

Reviewed Articles

What is a ‘fabrication’? The Political Status of Religious Belief

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Introduction

The Hindmarsh Island Royal Commission was established to inquire into whether any of a group of beliefs, known in the Commission as “the secret women’s business”, whose content was unknown to all but one of the Commission’s participants, were “fabricated”. The matter alleged to be at the centre of controversy had been recorded in so-called secret envelopes and appended to a report to then Federal Aboriginal and Torres Strait Islander Affairs Minister Robert Tickner. Under Aboriginal and Torres Strait Islander Heritage Protection legislation, it could not be revealed in the Commission or elsewhere, media speculation, and repeated “assumptions” about its content in the Commission (eg T4515, 4520)¹ notwithstanding.

Yet, without knowing the content of what was alleged to have been fabricated, the Royal Commission concluded that “the whole of the ‘women’s business’ was a fabrication” (Stevens, 1995:299). Among many areas which the Commission conspicuously failed to traverse, in reaching that conclusion, was the question of just what it might mean for a belief to be ‘fabricated’. True, the Commissioner had apparently looked up her thesaurus: the *Report* offers the tautological gloss that fabrication is “deliberate manufacture” of something which “did not previously exist” (Stevens, 1995: 9).

A more illuminating (and less circular) approach would have been for the Commission to ask how beliefs are generated, how they are located in a society and culture, and how people respond to and position themselves in relation to the beliefs and traditions of their community. It might also have inquired what function the propositional content of a tradition - the ‘doctrinal’ or ‘belief’ element of a particular religious system - plays in the wider structure of that tradition, and whether the emphasis is always comparable to that held by items of doctrine in Christianity. There would follow questions about the most appropriate way of addressing the kind of tradition being considered: a model which relied on people to prove belief in, in the sense of intellectual assent to, a particular set of stories and their attendant

prohibitions, might not prove to be as relevant as the Commission seemed to assume (see Maddox, 1997).

The Commission could not afford to take up such speculations: this was meant to be a cheap and quick inquiry, where the taxpayer was to be spared and, the Commissioner repeatedly reminded her assistants and witnesses, “There isn’t much time to efflux”. We might say that, avoiding awkward questions, the Commission pulled off something of a philosophical coup in finding a total fabrication, not only without knowing what had allegedly been fabricated, but also without ever spelling out what it understood fabrication to be.

The Hindmarsh Island Royal Commission saw a minority community pounded by an instrument of the South Australian government (for a more detailed study of the treatment of religious beliefs in the Royal Commission, see Maddox, 1997). It would be reassuring to see this “\$2 million witch-hunt” (Robert Tickner, quoted in *The Age*, 22 December 1995) as an aberration in Australian political history. Yet the Royal Commission’s heavy-handedness also conceals a deliberate political agenda (see Symons & Maddox 1997, Maddox & Symons forthcoming). That political agenda was only able to be successfully carried through in the setting of the Hindmarsh Island Royal Commission because of a set of assumptions about the nature of religious belief which went unchallenged in the Commission’s hearings.

Those assumptions can be discerned more widely in Australian legal and political discourse about indigenous heritage protection (see, for example, the similarities in the cases of Coronation Hill, the Swan Brewery site in Perth and the dispute over the Alice Springs Dam). As protection of heritage on the grounds of ‘sacredness’ becomes an increasingly common, and important, feature of Australia’s political and legal scene (eg Wootten, 1994), such problems are likely to emerge again. Hindmarsh Island offers a tragic case study through which such assumptions can be analysed. One assumption thrown into relief against the Royal Commission’s lightning finding concerns what it means for a person to ‘believe in’ something. ‘Believing in’ something can be understood in at least five distinct senses, depending on what circumstances and criteria one takes into account. As a step towards understanding how the Royal Commission reached its conclusion, and how it might have interpreted the evidence before it more convincingly, I shall first draw attention to some general issues related to the processes for protecting sacred heritage in a secular state, and then spell out the five senses of ‘believe in’ which I suggest the Royal Commission was confounded in its attempts to prove a “fabrication”. I shall conclude by suggesting some lessons which might be drawn from the affair.

