

## Feeling for Country: Interpreting the Old Testament in the Australian Context

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**Abstract:** The secularized use of biblical imagery in Australian history provokes significant questions for theological hermeneutics, not least in cases where the Bible has been used against Indigenous interests. This paper analyses: (1) doctrines of discovery derived from Genesis; (2) the "peaceable kingdom" vision arising from Isaiah 11 and its historic connection with ideas of treaty making; (3) exodus narratives and the human rights tradition; and (4) the theme of exile. With a sufficiently comprehensive understanding of the task of biblical hermeneutics, the Bible can be read afresh as a challenge to the Christian churches to support Aboriginal rights and to re-engage with prophetic contributions to our national conversation.

MODERN NATIONS, SUCH AS AUSTRALIA, are works of social imagination. Whatever else might be said about the making of nations, they are also "imagined communities", to use the phrase coined by Benedict Anderson, and their patterns of solidarity are shaped by classic narratives and symbols. The historian Graeme Davison has recently argued that the business of imagining the Australian nation has been facilitated by a basic stock of biblical and classical narratives that help to explain where we have come from.<sup>1</sup> While the religious dimensions of these narratives are now secularized, perhaps only dimly understood, or indeed actively rejected, the echoes of biblical motifs have resonated through our historic speeches, legal initiatives, public rituals and works of art. And all of these performances (whether

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1. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983 and 1991); Graeme Davison, "Narrating the Nation in Australia", Menzies Lecture 2009, Menzies Centre for Australian Studies, King's College, London; cf. Mark G. Brett, "National Identity as Commentary and as Metacommentary", in Louis Jonker (ed.), *Historiography and Identity (Re)formulation in Second Temple Literature* (London: Continuum, forthcoming).

staged by church or state) have been underpinned by economic models that themselves derive in part from theological accounts of modernity.<sup>2</sup> This “leakage” of biblical motifs into public space raises significant questions about the business of biblical hermeneutics.

It is customary to distinguish between the secular character of Australian culture and the more explicitly religious foundation narratives in the U.S.A. In the late seventeenth century, for example, the Puritans in North America could configure themselves as a “chosen people” with a divinely given mission – a “New Israel” confronting the prior inhabitants of the Promised Land with an Israelite right of conquest. Biblical narratives and laws were sometimes drawn on to demonstrate that Native Americans had been disinherited by divine decision.<sup>3</sup> The evidence for this kind of hermeneutic in Australian history is muted, but it must also be recognised that settler ideology in North America was never founded on biblical discourse alone; it was blended with notions of “civilization” and the superior rights of European culture. In the nineteenth century, the legal writer James Kent was able to claim colonial legitimacy in North America “in consequence of the superior genius of the Europeans, founded on civilization and Christianity, and of their superiority in the means and act of war”.<sup>4</sup> While explicitly biblical motifs may have appeared more frequently in the American context, the Australian colonies were shaped by very similar convictions about the superiority of white Christian civilization. In their recent book, *Drawing the Global Colour Line*, Marilyn Lake and Henry Reynolds have traced this sad tale of white supremacy as it traversed the seas between South Africa and Australia.<sup>5</sup>

The master narratives of European colonial expansion were, according to Graeme Davison, shaped by underlying models that derive mainly from the Hebrew Bible: discovery (Genesis), liberation (Exodus), covenantal law (Deuteronomy) and conciliation (“Peaceable

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2. See Charles Taylor’s discussion of the emergence of an autonomous economy in “modern social imaginaries”, *A Secular Age* (Cambridge MA: Belknap, 2007) 159-85; Paul Oslington, “Natural Theology as an Integrative Framework for Economics and Theology”, *St Mark’s Review* 199 (2005) 56-65.

3. See Susan Niditch, *War in the Hebrew Bible* (Oxford: Oxford University Press, 1993) 3-5; Mark G. Brett, *Decolonizing God: The Bible in the Tides of Empire* (Sheffield: Phoenix Press, 2008) 7-31; on the diversity of the biblical conquest traditions, see especially Baruch J. Schwartz, “Reexamining the Fate of the ‘Canaanites’ in the Torah Traditions”, in C. Cohen, A. Hurvitz and S.M. Paul (eds.), *Sefer Moshe: The Moshe Weinfeld Jubilee Volume* (Winona Lake: Eisenbrauns, 2004) 151-70.

4. James Kent, *Commentaries on American Law* (Boston: Little & Brown, 11<sup>th</sup> edn 1867) 485.

5. Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the Question of Racial Equality* (Melbourne: Melbourne University Press, 2008); cf. Bain Attwood and Tom Griffiths (eds.), *Henry Reynolds and Australian History* (Melbourne: Australian Scholarly Publishing, 2009).

Kingdom" motifs in Isa. 11:6-9). In addition to the biblical models, however, Davison has added to the Australian repertoire the Odyssey model of heroic and tragic journeys, which is particularly relevant to understanding the role of the ANZAC legends in Australian identity. Such models were so familiar that they hardly needed to be mentioned, he suggests. "They subsisted as a kind of invisible architecture, giving shape and emphasis to experience".<sup>6</sup> In terms suggested by Hans-Georg Gadamer's hermeneutical philosophy, these models belong to the larger *Wirkungsgeschichte* of the Bible – its "history of influence" rather than a narrowly focussed "history of exegesis".<sup>7</sup> They have so deeply shaped the cultural horizons of white Australia that the history of biblical influence often sits below the level of explicit consciousness.

In a significant essay on the influence of the Bible in Australian history, Ann Curthoys interprets the ANZAC legends as fitting with a larger pattern of rendering settler identity *as victim*, a pattern that she suggests is in fact shared with an exodus/conquest typology that "works against substantial acknowledgement and understanding of the colonial past". Indeed, "white Australians see themselves as battling courageously against enormous odds. They construct for themselves a past which allocates the land as won through suffering, and therefore theirs".<sup>8</sup> She sees her argument as complementary to John Hirst's influential study "The Pioneer Legend", which suggests that the Australian myth of an egalitarian society – which was inclusive of class but not of race – came to prominence in the 1890s when there were attempts to construct a golden age in Australia's early history in the lead up to Federation, characterised by pioneer heroes "subduing the land and battling the elements".<sup>9</sup> White mythology has often been constituted by a story of struggle, and especially by the end of the nineteenth century it was a story that had become increasingly immune to the experience of the traditional Indigenous owners of the continent. Charles Taylor has put the point more generally:

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6. On this point, Davison cites Agnes Heller, "European Master Narratives about Freedom", in G. Delanty (ed.), *Handbook of Contemporary European Social Theory* (London: Routledge, 2006) 257-65.

7. See, e.g., Manfred Oeming, *Contemporary Biblical Hermeneutics: An Introduction* (Aldershot: Ashgate, 2006) 77-85. On the ambiguities of Gadamer's hermeneutics, see Mark G. Brett, *Biblical Criticism in Crisis?* (Cambridge: Cambridge University Press, 1991) 135-56.

