

# **GS&C report to PCNSW Assembly 2021 on Cultural Marxism in Australian society, with particular reference to the Black Lives Matter movement**

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## 1. Introduction

The GA NSW meeting in July 2020 requested the Gospel, Society & Culture Committee “to investigate the rise of Cultural Marxism in Australian society, with particular reference to the Black Lives Matter movement”.

This report aims serve the Assembly and the whole PCNSW by providing a basis for informed discussion about these issues. To do this well, the report has taken a broad view of the request. The report

- recounts the development of ‘Cultural Marxism’ as represented by the “Frankfurt School” and its development of Critical Theory;
- examines the connection between Critical Theory and contemporary cultural developments;
- considers if, and in what ways, this movement has exercised an influence on Australian culture;
- suggests some better ways of understanding and engaging with social movements and cultural and political developments;
- examines the Black Lives Matter movement in the USA and in Australia;
- summarises a biblical understanding of race and racism;
- sets out some important concerns for justice and mercy toward the indigenous people of Australia.

This report is supplemented by four appendices dealing in more detail with (1) the development of Cultural Marxism, (2) the concept of intersectionality, (3) Black Lives Matter and (4) a detailed review of some of pressing issues which are faced by Aboriginal and Torres Strait Islander Australians. (Appendices available at XXX).

## 2. The Historical Background to “Cultural Marxism” and Critical Theory

The term Cultural Marxism has been used specifically to describe a body of thinkers associated with the Frankfurt School (which can be said to have existed from 1930 till the late 1960s) and the Critical Theory it developed.

The term ‘Cultural Marxism’ has also been used since the late 1970s as a general pejorative description of a wide range of cultural and political developments. It has become an increasingly common term in cultural debates in the last decade.

In order to make sense of current discussions it is important to trace something of both the specific and general uses of the term. For the remainder of this report the specific use will be indicated as Cultural Marxism (capitalised) and the general pejorative use will be indicated as cultural marxism (lower case).

### *The Frankfurt School and Critical Theory*

The theories and discussions of the Frankfurt School were more complex and varied than this summary can capture, but nevertheless the summary will give some insight into their approach.

Neo-Marxism was initially associated with György Lukács (1885–1971) and Antonio Gramsci (1891–1937). Where Marx asserted that economic conditions and structures shape society and so must be the central concern for Marxist thinking and action, Gramsci argued that culture and cultural assumptions are foundational for economic life. Economic change thus required

a prior social and cultural change. Believing Judeo-Christian values to be the grounds of capitalism, Gramsci argued that economic revolution required the dechristianisation of the West.<sup>1</sup>

The Frankfurt School (so named because of its association with the Goethe University in Frankfurt from the 1920s) followed the general trajectory established by Gramsci and focussed on how Western culture would need to be deconstructed and transformed in order to bring true human liberation. The key thinkers in the movement were Max Horkheimer (1895–1973), Theodor Adorno (1903–1969) and Herbert Marcuse (1898–1979).

Critical Theory (hereafter, CT) constitutes the most significant development of the Frankfurt School.<sup>2</sup> The social sciences had developed as ‘Traditional Theory’ which sought to describe *how society and culture operated*. Moral philosophy, on the other hand, was the field in which thinkers considered *how things should be*. CT insists that the two concerns must be united. It offers a ‘practical’ approach which aims to *change* culture, not merely to *describe* it, seeking “‘human emancipation’ in circumstances of domination and oppression”.<sup>3</sup>

The generation of thinkers who followed WWI and lived through WWII struggled to explain how a great nation and culture could have produced the barbaric evil of the Nazi regime with its genocidal holocaust and aggressive militarism. Faced with that problem, the thinkers of the Frankfurt School made several significant intellectual moves.

First, they recognised the way in which culture shaped and controlled people. The School drew on the thought of Sigmund Freud (1856 -1939) which held that below the apparent rationality of Western culture lay subconscious forces which kept the masses enslaved, unable to recognise what would liberate them, and open to domination by authoritarian leaders.

Second, as Critical Theorists addressed these issues, their aim was to *change culture* and *enable social liberation* for the oppressed and marginalised. CT sought to infuse traditionally *descriptive* disciplines of sociology, psychology and artistic criticism with critical *ethical commitments*. It claimed to identify how entrenched power dynamics reinforce and replicate themselves by giving powerful people a sense of entitlement which justifies their power, while simultaneously demoralising and subjugating the powerless, thus propagating their powerlessness.

The Frankfurt School understood itself to be committed to advancing open democracy and individual freedom. It was opposed to capitalism as a controlling culture but sought a politics which was compatible with individual liberty.

The Frankfurt School sought to understand the ease with which the massed working classes accepted authority and authoritarian rulers. In doing this they particularly held the bourgeois family to be responsible for authoritarian and anti-democratic patterns.

### *Critical theory beyond the Frankfurt School*

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<sup>1</sup> Robert S. Smith, ‘Cultural Marxism: Imaginary Conspiracy or Revolutionary Reality?’, *Themelios* 44.3 (2019): 443.

<sup>2</sup> The following summary of Critical Theory is based largely on M. Thompson, “Introduction: What Is Critical Theory?”, *The Palgrave Handbook of Critical Theory* (New York: Palgrave, 2017), 1-14 and C. Corradetti, “The Frankfurt School and Critical Theory”, *The Internet Encyclopedia of Philosophy*, ISSN 2161-0002 <https://iep.utm.edu/frankfur/>

<sup>3</sup> James Bohman, "Critical Theory", *The Stanford Encyclopedia of Philosophy* (Winter 2019 Edition), Edward N. Zalta, ed., URL = <https://plato.stanford.edu/archives/win2019/entries/critical-theory/>, quote from M. Horkheimer, *Between Philosophy and Social Science* (Cambridge: MIT, 1993).

Critical Theory has been extended and applied by other thinkers in many areas of the academy. These developments have only a distant connection between 21<sup>st</sup> century critical theory and the Frankfurt School.

A Critical Theory in contemporary thought is “any philosophical approach with similar practical aims ... including feminism, critical race theory, and some forms of post-colonial criticism”. These approaches attempt to “explain what is wrong with current social reality, identify the actors to change it, and provide both clear norms for criticism and achievable practical goals for social transformation”.<sup>4</sup>

We consider some of these developments and their contemporary impact on Australian society later in the report.

### *Cultural marxism in the culture wars*

As noted above, the term ‘cultural marxism’ has been used frequently in recent cultural debates.

Various commentators have associated *cultural marxism* with:

- enforced ‘political correctness’;
- promotion of ‘diversity’ which gives prominence to LGBT minorities, promotes transgender views and celebrates same-sex relationships;
- an attempt to de-Christianise Western society;
- affirmative action to advance women and ethnic minorities to positions of influence;
- promotion of globalism, globalisation and open borders;
- the analysis of social problems in social structures, using concepts such as ‘systemic’ violence and oppression;
- the ‘cancel culture’ which removes from a public platform anyone who does not subscribe to this agenda;
- formlessness in the arts, music, and architecture;
- calls for radical economic changes in response to environmental concerns;
- an agenda to destroy traditional Western culture especially its institutions of marriage and family.<sup>5</sup>

The analysis that these are products of cultural marxism was popularised by Pat Buchanan (b. 1938), the conservative American commentator. Recent popularity of the term is partly due to its use by Canadian psychologist Jordan Peterson (b. 1962) to denounce recent trends which seek to deconstruct traditional social institutions and ways of life.<sup>6</sup>

The power of the term comes from two aspects of its use. First, and most obviously, the term associates the current developments with historical Marxism and therefore with connotations of oppressive totalitarianism and rigid inhumane ideology. Second, it implies that a movement

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<sup>4</sup> Boham, "Critical Theory".

<sup>5</sup> See the summary in Jérôme Jamin, “Cultural Marxism: A Survey.” *Religion Compass* 12.1/2 (January 2018): 5-7.

<sup>6</sup>Jordan B Peterson, ‘Postmodernism and Cultural Marxism’ YouTube talk, 6 July 2017, [https://www.youtube.com/watch?v=wLoG9zBvvLQ&ab\\_channel=Ruminate](https://www.youtube.com/watch?v=wLoG9zBvvLQ&ab_channel=Ruminate).

which began in the Frankfurt School has achieved extensive influence, and even control, in contemporary Western culture.

Many of the denunciations of *cultural marxism* recount the development of the Frankfurt School and the rise of Critical Theory and draw a direct line of influence from these to general concerns about developments in Western culture.

If there is a feasible connection between the Frankfurt School and present cultural developments, it is most likely found in Marcuse, who used the phrase “the long march through the institutions” to refer to a strategy to occupy and subvert the major institutions of Western society (universities, media, government etc).

Despite this, Marcuse had little influence, though he did express something of the zeitgeist which spawned the ‘New Left’ in the later 1960s. Other members of the Frankfurt School were even more marginalised. Adorno, for instance, clashed with student protesters in 1968 and called the police to remove students who were interfering with his lectures.<sup>7</sup>

The ideas of the Frankfurt School and their Critical Theory were among the vast range of influences on contemporary culture. The school did not mastermind a “long march through the institutions”, nor did it have an overwhelming influence on progressive thought in Western nations.

It is, therefore, not helpful to use the term *cultural marxism* as a catch-all for a range of cultural concerns.

First, to do so would be to use the term too broadly. Many of the trends which commentators gather under the heading *cultural marxism* stem from a wide variety of influences, rather than a particular segment of Marxist thought. For instance, the emphasis on personal freedom, individual authenticity and the pursuit of pleasure and comfort has been fuelled by neo-liberalism.

Carl Trueman’s recent book highlights the broad range of influences on contemporary culture. His account helps us recognise that historical Cultural Marxism is one of many streams which feed into contemporary culture.<sup>8</sup> Branding current trends as *cultural marxism* does not help us understand our context.<sup>9</sup>

Second, applying the term *cultural marxism* also risks leading us to accept the polarisation which marks much recent cultural analysis.

Thirdly, warnings about pervasive *cultural marxism* can give credence to conspiracy theories. For instance, it has been claimed that there has been a successful ‘march through the institutions’, but it is not clear that this is so. Even in the USA the ‘left bias’ is not a

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<sup>7</sup> K. R. Bolton, "Cultural Marxism: Origins, Development and Significance." *The Journal of Social, Political, and Economic Studies* 43, no. 3 (Fall, 2019):276-77 makes something of a case for the influence of Wilhelm Reich (1897–1957). Reich trained in psychoanalysis under Freud and had an ongoing interest in sexuality. He worked with the Frankfurt School while it was in New York. His book, *The Mass Psychology of Fascism* (1946) argued that not only the nuclear family, but sexual repression, was responsible for the power of fascism. He advocated sexual liberation and had a significant following in popular culture in the USA. He was also widely regarded as unstable and idiosyncratic. In *The History of Sexuality* (1976), Michel Foucault states that Reich's account of sexual repression had substantial influence. This is hardly an argument for broad influence.

<sup>8</sup> See C. Trueman, *The Rise and Triumph of the Modern Self: Cultural Amnesia, Expressive Individualism, and the Road to Sexual Revolution* (Crossway, 2020).

<sup>9</sup> Gary Marks, “The Origins of Cancel Culture and the Left’s Long March”, *Cancel Culture: And The Left’s Long March*, K. Donnelly, ed. (Melbourne: Wilkinson Publishing, 2021) offers a narrative which focuses on “neo-Marxism” and the Frankfurt School. He also recognises that this influence reached a zenith in the 1970’s and 1980s (and does not offer evidence for its influence in the 1980s). He notes the rise of “post-modernism” which is very different to Marxism and critical theory (27).

homogenous reflection of the influence of cultural marxism. The picture in Australian media and politics is far more mixed with a wide range of political and ideological views represented in the public square.

Christian teachers need to be critics of cultural developments, and the developments gathered under the term *cultural marxism* do deserve careful analysis. This report will suggest strategies for doing this. The sweeping pejorative use of the term, however, does not assist that analysis.

### *Critical race theory and intersectionality*

As noted above there are approaches to cultural analysis in the academy which draw on the general heritage of Critical Theory. These approaches have influence beyond the academy.

Critical Race Theory (CRT) is a prominent example, and since this report deals with Black Lives Matter the discussion will focus on CRT.

CRT developed in the 1980s from legal scholarship which sought to understand why the introduction of civil rights in the USA had not brought substantial change to the position of African Americans.

CRT scholars make observations of, and challenges to, the ways in which race and racial power may be constructed by law and culture. They reject the idea that the law is neutral, and seek to remedy the impact on people of colour. Social institutions – education, the legal system, business, ‘religion’ – are viewed as ‘systemically’ ‘prejudiced’ against non-whites – not despite, but actually *through*, generally accepted, ‘traditional’ social concepts such as ‘race’, ‘equality’, and ‘law’.

Richard Delgado and Jean Stefancic in their work *Critical Race Theory: An Introduction*, a work which remains a seminal text, set out the key assumptions of CRT.<sup>10</sup>

- *Racism is ordinary, not aberrational.* It is pervasive in American (and Western) culture. It is not only a personal disdain or malice directed to people of another appearance or culture, but also the result of systems (such as legislation or organisations) which perpetuate the way some groups of people have less economic, political or social power than others.
- *Racism serves important purposes.* It advances the interests of the majority group, and so is deeply entrenched in culture and social structures. This also means that progress on racial issues occurs only when the majority group benefits.
- *Race and races are products of social thought and relations.* This is often summarised as the notion that race is ‘socially constructed’. Viewing race as socially constructed opposes ‘essentialist’ views such as the idea that race has a biological/genetic basis which leads to discrete, fixed, uniform, defining characteristics shared by all members of that group.
- *Intersectionality.* This recognises that no person has a single ‘identity’ but belongs to a range of groups which may result in overlapping and conflicting identities. The idea of intersectionality “points to the multidimensionality of oppressions and recognizes that race alone cannot account for disempowerment.”<sup>11</sup> Privilege and/or oppression is associated with various dimensions of identity, such as sex, class, national origin, and sexual orientation. This is illustrated by Diagram 1 in Appendix 2.