Religion goes to court

Secularism is a tradition of which Australians are rightly proud, cherishing separation of state from church. That separation has come - not least in South Australia - as much from the insistence of churches as from resistance by the state (eg Condon

1978). Separation of 'believer and citizen', Condon points out, was seen by South Australia's nineteenth century Protestants as a foundational guarantee of religious freedom. The same determination which produced a secular education system in South Australia still sees a careful exclusion of overt religiosity from most areas of public life (exceptions are very formalised instances, like prayers in Parliament, and moments of crisis, when churches are expected to provide community leadership).

Yet Australia's slow and often grudging moves towards recognising indigenous landrights and heritage have entailed a slow and often grudging recognition that the features of Aboriginal and Torres Strait Islander societies which confer ownership over land or significance upon certain sites cannot be understood in isolation from a wider cosmology. So, we have a paradox: to achieve recognition and protection of their heritage, people may be required to 'prove' - to the satisfaction of secular legal and political institutions - that something is 'sacred' according to a belief system which the relevant institutions - by prescription as well as by culture - cannot share. Religious tradition is offered a public, political recognition which appears to contradict the wider society's long-established secularism; but, in fulfilling the requirements for recognition, claimants are compelled to produce evidence in a form which the system making the offer is ill-disposed and ill-equipped to comprehend.

That the Hindmarsh Island Royal Commission was able to make a finding of fabrication against a set of beliefs whose content it did not know, and without ever offering a satisfactory account of what such fabrication might mean, suggests that political and legal institutions, if they are going to step into the domain of religion, would do well to learn from the discipline of religion studies. At the same time, the various and shifting ways in which the concept of "fabrication" was treated in the Commission can prove instructive for those who study religious systems and religious meaning.

One important area in which the Royal Commission could have benefited from the study of religion is the questions which the concept of a 'fabricated' belief raises about what it means to 'believe in' something.

What is a "fabrication"?

Despite the absence of a useful definition from the Commission itself, it is possible to consider the ways in which the idea of "fabrication" was used both in the Commission and by those journalists and academic commentators who publicly supported its findings. The Commission appears to have admitted a degree of concern about the definition: before arriving at its tautological interpretation, the *Report* muses, under the heading "Interpretation of Terms of Reference":

The use of the expression 'fabrication' without any qualifying word was not necessarily indicative of an element of deliberation. However, given the nature of the allegations preceding the establishment of the Commission, the inquiry appeared to be directed at intentional fabrication. Fabrication was interpreted

to imply an element of deliberation. The Terms of Reference invited a consideration of whether or not there was fabrication which was deliberate as opposed to inadvertent, mistaken or accidental. (Stevens, 1995: 8)

In the Royal Commission's and its supporters' usage, the concept of "fabricated" belief seems to rest on two distinctions. The first is between beliefs whose origins are archaic and ones whose origins are recent and identifiable; the second (following from the requirement of "deliberation") is between genuinely and insincerely held beliefs. Each of these components - novelty and, at least on the part of some, insincerity - appears to be a necessary condition for "fabrication" to have occurred; but neither, alone, is a sufficient condition.

Indicating that novelty is not a sufficient condition for "fabrication", the Commission accepted that it is possible for belief systems to change over time (Stevens, 1995: 235). This is apparent, for example, in the Commission's treatment of the evidence of Philip Jones and Philip Clarke, whose expert testimony consistently opposed the possibility, in the instance in question, of the tradition's authenticity; but who argued for the existence (in other cases) of legitimate "invention of tradition" (T3704, 3714-6, 4493-4). It also received a submission to that effect from Ron Brunton, anthropologist and rightwing pamphleteer, later published as the Tasman Institute paper, *Blocking Business* (Brunton 1995; for his treatment of innovation in authentic tradition, see i, 22-26, 39). Outside the Commission, Chris Kenny, an Adelaide journalist who tirelessly supported the Crown case (see eg Kenny, 1996, and his *Adelaide Review* pieces of January, February, April, May, August and September 1996), agreed in an earlier article (*Adelaide Review*, July 1995) that belief systems allow innovation, offering the Christian examples of women's ordination and the Toronto Blessing. Novelty in itself, therefore, does not mark a tradition or belief as "fabricated". On the other hand, the requirement for "deliberate manufacture" suggests that the origins of a "fabricated" tradition must be sufficiently recent for the circumstances of "manufacture" and motive for "deliberation" to be discernible.

