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Breaking the Great Australian Silence

How Durkheim Finally Makes Room for Australian Indigenous Peoples' Religious Life

Australian processes for recognising Indigenous sacred sites and, in some cases, land ownership, often offer claimants an invidious, lose-lose choice. On the one hand, claimants can support their claim by producing evidence of religious knowledge that they may be culturally required to keep secret. On the other hand, as a series of landmark cases has demonstrated, the material, once revealed, runs the risk of being rejected as not religious enough. The representation of Indigenous religion in Durkheim's *Les formes élémentaires de la vie religieuse* arguably contributed to these impasses. But the same work, particularly when read in conversation with his moral and political writings, also offers a way forward—not as an ethnographic source, but more for its theoretical conception of the relationship between individuals, religion, society, and state.

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This paper arose out of a panel at the 2010 Annual Meeting of the American Academy of Religion to celebrate the centenary of Durkheim's *Les formes élémentaires de la vie religieuse*. The panel's brief was to consider Durkheim *qua* anthropologist, "to shed new light on the writings of Durkheim in regard to his theories of religion and the ways in which Durkheim contributes to an understanding of religion more than 100 years later."

A number of commentators (including this author) have suggested that the legacy of Durkheim the anthropologist has played a less than helpful part in bringing about a set of contemporary political problems which have plagued Indigenous Australians' struggle for greater recognition in modern Australia. More particularly, I will argue, his less than helpful contribution has come about only partly as a result of his actual work, but still more as a result of the history of his reception in Australian academia.

Not being myself an anthropologist, however, I read Durkheim as much for his normative as for his descriptive work. His theories of how society works were profoundly shaped by his quest to understand how it might work better, as elucidated, for example, by interpreters like Steven Lukes,[1] Frank Pearce,[2] Mark Cladis,[3] William Watts Miller,[4] and Susan Stedman Jones.[5] And I propose that, read aright, Durkheim as political theorist can help us solve some of the important challenges left us by the legacy attributed (not always fairly) to Durkheim the anthropologist.

Here, therefore, I attempt a double move: reading Durkheim in his own context and reading the *Formes élémentaires* in conversation with his other works, I hope to understand as nearly as possible what normative social theory he considered himself to be proposing. Having done so, I then try to bring his proposal forward to our own day, and see how Durkheim can help us solve a normative problem—that of the political and legal recognition of Indigenous Australian sacred heritage—in our own day.

We arrive at a solution, however, only after untangling a nagging problem in Durkheim's political thought, to which we find a key right at the end of the *Formes élémentaires*.

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[1] Steven Lukes, "Durkheim's 'Individualism and the Intellectuals'," *Political Studies* 17, no. 1 (1969): 14–30.

[2] Frank Pearce, *The Radical Durkheim* (London: Unwin Hyman, 1989).

[3] Mark Cladis, *A Communitarian Defence of Liberalism: Emile Durkheim and Contemporary Social Theory* (Stanford: Stanford University Press, 1992).

[4] William Watts Miller, *Durkheim, Morals and Modernity* (London: University College of London Press, 1996).

[5] Susan Stedman Jones, *Durkheim Reconsidered* (Cambridge: Polity Press, 2001).

The first challenge

Australian processes for recognising Indigenous[6] peoples' sacred sites and, in some cases, land ownership, often offer claimants an invidious, lose-lose choice. On the one hand, Indigenous communities can refuse to produce evidence of religious knowledge that they may be culturally required to keep secret—thereby jeopardising their case for recognition. On the other hand, as a series of landmark cases has demonstrated, if they make the traumatic decision to reveal secret-sacred material—to a non-Indigenous court or tribunal, and often to a judge or other officials who do not meet gender and other requirements—the cases may still be lost. In surely the bitterest of ironies, cases have even been rejected and sometimes ridiculed on the grounds that the material, so painfully revealed, turned out, in the assessing authority's estimation, to be insufficiently theological, or to have a religiosity of a kind the authority deems wrong, implausible, or inappropriate.[7]

The legacy

As I have argued elsewhere,[8] a significant part of this problem arises from non-Indigenous Australians' assumptions about what religious systems, concepts or symbols should look like. At a conscious level, Australians consider their political and legal systems to be secular. However, those systems are underpinned, at the level of the "unthought in thought,"[9] by Christian assumptions. When parliaments and courts find themselves dealing with matters of religion, they expect the subject matter to bear a broad, structural resemblance to Christianity.