8. Ann Curthoys, "Expulsion, Exodus and Exile in White Australian Mythology", *Journal of Australian Studies* (1999) 4 and 18; cf. Curthoys, "Disputing National Histories: Some Recent Australian Debates", *Transforming Cultures eJournal*, vol. 1 no. 1 (2006) 2.

9. John Hirst, "The Pioneer Legend" *Australian Historical Studies* (1978) 316-37, reprinted in Hirst, *Sense and Nonsense in Australian History* (Melbourne: Black Inc., 2006) 174-96, especially 175. Cf. below note 20.

As a matter of fact, in the world encounter of cultures over the last four centuries, there has been a great deal of alteration in self-understanding through meeting with others. Only it has been very unevenly distributed. It was the societies who were less powerful who felt the full force of the constraint to alter their traditional terms of understanding. The dominant culture, the European, was for a while afforded the luxury of ethnocentricity. Power can allow itself illusions.<sup>10</sup>

There are a number of ways in which this observation from Taylor might be qualified in the Australian context by the “whisperings” of dissent in each generation,<sup>11</sup> but as a general truth it is hard to resist. The “illusions of power” in the official Australian story began to be pierced especially in the 1960s, as will be discussed below. But it is perhaps the *Mabo* native title decision of the High Court in 1992 that cut more deeply into Australian identity, in the sense that the judgment imposed on the Crown an obligation to recognise alternative systems of law and custom, and thereby raised a (non-judiciable) question about the very legitimacy of the Crown. And it may be no accident, then, that academic studies of the Hebrew Bible in the 1990s took a more explicitly “contextual” turn, notably reflected in Norman Habel’s volume from 1995 *The Land is Mine*, dedicated to Eddie Mabo.<sup>12</sup>

With the benefit of hindsight, one can observe a deep irony at work in the history of modern biblical studies as the discipline was practised in Australia up to the 1990s. During the previous century, the story of the theological colleges is distinguished by denominational rivalries, controversies regarding “higher criticism”, and perceived threats from the biological sciences.<sup>13</sup> The besetting sins of modernity were thereby very narrowly conceived, and hard fought in theological terms derived from Europe and North America, while the vast legacy of economic colonialism, white supremacy, and the invention of nation states were left as matters that barely touched the interests of biblical scholarship.

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10. Charles Taylor, “Understanding and Ethnocentricity”, in his *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985) 129-30; cf. Taylor, “Understanding the Other: A Gadamerian View on Conceptual Schemes”, in J. Malpas, U. Arnschwald and J. Kerschner (eds.), *Gadamer’s Century* (Cambridge MA: MIT Press, 2002) 295-96.

11. See especially: Henry Reynolds, *This Whispering in our Hearts* (St Leonards: Allen & Unwin, 1998); Bain Attwood, *Rights for Aborigines* (Sydney: Allen & Unwin, 2003); and Robert Kenny, *The Lamb enters the Dreaming: Nathanael Pepper and the Ruptured World* (Melbourne: Scribe, 2007).

12. Norman Habel, *The Land is Mine: Six Biblical Land Ideologies* (Minneapolis: Fortress, 1995).

13. See Mark O’Brien, “The Hebrew Bible / Old Testament in Twentieth Century Australia and New Zealand”, in M. Sæbø (ed.), *Hebrew Bible / Old Testament: The History of Its Interpretation. Vol. III: From Modernism to Post- Modernism: The Nineteenth and Twentieth Centuries* (Göttingen: Vandenhoeck & Ruprecht, forthcoming).

In other words, the understanding of modernity was truncated, and the specific issues of the Australian context were tragically overlooked.

In this essay, I will briefly illustrate the ways in which some of these neglected dimensions of modernity may in fact reflect the *Wirkungsgeschichte* of the Old Testament, and sketch out the contours of recent biblical interpretation in Australia that engages more intentionally with a Gadamerian image of hermeneutics as a "fusion of horizons". In one of Gadamer's most memorable and aphoristic pronouncements, he argued that

to reach an understanding with one's partner in a dialogue is not merely a matter of total self-expression and the successful assertion of one's own point of view, but a transformation into communion, in which we do not remain what we were.<sup>14</sup>

This and other arguments in the Gadamerian paradigm imply a shift of focus from a "sender-receiver" model of successful communication to a dynamic model of hermeneutics as transformative hospitality, a larger vision that respects the otherness of a text or its author without occluding responsibility for the reader's own context.<sup>15</sup>

Charles Taylor has spelt out some the implications of this dialogical view with characteristic lucidity: the business of interpretation, he suggests, will require at decisive points that cross-cultural comparisons and contrasts are made with the interpreter's own culture.<sup>16</sup> And insofar as the interpreter's own culture is inevitably a feature of cross-cultural understanding, then a certain contextual "perspective" on a text is unavoidable: either the scholar attempts to "go native", in which case no cross-cultural understanding has been achieved, or one attempts to describe a text in terms that would be intelligible within the interpreter's own culture, while possibly quite unintelligible within the world of the text. It is both this intercultural dimension of hermeneutics that makes an exclusive focus on authorial intention too

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14. Hans-Georg Gadamer, *Truth and Method* (New York: Crossroad, 1975) 341.

15. This does not imply "the death of the author" as the intoxications of theory might suggest, but rather, the reframing of an author's communicative intention as one legitimate goal of interpretation among others. This view is explicated in my essay "Motives and Intentions in Genesis 1", *JTS* 42/1 (1991) 1-16. The concept of *communicative* intention is here equivalent to what Nicholas Wolterstorff has now called "authorial discourse", as opposed to a broader "authorial intention". *What* is being said in a text needs to be distinguished from *why* it is said. See Wolterstorff, "A Response to Trevor Hart", in Craig Bartholomew, Colin Greene and Karl Möller (eds.), *Renewing Biblical Interpretation* (Grand Rapids: Zondervan, 2000) 335-41.

16. See Charles Taylor, "Understanding and Ethnocentricity", in his *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985) 116-33; cf. Clifford Geertz, *Works and Lives* (Cambridge: Polity, 1988) 144-45; David Hoy, "Is Hermeneutics ethnocentric?" in J. F. Bohman, D. R. Hiley, and R. Shusterman (eds.), *The Interpretive Turn: Philosophy, Science, Culture* (Ithaca: Cornell University Press, 1991) 155-75; Mikhail Bakhtin, *Speech Genres and Other Late Essays*, trans. V.W. McGee (Austin: University of Texas Press, 1986) 6-7.

limiting, along with the additional difficulty in the case of the biblical canon of contemplating a diversity of authorial (or editorial, or traditional) perspectives on the same theme.