The Commission also appeared to accept that the particular beliefs in question had genuine adherents (eg T3704, 3705, 3714, 4248, 4497, 4515; Stevens, 1995: 194). Yet the implication throughout was that at least some of the proponents must be, or at some previous point have been, insincere in their professions of belief. Insincerity alone would not imply "deliberate manufacture", since we could well imagine that people might profess an allegiance they did not feel to a tradition received from previous generations. Taking the two criteria for "fabrication" together, the Commission invites us to suppose that some person or persons "manufactured" a belief, subsequently convincing others (and perhaps, on the part of some, even themselves) of its authenticity. That supposition must surely stand or fall on evidence of such "manufacture" and subsequent acceptance.

Does a “fabrication” need a “fabricator”?

Given that the Royal Commission accepted that belief systems allow innovation, and that the beliefs in question had at least some sincere adherents, what was it trying to demonstrate in eventually concluding that “the whole of the ‘women’s business’ was a fabrication” (Stevens, 1995: 299)? The *Report* clearly suggests that it is making some kind of special claim beyond the observation that all kinds of beliefs are open to flux, or that “the whole of” all beliefs “is a fabrication”. This fabrication had a purpose:

to obtain a declaration from the Minister for Aboriginal and Torres Strait Islander Affairs ... pursuant to section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, to prevent the construction of a bridge between Goolwa and Hindmarsh Island. (Stevens, 1995: 299)

Yet the Hindmarsh Island Royal Commission never managed to pinpoint how, when or where such a “fabrication” took place, or who perpetrated it. Certainly, a range of possibilities can be named: as Adelaide lawyer Greg Mead points out (1995:40, 51, 59), the Commission offered numerous “multiple choice” answers to who did the fabricating. Following up Mead’s claim, I counted over thirteen different candidates, each treated at various points in the *Report* as though they, individually, were ‘the’ source. But if one of these people or groups made it up, which one? How, in that case, did all the others come to know about it and apparently produce it independently? The *Report* offers many theories, each put separately as though they might all somehow add up to a whole. While some readers saw in the Report “exhaustive ... and compelling” evidence (Kenny, 1996:230), others may find a confusing trail of unproven insinuations.

In the Commission, a lawyer objected, “Will we get an ever-increasing list of names that are supposed to be the genesis of this so-called fabrication?” Stephen Kenny, for the Ngarrindjeri men, added, “I thought [the] assertion was my clients fabricated it. I seek clarification.” (T4518)

The *Report* tries to avoid the problem of the “ever-increasing list of names” by never listing the conspirators in one place. The summary of conclusions says only that “The circumstances of the fabrication are set out in Chapters 5 and 6” (Stevens, 1995: 299). Picking through these lengthy chapters eventually yields an abundance of names; but never when, where or how the alleged “fabrication” took place, who initiated it, who passed it on to whom, by what means, or why so many people allowed themselves to become embroiled in it.

Instead, the *Report* presents a vague and general impression that some people (unspecified) had conspired in some way (also unspecified) to produce a set of stories, which some people, by the time of the Royal Commission, had come to believe. But, in the Royal Commission’s eyes, the supposed purpose of the beliefs’ genesis, and the presumed original insincerity of those who did the “fabricating”, render the

(unknown) matter in question invalid as religious tradition.

To appreciate the bizarreness of this process, it is helpful to consider various possible meanings of what it is to hold a belief. The expression 'believe in' something can be used in a number of ways; various of these came into play at different points in the Hindmarsh Island Royal Commission and in the public discussion of its processes and findings.

'Do you believe in ...?' 1

If I ask "Do you believe in God?" or "...in UFOs?", I am asking whether you hold that these things exist. The Royal Commission was asking itself this kind of question: whether it believed that women's confidential traditions associated with Hindmarsh Island exist, or not.

But in doing so, it also asked another question, of the same kind, about the content of Ngarrindjeri women's beliefs: it was directing a "Do you believe in ..." question both to itself and to the beliefs' proponents. The content in each case was different: to itself, the Commission asked, "Does this tradition exist?", while to the proponents (who, with one exception, refused to give evidence), it would have asked, "Do you give assent to the (alleged) content of the (alleged) beliefs?"

