



Alexander on horse,
Theophilus

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Vestigial States: Secular Space and the Churches in Contemporary Australia¹

Introduction

The legacy of the Enlightenment is increasingly contested in the twenty-first century. Science is a key explanatory authority for technological modernity, but since the mid-twentieth century new religious forms and supernaturally-tinged popular culture (close relatives of religion, but liberated from the traditional and institutional aspects of that phenomenon) have been resurgent. The so-called 'World Religions' (the biblical creeds of Judaism, Christianity, and Islam, and the sub-continental *dharmic* traditions of Hinduism and Buddhism) have resisted the notion that they share a common inheritance with secularism. It is here argued that these ongoing disclaimers are examples of professional boundary maintenance that reveals much about the embattled position of traditional religious institutions within secular modernity, in which popular culture and communications media have radically transformed the climate in which religious affiliation and spiritual identities are negotiated.²

From a religious studies point of view, the methodological models of sociology and cognitive science (which are representative of a range of non-confessional scholarly approaches), clarify these boundary conflicts as intrinsically politically-motivated stances aimed at shoring up religion's declining power bases in the Western countries like Australia, through the assumption of roles offered by governments (provision of education, medical care,

job provision agencies and so on).³ Naomi Goldenberg's model of religious institutions as 'vestigial states', defined as 'the institutional and cultural remainders of former sovereign ties surviving within the jurisdictions of contemporary governments provides valuable insights'.⁴ When the churches are viewed in this way, it is clear that in order to retain any influence in secular societies in which they can no longer make citizens heed them, religious bodies needs must partner with secular Western states to retain what little power is offered to them. This article uses Goldenberg's model as a lens through which to examine the contemporary Australian political and religious landscape.

Religion, the Enlightenment, and Romanticism: Reason and Democracy

The twin artistic and intellectual currents of the eighteenth century, the Enlightenment and Romanticism, advocated radically different approaches to knowledge, authority, philosophy, aesthetics, and religion (among other political and cultural domains). The Enlightenment championed scientific experiment (empiricism), the primacy of reason in both individual decision-making and societal standards, and the universality and public status of knowledge arrived at through these processes. Romanticism advocated the primacy of experience and the authority of inner conviction based on individual desires, personal aesthetics, and suspicion of social conventions, authority structures, and familial duties and obligations.⁵ Both movements were concerned with individual freedom (the Enlightenment advanced representative democracy against other, less equitable political systems, and the Romantics espoused human rights for women and slaves among others, marriage for love, and the notion that personal fulfilment was a profound, integral, and honourable goal in life). Further, both had an immense impact on religion in the West, and began the transformation over time that renders religion in the eighteenth century almost unrecognisable from its contemporary manifestation.

When Australia was settled by Captain Arthur Phillip and the First Fleet in 1788, the rationalist aspirations of Immanuel Kant's essay, 'What is Enlightenment?' in which he argued that the condition of enlightenment (*Aufklärung*) required the 'freedom to make public use of one's reason in

all matters',⁶ had inspired the American War of Independence (1775-1782), and would manifest in the French Revolution of 1789, the Haitian slave revolt led by rebel Toussaint L'Ouverture in 1791, and a range of other anti-colonialist and democratic uprisings. Britain had an inherited social and political system that featured a monarch, a bicameral legislature, and an established church, the Church of England. The United States of America instituted a republic, comprising a federal two-house system (Senate and Congress) and a directly-elected President, with state governments beneath the federal level. Significantly, the American constitution mentioned religion just once; at the end of the Third Clause of Article 6, it states that 'no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States'. Additional information about the place of religion in the modern secular republic of the United States is contained in the 1st Amendment, which provides that, 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof'.⁷ The complication of a state level of government means that throughout the centuries various states have attempted to make laws regarding religion that have been overturned by the judicial system, in protection of what is commonly called the 'separation of powers' (that is, the non-establishment of any religion). Further, the religious freedoms of the 1st Amendment are protected by the 14th Amendment, which affirms that '[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States'.⁸

These protections render the United States a secular states that is nonetheless highly favourable to religion, so much so that its religious diversity and luxuriant growth of new religious forms are unrivalled in the contemporary world. The modern idea of religious tolerance is traceable to the Protestant Reformation, in which the effect of Martin Luther's Ninety-Five Theses (1517) and his departure from the Catholic Church was the formation of multiple Christianities, not merely Catholicism and Lutheranism. Protestantism minimised institutional mediation and promoted the individual's personal relationship with God through reading the Bible, and Gutenberg's printing of the Bible in 1456 made it possible for devout Protestants to do this.⁹ Suddenly, there were potentially as many interpretations of scripture as there were readers, and every Christian could be his or her own spiritual authority. This was an important precursor to modern religious

tolerance, in that Protestantism endorsed the individual conscience and privatised religion, rendering the idea that those who held divergent beliefs might be persecuted on that account (as was the case in the Middle Ages) both tyrannical and unjust. Religious tolerance, religious freedom, and inter-faith dialogue, in which members of different faiths can share information about their beliefs and practices in a safe environment with no intention to proselytise, are distinctively modern and depend upon Enlightenment claims concerning the secular nature of the state, and its limited powers to interfere in citizens' religious affiliation or lack thereof.¹⁰

