The Christian theology that influenced their understanding of the world was at least as important as the laws themselves. Unlike the Aboriginal peoples, the newcomers' religious beliefs focussed on learnings from written scriptures as understood within their particular traditions.[11] Their scriptures told of travelling and settling in new lands and used imagery of agricultural practices with which they were familiar.[12] Whilst few at the time recognised this commonality, including the indigenous peoples, the new arrivals' perspective might properly be styled "religious." The newcomer's religious traditions also included organisational structures, rites of passage, responsibilities, formation, and obligations. Life and the world were given being, meaning, beauty, and order by association with the sacred as these Christians also lived what James characterised as "the life of religion."[13] We can only speculate on what the outcomes might have been had the new arrivals been open to understanding the Aboriginal peoples' "life of religion", their shared sense of the sacred and transcendent and focused on their common humanity in their interactions. The reality was different.

Along with their Christianity, the new arrivals brought with them deeply embedded racism.[14] The new arrivals found the cultures and traditions of the Aboriginal peoples incomprehensible and considering their own culture intrinsically superior, "rationalised their own lack of comprehension by dismissing Aborigines as sub-human, degraded, or deformed."[15] The colonists saw Australia as a "waste" land—a *terra nullius*—that they were destined to subdue and improve.[16] Interpolating in part from Genesis, Locke argued that land was not property and had no owner unless or until it had been pastured, tilled, or planted. [17] He also argued that taming the "waste land" was a God given responsibility.[18] Following Locke meant following the well-trodden path of religious believers bending their scriptures to suit their temporal and political objectives by selective and mischievous reading.[19] The same could be said of those who claimed that the Aborigines had no soul, were not descendants of Adam and so not fully-human, or who adopted an approach with "absolutely no biblical justification" considering the Aboriginal peoples to be descendants of Ham and under the curse of Canaan.[20]

The first exposure of most Aboriginal peoples to Christianity came with the arrival of the colonists. It was usually accompanied by dispossession, disease,

and the breaking up of families and clans.[21] The new arrivals generally did not respect the ancient languages, traditions, knowledge of the sacred, faith, practices, and laws of the people they encountered or consider them to be in any way equivalent to their own. They expected local customs to change and the peoples to become what they considered to be "civilised."[22] For example, the Revered Samuel Marsden, the second chaplain to the colony of New South Wales, described the Aboriginal people as the most degraded of all human beings.[23] For Marsden they were "ignorant" because they had not heard and responded to the Gospel. He brought Aboriginal children into his home as domestic servants hoping for their conversion to Christianity and for them to become members of the white community.

Missionaries similarly sought to evangelise and to civilise. Some considered the Aboriginal peoples to have no culture, history or religious traditions.[24] Others considered their religious beliefs to be evil, spiritual darkness.[25] They thought the original inhabitants would be uplifted if they adopted their standards of living and their Christian beliefs and practices.[26] Settlers relied on these beliefs and on the *terra nullius* argument to justify their seizure of Aboriginal lands. To the extent that they relied on any scriptural fiat for their actions, it was a hollowed-out misreading of the Christian scriptures. It ignored the dignity of every person created in the image of God (Gen. 1:27) being one in Christ (Gal. 3:28–29), the Golden Rule (Luke 6:31) and the Biblical admonitions of stealing (Exod. 20:15), coveting another's land (Exod. 10:17) and, in its worst demonstrations, murder (Exod. 20:13). Almost every Christian missionary in the nineteenth century referred to Acts 17:26 as a proof of the full humanity of the Aboriginal peoples.[27] These Christian scriptures were well known and not lost in the colonies although imperfectly incorporated into the law and imperfectly enforced.[28] Clearly some Christians among Australia's colonists failed to abide by the dictates of their faith. Many crimes against Australia's Aboriginal peoples went unpunished. However, it was Christian missionaries and Christian journalists who publicised and riled against the massacres of Aboriginal people in Pinjarra, Western Australia (1834), Waterloo Creek and Myall Creek in New South Wales (1838), and Forrest River in Western Australia (1926).[29] It was a Christian judge (John Plunkett) who presided over the re-trial of those responsible for the Myall Creek massacre and who sentenced seven of them to death.[30] His religious convictions were transparent in his judgment where he stated:

> The crime had been witnessed in heaven and could not be concealed.
> You had not the fear of God before your eyes, but were moved and
> seduced by the instigations of the devil.[31]

References by a judge to heaven, God, and the devil went unremarked upon in the nineteenth century. They were unremarkable at the time. Blackstone's seminal *Commentaries on the Laws of England* is full of appeals to the Christian scriptures.[32] He argued that the common law is founded on natural law and the law revealed by the Christian scriptures.[33] There was a shared language and shared knowledge of the Christian scriptures, and actions considered sinful or immoral could be judged by that.

II. In the now: contemporary Australia

Today, shared language and knowledge of Christianity are no longer features of Australian law or society. Whilst some argue that the Catholic understanding of natural law influenced the reasoning of three of the majority judges of the High Court of Australia's 1992 rejection of the *terra nullius* principle, the judgment contained no express references to Christianity or to natural law and the contention is contested.[34] It is inconceivable that a judge in today's Australia would speak as Plunkett did or justify a Court's reasoning by reference to Christianity. Sufficient evidence for this is found in the High Court's 2013 express rejection of the meaning of the word "marriage" in the *Australian Constitution* as being its meaning "in Christendom."[35] Instead, the High Court defined marriage without reference to the sex or number of persons who might be united in matrimony.[36] This meaning diverged significantly from the meaning envisaged in the Christian scriptures (Gen. 2:24, Eph. 5:31, Matt. 19:5, Mark 10:7) and the meaning of marriage previously accepted in common law.[37] Something had clearly changed in the place of Christianity in Australia.

A cause or a symptom of the changing place of Christianity in Australia has been the decline in the number of Australians who self-identify as Christians. In the first census in 1911, 96 per cent of Australians self-identified as Christians. By 2016, this percentage had fallen to 52.1 per cent.[38] In recent decades, largely due to immigration, there has been significant growth in adherents of other religious traditions, forming 7.8 per cent of the population in 2016.[39] The largest growth has been in those identifying as having "No Religion." More than 30 per cent of Australians identified in this way in 2016.[40] This category includes those with no religious affiliation, those with secular beliefs, and those with other spiritual beliefs.[41] These spiritual beliefs are often personal and reject "belief in a separate transcendent world beyond this world."[42] Despite the trend disclosed

by the census "religion has not gone away. In the early twenty-first century, it is a major topic of public conversation—often a deeply polarising one".[43] The cause of that polarisation and the growth of the "No Religion" category point to a difference in understanding that is arguably greater than the one that existed between the colonists and the Aboriginal peoples discussed in I above. Whilst the colonists and the Aboriginal peoples shared a belief in the sacred within a context of formation, community, and tradition, in Australia and in much of the Western world, there has been a growing loss of that belief and identification. This has been accompanied by an increasing ignorance of—but more than that an indifference, a lack of respect, interest in, or antagonism towards—religion.[44] The social power of Christian institutions and trust in them has declined.[45] Christian symbols, rhetoric, and ritual are no longer shared, major aspects of public life.[46] The causes for this are many. They include nineteenth century biblical criticism, Darwin's theories of evolution, scientism, prosperity, advances in medical science reducing child mortality and increasing lifespans, the decline of marriage and family life, a loss of confidence in religious institutions consequent on their failure to properly address the evil of child sexual abuse, Islamist terrorism perpetrated by the tiny jihadi minority, a rejection of the moral positions held by some Christian traditions, and the growth of identity politics.[47]