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<sup>10</sup> R. Delgado and J. Stefancic, *Critical race theory : an introduction* (New York: NYU, 2001), 6-9.

<sup>11</sup> UCLA School of Public Affairs, <https://spacrs.wordpress.com/what-is-critical-race-theory/> accessed 29 September 2020.

- *The unique voice of colour*. People from minority ethnic groups are able to identify issues of race and racism which members of majority groups are unlikely to recognise.
- *Commitment to social justice*<sup>12</sup>. CRT, like all critical theory, is concerned to change society, not simply to describe it. Along with education in CRT, social justice requires changes in social structures and restorative practices which include the full range of affected people in developing changes.

### 3. ‘Black Lives Matter’: the slogan, the movement, and the ideology

Political commentators on the ‘right’ have recently drawn connections between the Black Live Matter movement and *cultural marxism*.<sup>13</sup> This section of the report asks the following:

1. To what extent does BLM draw on critical theory?
2. What is the history of BLM, as a movement, especially in Australia?
3. How should Christians in Australia respond to BLM?

When discussing ‘black lives matter’, we need to differentiate between (1) an organisation with a specific ideology (2) a broad BLM movement, and (3) the use of the slogan. Here we will outline the development of (1) and (2) and then offer some thoughts about (3). It is important to note at this point that many people who use the slogan (3) are often unaware of the ideology (1) and have no particular intention to endorse it or to support the movement (2). For further discussion see Appendix 3.

#### *The history of race relations and policing in some parts of the USA*

The “Black Lives Matter” (hereafter, BLM) movement describes itself as “a Black-centred political will and movement building project”.<sup>14</sup> It began in the USA in 2013 after George Zimmerman was acquitted of murdering Trayvon Martin during an altercation in 2012. The founders of BLM were Alicia Garza, Patrisse Cullors, and Opal Tometi. The name of the movement comes from a social media hashtag used by the organisers as (at first) they commented on the acquittal and (later) gathered protesters for anti-racism rallies around the USA.

BLM espouses an ideology which reflects CRT and some of its radical criticism of western culture and its Christian traditions (such as the nuclear family). A now-deleted page on the organisation’s website declared a commitment to “foster a queer-affirming network”, to oppose “heteronormative thinking”, to “dismantling cisgender privilege” and to “uplifting Black trans folk, especially Black trans women”. The most recent statement (at April 2021) affirms “the lives of Black queer and trans folks, disabled folks, folks with records, women, and all Black lives along the gender spectrum” and claims that the network is centred on “those who have been marginalized with Black liberation movements.”<sup>15</sup>

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<sup>12</sup> This is a tenet of CRT identified in P. Hiraldo, "Future Scenario: Praxis in Critical Race Theory in Higher Education and Student Affairs," *The Vermont Connection*: 40 , Art. 19 (2019), available at <https://scholarworks.uvm.edu/tvc/vol40/iss1/19>

<sup>13</sup> See references in J. Sandeman “Why people talk of "Cultural Marxism", when discussing Black Lives Matter” *Eternity* (June 11, 2020) <https://www.eternitynews.com.au/opinion/why-people-talk-of-cultural-marxism-when-discussing-black-lives-matter/>

<sup>14</sup> <https://blacklivesmatter.com/herstory/> , accessed 3 April 2021

<sup>15</sup> <https://blacklivesmatter.com/about/>, accessed 3 April 2021



BLM describes its mission as being “to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes.” BLM claims to be a global organisation (with 30 chapters around the world) functioning in the United States of America, the United Kingdom, and Canada, through the BLM Global Network Foundation Inc (BLMGNF). The organisations that benefit from BLM fundraising are located in the USA.<sup>16</sup> The BLM 2020 Impact Report<sup>17</sup> shows that the organisation has an international online presence, across several social media sites, and Australia is listed as one of the countries from which people access the organisation’s website. In 2020 BLM was involved in several campaigns to raise public awareness of issues affecting black communities in the USA, including efforts to increase voter turnout for elections in the USA in 2020.

A wider BLM movement has developed around the organisation. We cannot assume that everyone who supports the movement and joins BLM protests holds the ideological commitments of the organisation (still less when someone supports BLM on social media). The ideology no doubt has an influence, but supporters, protesters and marchers at rallies have not necessarily adopted it. The New York Times, for example, surveyed people who participated in BLM marches in the USA, and reported that most had watched a video of police violence toward a Black person in the 12 months before they protested, and of that group, half said the violence on the video had made them more supportive of the cause.<sup>18</sup>

The BLM movement gathered momentum in the USA in 2020 when George Floyd, an African American man, died while being arrested for allegedly passing a counterfeit bank note. Video of the incident showed Floyd being restrained by a police officer kneeling on his neck, while the other officers looked on. It also recorded Floyd calling for his mother, and his final plea: “I can’t breathe.”

Floyd’s death has been described as a flashpoint in a “longstanding crisis of police violence and structural racism in America”.<sup>19</sup> It is estimated that in the three months following his death there were over 7,000 protests in the US specifically linked to the Black Lives Matter movement. The focus of those protests was against the behaviour and attitudes of police toward people of colour, which was alleged to be the result of systemic racism and police brutality. In April 2021, Derek Chauvin, the police officer who had physically detained Floyd, was convicted of second-degree unintentional murder, third-degree murder and manslaughter. It’s anticipated that his sentencing will occur in June 2021.

### *Black Lives Matter in Australia*

Despite the frequent use of the hashtag slogan (#blacklivesmatter) in Australia in recent years, and despite the visit of BLM organisers to Australia in 2017 to receive the Australian Peace

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<sup>16</sup> <https://blacklivesmatter.com/herstory/> accessed 3 April 2021

<sup>17</sup> The Report can be downloaded at <https://blacklivesmatter.com/2020-impact-report/>

<sup>18</sup> <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>, accessed 3 April 2021

<sup>19</sup> <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/> accessed 25 September 2020. The *Armed Conflict Location & Event Data Project* (ACLED) notes that “while the US has long been home to a vibrant protest environment, demonstrations surged to new levels in 2020. Between 24 May and 22 August, ACLED records more than 10,600 demonstration events across the country. Over 10,100 of these — or nearly 95% — involve peaceful protesters. Fewer than 570 — or approximately 5% — involve demonstrators engaging in violence. Well over 80% of all demonstrations are connected to the Black Lives Matter movement or the COVID-19 pandemic.”



Prize,<sup>20</sup> there is no evidence, on the BLM website, of any official ‘chapters’ operating in Australia.

In Australia, the issue of ‘black lives matter’ was brought into mainstream conversation in 2020 through protests and demonstration marches under the banner of ‘Black Lives Matter’. Two particular incidents galvanised public engagement: the death of George Floyd in the USA in May 2020, and the release, in late 2019, of the News South Wales Coroner’s report into the death of David Dungay Jnr.

David Dungay was a Dunghatti man who died in custody at Long Bay Jail in NSW in November 2015. The video of Dungay’s death, released to the public only in part, shows him being dragged from his cell by several officers after refusing to hand over a packet of crackers. He was sedated by a nurse, restrained by an officer who knelt on his back, and he died after repeatedly saying “I can’t breathe.”

The NSW Coroner’s report found that Dungay had not been a security risk, and that there had been no need to forcibly remove him from his cell. It stopped short, however, of recommending disciplinary action against the officers involved. Instead, it found the officers’ conduct had been a product of misunderstanding and deficiencies in training.<sup>21</sup> Dungay’s family have called on the NSW Attorney General to investigate the possibility of pressing criminal charges against the officers involved in their son’s death.<sup>22</sup>

Within days of George Floyd’s death, the family of David Dungay Jr publicly expressed solidarity with the Black Lives Matter protestors in the United States. A protest march was held on 6 June in Sydney (and other places around Australia). It is likely that many, if not most, of the protestors rallying under the banner of ‘Black Lives Matter’ were protesting against racism in Australian culture, expressing solidarity with people who have experienced racism, but not necessarily advocating the full agenda of the Black Lives Matter movement in the USA.

As one observer wrote after reflecting on the protests and the preventable deaths of other Aboriginal Australians: “So many of our people have been hurt and harmed by traumatising systems. Yet it took the death of an African American man in the US to bring so many non-Indigenous Australians out on to the streets.”<sup>23</sup> One Aboriginal Christian has said: “George Floyd’s death was highlighting issues that have been hidden for a long while. There’s been a lot of deaths that have gone unnoticed and unpunished in Australia, and it’s only the families of those particular people that have voiced their concerns about things. Australians have got on board with the whole concept that lives matter, and Indigenous lives in particular matter. To go out and kill people, Aboriginal people, was once like a contest, to come back and brag about how many people were killed. Some Australians don’t view Aboriginal people as someone made in the image of God. We’re thought to be less than we really are.”<sup>24</sup>

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<sup>20</sup> <https://www.sbs.com.au/news/black-lives-matter-founders-meet-australia-s-indigenous-community>, accessed 3 April 2021. Patrisse Cullors and Rodney Diverlus visited Australia in November 2017 to receive the Sydney Peace Prize.

<sup>21</sup> <https://www.theguardian.com/australia-news/2020/jun/01/family-of-david-dungay-who-died-in-custody-express-solidarity-with-family-of-george-floyd> accessed 28 September 2020. Note, this news article includes a link to the video of Dungay’s death, with graphic scenes that some may find disturbing.

<sup>22</sup> <https://www.change.org/p/i-can-t-breathe-charges-must-be-laid-for-the-death-of-david-dungay-jnr> accessed 28 September 2020. This webpage holds a petition calling on action from the NSW Attorney General. At the time it was accessed, it held 113,175 signatures supporting the petition.

<sup>23</sup> Tess Ryan and Melissa Sweet, *The Long Road to Healthcare Justice*, <https://insidestory.org.au/the-long-road-to-healthcare-justice/> accessed 23 July 2020.

<sup>24</sup> From personal interview.

Global reporting of Floyd's death fanned into flame the concerns of many Australians about Aboriginal deaths in custody. George Floyd and David Dungay were seen as representative of the experiences of people of colour as they engage with criminal justice systems, as well as with other aspects of Australian society such as education, health care, employment, housing and more.

The Biblical doctrine of the divine image in all humanity asserts that all lives matter, and that black lives matter precisely because all lives matter. However, must not respond simply to a slogan; we need to discern what the person using the slogan means to communicate. The slogan will often be used to highlight that the fact that black American lives, and the lives of indigenous Australians, have been lost at the hands of police officers or in prison in circumstances which rarely confront people of other ethnic backgrounds. This use of the slogan agrees with, and does not contradict, Christian doctrine. In that context it is neither necessary nor appropriate to reply that "all lives matter".

Indeed, pro-life Christians should be sensitive to the claim that 'Black Lives Matter'. When we oppose abortion or physician assisted suicide, we are not saying that other deaths are unimportant, but that there are particular groups of vulnerable people that should be recognised and protected.

#### **4. Developing a Christian response**

For the reasons outlined above, analysis of current cultural movements in terms of *cultural marxism* is problematic. It is better to take a more precise approach which

1. identifies areas of agreement with other views and appreciate their insights;
2. identifies beliefs and behaviours which are dangerous and sinful;
3. sets out the Biblical and Christian reasons for our agreements and disagreements, first in ways that are clear for Christians and then in ways which might engage with non-Christian views and enable us to make the Christian gospel clear;
4. seeks a response which is true to God's Word and offers blessings for all people — that is, it promotes the common good.

Christopher Watkin has offered a Christian approach to various social philosophies which he terms 'diagonalisation'. This approach recognises that ideologies, social theories and worldviews build on aspects of truth, but distort them, often by taking some truth as a single principle (individual rights, social justice and nationalism would all be examples of this). In the West these truths are often taken from the Christian heritage. Even when they are not, they are truths known by common grace and are often affirmed by the Bible.

Biblical thinking relocates the concern in its true setting and reconnects it with other concerns which are typically set against it (so, for instance, the biblical vision affirms individual rights and social responsibility, and it recognises the proper place of nations within a global vision of humanity). In Watkin's diagonalisation, careful engagement with non-Christian views allows assessment and deeper insights into the biblical view.<sup>25</sup>

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<sup>25</sup> See C. Watkin, *Thinking Through Creation* () and see Chris Watkin "Let the Bible Disrupt Our Culture's Comfortable Dichotomies" (6 Nov 2017) <https://au.thegospelcoalition.org/article/let-the-bible-disrupt-our-cultures-comfortable-dichotomies/>

Here we suggest some ways in which a biblical view ‘diagonalises’ CRT.<sup>26</sup>

Following Watkin’s pattern, we can affirm, with CRT, that racism is a matter of justice. Humanity was created in God’s image from our first parents as one race (Gen 1:26-17; Acts 17:26). Richards refers to this as an *ontological* concept of race.<sup>27</sup> Humans should not be mistreated or oppressed or denied opportunities on the basis of their ethnicity.