These interconnected historical changes are important when examining the status of religion in a twenty-first century democratic state like Australia, where despite the fact that the 2011 Census returned a figure of 61% of Australians identifying as Christian, other sources such as data from National Church Life Survey (NCLS) in 2011 suggest that approximately 15% of Australians attend regular (defined as monthly) Christian worship, a figure that is likely to have declined in the six years since that data was collected.¹¹ Australians exhibit distaste for, and on occasion hostility toward, unpopular religions such as the (new) Church of Scientology and (old, but new to Australia) Islam.¹² However, Marion Maddox has argued that Australians tend to code religion as a positive; even if they are not religious themselves, they believe that 'religion is a good thing for other people to have'.¹³ This is one possible contributing factor to the very close relationship that the federal and state governments in Australia have with the Christian churches.

The Emergence and Dominance of the 'World Religions' Paradigm

The academic discipline of Religious Studies has a contested genealogy, with a particularly fraught relationship with Theology (despite the clear distinction that Theology is a confessional emic discourse involving insiders, and Religious Studies is a non-confessional – or as colleagues in Europe tend to say, 'scientific' – etic discourse which may involve outsiders or insiders).¹⁴ Religious Studies is also now engaged in shifting the culture of the discipline away from prioritising the so-called 'World Religions' and developing more flexible and apt definitions of 'religion' to meet the challenge of those movements that have to date tended to be excluded from the

category. Among Religious Studies scholars it has been acknowledged for approximately thirty years that the theoretical models of religion that have dominated the field since its inception in the mid-nineteenth century were in the main uncritically derived from Christianity, and when applied to 'other' religions often produced caricatured, or seriously misleading renditions, due to what Michael Pye has termed the 'long shadow' cast by Christianity over well-nigh all religions and over the academic study of religion(s).¹⁵ This 'long shadow' is also partly responsible for the relationship of Religious Studies to Theology in the academy, and for the claim that periodically reappears that Religious Studies, despite its putative secular and scientific *modus operandi*, is nothing more than a disguised form of liberal Christianity.¹⁶

Christian derived models of religion also resulted in many religious and spiritual traditions being denied status of 'religion'. Indigenous Australian religions are a highly poignant example of this phenomenon. From 1788 when British colonial occupation commenced, to the 1871 publication of anthropologist Edward Burnett Tylor's *Primitive Culture*, Whites in Australia did not recognise that Aboriginal religions existed, rather classifying them as merely 'traditions' and 'customs'.¹⁷ The definition of 'religion' European observers used was based on Christianity, and as Indigenous Australians had no written texts, formal religious functionaries like priests or monks, ceremonial structures, or Supreme Being, the colonial invaders assumed they had no religion. Thus, in 1864 F.W. Farrar stated that Aboriginal Australians had 'nothing whatever in the shape of religion to distinguish them from the beasts'.¹⁸ This was not, however, due to lack of knowledge of what Indigenous people did: the colonial administrator David Collins (1756-1810) published *An Account of the English Colony of New South Wales* in 1798, a volume that was rich in descriptions of 'traditions' and 'customs', but from which the designator 'religion' was absent.¹⁹ Tylor's innovative research proposed a basic definition of religion, 'belief in spirit beings', a radical change in the model of religion that enabled Whites to recognize the Ancestors of Indigenous culture as religious beings, after eight decades of denigration and denial of Aboriginal Australian religion.²⁰

The 'World Religions' paradigm still dominates the high school and university textbook industry, and until recently was largely unchallenged in pedagogical contexts. It relies, as Mark MacWilliams et al have observed, on representing 'each of these traditions as a synthetic whole that can be

coherently summarized through a set of sub-categories; founders, sacred scriptures, fixed doctrines, ritual practices, festivals and so on'.²¹ The process whereby a religion became part of this elite group is also of interest; from the Early Modern era onwards, as European nations were engaged in colonialism and conquest of the Americas and the Pacific, Asia, Africa and the rest of the world, those religions that resisted the advances of Christian missionaries, whose literate clergy mounted arguments against conversion to the religion of the conquerors, became members of a small club of 'real' religions, usually consisting of: Christianity and its fellow Semitic monotheisms, Judaism and Islam, Buddhism, and Hinduism (itself a Western construction unknown prior to British annexation of India). The list is sometimes extended to include Chinese Religions (Daoism, Confucianism), Zoroastrianism, Shinto, and Sikhism. It is important to note that all these religions have formal institutional structures, have written scriptures, and were successful in resisting the evangelistic efforts of Christian missionaries. Encounters with Christianity had the effect that the other 'World Religions' modelled themselves on the rich, powerful Western religion, indirectly reinforcing (and entrenching) the models of religion used by early Religious Studies scholars.²²