It is not being suggested here that biblical scholars should have been more concerned with the hermeneutical or ethical “applications” of their research, rather than being preoccupied with ancient Israelite history and tradition. The weaknesses of a simplistic distinction between “what the text *meant*” (exegesis) and “what the text *means*” (hermeneutics) are well known, but the *focus* of biblical studies can hardly be anything other than the biblical traditions themselves.<sup>17</sup> Rather, my hypothesis is that the dominant ideologies of biblical study were shaped by modern notions of objectivity that have proved to be self-deceptive: one’s own research was seen as humbly submitting to the dictates of reason, or the Word of God (whether the Word was conceived in fundamentalist or neo-orthodox terms), whereas alternative theological positions were dismissed as lacking authenticity. The discourses of objectivity may have branched into defences of rationality, science, or the Word of God, but all these branches of objectivism threaten to minimise the responsibilities of scholars to examine the cultural and religious assumptions that have haunted their own paradigms of research on the Hebrew Bible.

While such a thesis may appear both uncharitable and anachronistic, subjecting the past to protocols that had not yet been invented, my primary purpose is not to stand in judgment on biblical scholars who did their best under their own circumstances. Still less am I proposing a lurch from objectivism to relativism, as if every text were hopelessly indeterminate, or every reconstruction of the past were equally valid. The Australian “history wars” should be sufficient indication that although *claims* to objectivity are not themselves evidence of objectivity, there are indeed better and worse ways to debate evidence, and critical rigour does matter.<sup>18</sup> Rather, by indentifying some problematic features of modernity within the practice of biblical studies as a discipline, and by highlighting some neglected features of the *Wirkungsgeschichte* of the Hebrew Bible in the Australian context, the present discussion might help to frame some new research questions for the current generation of biblical scholars.

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17. See especially Ben Ollenburger, “What Krister Stendahl “Meant” – A Normative Critique of Descriptive Biblical Theology”, *Horizons in Biblical Theology* 8 (1986) 61-98; Stephen E. Fowl, *Engaging Scripture* (Oxford: Blackwell, 1998) 32-61; Charles Cosgrove, “Towards a Postmodern *Hermeneutica Sacra*”, in C. H. Cosgrove (ed.), *The Meanings We Choose: Hermeneutical Ethics, Indeterminacy and the Conflict of Interpretations* (London: T & T Clark, 2004) 39-61.

18. See Curthoys, “Disputing National Histories”. Cf. Anthony C. Thiselton, *Thiselton on Hermeneutics: Collected Works and New Essays* (Grand Rapids: Eerdmans, 2006) 793-807.

## ECHOES OF PATRIARCHAL TRADITIONS

Graeme Davison has drawn attention to the genre of historical painting that represents “first landings” in various colonial contexts, making use of stock elements such as a cross, a patriarch, a flag and upraised arms signaling allusions to divine providence. This genre of painting provides an excellent example of a broader *Wirkungsgeschichte*, beyond the “exegesis” of Genesis, within which the biblical ancestors’ journeys to a Promised Land are conflated with a nationalist ideology of foundations. The Australian paintings in this genre tend not to include a cross, and in Algernon Talmage’s famous example from 1937 – anachronistically titled the “The Founding of Australia” – the arms are raised to the flag rather than to some invisible transcendent reality.<sup>19</sup>

An earlier painting from 1902 by E. Phillips Fox depicts the landing of Captain Cook with a different use of upraised arms (see figure XXX).<sup>20</sup> Cook points ahead as if in a visionary trance, whereas other figures are pointing to the Aborigines away from Cook’s line of sight. The moment of arrival has been captured with all its patriarchal and visionary undertones, although at the same time, the question of the Aborigines has been raised. (By way of comparison, one thinks of the brevity of Genesis 12:6 – “at that time, the Canaanites were in the land”, a problem that is treated more peaceably in Genesis than it is in Deuteronomy.)

Images of felled trees sometimes appear in this “first landings” genre, echoing John Locke’s influential interpretation of Genesis 1, which linked the divine command to “subdue the earth” with agrarian activities and a theory of property. His argument, essentially, was that resources in the “state of nature” could be converted to personal property by the addition of labour.<sup>21</sup> In the colonies downstream from Locke, one could extrapolate to the conclusion that no-one actually possessed land until agrarian labour was added to it. A Sydney barrister provided a succinct statement of this view in *The Colonist* newspaper in 1838, reiterating the argument that Aborigines “had no

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19. The full title is “The Founding of Australia. By Capt. Arthur Phillip R.N. Sydney Cove, Jan. 26th 1788”. An image is available at [http://www.slg.qld.gov.au/info/fh/convicts/about/painting\\_talmage](http://www.slg.qld.gov.au/info/fh/convicts/about/painting_talmage). The painting presents no reference to Indigenous people but notably features some tree stumps, which is consistent with the agrarian ideology that incorporates a popular reading of Genesis 1, as discussed below.

20. E. Phillips FOX (Australia 1865-1915), “Landing of Captain Cook at Botany Bay 1770” 1902. Oil on canvas, 1902, 192.2 x 265.4 cm. National Gallery of Victoria, Melbourne Gilbee Bequest, 1902. See insert.

21. See Henry Reynolds, *The Law of the Land* (Melbourne: Penguin, 2<sup>nd</sup> edn 1992) 23-29, citing the fourth edition of Locke, *Two Treatises of Government* (1713) 15. Cf. Peter Harrison, “Fill the Earth and Subdue it’: Biblical Warrants for Colonization in Seventeenth Century England”, *Journal of Religious History* 29/1 (2005) 3-24.

right to the land" since "it belonged to him who first cultivated it".<sup>22</sup> It comes as no surprise, then, that the founding moment of the colony in Western Australia was marked in 1829 by the ritual felling of a tree.<sup>23</sup>

While the various versions of agrarian ideology at work in Australian history may have been largely secularized, there is no mistaking the genealogy of ideas that extends back, for example, to the Puritan colonists of Massachusetts who were quite explicit in their invocations of Genesis typologies. Robert Cushman, for example, wrote that

As the ancient patriarchs . . . removed from straighter palaces into more roomy, where the land lay idle and waste, and none used it, though there dwelt inhabitants by them (as Genesis 13: 6, 11, 12 and 34:21 and 41:20), so it is lawful now to take a land which none useth, and make use of it.<sup>24</sup>

Cushman assumes here that undeveloped land is ripe for the taking, and his argument is more explicitly grounded in biblical sanctions than analogous Australian arguments, but it is precisely this idea of a "waste" land that lies behind the *terra nullius* presumptions that were brought to account in the *Mabo* native title judgment.

We may provisionally conclude, therefore, that the "first landings" genre of historical paintings might be seen as the aesthetic tip of an ideological iceberg. And to take the metaphor one step further, the Australian legal system hit that iceberg in 1992 when the High Court was forced to acknowledge the existence of native title in the Torres Strait. Had biblical scholars of earlier generations not themselves been caught in that ideological system, they might have turned their attention to the complex historical effects of the book of Genesis within which they were situated.