Unlike CRT, the Bible does not consider that race is ‘merely’ a social construct. The strictly biological concept of race can be considered a ‘construct’ but the Bible reflects the complex differentiation within humanity. The ‘table of nations’ (Gen 10:1-32) describes the differentiation of humanity in terms of descent, lands, language, clans, nations and social organisation.<sup>28</sup> It is described in Revelation 7:9 as nations (*ethnoi*), tribes (*phulai*), peoples (*laoi*) and languages (*glossai*). The terms suggest that these groups are constituted through the relationships which include descent and kinship but are not exhausted by this. This diversity is not simply a social construct but has a basis in God’s providential ordering of humanity.

The Babel account sets out the division and scattering of humanity (Gen 11:1, 6-9) because of human sin. Yet, the table of nations comes before the Babel account and affirms that that ethnic and national differentiations are themselves not an evil.

Ethnic and national differentiation become the basis for division, violence and injustice because of sin. We no longer see ourselves, or others, properly. Humanity is violently divided (Gen 6:11; Ps 7:9; 73:6; Tit 3:3) and ethnic and national differences are often a point of this violent division. Human sin propagates injustice and mistreatment (Ex 1:11-14; 1 Sam 8:1; Prov 22:16; Isa 5:8; Jam 5:4-6) and this often involves one ethnic group or nation oppressing another. Viewing race and racism biblically we can agree that racism is widespread and is associated with oppression and injustice, not only personal prejudice and malice.

CRT emphasises the ‘structural’ aspects of injustice, and analyses situations in terms of ‘oppressors’ and ‘oppressed’ (though the appeal to intersectionality recognises that things are more complex than this). A biblical view of sin recognises that sin is ‘corporate’ — we share in sin and sinfulness together and reinforce each other in that. The biblical concept of “the world” (1 Cor 1:21; 2 Cor 10:3; Jn 14:30; Jas 2:5; 4:4) refers to humanity as a whole set against God and recognises that the corporate shapes the individual (Eph 2:2; Rom 12:2). Social patterns and forces (which are part of the structure of society) are a part of this.

Christians should not be surprised to discover prejudices woven into a society’s taken-for-granted patterns of belief and behaviour which systematically disadvantage some members of that society and silence those people’s ability to protest — which ‘systematically oppress’ those people. In an oppressive situation one person is in control and is able to dominate and control the other and rob them of self-respect and self-determination. One of the central elements of biblical ethics is the prophetic condemnation of oppression, and the assertion that God acts for

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<sup>26</sup> For a more detailed discussions of race and racism see J. Daniel Hays, *From Every People and Nation: A Biblical Theology of Race* (IVP: 2003); Guy Richards, “A Biblical View of Race(s)”, article on Reformation 21 Blog, <https://www.reformation21.org/blogs/a-biblical-view-of-races.php>, accessed 1 April 2021; Thabiti Anyabwile, “The Image of God and Racial Reconciliation”, seminar at the 2015 ERLC Leadership Summit on “The Gospel and Racial Reconciliation”, accessed 1 April 2021; and Tim Keller, *The Bible and Race*, in *Life in the Gospel*, <https://quarterly.gospelinlife.com/the-bible-and-race/>, accessed 1 April 2021.

<sup>27</sup> Guy Richards, “A Biblical View of Race(s)”, article on Reformation 21 Blog, <https://www.reformation21.org/blogs/a-biblical-view-of-races.php>, accessed 1 April 2021

<sup>28</sup> Marten Krijgsman, “Table of Nations,” ed. John D. Barry et al., *The Lexham Bible Dictionary* (Bellingham, WA: Lexham Press, 2016).

the oppressed (Ex 22:22-24; Dt 27:19; Pr 21:13; Is. 3:12; 14:5-6; Jer. 6:6; 22:3-5; 30:20; Ezek. 22:29; 45:8; Amos 1:3,6,9,11; 2:1; 4:1; 5:12; Zep 3:1; Zech. 7:10; Mal. 3:5; Lk 20:47).<sup>29</sup>

A biblical view also recognises that injustice and sin cannot only be analysed in terms of oppression. Oppression is a terrible sin, but it is not the only sin. For instance, revenge, which can be a response to oppression, is also a sin (Lev. 19:18; Rom. 12:17, 19; 1 Th. 5:15; 1 Pet. 3:9). Victims can also be violators. When a person who has been abused continues a cycle of violence and oppression, they bear personal responsibility for their own actions, even while they are victims. We cannot here set out a detailed discussion of the complexity of sin and injustice, but simply make the point that oppression (including racism) is not the only factor.

Many advocates of CRT argue that resistance to racism encompasses affirmation of sexual and gender minorities. Yet, the same doctrine of the divine image which motivates Christians to view all people as equal also motivates Christians to assert that the traditional view of marriage – heterosexual lifelong monogamy – and reserving sexual activity to that covenant of marriage, is good for all people of all people of all cultures everywhere. Resisting racism does not entail affirmation of all sexual behaviour nor gender fluidity.

Perhaps the greatest difference between CRT and a Christian view is the proposed ‘solution’ to the injustice of racism. CRT seeks a solution to racism involving changes in consciousness usually achieved by education and training and leading to processes which create profound cultural and structural change.

The Christian view is that the CRT solution is insufficiently radical, and that the real solution can only be accomplished by God in Christ: Christ restores the image of God in God’s people. So, they live flourishing human lives. Christ’s reconciliation draws people from all nations into a new humanity, so that “there is no Gentile or Jew, circumcised or uncircumcised, barbarian, Scythian, slave or free, but Christ is all, and is in all” (Col 3:11).

This fundamental change in humanity is seen in renewed minds and a new self “created after the likeness of God in true righteousness and holiness” (Eph 4:17ff). What was distorted in the Fall, is regained and perfected in Christ. Division between human beings has been dealt with in Christ, reconciliation flows from the saving work of the Lord, and our relationships are now to be marked by a new “trans-ethnic unity” because “Christ is all, and in all” (Col 3:11).<sup>30</sup> The church built on the work of Christ should be radically inclusive. Hays explains the implications of unity *in Christ*.

Paul insists that the primary identity of Christians is to be based on their union with Christ —not on traditional sociological, geographical, and ethnic connections. Again, the implications are profound. Christians of other races aren’t just *equal* to us; they are *joined* to us. As Christians, we’re all part of the same body, united by the presence of the same Holy Spirit who indwells us all. We’re not just friends or fellow worshipers in the same religion, but brothers and sisters in the same family.<sup>31</sup>

This new unity of humanity in Christ has to be lived out in churches in deliberate loving fellowship. This requires setting aside “anger, rage, malice, slander, and abuse” as well as lies; instead, God’s people are to be clothed with “compassion, kindness, humility, gentleness and

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<sup>29</sup> See S.C. Mott, *Biblical Ethics and Social Change*, (New York: OUP, 2011, 2<sup>nd</sup> ed), 3-91.

<sup>30</sup> Thabiti Anyabwile, “The Image of God and Racial Reconciliation”, seminar at the 2015 ERLC Leadership Summit on “The Gospel and Racial Reconciliation”, accessed 1 April 2021.

<sup>31</sup> Daniel Hays, “6 Ways the Bible Changed My Perspective on Ethnic Diversity” on *The Gospel Coalition (USA) Blog*, <https://www.thegospelcoalition.org/article/6-ways-bible-changed-perspective-ethnic-diversity/>, accessed 1 April 2021.

patience”, bearing with each other and forgiving as they have been forgiven by the Lord (Col 3:8-14; cf Rom 12:1-2).

Living in unity in Christ requires continual repentance toward God and each other, and the giving and receiving of forgiveness. The biblical view is that overcoming the wrongs of racism, and all other wrongs, is never a completed process in this age. We have to assume that the church needs constant reform as it seeks to live the reality of redemption in Christ.

Our renewed image-bearing is both a present reality and a hope for the future: God, who has begun a good work in us, will bring it to completion “at the day of Jesus Christ” (Phil 1:6). On that day there will be around the throne of God a great multitude made up of people from every nation, tribe, people and language, a multitude united in their praise of God and the Lamb. The picture here is of many ethnicities making up one race of people under their King. In our glorification there will be diversity in unity, the fulfilment of God’s good work.

In summary, the Christian view is that the solution to racism is grounded in the work of Christ, not in a critical theoretical stance; it is worked out by the Spirit in the church; it requires Spirit-directed practices of love, repentance and forgiveness; and it will be completed in the new creation with the return of Christ.

The most significant contribution of the church against racism is to proclaim the gospel of reconciliation with God in Christ with all its implications for ethnic groups, and to live this out in church life.

On the basis of the gospel response to racism we can seek the common good in society. Christians can do this by:

- Naming and resisting the wrongs of racism;
- Recognising the harms and injustices which are suffered by minority groups, and acting to correct these where possible;
- Building positive relationships between indigenous and other ethnic groups, including majority ‘white’ Australians;
- Resisting false ideological claims in CRT;
- Promoting practices of repentance, forgiveness and reconciliation in relation to race;
- and praying regularly for Aboriginal and Torres Strait Islanders communities and leaders and for Australian political leaders and others seeking to confront racial injustice.

## **5. ‘Closing the gap’ for Indigenous Australians**

A Christian response to CRT and BLM must include a serious consideration of concrete ways in which indigenous Australians are disadvantaged. While this extends our report, we consider that it is imperative to set this evidence on record. Fuller details can be found in Appendix 4.

Federal and State governments in Australia have formally recognised the disadvantages faced by indigenous Australians with a 2008 commitment to ‘close the gap’ in health, education, employment and other indicators of human well-being. Since 2009 the Federal Parliament has received an annual *Closing the Gap* report.<sup>32</sup>

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<sup>32</sup> See <https://www.closingthegap.gov.au/>

Other minority ethnic groups in Australia face similar disadvantages, particularly refugee communities. We focus here on indigenous Australians because of the concerns of CRT and BLM, noting the current situation and some of the discussion about causes and responses.

Each of these issues is complex and none are open to simple solutions. The Committee's research is certainly not exhaustive, and our report does not attempt to recommend solutions.

We invite readers to prayerfully reflect on the below, and use it to inform ministry, as individuals and church communities, in your particular context. Our hope is that it will assist you to engage in ministry which, in ways appropriate for your particular context, honours indigenous Australians as God's image-bearers.

### *Indigenous Australians and the justice system*

The incidence of Aboriginal deaths in custody is a key issue in the public conversation. It is often offered as evidence of racism inherent in our criminal justice systems. It has been a key focus of the BLM movement in Australia because "the problem of deaths in custody goes back to colonial times and there is an alarming ignorance of the issue in Australia".<sup>33</sup>

It has been reported that since the *Royal Commission into Aboriginal Deaths in Custody* (the Muirhead Commission) delivered its findings in 1991, there have been more than 450 deaths of Aboriginal Australians while in custody.<sup>34</sup> In the month leading up to the 30th anniversary of the release of the Muirhead Commission's report, there were reportedly five deaths of Aboriginal Australians in custody.<sup>35</sup> Statistics like this have been used by demonstration organisers as the primary reason why Australians should rally in support of 'black lives matter'.

The Muirhead Commission found that: "Indigenous people are likely to *die* in custody because they are more likely to *be* in custody".<sup>36</sup> A 2017 report from the Australian Law Reform Commission show that these observations about disproportionate incarceration rates remain relevant. It finds that "although Aboriginal and Torres Strait Islander adults make up around 2% of the national population, they constitute 27% of the national prison population". Over-representation is a persistent and growing problem with the gap between Aboriginal and Torres Strait Islander and non-Indigenous imprisonment rates widening.<sup>37</sup>

A 2017 study by PricewaterhouseCoopers identifies key drivers of incarceration of Aboriginal Australians: poverty and disadvantage (including housing, education, employment, health, social exclusion and racism); the experience of trauma (including intergenerational trauma and various forms of abuse); and the relationship with the justice system (including contact with police and the courts, access to legal assistance and legal policy settings).<sup>38</sup>

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<sup>33</sup> Marcia Langton, at the Alfred Deakin University Public Policy Forum, *The Black Lives Matter Movement in the Australian Context*, August 2020.

<sup>34</sup> <https://www.hrw.org/news/2021/04/14/australia-act-indigenous-deaths-custody>. See also <https://www.abc.net.au/news/2021-04-15/indigenous-deaths-in-custody-anniversary/100072986>, both accessed 17 April 2021.

<sup>35</sup> <https://www.abc.net.au/news/2021-04-17/aboriginal-deaths-in-custody-ken-wyatt-royal-commission/100075344>, accessed 17 April 2021.

<sup>36</sup> Quoted by Warren Mundine, at the Sydney Institute seminar *Indigenous Australia in the time Black Lives Matter*, July 2020. <https://thesydneyinstitute.com.au/blog/warren-mundine-josephine-cashman-indigenous-australia-in-the-time-of-black-lives-matter/>

<sup>37</sup> Australian Law Reform Commission, *Pathways to Justice—Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples*, Summary Report No 133 (2017), 7.