'Indigenous' religions are excluded from the 'World Religions' paradigm, in that they are diverse and from a range of geographical locations and historical eras. They are grouped together regardless of their historical, cultural or linguistic particulars. This arbitrary group is united on the criteria that such traditions (Native American, African, Maori, Aboriginal Australian, and Inuit religions, among others) are primal, non-literate, local, ethnic, non-proselytising, and are thus 'different' to the normative world religions. Yet Indigenous Religions are not the only religions that are excluded from the Christian-based 'World Religions' model. All forms of 'new' religion, which may be literate and textual (like World Religions) but lack origins in the distant past, formal institutional structures, and familiar beliefs and practices that resemble 'religion' as it is traditionally understood, are also excluded. This article will now consider how this happens, and how it is that the modern secular Western state has a 'special' relationship with Christianity (and by extension, a diluted relationship with other World, Indigenous and new religions) that results in the exclusion, and occasionally the vilification, of 'other' religions and spiritualities in both legal

contexts and public discourse.

Religion as a 'Vestigial State' and the Transformations of the Victorian Era

Naomi Goldenberg, Professor of Religious Studies at University of Ottawa, is engaged in a long-term research project that identifies religions as 'vestigial states'. This definition of religion emerged from Goldenberg's desire to shift the scholarship of religion from essentialist notions of supra-empirical realms, inner beliefs, and other non-verifiable elements that bolster the treatment of religion as *sui generis*, as irreducible.²³ In this model, religion is accorded special privileges, theological interpretations are favoured, and believer's understanding endorsed, rather than rational, secular evaluations being valued and sociological, political and legal insights being gained. Goldenberg states that:

these vestigial states called 'religions' are subject to limitations within the territories of Western democracies and benefit from certain privileges ... Vestigial states differ from the non-vestigial varieties chiefly pertaining to the range of powers they wield and in regard to the abstractions they cite to justify their authority. Those organizations recognised as states might ground themselves on such terms as freedom, equality, justice, or as the proper homelands of and idealized race or ethnicity, whereas vestigial states called religions often appeal to some form of divinity (generally male) as a foundational principle. Interestingly, for the most part, both state and vestigial states often cite the same abstractions as bases of authority. For example, both the United States and Canada conjure God as an originary architect in patriotic pledges and preambles of their central documents.²⁴

Goldenberg's work is central to the argument of this article, as the identification of religions as 'vestigial states' goes a considerable distance to explain why the secular state retains a special relationship with various Christian denominations and accords them privileges, while simultaneously attempting to exclude other arguably religious traditions and groups from being granted the status of religion and receiving any privileges attendant upon such status under the law.

As noted above, the twin currents of Enlightenment rationalism and Romantic emotionalism wrought a transformation of religion in the West.

Kant's *Religion Within the Limits of Reason Alone* (1793) reduced the core of religion to morality, and naturalised the figure of Christ as an exemplar of 'moral rightness' that was congruent with reason, because 'adherence to the principle of moral rightness is fundamental to what Kant considers to be the "religion of reason".'²⁵ This was compatible with the modern secular state's interest in both controlling and protecting its citizens through the rule of law.²⁶ Throughout the nineteenth century, the supernatural content of religion was continually undermined by the development of new academic disciplines such as Biblical criticism and archaeology, and challenges from the hard sciences. Books such as Charles Lyell's publication of *The Principles of Geology* (1830-1833) and Charles Darwin's *The Origin of Species* (1859) both undermined literalist interpretations of the Bible with regard to God's creation of the Earth some six thousand years ago, and the creation of human beings by God in the Garden of Eden.²⁷

As science and reason eroded the content of traditional Christianity, the legacy of Romanticism emphasised personal experience, which manifested in a range of new religious and spiritual activity in the nineteenth century. For example, a combination of factors, including the Romantic movement's fascination with picturesque medieval ruins (genuine or artificial) and the exotic Catholicism they evoked, and the Enlightenment promotion of freedom which facilitated the subsequent passage of legislation such as the Catholic Emancipation Act (1829), resulted in a revival of Catholic devotional practices, such as pilgrimage to holy shrines, in both the Church of England and the Roman Catholic Church.²⁸ The nineteenth century was a era of accelerated change, characterised by the retreat of institutional Christianity, the development of new religious choices (such as the Church of Jesus Christ of Latter-day Saints, founded in the 1820s by Joseph Smith, Spiritualism, founded in the 1850s by the American sisters Margaret and Kate Fox, and the Theosophical Society, founded in 1875 by Madame Blavatsky and Colonel Olcott), and the increased opportunity for individualism and material consumption to become defining factors in the formation of the modern self and lifestyle. This growth in affluence had a Romantic dimension, considered in the light of consumer culture. The British sociologist Colin Campbell has argued that the origins of modern consumerism lie in Romanticism, in that the imagination fuels a cycle of desire and acquisition that 'never actually closes'.²⁹ This cycle of desire and acquisition applies equally to experiences (of history, of nature,

of exotic travel destinations, of culinary treats, or sensual play) as it does to objects. Experimentation with a range of religions was one way in which this consumption of experience manifested.