Instead, Genesis became the focus of a debate about *authorship*, framed largely in the modernist terms that presumed the priority of individuals as authors.<sup>25</sup> The key questions turned on whether the

22. R. Windeyer in *The Colonist* 27<sup>th</sup> October, 1838.

23. See the painting by G. Pitt Morison from 1929, "The Foundation of Perth", available at <http://nla.gov.au/nla.pic-an7748217>.

24. Robert Cushman, *Reasons and Considerations Touching the Lawfulness of Removing out of England into the Parts of America* (1622), as quoted in Alan Heimert and Andrew Delbanco, *The Puritans in America: A Narrative Anthology* (Cambridge MA: Harvard University Press, 2005) 44.

25. See my overview in "A Brief History of 'History'", *Biblical Criticism in Crisis*, 82-100; cf. Robert A. Di Vito, "Old Testament Anthropology and the Construction of Personal Identity", *CBQ* 61 (1999) 217-38. A modernist focus on individual authors still characterises, for example, the theoretical work of Kevin J. Vanhoozer, *Is There a Meaning in this Text? The Bible, the Reader, and the Morality of Literary Knowledge* (Grand Rapids: Zondervan, 1998). See, however, the reformulation of his position in A. K. M. Adam, S. E. Fowl, K. J. Vanhoozer and F. Watson, *Reading Scripture with the Church: Towards a Hermeneutic for Theological Interpretation* (Grand Rapids: Baker, 2006).

individuals at issue were Moses, as asserted by fundamentalism, or the alternative candidates proposed by “higher criticism” (J, E and P). Deep theological anxiety was attached to answering those questions, without serious consideration being given to the individualist assumptions that dogged the debate, even when the focus on oral tradition within “traditio-historical” method of the early 20<sup>th</sup> century logically threatened the validity of the documentary hypotheses of the day.<sup>26</sup> (By contrast, medieval rabbis had already invented an amusing story to account for the complexity of Mosaic tradition: one day Moses visits Rabbi Akiba’s academy and is confused by the proceedings until he is assured that the discussion concerns oral law from Moses at Sinai, which puts his mind at rest.<sup>27</sup>)

The debates about the composition of the Pentateuch raged within white Australian circles while their Aboriginal neighbours could have provided alternative points of view from living traditional societies that were tribally organised, and within which culture was transmitted orally. The cultural assumptions of these Indigenous neighbours, and especially their understandings of land tenure and ancestral “country” would arguably have provided a fruitful starting point for interpreting the tribal society of ancient Israel.<sup>28</sup>

#### PEACEABLE KINGDOM

There was however another tradition, nurtured especially amongst the Quakers, which advanced the “peaceable kingdom” as a biblical model of nation building. The Quaker Edward Hicks, for example, repeatedly painted an idyllic scene inspired by Isaiah 11:6-9, presenting the example of William Penn’s treaty of 1682 as an embodiment of Isaiah’s vision. One example of these paintings is framed by the verse: “The leopard with the harmless kid laid down / And not one savage beast was seen to frown. / The wolf did with the lambkin dwell in peace / His grim carnivorous nature there did cease. / The lion with the fatling on did move. / A little child was leading

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26. The contradictory tendencies of critical studies on Genesis were laid bare in the notable work by Norman Whybray, *The Making of the Pentateuch* (Sheffield: JSOT Press, 1987).

27. B. Menach. 29b, quoted in Jacob Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000) 1368.

28. Cf. Temba Mafico, “The Biblical God of the Fathers and the African Ancestors”, in G. West and M. Dube (eds.), *The Bible in Africa: Transactions, Trajectories and Trends* (Leiden: Brill, 2000) 481-89; Kwame Bediako, *Christianity in Africa* (Maryknoll: Orbis, 1995) 216-33; John Riches, “Cultural Bias in European and North American Biblical Scholarship”, in M. G. Brett (ed.), *Ethnicity and the Bible* (Leiden: E.J. Brill, 1996) 431-49. On ancestors and land tenure, see Brett, *Decolonizing God*, 44-61.

them in love. / When the great Penn his famous treaty made / with Indian chiefs beneath the elm tree's shade".<sup>29</sup>

Bain Attwood has recently made the case that this Quaker iconography made its way to Australia most notably in Benjamin Duterrau's work *The Conciliation*, painted in Tasmania in 1840 (see figure XXX).<sup>30</sup> *The Conciliation* was produced at a time when Quaker sensibilities were being expressed in Tasmania, particularly following the tragedies of the Black War in that colony. John Batman was hailed in the press as the "Tasmanian Penn" when he returned to Hobart from Port Philip in 1835, but the agreement that he negotiated with Kulin elders failed to gain recognition by the colonial administration, although uncertainty about the venture reigned for some years as the doctrine of British sovereignty was still under construction.<sup>31</sup>

Similar issues were being debated in the USA at this time, where private companies sought legal recognition for land purchases from Native American nations, but in that context arguments based on agrarian ideology carried less weight, for a number of complex reasons. In a series of cases between 1810 and 1835, Chief Justice John Marshall ruled that the Indian nations had legal rights to their land which did not depend on any particular mode of land-use or settlement: "their hunting grounds were as much their actual possession as the cleared fields of the whites".<sup>32</sup> But this concept of possession was limited, and behind it lay what came to be known as the "doctrine of discovery", which Justice Marshall set out in the following terms:

The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new, by bestowing on them civilization and Christianity... But, as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle...that discovery gave title to the government by whose subjects, or by

29. See the image at: [www.pennmuseum.org/treaty.php](http://www.pennmuseum.org/treaty.php).

30. Benjamin Duterrau (1767-1851) "The Conciliation", 1840. Oil on canvas, 121 x 170.5 cm, The Tasmanian Museum and Art Gallery, Hobart. Cf. Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: Miegunyah Press, 2009) 109-13. This artistic work was completed in the same year as the Treaty of Waitangi, which has come to be seen as a founding national document for Aotearoa / New Zealand. Particularly in recent years, this document has become the primary lever for treaty settlements facilitated by the Waitangi Tribunal, which was itself established by the *Treaty of Waitangi Act* of 1975. See insert.

31. Attwood concludes that matters of legal principle were overshadowed by the exercise of brute force. See Attwood, *Possession*, 72-101.

32. Quoted in Reynolds, *Law of the Land*, 46. On the significance of the word "possession" in Australian debates about native title, cf. Noel Pearson, "Land is Susceptible of Ownership", High Court Centenary Conference, October 2003, available at [www.capeyorkpartnerships.com](http://www.capeyorkpartnerships.com).

whose authority, it was made, against all other European governments.... The exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives.... [The Indians] were admitted to be the rightful *occupants* of the soil...but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive *title* to those who made it.<sup>33</sup>

The notion of limited sovereignty then allowed Marshall to speak of “domestic dependent nations” from whom land could be purchased, and with whom treaties could be negotiated.