<sup>38</sup> PricewaterhouseCoopers Australia, *Indigenous Incarceration: unlock the facts*, available at <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>



It has been argued that ‘Gap’ targets measure the wrong things, and also have the (unintended) effect of blaming Aboriginal Australians for the problems they experience, implying that Aboriginal offenders (being responsible for their crimes) are in some way responsible for their deaths in custody. It’s also been argued that the ‘gateways’ into incarceration (for example, strip searches and petty crime charges) that may be applied in racist ways.<sup>39</sup> A study of coronial reports showed a stark difference in the treatment of Indigenous people who died in custody compared with non-Indigenous people: Indigenous people were less likely to have received the medical care they needed; law enforcement agencies were less likely to follow their own procedures when Indigenous people were incarcerated; Indigenous defendants were more likely to receive a custodial sentence upon conviction than non-Indigenous defendants; police were more likely to pursue court actions for Indigenous people found in possession of small amounts of cannabis.<sup>40</sup>

### *Indigenous Australians and access to health care services*

The 2020 ‘Closing the Gap’ Report notes that while there has been progress on almost every health measure, the overarching target of closing the gap between the life expectancy of Aboriginal and Torres Strait Islanders and other Australians is not expected to be achieved by 2031.<sup>41</sup> The report attributes this to the fact that life expectancy for other Australians is increasing (so the gap is not actually closing), and that progress in the life expectancy target for Aboriginal and Torres Strait Islanders is dependent on other outcomes such as improvements in education, employment, housing and income.

A National Health Plan announced in 2019 committed the Federal Government to increased funding for preventative health programs for Aboriginal and Torres Strait Islanders, with a focus on “working with Indigenous communities and other governments to ensure programs are working effectively to improve health outcomes, by tackling the social factors which impact heavily on health.”<sup>42</sup> It’s clear that the Government is seeking a collaborative approach to bring about improved outcomes.

Some commentators attribute disparity in health outcomes to alleged racism inherent in the systems used to provide health care, and to the ways in which success is measured. They welcome the collaboration that has been signalled in various government reports and plans, but are concerned that racism is not specifically taken into consideration.<sup>43</sup> For example, Marwick *et al* note that research into health outcomes is often framed in terms of comparisons between Aboriginal and other Australians. Such research, they say, is stigmatising (because it concludes that Aboriginal Australians are more likely to engage in unhealthy habits than other Australians) and misses the real burden of disease in the community (which is the dominance of a Western

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<sup>39</sup> George Newhouse, at the Melbourne Law School seminar, *Black Lives Matter*, July 2020.

<sup>40</sup> Quoted by Marcia Langton, *Why the Black Lives Matter protests must continue* <https://theconversation.com/why-the-black-lives-matter-protests-must-continue-an-urgent-appeal-by-marcia-langton-143914> The Guardian report that Professor Langton refers to can be found at <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>

<sup>41</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Report 2020*, available online <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf> The measures that contribute to the overarching target of life expectancy include infant mortality rate, mortality rates for various diseases including cancer, and lifestyle factors such as the incidence of smoking.

<sup>42</sup> Commonwealth of Australia, *Australia’s Long Term National Health Plan*, (August 2019), available online [https://www.health.gov.au/sites/default/files/australia-s-long-term-national-health-plan\\_0.pdf](https://www.health.gov.au/sites/default/files/australia-s-long-term-national-health-plan_0.pdf)

<sup>43</sup> Tess Ryan and Melissa Sweet, *The Long Road to Healthcare Justice*, available online <https://insidestory.org.au/the-long-road-to-healthcare-justice/>



model of health that's at odds with an Indigenous perspective on health).<sup>44</sup> We may measure, for example, the incidence of diabetes, but we do not often measure the wait time for Aboriginal people to get health care (and early access to therapies for illnesses such as diabetes).<sup>45</sup>

These disparities play out in individual lives. A number of Coroner's reports have noted the disadvantage experienced by Indigenous Australians when attempting to access health care.<sup>46</sup>

In response to these concerns about shortcomings in the provision of health care for Aboriginal Australians, there have been calls for CRT to be embedded in health provider education programs.<sup>47</sup> Some medical associations have made statements acknowledging, and even apologising for, racism in the provision of healthcare by their members.<sup>48</sup> Local area Health Services are developing programs that intentionally engage with Aboriginal communities in order to develop best quality care.<sup>49</sup> Further, a significant development has come out of the *National Aboriginal and Torres Strait Islander Health Plan 2013-2023*, which did consider racism in the provision of health care. This development is the *Health and Cultural Safety Strategy 2020-2025*, and it has a specific goal of achieving the provision of culturally and clinically safe health care for Aboriginals and Torres Strait Islanders.<sup>50</sup>

### *Indigenous Australians and Education*

The Federal Government's 'Closing the Gap' Reports show the disparity that has existed between the experience of Aboriginal and Torres Strait Islanders and non-Aboriginal Australians, and the progress that has been made to reduce that disparity over the last decade.<sup>51</sup>

The barriers to Indigenous children's participation in early childhood education include: "out of pocket costs, a limited awareness of services, administrative complexity, lack of transport or locally available services, poor child health, a perception that the child is too young to

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<sup>44</sup> Markwick, A., Ansari, Z., Clinch, D. *et al.* Experiences of racism among Aboriginal and Torres Strait Islander adults living in the Australian state of Victoria: a cross-sectional population-based study. *BMC Public Health* 19, 309 (2019). <https://doi.org/10.1186/s12889-019-6614-7>

<sup>45</sup> George Newhouse, at a Melbourne Law School seminar, *Black Lives Matter*, July 2020.

<sup>46</sup> Minter Ellison, *Case Study: Inquest into the death of Naomi Jane Williams*, available online <https://www.minterellison.com/articles/inquest-into-the-death-of-naomi-jane-williams> "The Coroner heard evidence that stereotyping of Indigenous people as more likely to use drugs and alcohol impairs best decision-making by the healthcare industry. The Coroner acknowledged, based on the evidence heard at the Coronial Inquest, that unequal treatment and state-wide health outcome inequality among Aboriginal people is prevalent and affected the care provided to Ms Williams." See also <https://www.hrw.org/news/2020/08/25/indigenous-australian-boys-death-and-inadequate-health-care#> accessed 1 October 2020.

<sup>47</sup> See for example <https://www.croakey.org/a-call-for-critical-race-theory-to-be-embedded-in-health-and-medical-education-previewing-catsinam17/> accessed 20 September 2020.

<sup>48</sup> Amongst these associations are The Australian Medical Association, The Royal Australian College of General Practitioners, The Australian Psychologists Association, The Australian Indigenous Doctors Association, The National Rural Health Alliance.

<sup>49</sup> See for example the Northern Sydney Local Health District publication *Death and Dying in Aboriginal and Torres Strait Islander Culture (Sorry Business)* available online [https://www.nslhd.health.nsw.gov.au/Services/Directory/Documents/Death%20and%20Dying%20in%20Aboriginal%20and%20Torres%20Strait%20Islander%20Culture\\_Sorry%20Business.pdf](https://www.nslhd.health.nsw.gov.au/Services/Directory/Documents/Death%20and%20Dying%20in%20Aboriginal%20and%20Torres%20Strait%20Islander%20Culture_Sorry%20Business.pdf)

<sup>50</sup> The Australian Health Practitioner Regulation Agency (AHPRA), <https://www.ahpra.gov.au/About-AHPRA/Aboriginal-and-Torres-Strait-Islander-Health-Strategy.aspx> accessed 1 October 2020.

<sup>51</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Report 2020*, available online <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf>

participate, a lack of confidence in the value of early education services or fear of racism and judgment.”<sup>52</sup>

There has been good progress in enabling access to early childhood education, in all States except the Northern Territory. In 2018, more than 85% of Aboriginal and Torres Strait Islander children were enrolled in early childhood education, and so have access to learning opportunities that will help them make a positive transition to ‘big school’, and set them up for a better future.<sup>53</sup>

The target to reduce the gap in Year 12 attainment is also reported to be on track. This bodes well for future improvement in targets for employment of Indigenous Australians: it is already known that “for Indigenous Australians with higher levels of education, there is virtually no gap in employment rates.”<sup>54</sup>

Nevertheless, “about one in four Indigenous children in Years 5, 7 and 9 (and one in five in Year 3) remain below the national minimum standards in reading.”<sup>55</sup> Also, there has not been improvement in school attendance rates, the gap for which is obvious from the first year of primary school and widens every year.<sup>56</sup>

The *Closing the Gap Report* notes that a child’s early experiences in the education system have a significant impact on outcomes in later years. The importance of access to early childhood education has been highlighted in some recent videos showcasing the work of Tregear Presbyterian Preschool.<sup>57</sup>

## Conclusion

The Assembly asked the Committee to investigate the rise of Cultural Marxism in Australian society, with particular reference to the Black Lives Matter movement. This turned out to be a complex exercise (hence the lengthy report).

The Committee found that Cultural Marxism, associated with the Frankfurt School, was a significant influence on the “new Left” in the middle of the twentieth century. Cultural Marxism is background to current Critical Theory, and this, in turn, has some influence on contemporary culture.

This report argues that recent attempts to explain a wide range of developments in Western (and Australian) culture in terms of a pervasive cultural marxism which is a direct development from classical Cultural Marxism are unhelpful.

There are many issues of concern in our society several of which are sometimes ascribed to the influence of cultural marxism — including the rise of ‘hard’ secularism and the promotion of transgender ideology and attempts to censor and even criminalise moral criticism of same-sex

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<sup>52</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p25 (quoting AIHW 2018; Holzinger and Biddle 2015; Productivity Commission 2014).

<sup>53</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p7.

<sup>54</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p7.

<sup>55</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p8.

<sup>56</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p33ff.

<sup>57</sup> Department of Education, <https://www.youtube.com/watch?v=Feu5qz4uzB8>, accessed 30 April 2021. See also the Preschool’s own promotional videos at <https://www.youtube.com/channel/UCYkx5PdTRCZHghMxe1fMGfQ>

sexual relationships. Christian leaders should understand these developments and help the church respond well to them. An explanation of cultural developments that treats them as the results of “cultural marxism” will obscure the range of cultural influences which lie behind these developments and will inhibit wise engagement with them.

The report traces the rise of the Black Lives Matter organisation in the USA, which has been heavily influenced by CRT. BLM has, however, become a movement and a slogan, neither of which are necessarily closely related to the original organisation. There is no evidence that there is a BLM chapter in Australia. We may well wonder if participation in BLM marches or use of #BLM on social media is a helpful or sufficient response to racism, but there seems no reason to single it out as a particular concern in Australian culture.

Cultural Marxism and classical Critical Theory has been an influence on contemporary critical theory. The report examines Critical Racial Theory as the most relevant version of critical theory and suggests ways in which the biblical view “diagonalises” it. That is, the biblical world view puts the insights of CRT into proper perspective and offers a more radical solution to racism: a solution that flows from the gospel of Christ.

While CRT is an insufficient assessment of and response to racism, it does highlight ways in which indigenous Australians suffer consistent disadvantage on many fronts. The report closes with a survey of the oppression and injustice faced by first nations peoples in the justice system, medical care and education.

### **Recommended Reading**

The following is some accessible reading from a range of view points which will help to extend thinking in these areas.

Hayes, J. D. *From Every People and Nation: A Biblical Theology of Race* IVP, 2003

A thorough overview of biblical discussions of race with a gospel vision of God’s redemption of his people from every race and nation.

Keller, Timothy, “The Bible and Race” (March 2020) <https://quarterly.gospelinlife.com/the-bible-and-race/>

“The Sin of Racism” (June 2020) <https://quarterly.gospelinlife.com/the-sin-of-racism/>

“A Biblical Critique of Secular Justice and Critical Theory” (August 2020).

<https://quarterly.gospelinlife.com/a-biblical-critique-of-secular-justice-and-critical-theory/>

“Justice in the Bible” (September 2020) <https://quarterly.gospelinlife.com/justice-in-the-bible/>

A series of posts which engage the issues of racism and critical race theory. Keller outlines the gospel response to racism, and sets out how a biblical view of society and social justice has a better answer than critical theory.

Shenvi, Neil & Pat Sawyer, *Engaging Critical Theory & The Social Justice Movement* Ratiochristi, 2019 available from <https://ratiochristi.org/engaging-critical-theory-and-the-social-justice-movement/#download>

A thoughtful Christian critique of Critical Theory which recognises that it is not a direct development from Marxist thought. It sets out some of the key conflicts with the Christian view

and also suggests ways in Christians can engage with people whose worldview is shaped by Critical Theory.

Smith, Robert S., “Cultural Marxism: Imaginary Conspiracy or Revolutionary Reality?”, *Themelios* 44.3 (2019): 443.

Smith outlines the history of the Frankfurt School and argues that it has a significant (though far from sole) responsibility for contemporary ‘progressive’ culture. (He allows for some more influence than does this paper). He also warns against using it as a simplistic or total explanation.

Strange, D. *Plugged In: Connecting your faith with what you watch, read, and play* Good Book Company, 2019

This book does not mention cultural Marxism, critical theory or racism! It offers very helpful biblical reflections on understanding culture. Strange’s idea that the gospel offers subversive fulfillment of all cultural trends is similar to Watkin’s diagonalisation — though it is more directly aimed at finding evangelistic connections.

Thompson M. “Introduction: What Is Critical Theory?”, 1-14 *The Palgrave Handbook of Critical Theory* New York: Palgrave, 2017

An accessible summary of the history of critical theory by a professor of political theory. It traces the development of critical theory through the history of the Frankfurt School and the changes introduced by Jürgen Habermas.

Trueman, C. *The Rise and Triumph of the Modern Self: Cultural Amnesia, Expressive Individualism, and the Road to Sexual Revolution* Crossway, 2020

This is a brilliant history of culture which sets out to explain why gender fluidity is so pervasive in the West in the 21<sup>st</sup> century. Trueman traces the rise of “expressive individualism”, its sexualisation and politicisation, and the “triumph of the therapeutic” in which affirmation and emotional support are primary ethical responsibilities. The book offers a complex cultural history and invites Christians to make use of some sophisticated cultural analysis. As Trueman writes, it is “neither a lament nor a polemic”.