The late nineteenth and early twentieth centuries saw the birth of what is commonly called the 'spiritual seeker', a crucial part of the 'cultic milieu', the illegitimate and unregulated matrix of religious and spiritual ideas and groups that both governments and institutional Christianity strenuously sought to exclude from the category of 'religion'. The cultic milieu consists in the main of 'occult' and 'esoteric' (Latin and Greek terms respectively for 'hidden') beliefs and practices. These traditions have always been part of the religio-spiritual undercurrents of the West, which was dominated by Christianity from about 400 AD till about 1850. Monotheism is inherently absolutist, in that it preaches one God, one scripture, one source of authority, and (despite the fact that Christians often argue that the origins of human rights, religious freedom, and the secular state itself lie within the Christian tradition),³⁰ Christianity has persecuted other religions (in the Middle Ages and Early Modern Era), killed deviants within its own fold (heretics), and sought to convert adherents of other faiths or traditions in order to advance Christian dominion over the world.³¹ It is worth pointing out that Islam and Buddhism (of the World Religions) are also evangelistic, whereas Judaism and Hinduism share with Indigenous religions the notion that belonging is a matter of familial and tribal inheritance, so while conversion is possible, it is the exception rather than the rule.

Institutional Christianity Embattled: The Cultic Milieu and Popular Culture

Culture (including religion) in the contemporary West is dominated by three 'grand narratives'. The first is secularisation, defined by sociologist Peter Berger as 'the process whereby sectors of society and culture are removed from the domination of religious institutions and symbols',³² which maps the retreat of religious institutions from the public sphere and the concomitant privatization of religious beliefs and practices, and enables the growth of new religions in the relatively open secular space. The second of these is individualism, which has already been noted in the context of Romantic self-realisation. The final grand narrative is consumerism, in which

the market economy functions as an (almost fundamentalist) unquestioned foundation of the modern secular world. None of these grand narratives are conducive to Christianity, which historically (although the institutional church has been wealthy and powerful) has preached the virtue of poverty and the value of the afterlife, heaven, above that of earthly wealth and power.³³ Institutional Christianity used to dominate the public life of the West totally, but has receded dramatically since approximately 1960: consider now that a person can be born, partner, have children, live and die without ever going near a religious functionary; weddings and funerals may be conducted by secular celebrants; and it is unimportant to children whether their parents are married or not.³⁴ Christian institutions are less relevant as fewer people connect with them, and those that do are often seeking only part of the 'package' that Christianity offers (most commonly, education in a church school for children).

At the start of the twentieth century the West was becoming the target of evangelising Eastern religious leaders, in the wake of the World's Parliament of Religions, which ran from 11 to 27 September at the Chicago Exposition of 1893. The Parliament, which is often viewed now as the first occasion of interfaith dialogue and religious pluralism, was in reality a primarily Christian event, and some religions were excluded (for example, Latter-day Saints, Native Americans, and Sikhs, among others). Yet the Parliament's Chairman, Reverend Doctor John Henry Barrows, had enlisted representatives of Judaism, Protestant, Catholic and Orthodox Christianity, new religions including Theosophy and Christian Science, Hinduism (including Swami Vivekananda, founder of the Ramakrishna Mission), and Buddhism.³⁵ The Buddhist delegation at the Parliament emerged (along with Vivekananda) as one of the more influential groups, due to the warm reception given to the charismatic Sri Lankan Anagarika Dharmapala (1864-1933). On the opening day, Dharmapala gave the final speech, and threw down the gauntlet to the organisers by arguing that the Parliament 'was simply the re-echo of a great consummation which the Indian Buddhists had accomplished twenty four centuries ago'.³⁶ This was a reference to the great congress summoned by the Buddhist emperor Ashoka in Paliputra in 242 BCE.³⁷

In the 1960s, the early enthusiasm demonstrated by middle-class Westerners at the World's Parliament of Religions flowered as gurus from

