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# **FREEDOM OF RELIGION FOR INDIGENOUS PEOPLE IN AUSTRALIA**

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## **Abstract**

This article presents a qualitative study of the indigenous Australian perspective on reconciliation with nonindigenous Australia, the principal features found in indigenous religious or spiritual traditions throughout Australia and the challenges experienced by indigenous Australians to have their religious freedoms recognised. The subject of ‘indigenous religions’ around the globe warrants a tome of its own. The vast number of tribal peoples around the world collectively and individually has their own set of beliefs, rites and rituals which relate to the tribal people, all life on earth and the sources of life on earth. For the sake of this paper it is more appropriate to term these practices as indigenous religious traditions. However, indigenous religious traditions often are portrayed by diversity identifying that the indigenous people, tribe or nation has an individual perspective on how the universe came to be, how it is constructed, how it determines influences on lives, how it can evolve, collapse and regenerate. This perspective is conveyed usually via oral storytelling or performative recall of primordial acts in group ceremonies.

*Keywords:* freedom, religion, indigenous, people, Australia

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## **1. Introduction**

The subject of ‘indigenous religions’ around the globe warrants a tome of its own. The vast number of tribal peoples around the world collectively and individually has their own set of beliefs, rites and rituals which relate to the tribal people, all life on earth and the sources of life on Earth. For the sake of this paper it is more appropriate to term these practices as indigenous religious traditions.

Robin M. Wright asserts that ‘the term religion by itself has a colonial connotation for many indigenous peoples, which reflects their historical relations with Christianity, Russian Orthodoxy, and other so-called world religions that were complicit with colonialist expansion and its repression of the “other peoples’ (indigenous), their rites and beliefs” [1]. Wright continues that over the centuries colonial societies rejected the notion of indigenous groups did not practice religion. Furthermore, conversely instead of being a religion free

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collective that every element of indigenous life is divinely prompted. The challenge of analysis of 'indigenous religious traditions' is centred on the basis that non-indigenous religions have a core of faith, a corpus of Orthodox doctrine with many variations, a general consensus, a meta-narrative, and a body of theological texts to which teachers and students can rely.

According to Robin M. Wright, "indigenous religious traditions, in short, are characterized by heterodoxy in contrast with the Orthodoxy of the world religions. There is no set of unique features characterizing all indigenous religious worldviews." [1]

Prior to the colonization of Australia by White people, the continent was occupied by up to 750,000 indigenous people who inhabited approximately 700 different groups [2]. Each group lived within its own territory, political system, laws, and spoke its own dialect. Within each group there were many common features concerning their culture and belief systems. However, when Australia was claimed by England it was considered by the English as *terra nullius*, or empty land, without ownership, culture or law.

Yarwood and Knowling wrote that the colonial settlers believed themselves to be a superior species to the indigenous population. Their disdain was demonstrated in the resulting massacres and 'frontier wars' of the indigenous population. Notably, in 1828, there was a killing of around 300 Aborigines at Waterloo Creek, north of Sydney [3]. The killings continued into the 20<sup>th</sup> century. A Royal Commission, in 1928, found that in retaliation to the death of a settler in 1927, in the East Kimberley region of Western Australia the police tracked down, shot, and burned at least 11 Aborigines [4].

Beginning early in the 20<sup>th</sup> century, a period of forced, albeit limited, assimilation and 'protection' of Aboriginal people began. Native Welfare Departments were created in various states to oversee the lives of the indigenous people. This supervision, whilst offering protection, violated the human rights of Aboriginal people by denying them access to many facilities available to non-Aboriginal people. The indigenous population experienced a number of restrictions in their activities.

Van Krieken described this period as a time when welfare converged with violence. The collusion between the state and the Church significantly demonstrated the violence with forcible removal of mainly part-Aboriginal children from their parents to provide 'better' provision for them [5].

These practices concealed the underlying belief that the indigenous population will die out over time. It was thought that the full-blood aboriginal members would naturally die out, and the part-Aboriginal population could have the aboriginality could be 'bred out' of them. By removing the children, the belief was that the disassociation with their indigenous background would enable them to be assimilated into the White population.

The Australian Human Rights and Equal Opportunity Commission report depicted this practice as a gross violation of the human rights of indigenous people and exemplified the policies in terms of attempted genocide [6]. The

negative impact on individual, family, and cultural health of those who involved has been well documented [7].

With the eradication of the Aboriginals it would also ensure the eradication of their unrecognised cultural and indigenous religious traditions.