In 1834 the *South Australia Act* asserted that prior to British settlement the land of the colony was in legal terms “waste and uninhabited”, the idea that would come to be known as *terra nullius*. Two years later the wording was changed to recognise Aboriginal “occupancy”, rather than ownership of land or resources, a distinction that was analogous with Justice Marshall’s decision in *Johnson v. McIntosh* (1823), although no treaty with Indigenous peoples has ever been recognised in Australia.<sup>34</sup> Here the idea of *terra nullius* remained an underlying network of assumptions, linked both to a feudal doctrine of land tenure that recognised no sovereignty other than the British Crown, as well as to the doctrine of discovery that can be traced back through *Johnson v. McIntosh* to 15<sup>th</sup> century papal decrees.<sup>35</sup>

While the ideal of the “peaceable kingdom” failed in nineteenth century Australia, along with its associated mechanism of the treaty, history records some strong voices of dissent on the non-Indigenous side. For example, in 1845 the Catholic Bishop Polding reported to a committee of the New South Wales Legislative Council that Aboriginal resistance

must be attributed to the bad feeling and want of confidence naturally caused by the mode in which possession has been taken of their country – occupation by force, accompanied by murders, ill-treatment, ravishment of their women, in a word, to the

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33. *Johnson v. McIntosh* (1823), 21 U.S. (8 Wheat.) 572-74.

34. See especially Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of their Lands* (New York: Oxford University Press, 2005). The *Johnson* opinion provided a lever for forced migrations under the *Indian Removal Act* of 1830, a tragedy that Marshall himself attempted to address in *Worcester v. Georgia* (1832), but the floodgates had been opened.

35. Reynolds, *The Law of the Land*, 4, 12, 32; Samantha Hepburn, “Feudal Tenure and Native Title: Revising an Enduring Fiction”, *Sydney Law Review* 27/1 (2005) 49-86; Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Golden: Fulcrum, 2008).

conviction on their minds that the white man has come for his own advantage, without any regard to their rights – Feeling this burning injustice inflicted by the white man, it is not in the nature of things that the black man should believe the white man better than himself, or suppose the moral and religious laws, by which the white man proposes the black man to be governed, to be better than those of his own tribe.<sup>36</sup>

Here we find an early and clear-eyed witness to a reason why Australia's First Peoples would seek to maintain their own law and custom. And by way of hermeneutical analogy, one could draw attention to a similar dynamic in the life of ancient Israel, where against the tide of Assyrian imperial domination Israel proposed her own model of a treaty/covenant with YHWH, even borrowing and subverting the imperial treaty genre to assert that conviction.<sup>37</sup>

Yet, unlike the violent language that appears at points in Deuteronomy, it is notable that Australia's own version of a civil rights movement in the 1960s and 1970s was shaped by the model of non-violent resistance that had circulated the globe in the mid-twentieth century, taking on analogous but different forms in India and the United States. Mahatma Gandhi's reading of the Sermon on the Mount helped to shape the *ahimsa* of a mass movement against British rule in India, and in a fascinating circulation of biblical influences, the Baptist minister Martin Luther King Jr was inspired by Gandhi's example to lead his own non-violent struggle against the American legacies of the "curse of Ham". Commentators have suggested that for Australian Indigenous leaders of the time, notably Pastor Sir Douglas Nicholls, Christian faith similarly presented a form of sovereignty higher than government, which thus provided a foothold for non-violent Aboriginal resistance.<sup>38</sup>

#### EXODUS AND LAW MAKING

As already noted, Ann Curthoys has assembled evidence that exodus symbolism found its way into Australian national discourse. Yet it seems that the evidence in the early colonial years comes from

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36. Reynolds, *Law of the Land*, 159-60, quoting from the *NSW Legislative Council Votes and Proceedings*, 1845, 9.

37. This view is now widely shared, but see my contextual reformulation of it in "Sovereignty and Treaty in Religious Imagination", in M. Paranjape (ed.), *Sacred Australia: Post-Secular Considerations* (Melbourne: Clouds of Magellan, 2009) 96-118.

38. On Douglas Nicholls and William Cooper, see especially Bain Attwood and Andrew Markus, *Thinking Black: William Cooper and the Australian Aborigines' League* (Canberra: Aboriginal Studies Press, 2004); Attwood, *Rights for Aborigines*. On Mahatma Gandhi, see the recent discussion in Susan Abraham, *Identity, Ethics and Nonviolence in Postcolonial Theory: A Rahnerian Theological Assessment* (New York: Palgrave Macmillan, 2007).

South Australia, where groups of free settlers reproduced their own stories of escape from religious oppression, while elsewhere in the colonies the echoes of exodus do not seem greatly significant until late in the nineteenth century, when national sentiment was building towards Federation.<sup>39</sup> Yet none of this material reaches the level of historical drama that can be traced in the reception histories of exodus motifs in Europe and North America.

In his influential work *Exodus and Revolution*, Michael Walzer unearths the characteristic features of the exodus plot (which includes the making of new emancipatory laws) in a long chain of liberation movements in modern Europe, including the American Revolutionary War. When Thomas Jefferson and Benjamin Franklin first designed a seal for the United States of America in 1776, they came up with the catch-cry "Rebellion to Tyrants is Obedience to God".<sup>40</sup> The image has the oppressed followers of Moses standing on the left, high up on dry ground, while Pharaoh's army sink in the sea. There is no doubting that Jefferson and Franklin configure themselves on the left. Yet such symbolism was famously open to re-interpretation, as when the African slaves sang about Moses and when Martin Luther King Jr adopted exodus typology in his many stirring speeches.<sup>41</sup>

If one were to look for echoes of exodus motifs beyond the writings produced by white Australians discussed by Curthoys, then there is also some evidence in the Indigenous stories and ceremonies associated with the long struggle to regain traditional land. Bain Attwood has drawn attention to the exodus theme in ritual celebrations at Coranderrk Mission of a protest walk undertaken by the Woiwurrung and Taungurong people.<sup>42</sup> The Wave Hill "walk-off" arguably also belongs to this tradition, which began as a struggle for equal wages, but became a foundational narrative about the struggle for land rights. The telling of this story often overlooks the fact that Vincent Lingiari, and many of the other protagonists in these events, were Aboriginal Christians.<sup>43</sup> Eddie Mabo and the other claimants in the 1992 native title case were Anglicans. And interestingly, Eddie Mabo was endowed with Moses typology at the repatriation service

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39. Curthoys, "Expulsion, Exodus and Exile in White Australian Mythology".

40. Barry Schwartz, *George Washington: The Making of an American Symbol* (Ithaca: Cornell University Press, 1987) 29; Michael Walzer, *Exodus and Revolution* (New York: Basic Books, 1985).

41. See James H. Cone, *The Spirituals and the Blues* (Maryknoll: Orbis, 1972); Taylor Branch, *Parting the Waters: America in the King Years, 1954-63* (New York: Simon & Schuster, 1988); Randall C. Bailey (ed.), *Yet with a Steady Beat: Contemporary U.S. Afrocentric Biblical Interpretation* (Atlanta: Society of Biblical Literature, 2003).