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[6] For the purposes of this discussion, I use "Indigenous" to refer to the Aboriginal and Torres Strait Islander peoples of Australia. As the substance of this paper deals with late twentieth- and twenty-first-century land and heritage claims, I am using the term as it is has come to be used in the last three decades, overtaking "Aboriginal" as a universal designation for the first peoples of Australia. In capitalising the initial letter, I follow the recommendation of the latest edition of the Australian *Commonwealth Government Style Guide*, and the preferred usage of most Indigenous organisations.

[7] Marion Maddox, *Indigenous Religion in Secular Australia*, Research Paper 11 (Canberra: Department of the Parliamentary Library, 1999-2000), 12–20.

[8] Marion Maddox, *For God and Country: Religious Dynamics in Australian Federal Politics* (Canberra: Parliament of Australia, 2001).

[9] William E. Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox*, Expanded edition (Minneapolis: University of Minnesota Press, 2002), 221.

Through the nineteenth century, the anthropological consensus was that the Indigenous peoples of Australia disproved the theory that religion is a human universal. Some observers claimed to have evidence of Aboriginal "superstition," "magic," and even "ceremony"; but they showed extreme reluctance to dignify such practices with the name of "religion." W. E. H. Stanner attributed this reluctance to the colonial view that Australia's Indigenous peoples were either "too archaic in the social sense or too debased in the moral sense to have veritable religion," a conviction which, he said,

> fed the psychological disposition to hate and despise those whom the powerful have injured, or wish to injure. It allowed European moral standards to atrophy by tacitly exempting from canons of right, law, and justice acts of dispossession, neglect, and violence at Aboriginal expense.[10]

Speaking in 1968, Stanner termed Australia's general inability to face up to its treatment of Indigenous peoples the "Great Australian Silence."[11] This is especially evocative when it comes to making serious space for Indigenous religiosity.

Intellectual fashion in the early twentieth century further leached awareness of religion from Aboriginal ethnography. Stanner blamed what he saw as Durkheim's "sociological reductionism," along with Freud's interpretation of religion as pathological, for having "darkened the study they sought to light." Stanner's comment, in other words, both picked up and perpetuated the tendency, so common among Anglophone interpreters, to read the *Formes élémentaires* as reducing religion to—merely—a deification of social structure. The result, Stanner pointed out, was that "many a writer about the Aborigines dropped the word 'religion' altogether."[12]

Tides turn, and eventual anthropological consensus shifted to the view that "the Aborigines are a profoundly religious people";[13] in the words of one Indigenous leader, "much more religious than many modern Western-

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[10] W. E. H. Stanner, "Religion, Totemism and Symbolism," in *White Man Got No Dreaming: Essays 1938–1973* (1962; Canberra: Australian National University Press, 1979), 109.

[11] The phrase was used by Stanner in his 1968 Boyer Lectures, *After the Dreaming: Black and White Australians—An Anthropologist's View*, Australian Broadcasting Commission, 1968.

[12] Stanner, "Religion, Totemism and Symbolism," 111.

[13] Ibid., 113.

ers."[14] Some scholars adopted a Durkheimian framework to understand this renewed appreciation itself. However, this tendency has arguably not been unmixedly helpful.

For example, Ken Gelder and Jane Jacobs's *Uncanny Australia* proposed a Durkheimian reading of the Indigenous sacred irrupting into what they considered a seamlessly secular Australian consciousness. Their analysis drew a sharp divide, identifying "the sacred" exclusively with Aboriginality. As such, that sacred was designated "uncanny" and "amplified," depicted as wielding unpredictable "effects" which it "unleashe[d] across the nation."[15] Such delineations obscured the political agendas at play in disputes over Indigenous heritage and land claims. A reader might have concluded that the clashes had nothing to do with the vast sums spent by mining companies and other vested interests on discrediting Indigenous claims, for example. Instead, the tensions that produced community divisions, family feuds, protracted court cases, bankruptcies, suicides, and even murder, could, on such an interpretation, be construed as the politically innocent by-products of the mysterious Indigenous "sacred" irrupting into settled secular life.

Such a sacred/profane distinction, where Aboriginality represents the "sacred" and secular Australia the "profane," has marked a great deal of recent history, including several landmark cases to do with recognition of sacred sites, or of sacred traditions as a basis for land ownership.[16] It is arguably also evident in recent cultural expressions, such as the non-Indigenous yearning to "borrow" Indigenous sacrality through movements as diverse as New Age ritual practice,[17] spiritual tourism,[18] and even the National Apology to the Stolen Generations of Indigenous people.[19]

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[14] Djiniyini Gondarra, "Aboriginal Spirituality and the Gospel," in *Aboriginal Spirituality: Past, Present and Future*, ed. Anne Pattel-Gray (Melbourne: HarperCollins, 1996), 41. Other Indigenous Australian scholars who pursue this argument include Lee Miena Skye, *Kerygmatics of the New Millennium* (Delhi: ISPCK, 2007).