## **2. 21<sup>st</sup> century Australia - the spiritual and religious beliefs of indigenous Australians**

In 2016, 2.8% of the population (or 649,171 people) were Indigenous Australians. 89.6% were Aboriginal, 6.5% were Torres Strait Islander and 3.9% were both Aboriginal and Torres Strait Islander [8].

The majority of the overseas-born population reported an affiliation with Christianity. However, the proportion of those with another religion has been steadily increasing since the 1950's, corresponding with the decrease in those with a Christian religion. While the overseas-born population was still predominantly Christian in 2016, more recent arrivals were less likely to identify as Christian. Of those who have arrived in the ten years from the beginning of 2007 to August 2016:

- 34% identified with a Christian religion,
- 31% identified with another religion,
- 30% reported no religious affiliation.

The proportion of those who stated they did not have a religion has also been gradually increasing among the overseas-born population. The proportion has doubled from 15% in the 1900's to 30% in the early 21<sup>st</sup> century. This is similar to the Australian-born population (34%) [8].

One of the challenges this poses is how accurately the figures reflect the true practice of traditional religion and spirituality across Australia. According to Gary Bouma, it is possible that Aboriginal and Torres Strait Islander people identify as Christian or with other religions in the Census, but simultaneously retain traditional cultural and spiritual beliefs and practices. The statistics, therefore, may present a skewed perspective on the actual levels of practice of traditional Indigenous religious beliefs [9].

The 2016 Census showed that there were broad similarities in the religious affiliation of Australia's Aboriginal and Torres Strait Islander population and the non-Indigenous population. Overall, 54% of Aboriginal and Torres Strait Islander peoples reported a Christian affiliation, almost the same proportion as the non-Indigenous population (55%). In 2016, less than 2% of the Aboriginal and Torres Strait Islander population reported adherence to Australian Aboriginal Traditional religions or beliefs. This has remained steady over the last 20 years. The proportion of Aboriginal and Torres Strait Islander people who reported they had no religion has increased gradually since 2001. The largest increase occurred between 2011 (24%) and 2016 (36%). These proportions are higher than for the non-Indigenous populations (22% and 30% respectively) [8].

The variants of Christianity adhered to by Indigenous Australians today often reflect earlier missionary activity during the colonisation, conversion and indoctrination of the indigenous communities. Such as, in eastern Australia and the Torres Strait was predominantly Anglican, the west was predominantly Catholic although there were some Catholics in the east. The Uniting Church members were common in the north where the Methodist and Presbyterian missionaries were active whilst the Evangelical Church was predominant in the Western Desert and central north. In the south and centre it was predominantly Lutheran whilst in the Torres Strait and in coastal Queensland it was predominantly Pentacostalist [10].

The expression of Christianity by Indigenous Australians has many guises. Whilst some have adopted Christian belief and practice over their traditional belief, others have amalgamated elements of Christianity with their own spiritual practice. For some, there is an indirect correlation with the indigenous perception of a morally interconnected ancient world. The foundations of ancestral law, such as, the rule of caring for and looking after one another, are synonymous with Christian practice [10].

Historical records show numerous examples of Aboriginal and Torres Strait Islander Peoples uniting Christian and traditional religious and spiritual practices. In the 1970s, in east Arnhem Land the Yolngu Christians, influenced by Black American Revivalism, joined traditional spiritual concepts with ecstatic forms of expression. Local Yolngu pastors and non-Yolngu missionaries in the Elcho island revival of 1979 led to a collection of revivalist crusades throughout Australia [11]. At the same time, Indigenous leaders formed the Aboriginal Evangelical Fellowship rejecting non-Indigenous control of mission Churches [12].

In 1985, Arthur Malcolm from Yarrabah became the first Anglican bishop. His inauguration demonstrated the integration of Christianity and the aboriginal traditional religion. During the ceremony, painted dancers in two columns advanced forward singing a Gunganjdji welcome. An aboriginal elder presented him with a woomera, a symbol of authority amongst aboriginals. In 1986, Bishop Kawemi Dai became the first Anglican Torres Strait Islander bishop. His consecration ceremony on Thursday Island combined both Anglican and traditional elements [13]. The incorporation of indigenous culture in these ceremonies highlights the significance of traditional culture and religion in conjunction with Christian belief and practice.