In practice, the Royal Commission did not maintain the distinction between a question directed to itself and one directed to the beliefs' proponents. Faced with unequivocal declarations of personal belief, it tried to dismiss them as statements of the first kind, that is, assertions that some unspecified others (not the speaker) hold to beliefs in question. This blurring is significant, for example, in the Royal Commission's interpretation of a crucial interview between Channel Ten journalist Chris Kenny and Lower Murray Aboriginal Heritage Committee secretary Doug Milera (Stevens, 1995:194). Milera declares nine times in the interview that he believes in "secret women's business"; the Commission explains that what he really meant was "that there was a belief now that such business existed on the island". This interpretation is disputable to say the least; for an extended analysis of how these different senses operated in the interview, see Maddox (1997a).

'Do you believe in ...?' 2

Asking "Do you believe in God?" or "... in UFOs?" differs from asking (for example), "Do you believe in capital punishment?" or "... in the monarchy?" The first asks whether you believe something exists; the second whether you believe something is a good idea, usually with the connotation of moral judgment.

The Royal Commission was ostensibly asking the first kind of question: do women's secret beliefs exist? At times, however, the Commission took the matter further, choosing, along with many commentators, to ask and answer the question in the moral sense (see 'Do you believe in ...?' 3, below). The *Adelaide Advertiser*,

for example, declared in its editorial of 11.7.94 that allowing secret beliefs to form the basis of a government decision amounted to ‘the most flagrant, objectionable and anti-democratic discrimination’. There are many things in which the *Advertiser* does not believe, in the ‘moral’ sense; “secret women’s business” seems to be one.

‘Do you believe in ...?’ 3

Set out in the form of propositions, the two senses of holding a belief oneself and believing that it is genuinely held by others seem conveniently separable; closer inspection suggests they are far from watertight.

Much opposition to the Royal Commission, both in Australia and from overseas, took the view that the Royal Commission was going to inquire into the validity or content of Ngarrindjeri women’s beliefs. Mustering under the slogan “Is Nothing Sacred? Boycott Brown’s Inquisition!”, critics did not see inquiry into the existence and the content of belief as two separate issues. The government, on the other hand, did, as MLC Robert Lawson wrote on behalf of the Premier:

The criticism might be valid *if* the Royal Commission was required to examine the *validity* of the spiritual beliefs of the Ngarrindjeri or any other people. I agree it is not a function of government to be an arbiter of religious beliefs. However, the terms of reference of the Royal Commission do not require it to examine the underlying truth or validity of the spiritual beliefs. The Commission is required to examine whether those beliefs were a fabrication, ie. whether they were devised or concocted for a particular purpose. (Lawson, 1995; original emphasis)

In practice, the Royal Commission did not maintain the distinction, but tried repeatedly to produce empirical evidence which would contradict the supposed content of the beliefs (eg Stevens, 1995: 245-6; T6423-6235; for discussion see Maddox, 1997). In doing so, it said, in effect, either that ‘no one could believe such an empirically questionable thing, so the beliefs **must** be fabricated’, or that ‘if anyone were to believe such an empirically questionable thing, they ought not’ (see ‘Do you believe in ...?’ 2, above). Contrary to the South Australian government’s protestations, criteria of empirical demonstrability of the kind employed by the Royal Commission, if applied to the beliefs of other traditions, would surely allow a finding of “deliberate fabrication” against most, if not all, of the world’s religions.

‘Do you believe in ...?’ 4

Suppose we were to accept the Brown government’s view that it is possible to separate discussion about the existence of belief from its content. This still leaves the question of how one defines what the belief is. Given the Commission’s acceptance that beliefs change over time, and given also that different people may hold to beliefs or associate themselves with the same tradition in different ways, pinning down

what constitutes 'the belief' is itself a difficult problem.

This was repeatedly manifest in the Commission. Since neither he nor the witnesses knew what the beliefs in question were, Michael Abbott, QC, adopted the strategy of repeatedly beginning a question to a witness with 'I invite you to assume ...' that a certain claim is in the secret envelopes (eg T4515, 4520): witnesses were being invited to disprove or discredit beliefs which no one could say had been propounded in the first place (see further, Fergie, 1996).