III. Reflections on Douglas Murray in an Australian context

In *The Strange Death of Europe,* Murray voiced a concern about the loss of Christian faith. His concern was not for lost belief in something true but in the loss of the "overriding explanation", "the foundational story" and the inspiration that Christianity had provided.[48] Murray argued that religious certainty and shared conviction had been replaced by an "existential tiredness", overriding uncertainty, deep suspicion of all truths, and the development of confused philosophy and thought.[49] This is a loss of belief in religious institutions and a loss of the language and shared Christian story.[50] Murray saw this as a problem because the vacuum left could be filled by "almost anything."[51] In *The Strange Death of Europe,* Murray was concerned that Muslim immigrants to Europe would bring with them a certainty of conviction in their own religious faith and culture that may fill that vacuum.[52] Murray considered his observations to be equally true of Australia.[53]

In 1991, Frits Bolkestein, the then leader of the Dutch Liberal Party, expressed concern about Islam in Europe. He argued that Islam is "not only a

religion, it is a way of life. In this its vision runs counter to the liberal separation of church and state."[54] Bolkestein's view, which Murray seems to share, must assume for its force that all other religions are not "a way of life." However, it is a mistake to assume that other religious believers are not living their faith in their day to day lives. Living religiously may demand the totality of a person and affect their relationship with everything—symbols, the universe, self and neighbour.[55] As Smith explains:

> Even for the most devout, no doubt, much of life is still given over to the instrumentalist pursuit of "interests"—to building the house and planting the crops, to working to achieve health and wealth and power. But those interest-pursuing activities must be performed within the framework and subject to the constraints of the sacred, with its injunctions and prohibitions.[56]

Bolkestein's statement also suggests that Islam is a religion whose followers are incapable of existing peacefully within the framework of a liberal state and uniquely so. It feeds into a narrative of Muslims as the feared "Other" that has been such a cause of racism, discrimination, and injustice.[57] Whilst the reality of terrorist acts committed by those professing Islamist inspiration might support this fear, Murray's own observation that "we may all agree that most Muslims are law-abiding, decent citizens" undermines it.[58] Murray is fearful that Muslim immigrants may reject the attitudes of the societies to which they move and become entrenched in their own ways. For Murray there seems nothing in the religious and cultural traditions of these newcomers, other than perhaps their cuisine, from which Europeans might learn.[59] He leaves no scope for the possibility that Europe's own religious traditions and attitudes might be reawakened or enhanced by interaction with people still living "the life of religion."[60] It might prove to be the case that the world of the newcomers in which children, marriage, and family life are still highly prized, and pornography, promiscuity, and adultery distained, provides examples of meaningful lives well lived to share with Europe and with the other Western destinations where they migrate. It might prove to be the case that these newly arrived religious believers may have more in common with some Christians and others still living "the life of religion" than with those of "No Religion." This potential appears to be lost on Murray. He seems concerned that:

> The Muslim father does not want his daughter to become like Western women, because he sees some Western women and knows what

they do. He does not want his daughter to become obsessed with consumerist culture when he sees all that it produces.[61]

Murray ignores the possibility that some Christian fathers might share similar concerns, that those concerns might have some merit and that an increase in religious believers living within Europe might have a positive effect. The teachings of some Christian traditions are themselves in conflict with contemporary Western attitudes to sexual promiscuity, licentiousness, waste, and consumerism. Rather than considering the extent to which there are similarities in the moral positions held by some Christian and Muslim traditions or the potential for the revitalisation of religiosity in Europe through encounters with newly arrived religious believers to the benefit of Europe, Murray argues that contemporary non-religious Europeans ought to reorient their positions to engage with and support rather than fight against their Christian heritage.[62]