India and monks from Tibet, among others, brought the religions of 'the East' to the West and found converts among freethinkers, college students, and ordinary people who were searching for meaning as faith in Christianity ebbed away.³⁸ This decade also saw the spread of home-grown Western new religious movements such as the Church of Scientology, Paganism, Satanism, and a range of Western 'gurus' teaching esoteric wisdom, often derived from Eastern religions or from lineages such as Theosophy, Anthroposophy, and the Work of G. I. Gurdjieff (1866-1949). These new religions have in general been denied the status of religion in law and have been opposed by the institutional churches. In the twenty-first century media coverage is still likely to be hostile, and factual knowledge about minority religions among Australians is minimal.³⁹ For example, among Studies in Religion students at the University of Sydney at Third Year level can take a unit called RLST303 Contemporary Australian Religion. The contemporary focus means that knowledge of religion in Australian history is presumed. The first session is usually dedicated to what students actually know about religion in Australia; questions such as "What percentage of Australians are Muslim?" often receives the answer 10% and even 15%, where the actual answer is 2%.⁴⁰

Alliances Between States and Vestigial States: Boundary Work and Shoring Up Religion

The challenges posed by the Enlightenment to Christianity (the ideal type of religion in the West) and the alliance that the churches (as vestigial states) have formed with the secular state are usefully interpreted in terms of the model of 'boundary work' proposed by Thomas F. Gieryn. In 1983 Gieryn interrogated disputes such as that between Christian creationists and Darwinian evolutionists as to the origin of human life, and analysed the strategies pursued by scientists in the nineteenth century to build a position of authority comparable to that of religion in the public sphere. He concluded that over time the 'intellectual ecosystem' was divided into distinct 'institutional and professional niches'.⁴¹ In the twenty-first century the situation has reversed, in that the dominance of religious institutions has diminished and science (and its partner, technology) has grown in power. Yet Christian churches retain a privileged position in Australian society, and enjoys a special relationship with government at all levels, particularly the states.

The continuing influence of Christianity is due to a number of factors. First, the White settlers brought Christianity to Australia, and evangelised the Indigenous inhabitants, many of who were by the mid-nineteenth century confined to Christian mission sites (for example, Hermannsburg in the Northern Territory, and Ebenezer in Victoria). Second, the percentage of Parliamentarians who are devout Christians - as opposed to nominal - is very much higher than in the general population. Third, 61.1% of people identified as Christian in the 2011 Census. Thus, Christianity is a familiar and well-understood religious narrative. The secular state celebrates Christian religious holidays of Easter and Christmas (even if they are substantially eviscerated of theological content) and it is often noted that those who are devout members of religions other than Christianity are therefore discriminated against, in that they may have to use their annual leave or obtain special arrangements to observe their religious holidays, while being forced to observe the Christian ritual calendar.⁴²

The special relationship of Christianity to the government of Australia is enshrined in law and convention, despite the fact that Section 116 of the Constitution of Australia, a foundational document for the relationship of the law to religion, provides that:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

The Commonwealth of Australia's Constitution borrows from both the American 'separation of powers', and (in the Preamble, which asserts that the states 'humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth') the British system in which the Church of England is the established religion.⁴³ Fascinatingly, some Seventh Day Adventists were behind the protections of Section 116, as they had become anxious (being a minority, and new, religion) that the mention of 'Almighty God' in the Preamble might mean that mainstream Christian churches would use it to seek a greater public role. Australian courts have, to date, interpreted only the 'establishment' and the 'free exercise' clauses, and both quite narrowly. The complicating factor is that there are three levels of Australian government (federal, state and local), and the

Section 116 protections refer only to the Commonwealth (exempting the six states and two territories, which are the source of most of the contested legal materials that concern religion).⁴⁴

The history of Australia since Federation in 1901 has been one of gradually widening the definition of religion to include more and more groups that used to be excluded. In the 1960s the Australian legal expert, Kevin Anderson QC, was commissioned by the government of the state of Victoria to author the *Report of the Board of Enquiry into Scientology* (1965). This report investigated Scientology and concluded, in highly emotive terms, that:

*Scientology is evil, its techniques evil, its practice a serious threat to the community, medically, morally and socially, and its adherents sadly deluded and often mentally ill.*⁴⁵

Anderson's *Report* is nearly fifty years old, and Australia in the 1960s was a far more conservative place than Britain or America, so his condemnation of L. Ron Hubbard and Scientology is unsurprising. It also represents a high point in anxiety about what was recognised as 'religion' in Australia. In the 1960s new religions appeared in great numbers in the United States and Britain, but Australia was more conservative than either of those nations, and the discourse of cults and brainwashing was particularly potent. However, it was the Anderson report that gave rise to one of the major liberalising actions in Australian law with regard to religion. Banned from trading under the moniker of Scientology, the religion re-grouped as the Church of the New Faith, and sought registration as a church in Victoria.