Watkin, Chris *Thinking Through Creation: Genesis 1 and 2 as Tools of Cultural Critique* P&R, 2017

Watkin uses biblical assumptions about God, creation and humanity to help understand and critique Western culture. His standard device is to “diagonalise” positions, refusing to accept a choice between alternatives and showing that the Bible offers a position which relates to various cultural options, but transcends (or subverts) them.

## Appendices

These appendices contain further material relevant to the GS&C report to PCNSW Assembly 2021 on Cultural Marxism in Australian society, with particular reference to the Black Lives Matter movement. The report itself is at some points a summarised version of this material; there is necessarily some duplication of material so that the appendices still read coherently.

### **Appendix 1: The Historical Background to “Cultural Marxism” and Critical Theory**

The term Cultural Marxism has been used specifically to describe a body of thinkers associated with the Frankfurt School and the Critical Theory it developed.

The Frankfurt School can be said to have existed from 1930 till the late 1960s, and the term ‘Cultural Marxism’ was applied to it in a later generation to indicate the broad interest of its thinkers in developments in Western culture.<sup>58</sup> It has also been identified as ‘Neo-Marxism’, ‘Libertarian Marxism’, ‘Existential Marxism’, or ‘Western Marxism’.

The term ‘Cultural Marxism’ has also been used since the late 1970s as a general pejorative description of a wide range of cultural and political developments. It has become an increasingly common term in cultural debates in the last decade.

In order to make sense of current discussions, it is important to trace something of both the specific and general uses of the term. For the remainder of this report, the specific use will be indicated as Cultural Marxism (capitalised) and the general pejorative use will be indicated as cultural marxism (lower case).

#### *The Frankfurt School and Critical Theory*

The theories and discussions of the Frankfurt School were more complex and varied than this summary can capture, but nevertheless it will give some insight into their approach.

Neo-Marxism, to use the most neutral term, was initially associated with Hungarian György Lukács (1885–1971) and the Italian Antonio Gramsci (1891–1937). Karl Marx had the view that economic conditions and structures shape society and that these must be the central concern for Marxist thinking and action. Gramsci argued (probably correctly) that culture and cultural assumptions are foundational for economic life and so the main influence is in the reverse direction to that described by Marx. Economic change and the end of capitalism, said Gramsci, requires a prior social and cultural change. He considered that Judeo-Christian values are the grounds of capitalism and so economic revolution required the dechristianisation of the West.<sup>59</sup>

This strain of Marxist thought was later developed by the ‘Frankfurt School’ — a group of thinkers initially associated with the Goethe University in Frankfurt from the 1920s. The key thinkers in the movement were Max Horkheimer (1895–1973), Theodor Adorno (1903–1969) and Herbert Marcuse (1898–1979). Being Jews as well as communists, the members of the School had to leave Germany in the 1930s with the rise of Nazism. Most took shelter in the USA and some remained there, while others returned to Frankfurt.

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<sup>58</sup> The term seems to have been coined by Trent Schroyer in *The Critique of Domination: The Origins and Development of Critical Theory* (1973) and popularised by R.R. Weiner, *Cultural Marxism and Political Sociology*, (1981), see Russell Blackford, “Cultural Marxism and our current culture wars: Part 1” *The Conversation* (July 28, 2015) <https://theconversation.com/cultural-marxism-and-our-current-culture-wars-part-1-45299>.

<sup>59</sup> Robert S. Smith, ‘Cultural Marxism: Imaginary Conspiracy or Revolutionary Reality?’, *Themelios* 44.3 (2019): 443. Most of the following analysis of Cultural Marxism as an ideology is based on Smith’s useful history and critique.

The Frankfurt School followed the general trajectory established by Gramsci and focussed on how Western culture would need to be deconstructed and transformed in order to bring true human liberation.

Critical Theory (hereafter, CT) constitutes the most significant development of the Frankfurt School.<sup>60</sup> Horkheimer contrasted it to ‘Traditional Theory’, which merely sought to explain society; Critical Theory, instead, aims to subvert culture and society for the sake of liberation.

Critical Theorists sought to combine elements which had been largely separated in the academic discussions of the late 19<sup>th</sup> and early 20<sup>th</sup> century. The social sciences had developed as ‘Traditional Theory’ which sought to describe *how society and culture operated*; moral philosophy, on the other hand, was the field in which thinkers considered *how things should be*. CT insists that the two concerns must be united. It offers a ‘practical’ approach which aims to *change* culture, not merely *describe* it, seeking “ ‘human emancipation’ in circumstances of domination and oppression”.<sup>61</sup>

CT initially sought to solve problems which confronted radical and revolutionary thinkers in the years around World War II. On the one hand, they faced the fact that the proletariat, the mass of the working class, did not embrace the revolutionary politics which (they considered) would bring freedom for the proletariat. The conditions in Germany immediately after World War I, and in The Great Depression, seemed to be prime for a Marxist revolution — yet it gathered no popular support. In contrast, the period was marked by the rise of fascist and Stalinist authoritarianism.

Critical Theorists were heirs of the great Enlightenment tradition which G.W.F. Hegel (1770-1831) considered to have found full expression in the culture and politics of Prussia. Even at the beginning of WWI, many German thinkers considered their nation to be the epitome of Enlightenment civilisation; they were quick to support the Kaiser’s declaration of war. The generation of thinkers who followed WWI and lived through WWII struggled to explain how this great nation and culture could have produced the barbaric evil of the Nazi regime with its genocidal holocaust and aggressive militarism.

Faced with these problems, the thinkers of the Frankfurt School made several significant intellectual moves.

First, they recognised the way in which culture shaped and controlled people. This approach was built on Marx’s thought but departed from it with a concern for ideas, cultural patterns and psychology as the key to oppression and alienation, rather than purely economic concerns about the means of production. The School drew on the thought of Sigmund Freud (1856 -1939). The result was a surprising amalgam of Marx’s materialism with Freud’s psychoanalysis, which held that below the apparent rationality of Western culture lay subconscious forces which kept the masses enslaved and unable to recognise what would liberate them, and which also left them open to domination by authoritarian leaders and willing to participate in nationalist-inspired atrocities.

Second, as Critical Theorists addressed these issues, their aim was to *change culture* and *enable social liberation* for the oppressed and marginalised, not merely to *describe society*.

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<sup>60</sup> The following summary of Critical Theory is based largely on M. Thompson, “Introduction: What Is Critical Theory?”, *The Palgrave Handbook of Critical Theory* (New York: Palgrave, 2017), 1-14 and C. Corradetti, “The Frankfurt School and Critical Theory”, *The Internet Encyclopedia of Philosophy*, ISSN 2161-0002 <https://iep.utm.edu/frankfur/>

<sup>61</sup> James Bohman, "Critical Theory", *The Stanford Encyclopedia of Philosophy* (Winter 2019 Edition), Edward N. Zalta, ed., URL = <https://plato.stanford.edu/archives/win2019/entries/critical-theory/>, quote from M. Horkheimer, *Between Philosophy and Social Science* (Cambridge: MIT, 1993).

Knowledge, they believed, must translate into social action. CT sought to infuse traditionally descriptive disciplines of sociology, psychology and artistic criticism with critical ethical commitments. Critical Theorists sought to identify power dynamics which had become generally accepted within a society. They claimed to expose and criticise entrenched power dynamics which gave advantage to those who hold power and which disadvantaged those who are under their power. In particular, they claimed to identify how those power dynamics reinforce and replicate themselves by giving powerful people a sense of entitlement which justifies their power, while simultaneously demoralising and subjugating the powerless, thus propagating their powerlessness.

The Frankfurt School understood itself to be committed to advancing open democracy and individual freedom. It was opposed to capitalism as a controlling culture but sought a politics which was compatible with individual liberty. It was appalled by Stalinist Russia and its authoritarianism.

It is worth noting some of the results of this approach. Again, these are only partial descriptions for the sake of illustration.

Both Adorno and Marcuse were interested in the expansion of ‘mass media’ in the twentieth century and the impact it had on consciousness. Marcuse presented an account of this problem in his book *One-Dimensional Man* (1964). He argued that communication by technology (radio, film and TV) allowed capitalist thought forms to exercise “new, more effective, and more pleasant forms of social control and social cohesion” (Marcuse 1964: xv). This stunted true human freedom, even while often appealing to the idea of freedom. For example, consider how marketing can present an attractive mirage of freedom and authenticity while reinforcing a very thin account of the good life based entirely on economic consumption.

When the Frankfurt School sought to understand the ease with which the massed working classes accepted authority and authoritarian rulers, they particularly held the authoritarian bourgeois family to be responsible for authoritarian and anti-democratic patterns.

Adorno and Horkheimer published *Dialectic of Enlightenment* (1947) which argued that the Enlightenment itself, while offering liberation and allowing humans to master the world, has had the reverse result — it produced instead an enslaving culture prone to authoritarianism. Their argument is that the Enlightenment was characterised by reason freed from traditions and moral limitations (so called ‘instrumental reason’). They argue that instrumental reason has alienated humans from nature and allowed (and forced) those who hold power to distinguish themselves from those over whom they exercise power. This has set up the conditions in which Western culture is highly uniform and inherently repressive, leading to totalitarianism (in both political and cultural forms). While they did not think that the solution was to be found in returning to pre-modernity, they came to the conclusion that modernity (i.e. the Enlightenment) contains the basis of its own destruction. They offered a bleak view in which promises of modernity have failed but there is no obvious source of hope.

### *Critical theory beyond the Frankfurt School*

Critical Theory has been extended and applied by other thinkers in many areas of the academy. These developments have only a distant connection between 21<sup>st</sup> century critical theory and the Frankfurt School. Axel Honneth writes that “a younger generation carries on the work of social criticism without having much more than a nostalgic memory of the heroic years of western



Marxism”. For these scholars, the ideas of the Frankfurt School are “outdated and antiquated”.<sup>62</sup>

A Critical Theory in contemporary thought is “any philosophical approach with similar practical aims ... including feminism, critical race theory, and some forms of post-colonial criticism”. These approaches attempt to “explain what is wrong with current social reality, identify the actors to change it, and provide both clear norms for criticism and achievable practical goals for social transformation”.<sup>63</sup>

### *Cultural marxism in the culture wars*

As noted above, the term ‘cultural marxism’ has been used frequently in recent cultural debates.

Various commentators have associated *cultural marxism* with:

- enforced ‘political correctness’;
- promotion of ‘diversity’ which gives prominence to LGBT minorities, promotes transgender views and celebrates same-sex relationships;
- an attempt to de-Christianise Western society;
- affirmative action to advance women and ethnic minorities to positions of influence;
- promotion of globalism, globalisation and open borders;
- the analysis of social problems in social structures, using concepts such as ‘systemic’ violence and oppression;
- the ‘cancel culture’ which removes from a public platform anyone who does not subscribe to this agenda;
- formlessness in the arts, music, and architecture;
- calls for radical economic changes in response to environmental issues;
- an agenda to destroy traditional Western culture, especially its institutions of marriage and family.<sup>64</sup>

The analysis that these are products of cultural Marxism was popularised by Pat Buchanan (b. 1938), the conservative American commentator. It was portrayed in a 2011 film *Cultural Marxism. The Corruption of America* which featured Buchanan and Ron Paul (b. 1935). Some of the recent popularity of the term is due to its use by Canadian psychologist Jordan Peterson (b. 1962) to denounce recent trends which seek to deconstruct traditional social institutions and ways of life.<sup>65</sup>

The power of the term comes from two aspects of its use. First, and most obviously, the term associates the current developments with historical Marxism and therefore with connotations of oppressive totalitarianism and rigid inhumane ideology. Second, it implies that a movement

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<sup>62</sup> A. Honneth, “A Social Pathology of Reason: on the Intellectual Legacy of Critical Theory.” *The Cambridge Companion to Critical Theory*, Fred Rush, ed, (Cambridge: CUP, 2004), 336.

<sup>63</sup> Boham, "Critical Theory".

<sup>64</sup> See the summary in Jérôme Jamin, “Cultural Marxism: A Survey.” *Religion Compass* 12.1/2 (January 2018): 5-7.

<sup>65</sup> Jordan B Peterson, ‘Postmodernism and Cultural Marxism’ YouTube talk, 6 July 2017, [https://www.youtube.com/watch?v=wLoG9zBvvLQ&ab\\_channel=Ruminate](https://www.youtube.com/watch?v=wLoG9zBvvLQ&ab_channel=Ruminate).

which began in the Frankfurt School has achieved extensive influence, and even control, in contemporary Western culture.

Many of the denunciations of *cultural marxism* recount the development of the Frankfurt School and the rise of Critical Theory, and draw a direct line of influence from these to general concerns about developments in Western culture. For instance, the promotional material for *Cultural Marxism. The Corruption of America* invited viewers to “find out how the Frankfurt School, a Marxist splinter group, established itself at Columbia University and began ‘the long march through the institutions.’”. The aim of the School, according to this material, “was, and still is, to infiltrate every corner of Western culture and pervert traditional values with ‘political correctness’ and Marxist ideologies ... to destroy American free-enterprise capitalism by undermining its economic engine, the Middle Class and the basic building block of society, the family unit”.<sup>66</sup>

If there is a feasible connection between the Frankfurt School and present cultural developments, it is most likely found in Marcuse, who was influential in the student protests of 1968. He was often heralded as the “Father of the New Left”, though he was at most the “grandfather” whose thought happened to coincide with wider movements and at most had “an influence on the students” at the time of the protests.<sup>67</sup>

Marcuse infamously used the phrase “the long march through the institutions”, which has often been considered to refer to a strategy to occupy and subvert the major institutions of Western society (universities, media, government etc).