[15] Ken Gelder and Jane Jacobs, *Uncanny Australia* (Melbourne: Melbourne University Press, 1998).

[16] Maddox, *Indigenous Religion*.

[17] Michael York, "New Age Commodification and Appropriation of Spirituality," *Journal of Contemporary Religion* 16, no. 3 (2001): 361–72.

[18] As depicted, for example, in the television series *Judith Lucy's Spiritual Journey*, "Chapter Four: Stillness," Australian Broadcasting Corporation, 2011.

[19] Danielle Celermajer, *The Sins of the Nation and the Ritual of Apologies* (New York: Cambridge University Press, 2009), 202–5.

A solution

Rather than seeing a dominant, profane culture being occasionally disrupted by a repressed, Indigenous sacred, it is more helpful to understand two sacreds, one dominant and seeking to exclude the other, within a public square which is ostensibly secular, but actually specifically marked by the dominant religious tradition. Durkheim's political writings offer a helpful route to develop such an understanding, informed by his fuller conception of the sacred as the moral force of society, lying both within and beyond individuals, and being the source of shared values, and also of their critique.

Reading the social theory in Durkheim's major works (e.g., *Suicide*, *Division of Labour in Society* and *Elementary Forms*) in conversation with some of his shorter essays and posthumously published lectures (*Moral Education*, *Professional Ethics and Civic Morals,* and "Individualism and the Intellectuals") produces a picture of individual rights as constructed and maintained through a creative tension between the state and intermediate levels of association, upon which the state is constructed. The resulting model allows for more fluidity in the kinds of associations which people might draw upon in defining their position in relation to the state.

For Durkheim, no-one is a "universal citizen":[20] every citizen relates to the state through multiple, intermediate layers of community. Those layers, in fact, are what allow the state to exist. Durkheim's vision of "political society" holds all kinds of lower-level communities to be indispensable to the state. In this way, his vision of society actively dissolves the conventional liberal opposition between the private sphere, to which matters such as affective relations and religious meaning are confined, and the public arena, in which secular, male citizens achieve transcendence. Family, community, religious and other associations are among the many layers between the individual and the state, and it is through these layers of association that individuals are formed as citizens and without which neither they nor the state could exist.

Durkheim's multilayered picture of the relations between individuals, intermediate communities and the state necessarily values cultural and religious minorities. He provides a way for acknowledging the many other kinds of association to which people (Indigenous or not) in complex societies may also

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[20] In the sense that that term is used by Will Kymlicka, denoting an individual relationship to the state, as distinct from group-based forms of citizenship, which only citizens enjoy. See Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Oxford University Press, 1989), 137.

look in defining their identity and structuring their dealings with the state; and he provides an avenue for criticising the assumption that those who benefit under present arrangements fit a "universal" model of citizenship which masks their collective benefit. That recognition enables us to be more explicit about the nature of citizenship rights. For example, seeing all citizenship in group terms allows us to recognise that white Australians did not arrive with universal citizenship rights, from which some of the country's inhabitants were unfortunately excluded by a kind of accident or historical oversight. Rather, the rights which are taken for granted by white Australians relied on the active exclusion of Aborigines[21] and then of non-white immigrants. Collective disadvantage is often not the result of an unfortunate blindspot, but, on the contrary, the inevitable flipside of collective advantage.

The second problem

Reading Durkheim this way around is consistent with his stance in "Individualism and the Intellectuals," where individuals are not the creators of society (as in the social contract model, which lives on in the idea of universal citizenship), but its creation, and their rights its proud achievement, to be cherished and protected. However, Durkheim's view of morality, especially as enunciated in the lectures on *Moral Education*, rests on the principle that moral norms and moral behaviour arise out of the shared life of a particular geographical, historical and social setting.[22] Morality is born out of communal life, which gives rise, not to a single system, but to numerous, situation-specific rules. Each society is bound to practise the ethics appropriate to itself, so that, for example, "the notion that the Romans could have practised a different morality is, really, an historical absurdity."[23] So organically does a moral system emerge out of society that there can be no Archimedean point of judgment, making claims of universal human rights difficult to sustain.