The tax benefits (and freedom from, for example, anti-discrimination laws in some cases and employment equal opportunity provisions as well) are usually invoked as the main reason 'fringe' or 'new' religions want to be recognised as such. However, being deemed a 'religion' might also carry with it a type of respectability, or indication of seriousness of spiritual purpose (as, for example, was the case when Tim Zell, now Oberon Zell-Ravenheart, founder with Lance Christie of the Church of All Worlds in 1962 - a modern Pagan religion initially based on Robert A. Heinlein's science fiction novel *Stranger in a Strange Land* [1961] - registered CAW as a church in California in 1967).⁴⁶ After being rejected in the Supreme Court of Victoria, and losing an appeal to the Full Bench, the Church of the New Faith (Scientology) won the High Court of Australia case "The Church of the New Faith vs Commissioner

of Payroll Tax' (1983).⁴⁷ All the judges were wary of taking any step that would involve them in mandating a definition of religion, but in a minority judgment, Lionel Murphy expressed the view that the evaluation of the content of a religion was improper, as well. He suggested:

the following three examples of criteria that might be used to qualify a body as a religion:

(i) Any body (i.e., organisation) which claims to be religious, whose beliefs or practices are a revival of, or resemble earlier cults, is religious.

(ii) Any belief in a supernatural Being or Beings, whether physical and visible, such as the sun and the stars, or a physical invisible God or spirit, or an abstract God or entity, is religious belief.

(iii) Any body which claims to be religious and offers a way to find meaning and purpose in life is religious'.⁴⁸

This judgment provides a bridge between the content of traditional and well-known religious beliefs, such as Christianity, and newer, less familiar creeds such as that of the Church of Scientology.

Do Churches Function as Vestigial States in Australia and Does it Matter?

In the nineteenth century the Roman Catholic Church established a system of schools that provided faith-based education to Catholic children. In the last quarter of the century, it was decided that public education that was 'free, compulsory, and secular' was suitable for a new society, and the states enacted legislation to that effect from 1872 to 1880.⁴⁹ However, no state defined 'secular' and religious schools continued to operate, and were in fact necessary as the capacity of state schools was inadequate. By the 1960s, the Catholic education system was struggling to accommodate larger numbers of students coupled with a diminished number of religious (nuns and brothers) to teach them. Throughout the decade the percentage of enrolments in Catholic schools declined. Despite vocal objections by Defence of Government Schools(DOGS) a state education lobby group, in 1967 New South Wales and Victoria provided recurrent subsidies to private schools, and by 1969 the other states had followed suit. The high point in

Australian conflict over religious versus state education was the Defence of Government Schools case, Attorney-General (Vic); Ex Rel Black vs Commonwealth (1981) in which the High Court of Australia ruled that state aid to private schools 'did not amount to a law "for establishing" a religion'.⁵⁰ In the years since that decision the passionate objection to private education, and Catholic education in particular, has receded so dramatically as to be non-existent. The Prime Ministership of John Howard (1996-2007) saw the federal government give enormous sums of money to wealthy private schools, and to fund the 'planting' of a multitude of new faith-based schools in areas deemed to be aspirational and lacking in educational choice. The result was the retreat of Australian children from public schools to the private sector. Maddox says of these changes:

According to the Bureau of Statistics in March 2013, of Australia's 3.5 million students, 2.3 million went to public schools, compared with 700,000 at Catholic schools and 500,000 at independent schools. Over the past ten years, the numbers at Catholic and independent schools had risen by twelve and 31 per cent respectively. In Queensland, numbers at non-government schools rose 39.1 per cent. The 'independent' category includes elite private schools, and an array of Muslim, Jewish and alternative schools, a small number of non-religious private schools and some more liberal, low fee Christian schools. However, the fastest growing sector is the self-styled 'Christian schools' that claim over 130,000 students across Australia.⁵¹

The Howard government resisted the trend to secularisation, and consistently attempted to reverse the decline of Christianity and to place certain government functions, such as job creation agencies, educational institutions, and welfare provision, in the hands of the churches.

In *God Under Howard: The Rise of the Religious Right in Australian Politics* (2005) Maddox identified the disjunct between Australia's secular culture and the quite successful adoption of American-style religious rhetoric by the Howard government, which combined a commitment to economic deregulation with a conservative social agenda. *God Under Howard* chronicles a sequence of issues establishing this conservatism: overriding the Northern Territory's euthanasia legislation; promoting a narrow definition of family in law and social policy; the scandal over the Hindmarsh Island Bridge, and the winding back of Aboriginal land rights and native title;

and the mandatory detention for asylum seekers and the ‘children overboard’ claims.⁵² Maddox argues that, despite Australia’s great religious and ethnic diversity (as well as the secular tenor of public affairs), John Howard explicitly identifies Australian values with Christian values. Different views are presented as the preserve of ‘special interest groups,’ and the ‘mainstream’ is characterised as frustrated by these groups, silent, and identified with conservative Christianity in the main. One advantage of employing such rhetoric and focusing on ‘values’-oriented policies is that ‘the Christian vote’ (linked to churches such as the Assemblies of God, the base of emergent political party Family First, and Sydney’s Hillsong, visited by Treasurer Peter Costello in 2004) is easily secured. However, although disproportionately influential because concentrated in marginal electorates, this vote is at most 5 per cent of the population. Maddox has noted that the Australian ineptitude in discussion of religion and ignorance of its workings have permitted ‘covert religiosity’ to ‘seep’ into the public sphere.⁵³