The phrase was first used by Rudi Dutschke, a German student in a speech during the 1968 protests. It alluded to Mao Tse-tung’s “long march” during the Chinese revolution (though, ironically, the Chinese communist forces were in retreat during this march). Dutschke, influenced by Gramsci, was most likely thinking of how revolutionaries should challenge and disrupt social institutions.

Marcuse took up Dutschke’s phrase and applied it to a more subversive strategy:

To extend the base of the student movement, Rudi Dutschke has proposed the strategy of the long march through the institutions: working against the established institutions while working within them, but not simply by 'boring from within', rather by 'doing the job', ... and at the same time preserving one's own consciousness in working with others.<sup>68</sup>

In the same passage, Marcuse also called for “the concerted effort to build up counter institutions”. He thought that the radical movement required effective media and communication outlets to rival the media of capitalism.

Despite this phrase, Marcuse had little influence, though he did express something of the zeitgeist which spawned the ‘New Left’ in the later 1960s. Other members of the Frankfurt School were even more marginalised. Adorno, for instance, clashed with student protesters in 1968 and called the police to remove students who were interfering with his lectures.<sup>69</sup>

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<sup>66</sup> Quoted by Jamin, website no longer available.

<sup>67</sup> Tom Bourne, “Herbert Marcuse: Grandfather of the New Left” *Change*, 11.6 (Sep., 1979): 36.

<sup>68</sup> Marcuse, *Counterrevolution and Revolt* (1972).

<sup>69</sup> K. R. Bolton, "Cultural Marxism: Origins, Development and Significance." *The Journal of Social, Political, and Economic Studies* 43, no. 3 (Fall, 2019):276-77 makes something of a case for the influence of Wilhelm Reich (1897–1957). Reich trained in psychoanalysis under Freud and had an ongoing interest in sexuality. He worked with the Frankfurt School while it was in New York. His book, *The Mass Psychology of Fascism* (1946) argued that not only the nuclear family, but sexual repression, was responsible for the power of fascism. He advocated sexual liberation and had a significant following in popular culture in the USA. He was also widely regarded as

The ideas of the Frankfurt School and their Critical Theory were among the vast range of influences on contemporary culture. The school did not mastermind a “long march through the institutions”, nor did it have an overwhelming influence on progressive thought in Western nations.

It is, therefore, not helpful to use the term *cultural marxism* as a catch-all for a range of cultural concerns.

First, to do so would be to use the term too broadly. There is no one contemporary *cultural marxist* movement which can be identified and critiqued. Many of the trends which commentators gather under the heading *cultural marxism* stem from a wide variety of influences, rather than a particular segment of Marxist thought. For instance, the emphasis on personal freedom, individual authenticity and the pursuit of pleasure and comfort has been fuelled by neo-liberalism.

Carl Trueman’s recent book highlights the broad range of influences on contemporary culture. He traces the rise of ‘expressive individualism’ which dominates Western culture. He finds its root in the thought of Jean-Jacques Rousseau (1712-1778) and the Romantic movement of the early nineteenth century. Charles Darwin (1809-1882), Karl Marx (1818-1883) and Friedrich Nietzsche (1844 - 1900) each made contributions, but Trueman’s assessment is that the key thought was from Sigmund Freud (1856-1939) who held that sex drives are what define humans. Freud’s thought was combined with Marxism in the ‘New Left’ (including the Frankfurt School) with result that sexual freedom became part of political and personal freedom. Finally, Trueman traces the cultural spread of this revolution through surrealism in high culture and Hugh Hefner’s Playboy in pop culture.<sup>70</sup> Trueman’s account helps us recognise that historical Cultural Marxism is one of many streams which feed into contemporary culture. Branding current trends as *cultural marxism* does not help us understand our context.<sup>71</sup>

Second, applying the term *cultural marxism* also risks leading us to accept the polarisation which marks much recent cultural analysis. On both the left and the right (terms which themselves are already polarised and polarising), there is a common tendency to dismiss any idea or proposal which is seen to come from ‘the other side’.

Thirdly, warnings about pervasive *cultural marxism* can give credence to conspiracy theories. For instance, it has been claimed that there has been a successful ‘march through the institutions’, but it is not clear that this is so. It is well documented that academic institutions in the USA incline to the ‘left’.<sup>72</sup> This is likely the case in Australia, though there is no available research, and it is a contested claim.<sup>73</sup> However, even in the USA the ‘left bias’ is not an

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unstable and idiosyncratic. In *The History of Sexuality* (1976), Michel Foucault states that Reich's account of sexual repression had substantial influence. This is hardly an argument for broad influence.

<sup>70</sup> Carl Trueman, *The Rise and Triumph of the Modern Self: Cultural Amnesia, Expressive Individualism, and the Road to Sexual Revolution* (Crossway, 2020).

<sup>71</sup> Gary Marks, “The Origins of Cancel Culture and the Left’s Long March”, *Cancel Culture: And The Left's Long March*, K. Donnelly, ed. (Melbourne: Wilkinson Publishing, 2021) offers a narrative which focuses on “neo-Marxism” and the Frankfurt School. He also recognises that this influence reached a zenith in the 1970’s and 1980s (and does not offer evidence for its influence in the 1980s). He notes the rise of “post-modernism” which is very different to Marxism and critical theory (27).

<sup>72</sup> See “Mitchell Langbert, “Homogenous: The Political Affiliations of Elite Liberal Arts College Faculty”, *Academic Questions* (Summer 2018).

<sup>73</sup> See J. Baker, “How academics are taking steps to be open to uncomfortable ideas” *SMH* June 22, 2019 <https://www.smh.com.au/education/how-academics-are-taking-steps-to-be-open-to-uncomfortable-ideas-20190620-p51zp1.html>; see also

*Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers*

homogenous reflection of the influence of Cultural Marxism. The picture in Australian media and politics is far more mixed, with a wide range of political and ideological views represented in the public square.

Christian teachers need to be critics of cultural developments, and the developments gathered under the term *cultural marxism* do deserve careful analysis. This report will suggest strategies for doing this. The sweeping pejorative use of the term, however, does not assist that analysis.

## **Appendix 2: Critical race theory and intersectionality**

As noted above, there are approaches to cultural analysis in the academy which draw on the general heritage of Critical Theory. These approaches have influence beyond the academy.

Critical Race Theory (CRT) is a prominent example and since this report deals with Black Lives Matter, the discussion will focus on CRT.

CRT developed from legal scholarship in the 1980s which sought to understand why the introduction of civil rights in the USA had not brought substantial change to the position of African-Americans. CRT was first formulated in 1989 in a workshop led by Kimberlé Crenshaw, Neil Gotanda and Stephanie Phillips.

CRT combines “progressive political struggles for racial justice with critiques of the conventional legal and scholarly norms which are themselves viewed as part of the illegitimate hierarchies that need to be changed.”<sup>74</sup> CRT scholars make observations of, and challenges to, the ways in which race and racial power may be constructed by law and culture. They reject the idea that the law is neutral, and seek to remedy the impact on people of colour of “a regime of white supremacy and privilege maintained despite the rule of law and the constitutional guarantee of equal protection of the laws.”<sup>75</sup> Thus social institutions – education, the legal system, business, ‘religion’ – are viewed as ‘systemically’ ‘prejudiced’ against non-whites – not despite, but actually *through*, generally accepted, ‘traditional’ social concepts such as ‘race’, ‘equality’, and ‘law’. So, for example, the struggles non-whites experience in Australian culture are alleged to be due to racism systemically woven into the entirety of Australian society.

Richard Delgado and Jean Stefancic in their work *Critical Race Theory: An Introduction*, a work which remains a seminal text, set out the key assumptions of CRT.<sup>76</sup>

- Racism is ordinary, not aberrational.

This claims that racism is pervasive in American (and Western) culture. African-Americans and people of other minority groups are consistently excluded and oppressed in many sectors of life. Exclusion is the daily experience of members of these group. In this account, racism is not only a personal disdain or malice directed to people of another appearance or culture. It is also the result of systems (such as legislation or organisations) which perpetuate the way some groups of people have less economic, political or social power than others.

- Racism serves important purposes

Racism advances the interests of the majority group, and so is deeply entrenched in culture and social structures. This also means that progress on racial issues occurs only when the majority

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(March 2019) <https://www.dese.gov.au/uncategorised/resources/report-independent-review-freedom-speech-australian-higher-education-providers-march-2019>

<sup>74</sup> <https://cyber.harvard.edu/bridge/CriticalTheory/critical4.htm> accessed 28 July 2020.

<sup>75</sup> Ibid.

<sup>76</sup> R. Delgado and J. Stefancic, *Critical race theory : an introduction* (New York: NYU, 2001), 6-9.

group benefits. One of the first texts of CRT, Derrick Bell's paper on the 1954 court case *Brown v. Board of Education*, argued that the civil rights agenda prospered when it benefitted the US government during the Cold War (through other nations recognising its commitment to racial equality). The same has been said about the Mabo decision in Australia.

- Race and races are products of social thought and relations

This is often summarised as the notion that race is 'socially constructed'. It argues that differences between people which reflect their ancestry were only conceived of as 'race' in early modern thought and were given a biological definition.<sup>77</sup> This concept was then used in legislation (as seen in the Australian Constitution Section 55.xxvi). Viewing race as socially constructed opposes 'essentialist' views such as the idea that race has a biological/genetic basis which leads to discrete, fixed, uniform, defining characteristics shared by all members of that group.

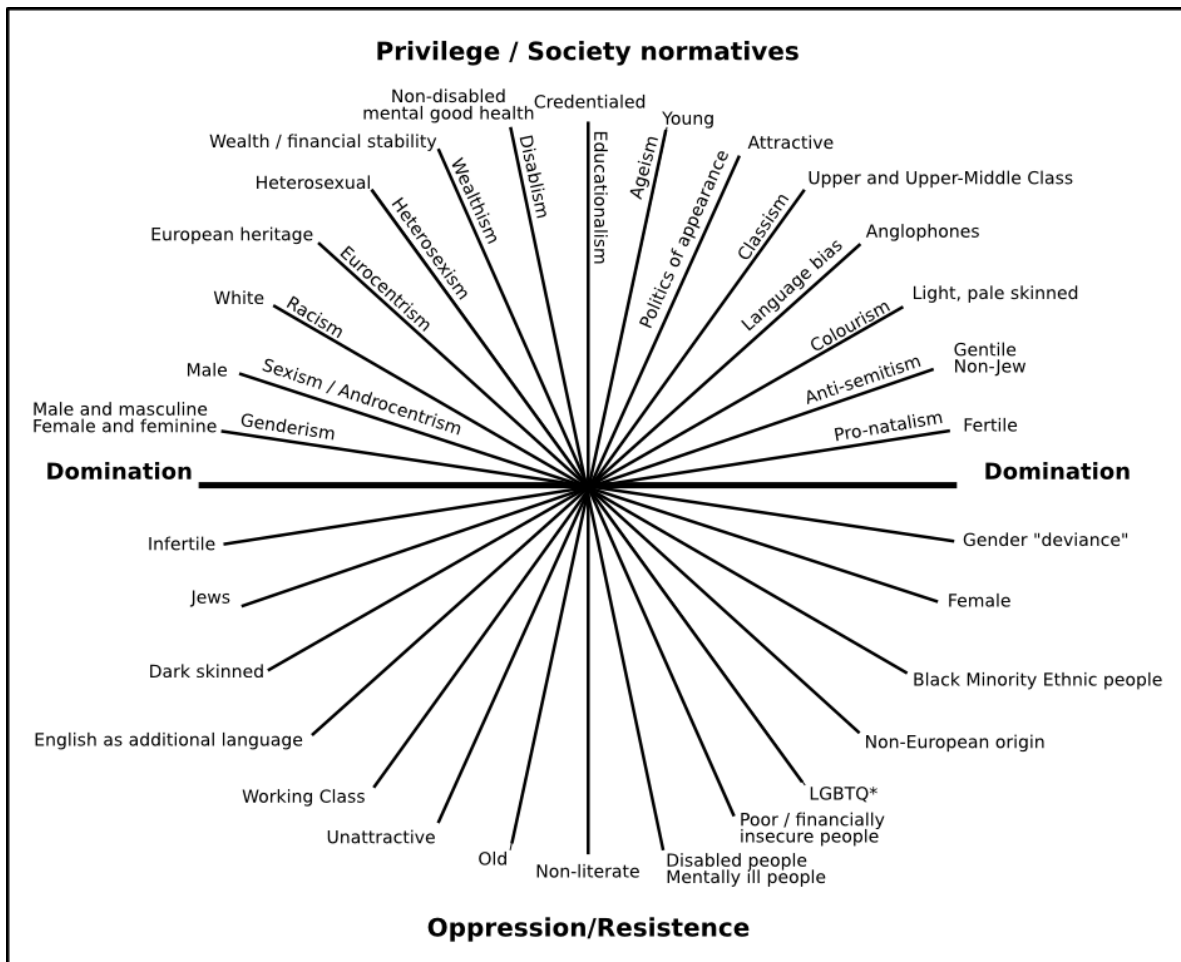
- Intersectionality

This recognises that no person has a single 'identity' but belongs to a range of groups which may result in overlapping and conflicting identities. The idea of intersectionality "points to the multidimensionality of oppressions and recognizes that race alone cannot account for disempowerment"<sup>78</sup> The additional cultural dimensions that are considered in intersectionality studies include sex, class, national origin, and sexual orientation. As the 'axes of dominance' diagram (see below) demonstrates, privilege and/or oppression is associated with various dimensions of identity, such as sex, class, national origin, and sexual orientation. See Diagram 1 below:

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<sup>77</sup> Race was seen as a heritable biological phenomenon in European thought from the 18<sup>th</sup> century. One of the early divisions was Linnaeus's 1735 division of humanity into four races — European, American, Asiatic and Negro, see J. Goode, "Race and Racism — Europe" *New Dictionary of the History of Ideas*. M. C. Horowitz, ed (New York: Scribner, 2005), 5:1994.