So, the second problem—arising out of the first—is what prospect a Durkheimian model holds out that the dominant sacred can ever accommo-

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[21] See, for example, Brian Galligan and John Chesterman, eds., *Citizens without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press, 1997).

[22] Emile Durkheim, *Moral Education: A Study in the Theory and Application of the Sociology of Education*, ed. Everett K. Wilson, trans. Everett K. Wilson and Herman Schnurer (1925; New York: The Free Press, 1973), e.g., 87–100, 266, 275–80.

[23] Ibid., 87.

date the Indigenous sacred. Can the suppressed rival ever receive any space, much less become an equal participant in a rich plurality?

A second solution

Read in isolation from the rest of his *oeuvre*, the passages about the stability of moral and social systems, of which *Moral Education* is a particularly strong example, appear vulnerable to one of the conventional criticisms of Durkheim: his alleged unwillingness to account for (let alone promote) social change. Indeed, Frank Pearce identifies *Moral Education* as among Durkheim's most conservative works.[24] This is the niggling problem in reading Durkheim as a source for a progressive politics.

Yet, in an apparent contradiction, *Moral Education* devotes considerable attention to the need for (thereby implying the possibility of) deliberate, intentional and considered social action to change the structures of society. This is, at one level, a matter of practical strategy for the morally motivated. While charity is a good thing because it strengthens one's sense of connectedness to others, as a means of bringing about lasting improvement, it is nonetheless of merely token significance:

> In fact, the lone individual, reduced to his own resources, is unable to alter the social situation. One can act effectively on society only by grouping individual efforts in such a way as to counter social forces. The ills that specific acts of charity seek to cure or mitigate derive basically from social causes. Taken apart from particular cases, the nature of the distress in a particular society is a function of economic life and of the way in which it operates—that is to say, a function of its particular organisation.[25]

Beyond strategy, social action "takes on a higher moral character" than charity "precisely because it serves more impersonal, more general ends."[26] The commitment to social action follows from the argument that moral systems are grounded in society (inasmuch as, to bring about any moral innovation, a change in society would be the first, necessary move). But it offers

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[24] Pearce, *Radical Durkheim*, 139.
[25] Durkheim, *Moral Education*, 84.
[26] Ibid.

no hints about where the impulse and intellectual resources to trigger such a change can come from, if the individuals who might propose it also have their vision contained by their society's moral horizon. Durkheim's account, in which values arise out of social life and can only be changed through a change in the structures of social organisation, allows room for the possibility that such changes may be deliberate, and morally motivated. But such deliberate change would require somebody or some group to be able to compare existing circumstances, and the morality which arises from and legitimises them, with some other past or imagined future circumstances and morality, and judge the latter more desirable than the former.

Durkheim does not see his view leading to a moral conservatism or attachment to the status quo:

> One can see, now, how little substance there is in such an objection.… Now society, which we have made the object of moral conduct, infinitely surpasses the level of self-centred interests. What we must above all cherish in society—that to which above all we must devote ourselves—is not society in its physical aspects, but its spirit. And what is this thing that people call society's soul, or spirit, but a complex of ideas, of which the isolated individual would never have been able to conceive, which go beyond his mentality and which come into being and sustain themselves only through the interaction of a plurality of associated individuals?[27]

Change in moral systems comes about, then, through change in social organisation, which may itself be morally motivated. But that motivation must have come from somewhere in the supra-personal "complex of ideas." The explicit argument in *Moral Education* takes us no further towards resolving this conundrum; but partial answers can be found by reading *Moral Education* against other parts of Durkheim's work. Space permits an exploration of only one, which I find the most promising.

It comes from following Durkheim's emphasis on the positive value of mutual sympathy, which comes from a sense of connectedness to others and is the goal of the "religion of humanity." It draws us to identify with others whose experience is different from our own. In *Moral Education*, such sympathy is cultivated on a small stage, extending as far as love for animals, for

[27] Ibid., 123.

one's birthplace and for "those in whom we find most clearly our society's particular conception of humanity."[28] It can be cultivated by acts of charity, which are admittedly limited in their capacity for bringing about lasting change, but useful for developing one's sense of interpersonal connection. But elsewhere, Durkheim's account of mutual sympathy, compassion and the capacity for "co-suffering" extends far wider, reflecting the internationalist ideals which characterised his *fin de siècle*.[29] Sufficient cultivation of one's capacity for sympathy and empathy can open the way to expand or transcend one's own conscience collective to embrace others.