42. Bain Attwood, *Rights for Aborigines*, 11.

43. Graham Paulson, "Baptists and Indigenous Australians". Paper presented at the International Conference on Baptist Studies, Whitley College, 2009, forthcoming in the conference proceedings edited by David Bebbington.

when his body was moved to his island home in 1996. The combined island choir celebrated with a Moses hymn. "Koiki led the people of Murray islands from the bondage of *terra nullius*", they said.

Mama namarida Mose mara memegle e naose gair mara omaskir  
Israil le.

You sent Moses your servant to lead the people of Israel from  
Egypt.<sup>44</sup>

The jurisprudence in the *Mabo* case exposed the maladministration of the Australian colonies, although ironically, it did not seriously question the doctrine of British sovereignty. In some respects, it is the *Native Title Act* of 1993 that brought Australian law up to international standards that provided the honour suggested by Deuteronomy's vision of the torah – a law that "will show your wisdom and discernment to the peoples" (Deut. 4:5-8). But the amendments to the *Native Title Act* in 1998 evoked considerable concern from the United Nations body responsible for issues of racial discrimination, and the doctrine of discovery is this year being debated in the UN Permanent Forum on Indigenous Issues.<sup>45</sup>

North American national visions often included the biblical tropes of both exodus and liberating law, and the law itself was seen as founded on God-given human rights – "endowed by their Creator" and therefore inalienable. The Australian legal system at the federal level, on the other hand, has been historically reluctant to adopt a constitutional or legislative charter of human rights, let alone a vision of specifically Indigenous rights. The recognition of relevant international instruments since the *UN Declaration of Human Rights* in 1948 has been piecemeal.

The history of biblical interpretation has taught us the hard lesson, however, that we constantly need to find ways to rekindle responsibility beyond our own world of moral concern. It may be, for example, that the contemporary language of inherent "rights" provides a provocative hermeneutical analogy with the biblical language of justice, as Nicholas Wolterstorff has suggested in his recent book *Justice: Rights and Wrongs*. Exploring this analogy would not be a narrowly exegetical exercise, and it must be conceded that modern "rights" discourse can be too abstract unless it is linked with strategies for restoring social relationships.<sup>46</sup> In exploring the relevant biblical

44. Merrill Findlay, "Eddie Mabo comes Home", *The Age*, 1 June 1996.

45. CERD Committee Decision on Australia, 18 March 1999, paragraph 6. Available at <http://www.austlii.edu.au/au/journals/AILR/1999/15.html>. See Larissa Behrendt, *Achieving Social Justice: Indigenous Rights and Australia's Future* (Sydney: Federation Press, 2003); Lisa Strelein, *Compromised Jurisprudence: Native Title Cases since Mabo* (Canberra: Aboriginal Studies Press, 2006).

46. Cf. Christopher Marshall, *Crowned with Glory and Honor: Human Rights in the Biblical Tradition* (Telford: Pandora Press, 2001); Walter J. Houston, *Contending for Justice:*

material, one would also need to acknowledge that the Hebrew Bible itself provides evidence of how the foundational exodus narrative was drawn into emancipatory *reinterpretation* of the law, e.g., when the exclusion of women from the manumission law in Exod. 21:7 was pointedly overturned in Deut. 15:12-15.<sup>47</sup> In this sense, the exodus theme has been linked with a dynamic legal imagination long before the modern unfolding of rights discourses.

Wolterstorff reminds us that Christian conceptions of rights for the marginalised grow out of the biblical witnesses to the inalienable gifts of God, and that this kind of theological argument requires serious attention to both ancient and modern horizons. A “fusion of horizons” on this issue will require a dialogical hermeneutic such as that provided by Wolterstorff, not simply a wooden historical insistence that the Bible’s authorial discourse does not contain a doctrine of human rights.

#### THE AMBIGUITIES OF EXILIC THEOLOGY

In addition to Graeme Davison’s suggestion that Australian history shows evidence of four key biblical themes (discovery, liberation, covenantal law and peaceable kingdom), the theme of exile also deserves particular attention, if only because of its prominence in some recent “post-Christendom” theology and missiology.<sup>48</sup> Similarly, postcolonial theology is not only confessing to the collusion of Christianity and colonialism but, as a consequence, often adopting a diaspora theology that renounces political sovereignty and sharpens the distinction between church and state.<sup>49</sup> Accordingly, some exponents of diaspora theology are strongly critical of Christian support for secular human rights.<sup>50</sup>

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*Ideologies and Theologies of Social Justice in the Old Testament* (London: T&T Clark, 2<sup>nd</sup> edn 2008); Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), esp. 65-95 on the Hebrew Bible.

47. For detailed case studies of inner-biblical “critique”, see Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1987); and Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008).

48. See the influential books by Stanley Hauerwas and William Willimon, *Resident Aliens* (Nashville: Abingdon, 1989) and Michael Frost, *Exiles: Living Missionally in a Post-Christian Culture* (Peabody: Hendrickson, 2006). Contrast the argument for diaspora hermeneutics in Fernando F. Segovia, “And They began to Speak in Other Tongues: Competing Modes of Discourse in Contemporary Biblical Criticism”, in F. F. Segovia and M. A. Tolbert (eds.), *Readings from this Place. Vol. 1* (Minneapolis: Fortress, 1995) 1-32.

49. See Daniel Smith-Christopher, *A Biblical Theology of Exile* (Minneapolis: Fortress, 2002) 1-26; 189-203; cf. Daniel Boyarin and Jonathan Boyarin, “Diaspora: Generation and the Ground of Jewish Identity” in K.A. Appiah and H.L. Gates (eds.), *Identities* (Chicago: Chicago University Press, 1995) 305-37.

50. See, e.g., Hauerwas and Willimon, *Resident Aliens*, 17, 32-33.

One of the key problems with diaspora theology, however, has been well articulated by Alain Epp Weaver, a Mennonite theologian with long involvement in Israel-Palestine. In his book, *States of Exile: Visions of Diaspora, Witness and Return*, Weaver brings John Howard Yoder's work into conversation with the postcolonial critic Edward Said. The key question for Weaver is how this norm of perpetual exile relates to the experience of millions of Palestinians who have been driven from their traditional country, and more generally, whether Yoder's norm of perpetual exile can speak to Indigenous peoples who have been overwhelmed by colonial migrations.<sup>51</sup>

This formulation of the problem clearly has relevance in Australia, where one of the legacies of mission theology has been the idea that Aboriginal people need not worry about their land because their home is in heaven (the hypocrisy of the premise is exposed as soon as it is reversed: that white Australians should give up their land because their home is in heaven).<sup>52</sup> The 1901 version of the national anthem "Advance Australia Fair" promised a share of "boundless plains" to "loyal sons beyond the seas", while omitting the fact that citizenship of the newly constituted nation was denied to Aboriginal people, in effect, exiling Aboriginal and Torres Strait Islander peoples from their own country.<sup>53</sup>