This is important in the discussion of the relationship between the churches and the federal (and state) government in Australia, and whether churches can be seen as vestigial states. When Howard was elected in 1996 the tradition hostility to Catholics among Australian Protestants had attenuated to the point that many Catholics voted for the Liberal-National Coalition, rather than the Labor Party, which had a historical connection with Roman Catholicism.⁵⁴ This was a visible sign of the decline in the number of active Christians in Australia; denominations that had traditionally mistrusted each other were brought together by adversity. Howard’s team included Treasurer Peter Costello, a devout Baptist, and Kevin Andrews, a Catholic who was a major figure in the Lyons Forum, which ‘actively pursued family-friendly policies (based on a narrowly traditional sense of the family)’.⁵⁵ Many of Howard’s ministry believed the churches should take over functions that had formerly been the responsibility of government. In view of Australia’s ageing population, falling birth rate, loss of permanent employment to contract and part-time jobs, and the increasing gap between rich and poor, Peter Costello’s March 2001 comment that ‘we just ought to get governments out as far as possible, out of family lives, you ought to let the non-government institutions of society, like the family and the school and the community and the church take a lot of the slack’ should sound alarm bells.⁵⁶

If that did not, the blurring of church and state that resulted when the Howard government appointed Anglican ‘Archbishop Peter Hollingworth as Governor-General in June 2001’ certainly did.⁵⁷ Hollingworth held an ecclesiastical post at the time of his appointment, and Howard’s signalling of previous Governor-Generals’ religious commitments (the Catholic Sir William Deane and Jewish Sir Zelman Cowen) was disingenuous, as the situation was quite different. In fact, Hollingworth resigned as Governor-General in 2003 after his failure to deal with sexual abuse in the Anglican Church emerged, and in 2015-2016 he has been called before the Royal Commission into Institutional Responses to Child Sexual Abuse, and has apologised publicly to victims. Notwithstanding the ignominy of his resignation, there is no doubt that Hollingworth, had he been a successful Governor-General, could have brought the Anglican Church and the government into an even closer relationship. However, more important for the status of churches as vestigial states is the wholesale manner in which the Howard era saw churches and church agencies take over the delivery of government services. The churches have a historical role in education, discussed above, and also in health as the Roman Catholic Church, in particular, has run a network of private hospitals.

The Howard Government privatised the Commonwealth Employment Service, and its replacement Job Network program involved ‘various church agencies ... such as the Salvation Army’s “Employment Plus” program’ and the Catholic Welfare Agency ‘was responsible ... for the management of Centacare’s Job Network contracts’.⁵⁸ Arguably, religious organizations are delighted to take on these government functions as it shores up their power in a society where faith is at a low ebb. Yet this engagement in the affairs of state is a two-edged sword; as Samuel Gregg argues, religious agencies may find themselves compromised by their close relationship with governments, in that ‘core mission statements’ may not cohere particularly well with ‘the teachings of their faith’.⁵⁹ In justifying his government’s stance re outsourcing functions to churches and also in stressing the Christian nature of ‘Australian values’, John Howard re-worked the myths of mateship, equality and a ‘fair go’ with a distinctive neo-conservative twist. Action to counter problems of discrimination does not, in this worldview, correct or compensate for systemic inequality; rather it is portrayed as ‘special pleading’ that makes ‘ordinary’ Australians resentful. Everyone is to be treated in

the same way, which homogenises difference and creates a culture of blame toward those who persist in maintaining their distinctiveness (Aborigines, Muslims, and other visible social groups). This raises the question of social justice for minority faiths that are disadvantaged in being little known, significantly misrepresented in the press, and numerically small.⁶⁰

Off loading government functions to churches, which encourage the vestigial state-like qualities of those institutions, dovetailed perfectly with economic deregulation, which substantially increases its attractiveness for those conservative Australian politicians whose Christianity was at best lukewarm. The most controversial material in *God Under Howard* examines what Maddox sees as the anti-democratic sentiments of members of the Federal Government and Christian conservatives alike. This is where the function of churches as vestigial states (at least in the minds of their members) is most clearly apparent. The utter inappropriateness of Sitiveni Rabuka, who led a military coup against the democratically elected government of Fiji and subsequently established a theocracy, being held up as a model at a 1998 Leadership Forum seems to have escaped the government's notice.⁶¹ Maddox's 'Epilogue' records conversations with Christian parliamentarians who argue that the Bible does not prescribe democracy, and that monarchy, dictatorship or theocracy are acceptable if the people holding office are Godly. It seems that if you have a church, you do not actually need a secular government; a vestigial state will do the job of the state.