But, unlike some of his contemporary proponents of the internationalist ideal, Durkheim did not see this capacity as the unique achievement of modern society. *Elementary Forms*, published in the same year as the final Sorbonne presentation of the lectures on *Professional Ethics and Civic Morals*, is a further source of the general idea that concepts (religious, scientific or moral) can only gain a hearing in a society already attuned to receive them. But in this later work, Durkheim generalises from the fact of difference in Aboriginal Australia:

> There is no people, and no State, that is not engaged with another, more or less undelimited society, that includes all peoples and all States with which it is directly or indirectly in contact; there is no national life that is not under the sway of an international collective life.[30]

The difference between the ways in which this phenomenon manifests in small-scale societies and in industrial society lies in the complexity engendered by an ever-increasing division of labour—and, presumably, in the greater access to one another which societies have as a result of mechanised transport and the means of mass communication. Consequently,

> the more we advance in history, the larger and more important these international groupings become. In this way, we see how,

[28] Durkheim, *Moral Education*, 82–3.

[29] For a discussion of the phenomenon of burgeoning internationalism at the turn of the twentieth century, see Marion Maddox, "Baring All: Self-Disclosure as Moral Exhortation," in *Disclosures*, ed. Paul Corcoran and Vicki Spencer (London: Ashgate, 2000), 69–99. For discussion of Durkheim's internationalism, see Jones, *Durkheim Reconsidered*, 44–61.

[30] Emile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen E. Fields (1912; New York: The Free Press, 1995), 428; see also related argument on 446.

in some cases, this universalistic tendency could develop to the point of affecting not only the highest ideas of the religious system, but also the principles upon which it rests.[31]

The full significance of this paragraph becomes clear only when we remember the position which religion holds in Durkheim's vision of society. The reductionist interpretation that Stanner and some other early- and mid-twentieth-century Anglophone interpreters put on him is far from the whole story. Religion, after all, is nothing less, to quote from *Formes élémentaires*, than

> the womb in which the principal seeds of human civilization have developed. Because religion has borne reality as a whole within itself, the material world as well as the moral world, the forces that move both bodies and minds have been conceived of in religious form. Thus it is that the most disparate techniques and practices—those that ensure the continuity of moral life (law, morals, fine arts) and those that are useful to material life (natural sciences, industrial techniques) sprang from religion, directly or indirectly.[32]

The "universalistic tendency" could neither be more radical in its effects nor draw from a wider range of sympathetic impulses. As lower-level collectivities are embedded in the state, so states themselves are embedded in higher-order collectivities which extend, ultimately, to the whole of humanity. Consequently, the inability to recognise and appropriate moral (or religious or other) insights from another *conscience collective* can be transcended when the bonds of sympathy which tie us to one another become sufficiently generalised.

Durkheim depicts internationalising and cosmopolitanising local moral systems and habits of thought expanding like ripples on a pond, each with its own centre, but gradually intersecting, and eventually merging:

> As that international life broadens, so does the collective horizon; society no longer appears as the whole, par excellence, and becomes part of a whole that is more vast, with frontiers that are indefinite, and capable of rolling back indefinitely.... Thought

[31] Ibid., 428–9.
[32] Ibid., 225.

that is truly and peculiarly human, therefore … is an ideal limit towards which we come ever closer but in all probability will never attain.[33]

Read against the bleak history of Australian Indigenous dispossession, such passages surely promise further nightmare. Rolling back indefinitely, giving way, watching their societies' frontiers dissolve—such evocations are all-too-familiar, and hardly positive.

But this, surely, is the point. The dominant culture and religion has expected others to do the rolling back indefinitely, while it merely broadened the collective horizon—to resemble its own.

In *Formes élémentaires*, Durkheim shows us where the possibility and impetus for social change can come from. From encountering others, including other societies, we gain a vision of how things might be otherwise than they are. But the political Durkheim does not leave us there. We have to choose what sort of "otherwise" we want. The lectures on moral education propose how we cultivate the moral senses that help us choose: through developing bonds of sympathy and empathy, starting with those closest to us, and learning to generalise outwards, knowing that others suffer as we do. But individual sympathy is not enough. Deliberate, strategic, collective action is how we bring about social change, to make that "otherwise" real. Such strategic, chosen, collective action addresses the powerful, ensuring that, this time, it will be the powerful's turn to stop, roll back, give way, make room for someone else. Such action is a far cry from telling the powerless to let themselves once again be helplessly swept along on the tide of history.

Durkheim, with the optimism of his *fin de siècle*, saw an "ideal limit towards which we come ever closer but in all probability will never attain." Our more pessimistic age entertains perhaps more modest hopes; but still, we try.

[33] Durkheim, *Elementary Forms*, 446.