In questioning the idea of perpetual exile or diaspora, Weaver argues that the concept of exile usually carries with it some underlying logic of "return".<sup>54</sup> Indeed the logic of "return" is central, for example, to the biblical traditions of Isaiah.<sup>55</sup> But what is crucial in this prophetic material is its answer to a key question in the 5<sup>th</sup> century BCE: what will be the markers of Jewish identity when the *golah* community returns from Babylon to Jerusalem, when it is "redeemed"? That question proved to be a divisive one during the Persian period of administration in Jerusalem, with the Isaiah tradition taking a remarkably inclusive stance over against the exclusive ideals of purity

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51. Alain Epp Weaver, *States of Exile: Visions of Diaspora, Witness and Return* (Scottsdale: Herald Press, 2008) 42. Cf. my introductory essay "Interpreting Ethnicity: Method, Hermeneutics, Ethics" in Brett (ed.), *Ethnicity and the Bible* (Leiden: EJ Brill, 1996) 16-21, here responding in particular to Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), esp. 252-59.

52. Rainbow Spirit Elders, *Rainbow Spirit Theology* (Melbourne: HarperCollins, 1997) 69.

53. Cf., e.g., George Rosendale, *Spirituality for Aboriginal Christians* (Darwin: Nungalinga College, 1993) 19.

54. Weaver, *States of Exile*, 17.

55. The biblical figure of Zion may at points appear "elastic", as John Milbank has suggested in his essay on Second Isaiah, but Zion is clearly anchored to a territorial centre. See Milbank, "'I will gasp and pant': Deutero-Isaiah and the Birth of the Suffering Subject" *Semeia* 59 (1992) 59-71. Milbank has followed Gilles Deleuze and Felix Guattari in wrongly conflating Second Isaiah with "nomad" and ark theology. See Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (London: Athlone, 1987) 111-48.

that were proposed in the books of Ezra-Nehemiah. Precisely this kind of tension between exclusivism and inclusivism has been reflected in the experience of postcolonial states the twentieth century.<sup>56</sup> Strikingly, Isa 56:3 offers hospitality to those who had formerly been excluded (e.g., the “separations” proposed in Deut 23:1 and in Ezra 9:1 are pointedly reversed), as does Isa 61:3 (where the text can be read as referring to the restoration of “land rights”).<sup>57</sup>

Edward Said was noticeably reserved about the fashionable interest in the theme of exile among literary critics and theologians, and was explicitly critical of the affectation that “non-exiles can share in the benefits of exile as a redemptive motif”.<sup>58</sup> This note of caution should be borne in mind, perhaps, by those who interpret the low rate of church attendance in Australia as an “exile” of Christian faith from the dominant culture. In census terms, about half of all Australians still identify as Christian, rather than “non-religious”, while not attending any institutional church.<sup>59</sup> Indeed, there is a troubling plausibility gap if churches that possess significant resources – i.e., with “non-exilic” powers to make significant choices – present their perspectives as “exilic” or “diasporic”. (One is reminded perhaps of Elijah twice complaining to God that “I am the only one left” when the reader is told twice – in 1 Kgs 18:4 and 13 – of a hundred prophets of YHWH, and then in 1 Kings 19:18, of seven thousand Israelites who have not bowed the knee to Baal.)

Some years after the publication of his groundbreaking studies on colonial discourse, Said expressed regret over the growth within postcolonial studies of an identity politics that reified minority identities and, in effect, used measures of oppression to establish the legitimacy of each voice, and constructed ideals of a “restored people” in terms of an exclusivist ideology.<sup>60</sup> One of his comments on this issue was profound: “Every identity therefore is a construction, a composite of different histories, migrations, conquests, liberations, and so on. We can deal with these either as worlds at war, or as experiences to be

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56 See Daniele Conversi, “Conceptualizing Nationalism”, in D. Conversi (ed.), *Ethnonationalism in the Contemporary World* (London: Routledge, 2002) 10; Brett, *Decolonizing God*, 112-31.

57. John Watts, *Isaiah 34-66* (Waco TX: Word, 1987) 303.

58. See Edward Said, “Reflections on Exile” in his *Reflections on Exile and Other Literary and Cultural Essays* (London: Granta, 2000) 174 and 183.

59. This point has been made by many commentators and recently reiterated by David Marr in his article “Faith: What Australians believe in”. *The Age*, December 19, 2009. See Tom Frame, *Losing my Religion: Unbelief in Australia* (Sydney: UNSW Press, 2009).

60. Edward Said, “Orientalism Reconsidered”, *Reflections on Exile, and Other Literary and Cultural Essays* (London: Granta, 2000) 215; Said, “Reflections on Exile”, 177. Cf. Susan Abraham, *Identity*, 36, 94, and the comments on “cultures of mutual indifference”, in Yvonne Sherwood and Kevin Hart, “Other Testaments”, in Sherwood and Hart (eds.), *Derrida and Religion: Other Testaments* (New York: Routledge, 2005) 8.

reconciled".<sup>61</sup> Understanding this call for reconciliation in political terms, Alan Epp Weaver ironically combines Said's arguments with certain elements of post-Zionist thought that *bring the theme of exile into the very idea of the state*. The advocacy of an inclusive, "diasporized" state thereby answers the need for politically grounded reconciliation, while steering away from nationalist ideologies.<sup>62</sup>

Proposing a "diasporized" state might, however, appear to be a difficult hermeneutical position to adopt within a theological tradition that advocates a strict separation of church and state. In *States of Exile*, Weaver therefore takes care to identify Christian political advocacy as a matter of dealing with "one abuse at a time", rather than proposing a model Christian state. Here Weaver refers to John Howard Yoder, who saw such political activities "for others" as no more than "signs of the Kingdom": avoiding the extremes of otherworldliness on the one hand, and "realist" defences of states' interests on the other, Yoder sought to keep divinely motivated, inclusive politics mindful of the world to come.<sup>63</sup>

If one sought to apply the model of a diasporized state in the context of Australian history, and perhaps construct a hermeneutical analogy with the ethnic tensions that emerged in Judah in the 5<sup>th</sup> century BCE, then one could say that the dominant idea of purity was articulated most notably in the White Australia policy, which during the first half of the twentieth century excluded Asian immigrants and denied citizenship to Indigenous Australians. Inclusive prophetic voices have been heard, on the other hand, through those in each generation who have done their best to *invert* the heritage of the White Australia policy, advocating for dispossessed Indigenous peoples and asylum seekers, and working with them in a number of historic campaigns.<sup>64</sup> In our own local context, faith communities must grapple especially with the hermeneutical question of what redemption might mean for Indigenous peoples. Might it still include, in some sense, a *restoration to kin and country*, as it did in ancient Israel, or perhaps the resurrection of a treaty process?<sup>65</sup> What would a "diasporized"

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61. Edward Said, *The End of the Peace Process* (New York: Pantheon, 2000) 142.