<sup>78</sup> UCLA School of Public Affairs, <https://spacrs.wordpress.com/what-is-critical-race-theory/> accessed 29 September 2020.



- The unique voice of colour

People from minority ethnic groups are able to identify issues or race and racism which members of majority groups are unlikely to recognise. Delgado and Stefancic recognise that this is in an ‘uneasy tension’ with the rejection of essentialism.

- Commitment to social justice<sup>79</sup>

CRT, like all critical theory, is concerned to change society, not simply to describe it. CRT seeks to create a society that “supports the process and goal of equity”. CRT is, itself, viewed as basic to this task, since it shifts the consciousness of both majority and minority so that they recognise racism. Along with education in CRT, social justice requires changes in social structures and restorative practices which include the full range of affected people in developing changes. Hiraldo recognises that this is a task which is never complete: “social justice is always evolving and ... people never reach a tangible finish line because society is always changing”.

<sup>79</sup> This is a tenet of CRT identified in P. Hiraldo, "Future Scenario: Praxis in Critical Race Theory in Higher Education and Student Affairs," *The Vermont Connection*: 40, Art. 19 (2019), available at <https://scholarworks.uvm.edu/tvc/vol40/iss1/19>

### Appendix 3: ‘Black Lives Matter’: the slogan, the movement, and the ideology

Political commentators on the “right” have recently drawn connections between the Black Live Matter movement and *cultural marxism*.<sup>80</sup> Leaving aside this discussion (for the reasons given above) the report asks the following.

4. To what extent does BLM draw on critical theory?
5. What is the history of BLM, as a movement, especially in Australia?
6. How should Christians in Australia respond to BLM?

When discussing ‘black lives matter’, we need to differentiate between (1) an organisation with a specific ideology (2) a broad BLM movement, and (3) the use of the slogan. Here we will outline the development of (1) and (2) and then offer some thoughts about (3). Many people who use the slogan are often unaware of the ideology and do not intend to endorse it and have no particular intention to support the movement.

#### *The history of race relations and policing in some parts of the USA*

The “Black Lives Matter” (BLM) movement describes itself as “a Black-centred political will and movement building project”.<sup>81</sup> It began in the USA in 2013 after George Zimmerman was acquitted of murdering Trayvon Martin during an altercation in 2012. The founders of BLM were Alicia Garza, Patrisse Cullors, and Opal Tometi. The name of the movement comes from a social media hashtag used by the organisers as (at first) they commented on the acquittal and (later) gathered protesters for anti-racism rallies around the USA.

The organisation asserts that there are now 30 ‘chapters’ of people around the world who are committed to its mission. This mission is described as being “to eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes.”<sup>82</sup> BLM claims to be a global organisation functioning in the US, the UK, and Canada through the BLM Global Network Foundation Inc (BLMGNF). The organisations that benefit from BLM fundraising are located in the USA.

BLM espouses an ideology which reflects CRT and some of the radical criticism of western culture and its Christian traditions. The website for the movement includes an ‘About’ page that provides a statement of the BLM vision and once had a section titled ‘what we believe’.<sup>83</sup> (This statement is reminiscent of a statement of faith of a Christian organisation, adding to the impression that BLM is a quasi-religious movement). This now-deleted section claimed that the “nuclear family” is a “Western-prescribed ... structure” and that BLM sought to “foster a queer-affirming network” and oppose “heteronormative thinking”. The original statement included a commitment to “dismantl[ing] cisgender privilege” and “uplift[ing] Black trans folk, especially Black trans women”. The most recent statement (April 2021) affirms “the lives of Black queer and trans folks, disabled folks, folks with records, women, and all Black lives

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<sup>80</sup> See references in J. Sandeman “Why people talk of “Cultural Marxism”, when discussing Black Lives Matter” *Eternity* (June 11, 2020) <https://www.eternitynews.com.au/opinion/why-people-talk-of-cultural-marxism-when-discussing-black-lives-matter/>

<sup>81</sup> <https://blacklivesmatter.com/herstory/>, accessed 3 April 2021

<sup>82</sup> <https://blacklivesmatter.com/herstory/> accessed 3 April 2021

<sup>83</sup> <https://blacklivesmatter.com/about/>, accessed 3 April 2021. This whole page has recently been removed from public visibility, but can be accessed through the internet archive: <https://web.archive.org/web/20200408020723/https://blacklivesmatter.com/what-we-believe/>



along the gender spectrum” and that the network is centred on “those who have been marginalized with Black liberation movements.”<sup>84</sup>

The following information, provided in the BLM 2020 Impact Report, serves to illustrate the impact the organisation claims to have around the world:

1. 25% of the BLMGNF online presence is international (that is, from outside the US).
2. In the second half of 2020 there were 24 million visitors to the BLMGNF website. Australia is listed as one of the countries in which people access the BLMGNF website.
3. The movement has a significant number of followers on social media: Facebook (750,000), Twitter (1million), Instagram (4.3 million).
4. In 2020, BLMGNF was involved several campaigns including:
  - a. An advertising campaign to raise public awareness of issues affecting black communities in the US;
  - b. A petition calling for defunding of the police in the US. (The report attempts to correct alleged misunderstandings about the intent of this campaign, and claims that the intent was always to direct funding away from policing and incarceration, toward “education, mental health, and non-carceral and non-punitive community-led systems and programs.”)
  - c. A campaign to increase voter turnout for the US election. The “Get Out The Vote” campaign included partnerships with other organisations such as the producers of the musical “Hamilton” and the manufacturer of the “Sprite” soft drink. A reported 6000 volunteers engaged with 5.4 million voters in swing states, and the organisation claims that this contributed to increased black voter turnout.
5. \$90 million was raised in 2020, of which \$21.7 million is reported to have been disbursed to various organisations (about two thirds of which serve or are led by black LGBTQIA people) in the US.

A wider BLM movement has developed around the organisation. We cannot assume that everyone who supports the movement and joins BLM protests holds the ideological commitments of the organisation (still less when someone supports BLM on social media). The ideology no doubt has an influence, but supporters are not necessarily adopting it.

The New York Times has reported a difference in the demographics of the BLM supporters, compared to people who supported the Black Rights movement of the 1960s. The movement appears to be attracting more white supporters, and supporters who are younger and wealthier than those involved in the movements of the 1960s. One poll reported that half of the survey respondents said this was their first experience of activism or demonstrations. Most had watched a video of police violence toward a Black person in the 12 months before they protested, and of that group, half said the violence on video had made them more supportive of the cause.<sup>85</sup> It is likely that the primary inspiration for joining the movement comes from these incidents rather than from a commitment to BLM ideology.

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<sup>84</sup> <https://blacklivesmatter.com/about/>, accessed 3 April 2021

<sup>85</sup> <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>, accessed 3 April 2021

The BLM movement gathered momentum in the USA in 2020 when George Floyd, an African American man, died while being arrested for allegedly passing a counterfeit bank note. Video of the incident showed Floyd being restrained by a police officer kneeling on his neck, while the other officers looked on. It also recorded Floyd calling for his mother, and his final plea: “I can’t breathe.”

Floyd’s death has been described as a flashpoint in a “longstanding crisis of police violence and structural racism in America”.<sup>86</sup> It is estimated that in the three months following his death, there were over 7,000 protests in the US specifically linked to the Black Lives Matter movement. The focus of those protests was against the behaviour and attitudes of police toward people of colour, which was alleged to be the result of systemic racism and police brutality. In April 2021, Derek Chauvin, the police officer who had physically detained Floyd, was convicted of second-degree unintentional murder, third-degree murder and manslaughter. It’s anticipated that his sentencing will occur in June 2021.

### *Black Lives Matter in Australia*

Despite the frequent use of the hashtag slogan in Australia in recent years, and despite the visit of BLM organisers to Australia in 2017,<sup>87</sup> there is no firm evidence of any official ‘chapters’ operating in Australia.

In Australia, the issue of “black lives matter” was brought into mainstream conversation in 2020 through protests and demonstration marches under the banner of “Black Lives Matter”. Two particular incidents galvanised public engagement: the death of George Floyd in the USA in May 2020, and the release, in late 2019, of the News South Wales Coroner’s report into the death of David Dungay Jnr.

David Dungay was a Dunghatti man who died in custody at Long Bay Jail in NSW in November 2015. The video of Dungay’s death, released to the public only in part, shows him being dragged from his cell by several officers after refusing to hand over a packet of crackers. He was sedated by a nurse, restrained by an officer who knelt on his back, and died after repeatedly saying “I can’t breathe.”

The NSW Coroner’s report found that Dungay had not been a security risk, and that there had been no need to forcibly remove him from his cell. It stopped short, however, of recommending disciplinary action against the officers involved. Instead, it found the officers’ conduct had been a product of misunderstanding and deficiencies in training.<sup>88</sup> Dungay’s family have called

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<sup>86</sup> <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/> accessed 25 September 2020. The *Armed Conflict Location & Event Data Project* (ACLEDD) notes that “while the US has long been home to a vibrant protest environment, demonstrations surged to new levels in 2020. Between 24 May and 22 August, ACLEDD records more than 10,600 demonstration events across the country. Over 10,100 of these — or nearly 95% — involve peaceful protesters. Fewer than 570 — or approximately 5% — involve demonstrators engaging in violence. Well over 80% of all demonstrations are connected to the Black Lives Matter movement or the COVID-19 pandemic.”

<sup>87</sup> <https://www.sbs.com.au/news/black-lives-matter-founders-meet-australia-s-indigenous-community>, accessed 3 April 2021. Patrisse Cullors and Rodney Diverlus visited Australia in November 2017 to receive the Sydney Peace Prize.

<sup>88</sup> <https://www.theguardian.com/australia-news/2020/jun/01/family-of-david-dungay-who-died-in-custody-express-solidarity-with-family-of-george-floyd> accessed 28 September 2020. Note, this news article includes a link to the video of Dungay’s death, with graphic scenes that some may find disturbing.

on the NSW Attorney General to investigate the possibility of pressing criminal charges against the officers involved in their son's death.<sup>89</sup>

Within days of George Floyd's death, the family of David Dungay Jr publicly expressed solidarity with the Black Lives Matter protestors in the United States. A protest march was held on 6 June 2020 in Sydney (and other places around Australia). It is likely that many, if not most, of the protestors rallying under the banner of "Black Lives Matter" did so not because they agreed in principle with every element of the original manifesto of the Black Lives Matter movement in the United States, but simply because they believed that black lives matter as much as white. They were protesting against racism in Australian culture, expressing solidarity with people who have experienced racism, but not necessarily advocating the full agenda of the Black Lives Matter movement in the USA.

As one observer wrote after reflecting on the protests and the preventable deaths of other Aboriginal Australians: "So many of our people have been hurt and harmed by traumatising systems. Yet it took the death of an African-American man in the US to bring so many non-Indigenous Australians out on to the streets."<sup>90</sup> Another Aboriginal Christian has said: "George Floyd's death was highlighting issues that have been hidden for a long while. There's been a lot of deaths that have gone unnoticed and unpunished in Australia, and it's only the families of those particular people that have voiced their concerns about things. Australians have got on board with the whole concept that lives matter, and Indigenous lives in particular matter. To go out and kill people, Aboriginal people, was once like a contest, to come back and brag about how many people were killed. Some Australians don't view Aboriginal people as someone made in the image of God. We're thought to be less than we really are."<sup>91</sup>

Global reporting of Floyd's death fanned into flame the concerns of many Australians about Aboriginal deaths in custody. George Floyd and David Dungay were seen as representative of the experiences of people of colour as they engage with criminal justice systems, as well as with other aspects of Australian society such as education, health care, employment, housing and more.

The Biblical doctrine of the divine image in all humanity asserts that all lives matter, and that black lives matter precisely because all lives matter. However, we must not respond simply to a slogan; we need to discern what the person using the slogan means to communicate. The slogan will often be used to highlight that the fact that black American lives, and the lives of indigenous Australians, have been lost at the hands of police officers or in prison in circumstances which rarely confront people of other ethnic backgrounds. This use of the slogan agrees with, and does not contradict, Christian doctrine. In that context it is neither necessary nor appropriate to reply that "all lives matter".

Indeed, pro-life Christians should be sensitive to the claim that 'Black Lives Matter'. When we oppose abortion or physician-assisted suicide, we are not saying that other deaths are unimportant, but that there are particular groups of vulnerable people who should be recognised and protected.

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<sup>89</sup> <https://www.change.org/p/i-can-t-breathe-charges-must-be-laid-for-the-death-of-david-dungay-jnr>. This webpage holds a petition calling on action from the NSW Attorney General. At the time it was accessed, it held 113,175 signatures supporting the petition. Accessed 28 September 2020.

<sup>90</sup> Tess Ryan and Melissa Sweet, *The long road to healthcare justice*, <https://insidestory.org.au/the-long-road-to-healthcare-justice/> accessed 23 July 2020.

<sup>91</sup> From personal interview.