Even without the issue of secrecy, the problem remains that, given the changing nature of any belief system which is part of a dynamic society, it is hard to isolate a 'belief', or elements of it, either in time or in social location. Religious discourse is about fitting changed meanings to continuing tradition (Lindbeck, 1984). Consequently, the asking whether a person 'believes in' a particular religious tradition raises questions about what level or developmental stage of the tradition is being assumed.

Another way of making the point is to observe that all beliefs - religious, scientific, philosophical - are constructed: they come about through the process of 'fabricating' a set of statements or images about the world which say something about the circumstances of those who need and use them. If a set of beliefs did not say anything about the circumstances of the people who hold them, there would be no point in holding them; they would soon wither and die. Religion differs from some other kinds of belief system in tending to place considerable emphasis on the continuity of tradition in the process of accommodating changing content - by contrast, for example, with science, which takes pride in its capacity to toss out beliefs when their relationship to evidence becomes too tenuous to be useful. Religious systems face the different challenge of maintaining word and ritual while accommodating shifting meanings, which a would-be analyst must be able to grasp and convey. Applying this point to the Royal Commission's findings, even if the Commission had successfully demonstrated a belief's novelty, it would need also to demonstrate discontinuity between the new component and continuing tradition.

'Do you believe in ...?' 5

Of course, there is at least one more sense in which one can ask the question, "Do you believe in...?" Imagine that I have summoned a group of friends who have no religious affiliation. Sitting around the kitchen table, I say, "Let's pretend we have a religious belief about such-and-such. You don't believe it, I don't believe it, but let's pretend we do". This would not be a case of beliefs changing or developing, or of tradition continuing in changed circumstances, or of meanings changing while words remain. This would be the *Report's* "deliberate manufacture".

As far as we can tell, this is the sense of "fabrication" which the Royal Commission claimed to be trying to test in relation to Ngarrindjeri beliefs. It failed. Nowhere in its report does the Royal Commission describe this kind of conspiracy.

Instead, it tries to imply one by vague allusion, without ever committing itself about who or what.

Traditions which are part of a living community do not have a clear point of origin. They arise out of the shared life of the community to which they belong. By contrast, the kitchen-table conspiracy does have a point of origin. You can say, it was those people, there, who thought of it. But the Royal Commission does not do this about the women's beliefs. Instead, its attempts to do so go a long way towards demonstrating the opposite: reading the Royal Commission *Report* suggests that, on its authors' showing, this particular "fabrication" had so many points of origin that the "deliberate manufacture" theory starts to look decidedly shaky.

A deliberate fabrication

In the wake of the Royal Commission's finding, Christine Sanderson, of Beulah Park, wrote to the *Advertiser* to alert the people of South Australia to another shocking fabrication which had just been perpetrated - yet again - under their very noses:

Let us continue this noble and unselfish search for the truth, begun at such considerable public expense in the Hindmarsh Island Royal Commission. I propose a royal commission into Christmas.

After all, Christmas is a massive obstacle to productivity, a serious health hazard, and an environmental catastrophe. Those Government members who have in any way endorsed the existence of Christmas should be cross-examined on their beliefs and knowledge of Christmas customs. Can they provide evidence of any truth underlying their customs - the truth of Santa Claus, of the trees, the tinsel, the reindeer, the mistletoe, and so on? And if not, how can they justify this colossal annual upheaval?

Once the lawyers have finished with Christmas, the State of SA will no doubt be completely bankrupt, all except the lawyers, of course. If there is a truth at the heart of Christmas, something which is not related to the consumer feeding frenzy or the cloying sentimentality, could it ever be revealed by an adversarial legal system? (Sanderson, 1996)

Yet Sanderson's exposé barely skims the surface. Not only are the origins of Santa Claus, reindeer and mistletoe lost in the mists of legend, but what she calls the "truth at the heart of Christmas" surely faces the same problems. We do not even know what year Jesus was born - let alone the day. The Matthean and Lukan accounts of his birth are, as New Testament scholar Bill Loader observes, "quite different" (Loader, 1986:8-9; see also Brown, 1977; Hendrickx, 1984). Nor are the differences (in the *Report's* terms) "accidental" or "inadvertent": the Gospel writers deliberately told their respective stories to make certain points. The birth stories, says Loader,

“were written for very different reasons” (1986:9), by people pushing their own ideological agendas. How, Sanderson might have asked, could anyone build a belief on such a tissue of evidence - still less allow entire nations a couple of days off?