Today, Christianity, for many Indigenous people offers a bridge between continuing their own spiritual and cultural beliefs by blending Christian values into their existing belief concepts. Within the Christian doctrine and the story of Christ which resonate with many Aboriginal values such as generosity, fairness and sharing [14].

### **3. Indigenous religion in Australia**

Australia has 900 distinct Aboriginal groups across the continent, each differentiated by unique names and generally identifying specific languages, dialects, or unique speech patterns [15].

Languages were loaded in religious terminology in the form of story, legend or song. Members of a shared language group shared similar customs and beliefs and lived in a definitive territory. As a group they considered themselves as related through descent from common ancestors [16].

In many areas of Australia, during initiation or ceremonial occasions there were specific languages for special times. These languages used different words but were founded on the everyday language. Usually the meanings were only known by older initiated men or women and spoken at ceremonies. They were not spoken in front of the uninitiated. They also deployed sign language that was learned by all [17]. Often this was used during hunting expeditions, during ceremonies or when a relative died. ‘Hand talk’ is used during periods of grief and loss.

The extent of the range of distinct Aboriginal groups, languages, beliefs and practices poses challenges for scholars as the believe and practice cannot be united unilaterally to create a complete compilation of all Aboriginal myths. This is further complicated by the constant myth evolution of elaboration and performance.

The beliefs of Australian Aboriginal religion and mythology are portrayed in stories; including song lines, Dreamtime or Dreaming stories, and Aboriginal oral literature. The Aboriginal peoples perform these stories in their native tongue throughout the continent. This native tongue creates language that is encapsulated in the original myths and represents the birth of distinctive words and the unique names of the individual myths. Each group’s local cultural landscape is explained in detail through the myths offering meaning to Australia’s topography. This oral history is passed down through the tales of the ancestors from the beginning of spoken history. Some of the myths talk of the whole continent whilst others are specific to certain groups.

Berndt and Berndt highlight the breadth of the variety of stories of Aboriginal mythology explaining that the stories “tell significant truths within each Aboriginal group’s local landscape. They effectively layer the whole of the Australian continent’s topography with cultural nuance and deeper meaning, and empower selected audiences with the accumulated wisdom and knowledge of Australian Aboriginal ancestors back to time immemorial.” [18]

Within David Horton’s *Encyclopaedia of Aboriginal Australia* there is an article on Aboriginal mythology detailing: “A mythic map of Australia would show thousands of characters, varying in their importance, but all in some way connected with the land. Some emerged at their specific sites and stayed spiritually in that vicinity. Others came from somewhere else and went somewhere else. Many were shape changing, transformed from or into human

beings or natural species, or into natural features such as rocks but all left something of their spiritual essence at the places noted in their stories.” [15]

Horton explains that Australian Aboriginal mythologies have been depicted as “at one and the same time fragments of a catechism, a liturgical manual, a history of civilization, a geography textbook, and to a much smaller extent a manual of cosmography”. But Horton explains that “one intriguing feature, is the mixture of diversity and similarity in myths across the entire continent” [15].

#### **4. The link between indigenous spirituality and language**

The preservation and protection of culture and spirituality is closely linked to the preservation of Indigenous languages. Colonial assimilationist policies, which suppressed and prohibited Aboriginal languages to be spoken in schools negatively impacted the transmission of traditional cultural knowledge. The diminished use of language diminishes the knowledge and meaning that have existed over hundreds of years [19].

Languages are an oral box of culture and identity the origins of which can't be separated from spiritual life. Many Aboriginal communities seek to revitalise their use of languages, implementing education programmes, initiating the development of language resources, and with music.

There are 145 Indigenous languages still spoken in Australia and according to the 2005 National Indigenous Languages Survey (NILS) Report 110 are critically endangered [[http://www.arts.gov.au/indigenous/languages\\_policy](http://www.arts.gov.au/indigenous/languages_policy)]. The migration of Indigenous people from remote locations to urban centres has impacted the number of languages spoken. Many Indigenous people have moved from remote locations to urban centres, whereas the majority of languages which are spoken today remain concentrated in the areas of traditional land ownership.

In 2009 the Commonwealth Government's new National Indigenous Languages Policy was passed with the purpose of supporting Indigenous Australians connection with their language, culture and country and to invigorate indigenous language use. It aimed to raise awareness nationally to Indigenous languages and to encourage the use of critically endangered languages. The policy sought to restore the use of rarely spoken or unspoken indigenous languages to the extent that the current language environment allows and to support the learning and teaching in Australian schools.