62. Weaver, *States of Exile*, 19 and 62.

63. See Michael G. Cartwright and Peter Ochs (eds.), *The Jewish-Christian Schism Revisited: John Howard Yoder* (Grand Rapids: Eerdmans, 2003) 164; on political "signs", see Yoder, *The Royal Priesthood* (Grand Rapids: Eerdmans, 1994) 204. Cf. Weaver, *States of Exile*, 62 and 93.

64. See Lake and Reynolds, *Drawing the Global Colour Line*; Bain Attwood, *Rights for Aborigines*; Reynolds, *This Whispering in our Hearts*.

65. See Brett, *Decolonizing God*, 59-61, 181, 199; Chris Budden, *Following Jesus in Invaded Space: Doing Theology on Aboriginal Land* (Eugene: Pickwick, 2009) 153-66; Jakobus M. Vorster, "The Ethics of Land Restitution", *Journal of Religious Ethics* 34 (2006) 685-707. On the language of redemption, cf. Anthony C. Thiselton, *The Hermeneutics of Doctrine* (Grand Rapids: Eerdmans, 2007) 325-36.

Australian state look like, with room for the redemption/return of many peoples? Might it not include, beyond the layering of state and federal-level sovereignties, models of “shared sovereignty” with the polities of the First Nations?<sup>66</sup>

### CONCLUSION

An appreciation of the *Wirkungsgeschichte* of the Bible can play an important role in shaping questions for research, without thereby determining either the descriptive or the normative outcomes of a particular research project. However, as in the Australian examples discussed in this paper, “contextual” paradigms of research are raising critical questions about key issues that have often been neglected by the dominant (and resource rich) streams of academic biblical study in Europe and North America.<sup>67</sup> Such “contextual” paradigms of research may be developed without confusing descriptive accounts of biblical texts with normative proposals for hermeneutical theology, although a single scholarly work may include both. It must be acknowledged, however, that biblical scholars are often less rigorous in discussing the normative dimensions of their work – perhaps in part because of a lingering habit of assuming that those dimensions belong in other fields of inquiry.

Another problem arises when it is suggested that the most ethical approach to hermeneutics would be to focus on what the biblical authors “intended”<sup>68</sup> – an approach that founders as soon as biblical theologians contemplate the diversity of the canon’s voices on key themes such as creation, redemption, gender, law, justice, ethnicity, love or theodicy. If a biblical theology is at all possible, and I think it is, then coming to terms with the diversity of canonical voices – and particularly with inner-biblical critique – is one of its most demanding tasks.<sup>69</sup> Instead of focusing on the serial witnesses of particular biblical

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66. See the recent overview provided by Paul L. A. H. Chartrand, “Reconciling Indigenous Peoples’ Sovereignty and State Sovereignty”. AIATSIS Research Discussion Paper 26, September 2009, available at <http://www.aiatsis.gov.au/research/discussion.html>.

67. See, e.g., Randall C. Bailey, Tat-siong Benny Liew and Fernando F. Segovia (eds.), *They Were All Together in One Place? Toward Minority Biblical Criticism* (Atlanta: Society of Biblical Literature, 2009); Musa Dube (ed.), *Other Ways of Reading: African Women and the Bible* (Atlanta: Society of Biblical Literature, 2001); Fernando F. Segovia and Mary Ann Tolbert (eds.), *Readings from this Place. Vol. 2: Social Location and Biblical Interpretation in Global Perspective* (Minneapolis: Fortress, 1995).

68. The most sophisticated defence of this view in the recent literature is in K. Vanhoozer, *Is There a Meaning in this Text?* See n. 25 above.

69. Cf. Thiselton, “Dialectic in Hermeneutics and Doctrine: Coherence and Polyphony”, in *Hermeneutics of Doctrine*, 119-44. Nicholas Wolterstorff has advanced the view that the unity of scripture rests on divine “authorization” – the divine appropriation of diverse human discourses – but his recent qualification is apt: “I now see that regarding God as the authorizer of what stands in the Christian scriptures does

authors, which might then be exported to other fields of inquiry for praise or blame, a more fruitful approach to hermeneutics would engage with the biblical diversity and explore its relevance for the faith communities who continue to be shaped by these texts. In short, multiple “fusions of horizons” will be an ongoing task, vigilant against the dangers of pre-emptive fusions that gain an inertia of their own.

Biblical readers also need to be wary of identity politics as a “martial art”, and embody an alternative cosmopolitanism or catholicity.<sup>70</sup> Whatever happens in public spaces, the church is called to demonstrate that transformations into communion are possible, authentic conversations with others are necessary, and “multiculturalism” is not simply reducible to a plurality of monocultures. Actually engaging with the other means that our original standards of judgment may be transformed.<sup>71</sup> This calling has implications for the interfaces between the church and public domains (especially bearing in mind that about half of the Australian population identify as Christian without feeling the need to cross an ecclesial threshold). I would want to argue for example that an adequate Christian understanding of human rights, and particularly of Indigenous rights, would not in fact slide into individualist liberalism as some theologians suggest, but rather, would provoke *agape* into an ever-widening embodiment of communion among God’s creatures, both human and non-human.<sup>72</sup> Such an argument sets an agenda for biblical hermeneutics that brings exegetical rigour into a necessary conversation with systematic theology and ethics.<sup>73</sup>

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not settle, one way or the other, whether those scriptures should be regarded as one work or many – God’s single *opus* or God’s *opera omnia*. See Wolterstorff, “The Unity behind the Canon”, in C. Helmer and C. Landmesser (eds.), *One Scripture of Many? Canon from Biblical, Theological and Philosophical Perspectives* (Oxford: Oxford University Press, 2004) 232.

70. The idea of identity politics as a martial art is borrowed from Susan Abraham, *Identity*, 200. See further, Mark G. Brett, “Diaspora and Kenosis as Postcolonial Themes”, paper delivered at United Theological College, Bangalore, India, January 2010.

71. Charles Taylor, “The Politics of Recognition”, in A. Gutman (ed.), *Multiculturalism and “The Politics of Recognition”* (Princeton: Princeton University Press, 1992) 67 and 70. Cf. the reformulation of “catholicity” in Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon, 1996) 48-55.

72. One of the weaknesses in Wolterstorff’s otherwise admirable book on rights is the lack of sufficient attention to the rights of non-human creatures. See, e.g., the Earth Bible series of volumes edited by Norman Habel and his colleagues in Adelaide, and the recent collection of essays in Norman Habel and Peter Trudinger (eds.), *Exploring Ecological Hermeneutics* (Atlanta: Society of Biblical Literature, 2008).

73. See especially Fowl, *Engaging Scripture*; Cosgrove, “Towards a Postmodern Hermeneutica Sacra”.