Whilst it is true that the sources of the culture of non-religious Europeans also flow from a Christian source, Murray takes insufficient heed of the impact of the loss of the sacred and transcendent fertilised within religious traditions and communities in this call for co-operation or of the gulf between a world view grounded on the sacred and one grounded on its rejection. As Steven Smith has observed, it was Christians' belief in a transcendent standard that led to the condemnation and abolition of once widespread practices such as infanticide, gladiatorial combat, and slavery in the West.[63] Christianity introduced ideas such as human dignity, human rights, equality, and concern for the impoverished.[64] Given the privation and hardships endured by the colonists, Williams credits the Christian rejection of suicide as critical for the success of the Australian colonies.[65] However, there has been a steep decline in adherence to credal statements and in commitment to the institutional life of Christianity.[66] Whilst some studies suggest that there may be a growing tendency in the young to believe in some form of life after death which is not very specific, studies also suggest that the young are not interested in spiritual matters and prefer "an immanent rather than transcendent understanding of God (i.e., God in me)".[67] Smith argues that the West has lost its belief not simply in Christianity but in the sacred and the transcendent.[68] Davie argues that significant proportions of the population continue to "believe without belonging" or regularly participating in formal religious worship and demonstrate some desire for the sacred by visiting churches and attending pilgrimage sites.[69] Whilst this may demonstrate that some yearn for the sacred this is far from religious belief practised within a cultural or religious tradition. It is not what James characterised as "the life

of religion"[70] What is clear is that religious belief in credal or orthodox forms fortified by engagement with regular religious activities is no longer a majority position in the contemporary West.[71] As Davie observes:

> The believing Christian attends church to express his or her belief and to receive affirmation that this is the right thing to do. At the same time, repeated exposure to the institution and the teaching necessarily informs, not to say disciplines belief.[72]

Those who do not live "the life of religion" even if they are on the periphery of it are not likely to be aligned with those who do. Bruce argues that the lack of religious knowledge and religious indifference has produced a conception of religion which reduces it to its simplest common ethical principle which is to be "nice."[73] This attitude leads to intolerance because it shows no interest in understanding the motivations or intentions of the religious and without that understanding "the conservative positions promoted by many Christians (and by most Muslims) seem narrow-minded and mean."[74] Promoting particular beliefs or moral codes with which others disagree is not "nice."[75] The West has lost its respect for customs and traditions born of belief in the sacred and transcendent which are not just a private matter but are lived out in public.[76] This loss has serious implications for religious believers and the maintenance of religious freedom in the West. In a world of belief in the sacred and transcendent where religious faith is not seen as a purely private matter, a liberal state aiming to be religiously neutral could avoid taking a position on whether any religion was or was not correct. At the same time, it could acknowledge that a religious belief *might* be correct and seek to accommodate that belief where possible.[77] Such a state could accept that God *may* command, for example, that persons wear particular attire, not eat pork, not fight in wars, not marry someone of the same sex, not take contraceptives or not voluntarily terminate their pregnancies. As a consequence, such a state might avoid compelling its citizens to disobey God or using the power of the state to punish those seeking to live in accordance with their religious faith.[78] However, in a liberal state which has lost its belief in the sacred and transcendent and which sees religious faith as a purely private matter this sort of accommodation makes no logical sense. In such a state the very idea that there is a higher law or higher power to which a citizen might be subject has been rejected. Once that has happened religious positions which do not embrace or endorse, let alone condemn or seek to change the moral positions taken by others, will be seen as an affront to the dignity of those with that different and "mainstream" attitude.[79] It is, as Cardinal Ratzinger put it "a

dictatorship of relativism that does not recognize anything as definitive and whose ultimate goal consists solely of one's own ego and desires." [80] In such a state accommodating religious believers is unjust and unfair favouritism providing illegitimate excuses for intolerance, bigotry, homophobia, transphobia, and so on. This is the breeding ground of identity politics.

Speaking of the religious belief of new arrivals from Eritrea, Afghanistan, Nigeria, and Pakistan, Murray speaks of a possibly fractious future in Europe.[81] He calls for cooperation by the non-religious with European Christians but that call is not currently being heeded. As Davie recognises those who have a passive attachment to Christianity see seriously held belief as a threat. [82] It is not only the religious beliefs of Muslim newcomers that are the target of aggression but those of Christianity—including among Christian immigrant communities.[83] Western liberalism is becoming less, not more, tolerant of difference. This is particularly so where that difference is a form of Christianity less attuned to the moral zeitgeist. It is those beliefs which are perceived as causing harm and demands are made not just for their eradication from any remaining vestiges in the law but for protection from hearing or seeing them. As Robert George has observed:

> The biblical and natural law conception of marriage as the one-flesh union of sexually complementary spouses is not only "alien" to secular progressives, who understand "marriage" as a form of sexual-romantic companionship or domestic partnership, but nearly incomprehensible—except as a form of bigotry against people who are attracted to and wish to marry (as progressives understand the term) people of their same sex.[84]

Speaking about the United States in 1991, James Davison Hunter, who popularised the term "culture wars", identified a division in that country between those who maintained community with that country's biblically oriented civil religion and those who challenged it.[85] Hunter observed that the moral conceptions of these people were so different that they each could be described as living in "a separate and competing moral galaxy."[86] Whilst referring to a specific context and time Hunter's phrase seems apt to describe the gulf which has arisen in Australia and in the West more generally between followers of traditional Christian precepts and those vehemently opposed to them.

Although Murray does not specifically make this point in *The Madness of Crowds,* the void he identified in *The Strange Death of Europe* has been filled more by an embrace of identity politics than by any embrace or conflict with Islam.[87]

In *The Madness of Crowds* Murray argues that identity politics has produced a form of vengeful, liberal dogmatism. He argues that this has atomized society into different interest groups by presuming that characteristics including sex, gender, race, or sexual preference were the main or only relevant attributes of a person with such characteristics.[88] In this approach those with certain characteristics are considered to be victims of oppression within a hierarchy of oppression and everything becomes political.[89] This development of identity politics is very closely related to the loss of the meaning and certainty of religious faith.[90]

The loss of religious belief within a tradition does not mean that people cease to look for meaning in their lives or to ask the big questions of life which have always engaged human beings such as "What am I doing here? What is my life for? Does it have any purpose beyond itself?" Levin argues that America's "crisis of isolation, division and cultural conflict is in many respects a crisis of meaning and even a result of a religious hunger left unsated by a culture that has lost some of its traditional vocabulary of sin and redemption."[91] The search for meaning remains and for some identity politics provides that meaning. As Murray opines:

> The new metaphysics includes a call to find meaning in this game: to struggle, and fight and campaign and 'ally' ourselves with people in order to reach the promised land. In an era without purpose, and in a universe without clear meaning, this call to politicize everything and then fight for it has an undoubted attraction. It fills life with meaning, of a kind.[92]

As Murray observes, the dogmatism of identity politics "is grounded in a desire to express certainty about things we do not know, and to be wildly dismissive and relativistic about things that we actually do know."[93] He explains further that:

> It is as though the enquiring aspect of liberalism was at some stage replaced with a liberal dogmatism: a dogmatism that insists questions are settled which are unsettled, that matters are known which are unknown and that we have a very good idea of how to structure a society along inadequately argued lines . . . If only this liberalism could allow a dose of humility to be injected where the certainty has prevailed.[94]

What Murray does not, at least not explicitly, draw out in this book is that the vengeful, liberal dogmatism of which he speaks is most commonly and vehemently directed at the moral positions of traditional Christianity which in

many cases are shared with other religious traditions. This is certainly the case in Australia. The law cannot control what everyone thinks or says, nor can it provide recourse to every person who is disparaged or upset by any conversation or action any more than it has enacted or could enforce the Golden Rule.[95] The law cannot force people with disparate viewpoints and beliefs to live together in relative harmony.[96] This can only be achieved if people—all people—are willing to recognise and accept difference. The rise of identity politics, the rejection of the sacred and transcendent and the lack of tolerance of those whose lives are guided by moral precepts rejected by others, creates a very real conflict in world views. This conflict may be more difficult to resolve than the challenge posed by the movement of peoples with different religious traditions into what were once "Christian nations" like Australia.