Language is the keystone of the identity, law and land claims of many Aboriginal and Torres Strait Island people and plays a crucial role in maintaining their cultural and spiritual wellbeing [13, p. 12]. Today, Commonwealth initiatives are key in protecting the future of Indigenous languages but state governments need to foster their survival by supporting and not restricting bilingual education for Indigenous students in Australian schools.

## **5. The status of indigenous religious traditions in Australia**

As a western democracy, Australia is the only one without a comprehensive human rights instrument and within its constitution there is only limited protection for religious freedoms. In 1984, the first public enquiry into religious freedom by a statutory body was held in response to the nation's growing religious diversity. During the post-war period robust political support grew for multi-culturalism and pro-immigration policies. The report also responded to evidence of discrimination against indigenous Australians calling for a need for greater legal protections.

Without a comprehensive national human rights instrument, Australia's international obligations are wrapped up in four acts of federal (Commonwealth) anti-discrimination law covering race, gender, disability and age:

- 1) *Australian Human Rights Commission Act (1986)*. This legislates Australia's federal statutory human rights organisation, the Australian Human Rights Commission (AHRC).
- 2) *The Sex Discrimination Act (1984) (SDA)*.
- 3) *The Age Discrimination Act (2004) (ADA)*. Within this act there are exceptions enabling religious bodies, organisations and educational institutions to lawfully discriminate on the basis of otherwise protected attributes in instances when the acts or practices assimilate in accordance with the doctrine, tenets or beliefs of the religion or when they are necessary to stop 'injury' to the religious susceptiveness of religious followers.
- 4) *The Fair Work Act 2009*. This act forbids disclosures of discrimination on the grounds of religion in employment.

With the exception of New South Wales (NSW) and South Australia (SA), all Australian states and territories have anti-discrimination (or equal opportunity) legislation in some forms which include some protections from religious discrimination. There are comprehensive human rights charters in Victoria, Queensland and the Australian Capital Territory which include the protection of freedom of conscience, thought, belief and religion.

With a gradually shrinking number of people identifying as Christian as a result of the triennial national census and the number of people identifying as 'no religion' the first public enquiry examining religious freedom was held to reflect the growing diversity in terms of language, culture and religion in Australia.

From 1984 to 2008, there were six enquiries in total; four on religious freedom and two on human rights which also considered religious freedoms. In the following eleven years, until 2019, a further five religious freedom enquiries and an additional nine that encompassed a broader term of reference. However, despite these numbers of enquiries the systemic and structural racism which the indigenous aboriginals have suffered since the colonisation of Australian and continues to this day in the absence of any treat is only occasionally addressed in public debate.

In Australia, under Article 18 of the International Covenant on Civil and Political Rights freedom of religion and belief in Australia is recognised as a human right. This encompasses the freedom to follow a religion or belief of choice, be it theistic, non-theistic or atheistic including the right to embody the religion or belief of choice in worship, observance, practice and teaching.

The Ministerial Council on Immigration and Multicultural Affairs supported the National Action Plan to Build on Social Cohesion, Harmony and Security (NAP) in 2006. An element of the NAP, is the Australian Human Rights Commission (AHRC), Australia's independent statutory authority which manages Commonwealth human rights laws, which was allocated funding to deliver a range of projects. A component of this was to report on freedom of religion and belief in Australia. The AHRC worked in conjunction with the Australian Multicultural Foundation and other agencies to deliver a significant research and consultation project focussed on freedom of religion and belief in Australia.

The Australian Human Rights Commission (AHRC) project on Freedom of Religion and Belief in the 21<sup>st</sup> Century considered the extent to which this right can be enjoyed in Australia. Rights to freedom of speech, thought and religion are deemed to be the hallmark of a democratic society and yet conversely it can be the cause of fierce conflict. This can be examined in the context of the freedom and belief of Indigenous Australians and the denial of access to cultural and religious practices, to sacred sites which has had a negative and disruptive impact on Indigenous communities.

It is important to determine the extent which the indigenous communities of Australia, the Aboriginal and Torres Strait Islander people have been able to enjoy the right to freedom of religion today in Australian society.

### **5.1. Freedom of religion and belief**

Freedom of religion is enshrined within the United Nations Declaration on the Rights of Indigenous Peoples. Article 12 states: *“Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.”*

The right to freedom of religion and belief is also enshrined under the 1948 Universal Declaration of Human Rights. According to Article 18: *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his [sic] religion or belief, and freedom, either alone or in community with others and in public or in private, to manifest his [sic] religion or belief in teaching, practice, worship and observance.”*



## **6. Indigenous people and other religions**

Multiculturalism has increased since the 1970s and the advent of this trend has led to the growth of new religions and secularisation which has impacted affiliation with many Christian denominations. Younger generations are rejecting religious belief and reflect a high proportion of those who stated no religion in the total Australian population [8].