The most contentious legacy of the Howard government's reliance on Christian churches was the 2006 introduction of the National Schools Chaplaincy and Student Welfare Program (NSCSWP) in 2006. Academic studies have noted that under the Howard government the "schooling agenda in Australia has been narrowed to one that gives primacy to purposes of schooling that highlight economic orientations (social efficiency) and private purposes (social mobility).⁶² The NSCSWP went beyond the funding to church schools against which Defence of Government Schools protested; the context for its introduction was defined by the funding of independent religious schools, discussed above, and the question of a national curriculum that was addressed in the government report *The Future of Schooling in Australia* (2007).⁶³ The NSCSWP provided federal government funding for religious chaplains in state schools, and in 2014 the High Court of Australia ruled for the second time that such provision was unconstitutional.⁶⁴

The Labor Government led by Julia Gillard removed the requirement that chaplains needed to be attached to a religious institution, but the Liberal-National Coalition Government led by conservative Catholic Tony Abbott reinstated the religious requirement for school chaplains. The High Court of Australia has ruled the chaplaincy program to be unconstitutional twice, because "[f]unding is not available to youth workers or counsellors that are trained to assist young people but who are not identifiably religious."⁶⁵ Yet this does not prevent the federal government pressing a religious agenda in state schools, despite legal and societal requirements.

Conclusion

In the twenty-first century West, the state is understood to be secular, individuals are deemed to be able to choose whatever identity they desire rather than following that of their family, class or religious tradition, so if an individual wants to join the Church of Satan or become a Wiccan, there is seemingly nothing to prevent him or her. All alternative spiritualities and new religions are technically legal in Australia, as the state of Queensland repealed its Witchcraft laws in 2001, and Victoria repealed the last statute that contained anti-Witchcraft provisions (which was actually the Vagrancy Act) in August 2005.⁶⁶ Yet there has been negative media coverage of Paganism, Witchcraft and alternative religions, and Christian churches have particularly engaged in a critical discourse that views Witchcraft and Paganism (and occasionally J. K. Rowling's Harry Potter series of novels and the popular films made of them) negatively. In late 2009, claims made by Reverend Danny Nalliah (of Catch the Fire Ministries, a Pentecostal church) captured the headlines. Nalliah claimed that: 'a "witch's coven" was conducting blood sacrifices at Mount Ainslie in Canberra. He called on Christians to engage in what he terms "spiritual warfare," and claims that witches "are cursing the Federal Parliament".'⁶⁷ Nalliah summoned Christians to Mount Ainslie on 17 October 2009 to combat the alleged witches. The Pagan Awareness Network, a mainstream representative pan-Pagan organization, issued press releases noting that no Pagans have been involved in any sacrifices in Canberra, and that Nalliah had a history of hostile engagement with non-Christian religions (he had been taken to court by the Islamic Council of Victoria for inciting anti-Muslim hatred, but was acquitted in 2006).⁶⁸

Christianity, despite its status as a vestigial state within Australia, has similarly been transformed by secularization, individualism, and consumerism is found in the commercialization and mercantilism of Pentecostal Churches such as Hillsong. Further, the Australian marketing company, FutureBrand (headed by Angus Kinnaird) was asked to produce a marketing strategy for the Christian religion. FutureBrand did two years of research and announced that the strategy would ‘keep the church, the Bible and religion well out of the picture’. What was left? The powerfully attractive human individual Jesus, who was marketed with the slogan ‘Jesus: All About Life’ in 2005. Kinnaird stated that the only tactic for marketing was to focus on Jesus, as ‘[t]he research shows that the church is an almost insurmountable obstacle to the campaign’.⁶⁹ Despite the fact that this marketing strategy comprehensively brands the churches as unsaleable and their products as superfluous to twenty-first century Australians, insights from politics and the law suggest that the putatively secular state of Australia will continue to depend on religious institutions, the vast majority of which are Christian, and that Goldenberg’s model of the ‘vestigial state’ should remind all complacent secularists that religion is far from quiescent in Australia.

Notes

- 1 The content of this article was first presented on 8 May 2014 as an Inaugural Professorial Lecture at the University of Sydney. My thanks are due to my research assistant, Venetia Robertson, and to Don Barrett, whose encouragement has contributed in no small way to my research over the years. It was presented a second time as the George Shipp Memorial Lecture at the Worker’s Education Authority (WEA), 72 Bathurst Street, Sydney, on 1 October 2015. I am grateful to Michael Newton, Executive Director of the WEA, for the invitation to give the Shipp Lecture.
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