

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF
GOVERNMENT SCHOOLS**

Press Release #1073

***Separation of Religion and State: The New World, the Old,
and its Implications for Australian Education***

If readers go to the Section of this website which deals with [The High Court case](#) they will read the story of how the DOGS went to the Australian High Court in the period 1979-1981 to test the giving of State Aid to private religious schools under Section 116 of the Australian Constitution.

This is the religious liberty clause which prevents the Commonwealth (federal) government from *establishing any religion*, imposing religious observances, banning the free exercise of any religion, or requiring religious tests to hold public office. The Section was introduced by Andrew Inglis Clark and Henry Bournes Higgins into the Australian Constitution and in the Australian Constitutional Convention debates there was evidence that the Founding Fathers believed that it prevented State entanglement with religious schools through State Aid to religious schools.

The Founding Fathers in Australia were not anti-religion. Like their American predecessors, they did not want to bring the bloody religious wars of the Old World into their new country.

The DOGS case was a long, rather sad saga, in which the Church School Interest lobbied politicians and undermined the legal system for 15 years, keeping the plaintiffs out of court. There was a 26 day Trial of Facts in 1979, in which the Church Interest attempted to prove that religious schools were no more religious than public schools. This was meant to break the DOGS financially, but through the financial sacrifice of a few people, the case was heard in 1980. But the Barwick court, Justice Murphy in dissent, found that the establishment clause,

Establishing ANY religion” only meant “Establishing A (particular) State religion”. This very narrow interpretation has rendered our religious liberty clause almost meaningless and opened the floodgates to the billions and billions of dollars pouring into an eighteenth century type denominational or religious system, dividing our children according to creed, colour and class.

Now, in the United States, as Trump takes that country back into an autocracy, the original meaning of the First Amendment, upon which our Section 116 is based, is also under threat.

- As we contemplate
- the consequences of entanglement of the Australian State with religious leaders and administrators who compromise their very basic beliefs;
- the decline of our democratic institutions;
- the undermining of our public education systems; and
- the future of our children,

the following article published in *The Conversation* in the last week is very much to the point:

[The US founders' other revolutionary choice: Separating religion and government](#)



- 02/07/2026

[Peter C. Mancall](#)

Did the founders of the United States intend to create a Christian nation?

Political leaders who addressed [a prayer rally on the National Mall](#) on May 17, 2026, [seem to think so](#): House Speaker Mike Johnson led the crowd in “rededicat(ing) the United States of America as one nation under God.”

Some, and perhaps many, scholars [would say no](#): that, while many founders were religious, as a group they concluded that the national government should not support any particular faith.

As [a scholar of colonial North America](#), I believe that history provides an answer. European colonisers in lands that became the United States did link church and state. But the architects of the new nation broke from that idea as surely as they broke from Britain.

The European desire to expand the boundaries of Christendom played a central role in the colonial era, as I describe in [my 2026 book, Contested Continent](#).

That drive [mattered greatly to Christopher Columbus](#), who sailed west in 1492. Upon landing in the Bahamas, he laid claim to already populated territories, [writing that Christ would rejoice](#) “as he foresees that so many souls of so many people heretofore lost are to be saved.”

[The ‘Doctrine of Discovery’](#), proclaimed by the Vatican in 1493, granted European monarchs title over lands occupied by non-Christians and urged them to convert the people who lived there.

Less than a generation later, the Protestant Reformation transformed Christianity, dividing Europe and [spawning brutal violence](#).

In England, the schism reshaped the relationship between church and state. King Henry VIII [severed ties with the Pope](#) in the 1530s. He ordered the [dissolution of monasteries](#), and his followers defaced church statues of Catholic saints.

After Henry rejected Rome’s authority, Parliament passed [the Supremacy Act of 1534](#), which made the monarch the leader of an independent national church, [the Church of England](#).

Queen Elizabeth I, Henry’s daughter, [further reduced the political power of English Catholics in 1559](#). Her desire to promote her Protestant faith, along with a yearning to expand England’s political authority, helped fuel a vicious [campaign to take control of Ireland](#), where the Reformation’s teachings had not taken hold.