Further, between 1996 and 2006 migration from Asia and the Middle East has played a part in the growth of other religions outside of Christianity. In 2006, this accounted for 5.6% of the total population. These non-Christian religions were broken down in the 2006 census into Buddhism (or 2.1% of the population), Islam (1.7%) and Hinduism (0.7%). Between 1991 and 2006, within the indigenous population Buddhism, Islam and Baha'i had the most significant increases [8].

Nowadays, Indigenous people are choosing other religions including Islam, Baha'i and New Age beliefs whilst holding onto the Indigenous spiritual and religious traditions [11].

Indigenous Muslims, such as the people of Arnhem Land with Maccassan ancestry, have either recently converted or are non-practising descendants of followers of Islam [20].

However, some Indigenous Muslims garnered their faith from the cameleers, Muslim ancestors who came to Australia many generations before, whilst other converts have followed Islam from a shared sense of political and religious persecution which in turn offers a unified sense of resistance, like reporter J. Nimmo, said in SBS Television, on 27 February 2003.

Islamic convert, Eugenia Flynn, detailed how her religious beliefs work with her Aboriginal Cultural roots: *"For me it comes in the place of knowing two things really, really well. You really need to know Islam the religion very, very well and you need to know your Aboriginal spirituality very well in order to let those things gel. There are some things that conflict, but because I have knowledge of both of those things I'm able to resolve them in a way that makes me satisfied... When you contemplate the spirituality of Islam you see the way that it fits together with being spiritually tied to country."* [<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4714.0Main+Features12008?OpenDocument>]

## **7. Conclusions**

In Australia today, Aboriginal and Torres Strait Islander people share a myriad of spiritual beliefs and religions. Enshrined within the protection and promotion of Indigenous culture is the freedom of religious expression for Aboriginal and Torres Strait Islander peoples. Historically, evolutions in social policy and legislation have served to help or hinder the liberty of religious expression for Indigenous Australians. The Constitutional reform was outlined in detail in 2010 the AHRC Social Justice Report [21]. A sincere and applied approach to matters such as genuine land justice, improved health, economic

prospect and the protection of cultural and intellectual property provides the conditions to enable religious freedom. A demonstration to resolve these problems will derive obtainable and meaningful rights for Indigenous Australians, including freedom of religion. Colonisation, both historically and in the present, has impacted and still impacts the religious and spiritual beliefs of Aboriginal and Torres Strait Islander people. The power of Government policy and legislation could apply influence in the determination of Aboriginal lives and culture. In the 1980s, the policy of self-determination heralded a period of cultural renewal, enabling the practise their spiritual and cultural traditions by the choice of the Indigenous people. This transformation triggered an acceptance of the non-Indigenous population of the significance and uniqueness of Indigenous cultures.

Although, Christian indoctrination was forced onto the Indigenous people, some did not accept it. It was either embraced, rejected or some were even ambivalent of the religions preached by the missionaries. Throughout time, Indigenous spiritual traditions have remained to the present, and sometimes their survival is a result of combining them with other religious traditions. Today, more information is available concerning traditional spiritual practice of Aboriginal and Torres Strait Islander peoples but not enough to provide a holistic insight into the ancient and complex belief system. In fact, further research is needed to obtain a wider view of contemporary religious and spiritual beliefs. The sacred and the profane are not disconnected in traditional Indigenous religion. There is a connection between the Indigenous economic, physical, social and emotional wellbeing and with spiritual wellbeing. As there is no separation between spirituality and culture an attack one element is likely to impact another. This can be considered in terms of the freedom of religion and spirituality. For example, if land ownership is unstable, language and culture are not sustained then good health cannot be achieved. Both symbolically and practically, redressing the balance is at the heart of reconciliation in Australia today.

The challenge facing modern Australia is how to support the Aboriginal and Torres Strait Islander people's right to self-determination and also how to support their right to define and control their own culture, identity and type of religious or spiritual expression and belief. Indigenous society is complex and holistically connected to the earth. Recognising the importance of this connection is key for all Australians in order for freedom of religion to be achieved for Indigenous Australians.

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