In what sense does modern Australia ‘believe in’ Christmas? As the season when Jesus comes into the world or Santa Claus hitches up his reindeer (meaning 1)? As a moral phenomenon reminding us of peace and love or commercialism (meaning 2)? As a socially-identifiable institution which fits into many people’s belief systems (meaning 3)? As an evolving set of beliefs and practices which relate to people’s changing experience (meaning 4)? As the product of a literary scam perpetrated by Matthew and Luke (meaning 5)?

In spite of the uncertainties, Sanderson is able to hint in her letter at “a truth at the heart of Christmas”; Loader agrees, devoting his last six pages to a poem about that truth. But it is not a truth that could, in Sanderson’s words, “be revealed by an adversarial legal system”. That is not the kind of truth religious systems have.

Lessons for political and legal institutions

Loader, like other theologians and scholars of religion, brings academic criticism to bear on religious beliefs, not with the aim of proving or disproving their validity, but so as to work out what meanings they have held for their believers over time, the significance they have held for people beyond the immediate communities of believers, and the meaning which they can have in the present. Had the Commission looked beyond its tautological definition of “fabrication” and positivist assumptions about the nature of religious belief, slowing its break-neck charge, it might have found a similar kind of analysis enlightening in a quest for authentic tradition.

The strengths of a secular system can be measured by its greater capacity to define and protect religious freedom; but state neutrality in respect of religion can easily go along with naivety and ignorance about religion. When the state finds itself entering the world of belief and religious signification, it must be prepared to have its assumptions and methods subjected to tests which are appropriate to the subject matter under consideration, rather than relying on a set of methods which have been specifically developed (among other things) to keep matters of faith and belief **out** of consideration.

Lessons for the study of religion

Most work on the overlap between religion and politics in Australia deals with Christianity, and concentrates on the religious and political orientations of individual believers (Aitkin, 1977: 161-179; Kemp, 1978: 184-218). Analysis tends to rely on surveys in which respondents’ religion is identified by division into Catholic and Protestant or (at most) “Catholic”, “Anglican”, “Uniting”, “Other”. By contrast, the religious issues which have generated the greatest public controversy over recent

years have been mainly to do with non-Christian traditions. Along with controversies over indigenous heritage protection such as those mentioned above, one might think of the debate about whether to outlaw clitoridectomy, the literary controversies of *The Satanic Verses* and *The Hand That Signed the Paper*, and religious references in the current immigration debate. Analysis which conceives religion as a matter of Catholic, Protestant and Other (often endlessly re-running the long-dead battles of the ALP-DLP split) arguably misses the most important questions which vex Australia's present religious consciousness.

Similarly, the common focus on the association between religious attitudes and electoral or community-based political behaviour in individual believers overlooks the need for religion studies to draw to public attention more general trends in how religious and political ideas are conceived. What is a religious belief? What makes religious beliefs different from other kinds of beliefs? How do belief systems hold together? How do religious traditions change over time? These questions, usually construed as matters of theory, method or philosophy, are of vital public interest as modern Anglo Australia tries to sort out its current tensions between xenophobic uniformity and a tolerant cosmopolitanism in which religious beliefs of different kinds can command respect and protection.

Lessons for a tolerant Australia

Things can be meaningful without being 'provable'. We all owe our sense of meaning, our sense of purpose, our shared lives and our deepest values to the world's great fabrications. So full is the world of conflicting significances, sacred memories, strong beliefs, that we need ways of negotiating our way amongst them. We need mechanisms of government able to mediate between different values and commitments, to protect beliefs, places and objects of significance, and, when necessary, to defend values of spirit against the fabrications of money and power. The more we recognise that our lives together are the result of fabrication from the ground up, the more precious those fabrications seem. The fabric of society becomes threadbare and torn if we pull out some of the strands and try to throw them away. The fabric in which we weave ourselves together has to be manufactured, deliberately and carefully, all the time, by all of us.

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Note

1 References to the Royal Commission Transcript are given as T followed by a page number.