IV. The Future: where to from here?

In *The Strange Death of Europe*, Murray considered a future in which European contemporary liberal attitudes were recognised as being other than universal. He considered that future to be likely to be a very painful one for believers in post-Enlightenment contemporary European liberalism:

> More likely is a growing acceptance that people are different, that people believe different things, and that our own values are not in fact universal values.[97]

As he demonstrates in *The Madness of Crowds* identity politics has made deep inroads into his earlier vaulted idea of European liberalism with a growing incivility and unwillingness to listen to rational argument or alternative perspectives. This is also the contemporary Australian experience. The answer for Australia and for the West requires everyone to exhibit a spirit of generosity absent from identity politics. As Murray notes:

> If people were able to feel some generosity in interpreting the remarks of others, even of those on an opposing side, then some lessening of the trench-digging might be possible.[98]

Living together requires an inquiring mind, a willingness to seek to understand the positions taken by others and a real tolerance of different understandings of the world. It requires an acceptance at least that others may believe and have the right to believe in the sacred and transcendent and in customs and traditions developed within that context and to orient their lives on that basis.

Endnotes

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5   Ibid, 3, 10.

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7   Ibid.

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9   William James, *The Varieties of Religious Experience* (Three Rivers, Minions, Liskeard: Diggory Press, 2008), 34.

10 See for example Augusto Zimmermann, *Christian Foundations of the Common Law, Volume I: England* (Redland Bay: Connor Court, 2018); Augusto Zimmermann, *Christian Foundations of the Common Law, Volume 2: The United States* (Redland Bay: Connor Court, 2018); Augusto Zimmermann, *Christian Foundations of the Common Law, Volume III: Australia* (Redland Bay: Connor Court, 2018); and Roy Williams, *Post-God nation*? (Sydney: ABC Books, 2015), 87–92.

11 Smith, *Pagans and Christians,* 38.

12 Lake, *The Bible in Australia*, 84–8.

13 James, *Religious Experience*, 34.

14 John W. Harris, *One Blood*, 2nd ed. (Brentford Square, Victoria: Australians Together, 2018), 16.

15 Ibid, 8.

16 Ibid, 88.

17 "God blessed them, saying to them, 'Be fruitful; multiply, fill the earth and subdue it. Be masters of the fish of the sea, the birds of heaven and all the living creatures that move on the earth," (Gen. 1:28 NJB).

18 Lake, *The Bible in Australia*, 90.

19 Consider for example the justifications for slavery, apartheid, and miscegenation.

20 Harris, *One Blood*, 15, 19.

21 Lake, *The Bible in Australia*, 45.

22 Ibid, 47.

23 David B. Pettett, *Samuel Marsden* (Camperdown: Bolt Publishing, 2016), 95.

24 Margaret Zucker, "Open Hearts: The Catholic Church and the Stolen Generation in the Kimberley," *Journal of the Australian Catholic Historical Society* 29 (2008): 25.

25 Harris, "A New Story," 2. As Harris observes there were exceptions such as John Bulmer, William Ridley, and Bod Love.

26 Zucker, "Open Hearts," 25.

27 Harris, *One Blood*, 15, 20. The verse as quoted by Harris runs ("God hath made of one blood all nations of men to dwell on all the fact of the earth.")

28 Lake, *The Bible in Australia*, 8.

29 Ibid, 94–5, 151; Harris, *One Blood*, 20–21.

30 Ibid, 94–5.

31 Ibid, 95.

32 Zimmermann, *Volume 1: England*, 178.

33 Ibid, 182, 185.

34 Williams, *Post-God Nation*?, 166.

35 *The Commonwealth v Australian Capital Territory* [2013] 250 CLR 441, 458 [19].

36 Ibid, 461 [33].

37 *Warrender v Warrender* (1835) 6 ER 1239; *In re Bethell; Bethell v Hildyard* (1888) 38 Ch.D. 220; *Hyde v Hyde* (1866) LR.1.PD 130; *Brinkley v Attorney-General* (1890) 15 PD 76.

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48   Murray, *Death of Europe*, 209–13.

49   Ibid, 212–3, 216, 222–3.

50   Levin, *A Time To Build*, 144–46.

51   Murray, *Death of Europe*, 216.

52   Ibid, 226.

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