The desire to promote Protestantism also figured in English plans for the colonisation of North America. In the 1580s, an expedition [sent by Sir Walter](#)

[Raleigh](#) arrived on the Outer Banks of what is now North Carolina. They were eager to learn about the region's natural resources and its peoples.

English colonial planners also hoped to convert Carolina Algonquians and to keep Catholics away. A small group of Jesuit priests had already tried to establish a mission on a tributary of Chesapeake Bay in 1571, but they were [killed by Indigenous people](#).

Thomas Harriot, who [chronicled the English efforts](#) when he arrived in 1585, believed that Carolina Algonquians would convert to Protestantism. In fact, he wrote, native people were so eager to accept the faith that they grabbed a Bible "to embrace it, to kisse it, to hold it to their bre(a)sts" in order to absorb the lessons it contained.

In 1607, the Virginia Company of London established a settlement at Jamestown, promising, according to [the colony's 1609 charter](#), that colonisation would lead to "the conversion and reduccion of the people in those partes unto the true worshipp of God and Christian religion." To advance their goal, they tried to bar anyone holding "the superstitions of the Church of Rome." Colonists had to swear the oath of supremacy to the English monarch, which meant accepting the Church of England.

Within a generation, other Protestants arrived in English America, including critics of the Church of England who are now often called 'Pilgrims'. Puritans, who migrated soon after, [held similar beliefs](#). Persecuted in England for their dissenting views, they arrived eager to demonstrate to the world that they knew the [best ways to advance a civilisation](#), based on their interpretation of scripture.

Among these migrants was John Winthrop, a leader of the Massachusetts Bay colony. In 1630, he wrote what became [the most famous sermon](#) in early America – although he was not a minister and likely never delivered it to a congregation.

Winthrop advocated [the blending of church and state](#). As he put it, drawing on the Bible's [Book of Matthew](#), "We shall be as a city upon a hill. The eyes of all people are upon us." Colonists' failure, he suggested, would be a victory for the enemies of God.

English advocates of colonisation were aware that [Catholics had been erecting churches in modern-day Mexico and Peru](#). Protestants feared that Rome's

influence might spread across the East Coast, moving southward from French Canada and northward from Spanish Florida. While English authorities [allowed limited migration of Catholics](#), especially to Maryland, their Colonies remained Protestant strongholds.

No single official church establishment stretched across the 13 colonies that would eventually join in the American Revolution. But church and state were closely related in each.

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Towns across New England taxed residents [to support local congregational churches](#), which evolved out of Puritan traditions. Colonial governments established the Church of England [in Virginia in 1619](#) and [in New York](#) in 1693.

Pennsylvania's [1682 frame of government](#) promised that law-abiding people would not be persecuted for their religious views or forced to worship. But those who held public office needed to "possess faith in Jesus Christ." Even Rhode Island, famous for its tradition of tolerance, specified in [its 1663 charter](#) that residents should edify "themselves, and one another, in the holie Christian faith."

By the mid-1770s, many colonial Americans decided that the time had come to [separate from Great Britain](#). Many also wanted to separate church and state.

In 1777, just a year after he drafted the Declaration of Independence, Thomas Jefferson wrote [Virginia's Statute for Religious Freedom](#). As he put it, one's ability to serve the public should "have no dependance on our religious opinions, any more than on our opinions in physics or geometry." When the statute became law in Virginia in 1786, it protected freedom of worship and ended [taxes to support the Church of England](#).

[Article 6 of the United States Constitution](#), written in Philadelphia in 1787, forbade any [religious oaths for those who wanted to hold office](#). [The First Amendment](#), which became part of the Constitution in late 1791, held that Congress "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The leaders of the American Revolution [did not agree on all matters of faith](#). But had they wanted public support of religious institutions, they had plenty of models at hand – including the Church of England.

They decided, instead, that a durable republic could best survive if politics and religion inhabited different spheres. This recognition contradicted almost two centuries of colonial practice, making it among the most radical achievements of the founding era.

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