#### Appendix 4: “Closing the gap” for Indigenous Australians

A Christian response to CRT and BLM must include a serious consideration of concrete ways in which indigenous Australians are disadvantaged. While this extends our report considerably, we consider that it is imperative to set this evidence on record. Federal and State governments in Australia have formally recognised the disadvantages faced by indigenous Australians with a 2008 commitment to “close the gap” in health, education and employment. Since 2009 the Federal Parliament has received an annual “Closing the Gap” report.<sup>92</sup>

Here we consider the experience of indigenous Australians in the justice system. Each of these issues is complex and none are open to simple solutions. This report does not attempt to recommend solutions, but to note the current situation and some of the discussion about causes and responses. This should be a prompt for reflection and prayer.

Other minority ethnic groups in Australia face similar disadvantage, particularly refugee communities. We focus on indigenous Australians because of the concerns of CRT and BLM, noting the current situation and some of the discussion about causes and responses.

We invite readers to prayerfully reflect on the below, and use it to inform ministry, as individuals and church communities, in your particular context. Our hope is that it will assist you to engage in ministry which, in ways appropriate for your particular context, honours indigenous Australians as God’s image-bearers.

##### *Indigenous Australians and the justice system*

The incidence of Aboriginal deaths in custody is a key issue in public conversation. It is often offered as the indication of inherent racism in our criminal justice systems. It has been a key focus of the BLM movement matters in Australia because, “the problem of deaths in custody goes back to colonial times and there is an alarming ignorance of the issue in Australia”.<sup>93</sup>

It has been reported that since the *Royal Commission into Aboriginal Deaths in Custody* (the Muirhead Commission) delivered its findings in 1991, there have been more than 450 deaths of Aboriginal Australians while in custody. Since 2008, there have been more than 150 Aboriginal deaths in custody, two thirds of which have occurred in Western Australia and the Northern Territory.<sup>94</sup> These figures have been used by demonstration organisers as the primary reason why Australians should rally in support of ‘black lives matter’.

Warren Mundine points out that these statistics (quoting at the time the number “432”) include *all* deaths in custody, including those attributed to natural causes, and that the number of deaths attributable to police or corrective services brutality is very much smaller. He summarises one of the Royal Commission’s findings: “Indigenous people are likely to *die* in custody because they are more likely to *be* in custody.”<sup>95</sup> He attributes this, and the other problems experienced

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<sup>92</sup> See <https://www.closingthegap.gov.au/>

<sup>93</sup> Marcia Langton, at the Alfred Deakin University Public Policy Forum, *The Black Lives Matter Movement in the Australian Context*, August 2020.

<sup>94</sup> <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>, accessed 2020 and 3 April 2021. This interactive website managed by The Guardian (Australia) tracks the number of Aboriginal deaths in custody since 2008, using information provided by Amnesty International and the Melbourne University *First Nations Deaths in Custody Watch Committee*. It includes profiles of each individual whose death is recorded in the database.

<sup>95</sup> Warren Mundine, at the Sydney Institute seminar *Indigenous Australia in the time Black Lives Matter*, July 2020. <https://thesydneyinstitute.com.au/blog/warren-mundine-josephine-cashman-indigenous-australia-in-the-time-of-black-lives-matter/>

by Aboriginal Australians, to “mass transition since the 1970s from work to welfare” and “chronic intergenerational welfare dependency”.<sup>96</sup>

A 2017 report from the Australian Law Reform Commission confirms these observations about disproportionate incarceration rates. It finds that “although Aboriginal and Torres Strait Islander adults make up around 2% of the national population, they constitute 27% of the national prison population. In 2016, around 20 in every 1,000 Aboriginal and Torres Strait Islander people were incarcerated. Over-representation is both a persistent and growing problem— Aboriginal and Torres Strait Islander incarceration rates increased 41% between 2006 and 2016, and the gap between Aboriginal and Torres Strait Islander and non-Indigenous imprisonment rates over that decade widened.”<sup>97</sup> Further, “Aboriginal and Torres Strait Islander women constitute 34% of the female prison population. In 2016, the rate of imprisonment of Aboriginal and Torres Strait Islander women (464.8 per 100,000) was not only higher than that of non-Indigenous women (21.9 per 100,000), but was also higher than the rate of imprisonment of non-Indigenous men (291.1 per 100,000).”<sup>98</sup>

Jacinta Nampijinpa Price, Warlpiri/Celtic woman and Alice Springs Town Councillor, says “Aboriginal people are the most incarcerated people in the world — because of violent crimes and if people were serious about protecting Aboriginal lives then they would focus on lowering the rate of family violence in indigenous communities.”<sup>99</sup> Josephine Cashman (referencing an unidentified Crime Commission report into criminality in Aboriginal communities), makes the claim that substance abuse, violence, child abuse, and emerging links to organised crime are major factors influencing incarceration rates.<sup>100</sup>

A 2017 study by PricewaterhouseCoopers, conducted for the *Change the Record* campaign, identifies key drivers of incarceration of Aboriginal Australians: poverty and disadvantage (including housing, education, employment, health, social exclusion and racism); the experience of trauma (including intergenerational trauma and various forms of abuse); and the relationship with the justice system (including contact with police and the courts, access to legal assistance and legal policy settings).<sup>101</sup> These factors are commensurate with the ‘Closing the Gap’ targets that Australian governments and communities have been working toward for the last decade.

However, George Newhouse, an Australian human rights lawyer working with the *National Justice Project*, argues that ‘Closing the Gap’ targets measure the wrong things, and also has the (unintended) effect of blaming Aboriginal Australians for the problems they experience. He says that when the conversation is about the impact of incarceration rates on the incidence of deaths in custody, it’s implied that Aboriginal offenders (being responsible for their crimes) are in some way responsible for their deaths in custody. Newhouse says we should also

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<sup>96</sup> Mundine, Sydney Institute, 2020.

<sup>97</sup> Australian Law Reform Commission, *Pathways to Justice—Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples*, Summary Report No 133 (2017), p7.

<sup>98</sup> ALRC, *Pathways to Justice*, p8.

<sup>99</sup> <https://www.dailymail.co.uk/news/article-8398491/Indigenous-activist-slams-BLM-protesters-dont-care-black-deaths-unless-killed-white.html> accessed 28 September 2020.

<sup>100</sup> Josephine Cashman, at the Sydney Institute seminar *Indigenous Australia in the time Black Lives Matter*, July 2020. <https://thesydneyinstitute.com.au/blog/warren-mundine-josephine-cashman-indigenous-australia-in-the-time-of-black-lives-matter/>

<sup>101</sup> PricewaterhouseCoopers Australia, *Indigenous Incarceration: unlock the facts*, available at <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>



consider the ‘gateways’ into incarceration (for example, strip searches and petty crime charges) that may be applied in racist ways.<sup>102</sup>

Marcia Langton, delivering the Thea Astley Lecture in 2020, referred to a study of coronial reports that showed a stark difference in the treatment of Indigenous people who died in custody compared with non-Indigenous people. This report found that while the most common cause of death in custody, for both Indigenous and non-Indigenous people, was medical issues. “Indigenous people were much less likely to have been given all of the medical care they needed prior to their death. Agencies such as police watch houses, prisons and hospitals failed to follow all of their own procedures in 37% of cases where Indigenous people died, compared with 21% for non-Indigenous people. Aboriginal and Torres Strait Islander defendants were more likely to receive a sentence of imprisonment upon conviction than non-Indigenous defendants. Almost a third of Aboriginal and Torres Strait Islander defendants were jailed, compared to 18% of non-Indigenous defendants, despite the two groups having similar conviction rates: 85% to 81%. Police in New South Wales pursued more than 80% of Indigenous people found with small amounts of cannabis through the courts while letting others off with warnings, forcing young Aboriginal people into a criminal justice system that legal experts say they will potentially never get out of. Between 2013 and 2017 the police disproportionately used the justice system to prosecute Indigenous people despite the existence of a specific cautioning scheme introduced to keep minor drug offenses out of the courts.”<sup>103</sup>

#### *Indigenous Australians and access to health care services*

The 2020 ‘Closing the Gap’ Report notes that while there has been progress on almost every health measure, the overarching target of closing the gap between the life expectancy of Aboriginal and Torres Strait Islanders and other Australians is not expected to be achieved by 2031.<sup>104</sup> The report attributes this to the fact that life expectancy for other Australians is increasing (so the gap is not actually closing), and that progress in the life expectancy target for Aboriginal and Torres Strait Islanders is dependent on other outcomes, such as improvements in education, employment, housing and income.

A National Health Plan announced in 2019 committed the Federal Government to increased funding for preventative health programs for Aboriginal and Torres Strait Islanders, with a focus on “working with Indigenous communities and other governments to ensure programs are working effectively to improve health outcomes, by tackling the social factors which impact heavily on health.”<sup>105</sup> It’s clear that the Government is seeking a collaborative approach to bring about improved outcomes.

Some commentators attribute disparity in health outcomes to an alleged racism inherent in the systems used to provide health care, and to the ways in which success is measured. They

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<sup>102</sup> George Newhouse, at the Melbourne Law School seminar, *Black Lives Matter*, July 2020.

<sup>103</sup> Marcia Langton, *Why the Black Lives Matter protests must continue* <https://theconversation.com/why-the-black-lives-matter-protests-must-continue-an-urgent-appeal-by-marcia-langton-143914> The Guardian report that Professor Langton refers to can be found at <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>

<sup>104</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Report 2020*, available online <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf> The measures that contribute to the overarching target of life expectancy include infant mortality rate, mortality rates for various diseases including cancer, and lifestyle factors such as the incidence of smoking.

<sup>105</sup> Commonwealth of Australia, *Australia’s Long Term National Health Plan*, (August 2019), available online [https://www.health.gov.au/sites/default/files/australia-s-long-term-national-health-plan\\_0.pdf](https://www.health.gov.au/sites/default/files/australia-s-long-term-national-health-plan_0.pdf)

welcome the collaboration signalled in various government reports and plans, but are concerned that racism is not specifically taken into consideration.<sup>106</sup> For example, Marwick *et al* note that research into health outcomes is often framed in terms of comparisons between Aboriginal and other Australians. Such research, they say, is stigmatising (because it concludes that Aboriginal Australians are more likely to engage in unhealthy habits than other Australians) and misses the real burden of disease in the community (which is the dominance of a Western model of health that's at odds with an Indigenous perspective on health).<sup>107</sup> We may measure, for example, the incidence of diabetes in the Aboriginal community, and note that it is higher than for other Australians, but we do not often measure the wait time for Aboriginal people to get health care (and early access to therapies for illnesses such as diabetes), compared to the non-Aboriginal population.<sup>108</sup>

These disparities play out in individual lives. The Coroner's report into the death of Naomi Williams in 2016, for example, highlighted the potential for "unconscious, implicit bias or racism" to affect the provision of health care to Aboriginal Australians.<sup>109</sup> Similarly, the Queensland Health Ombudsman reported recently on the case of a 6-year-old boy who died of sudden illness in 2017, and said that Aboriginal and Torres Strait Islanders are a significant disadvantage across many health measures compared to other Queenslanders.<sup>110</sup> In both cases the outcome appears to have been affected by culturally insensitive assumptions about the patients, and delays in the provision of health care.

In response to these concerns about shortcomings in the provision of health care for Aboriginal Australians, there have been calls for critical race theory to be embedded in health provider education programs.<sup>111</sup> Some medical associations have made statements acknowledging, and even apologising for, racism in the provision of healthcare by their members.<sup>112</sup> Local area Health Services are developing programs that intentionally engage with Aboriginal communities in order to develop best quality care.<sup>113</sup> Further, a significant development has come out of the *National Aboriginal and Torres Strait Islander Health Plan 2013-2023*, which did consider racism in the provision of health care. This development is the *Health and Cultural*

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<sup>106</sup> Tess Ryan and Melissa Sweet, *The Long Road to Healthcare Justice*, available online <https://insidestory.org.au/the-long-road-to-healthcare-justice/>

<sup>107</sup> Markwick, A., Ansari, Z., Clinch, D. *et al*. Experiences of racism among Aboriginal and Torres Strait Islander adults living in the Australian state of Victoria: a cross-sectional population-based study. *BMC Public Health* 19, 309 (2019). <https://doi.org/10.1186/s12889-019-6614-7>

<sup>108</sup> George Newhouse, at a Melbourne Law School seminar, *Black Lives Matter*, July 2020.

<sup>109</sup> Minter Ellison, *Case Study: Inquest into the death of Naomi Jane Williams*, available online <https://www.minterellison.com/articles/inquest-into-the-death-of-naomi-jane-williams> "The Coroner heard evidence that stereotyping of Indigenous people as more likely to use drugs and alcohol impairs best decision-making by the healthcare industry. The Coroner acknowledged, based on the evidence heard at the Coronial Inquest, that unequal treatment and state-wide health outcome inequality among Aboriginal people is prevalent and affected the care provided to Ms Williams."

<sup>110</sup> <https://www.hrw.org/news/2020/08/25/indigenous-australian-boys-death-and-inadequate-health-care#> accessed 1 October 2020.

<sup>111</sup> See for example <https://www.croakey.org/a-call-for-critical-race-theory-to-be-embedded-in-health-and-medical-education-previewing-catsinam17/> accessed 20 September 2020.

<sup>112</sup> Amongst these associations are The Australian Medical Association, The Royal Australian College of General Practitioners, The Australian Psychologists Association, The Australian Indigenous Doctors Association, The National Rural Health Alliance.

<sup>113</sup> See for example the Northern Sydney Local Health District publication *Death and Dying in Aboriginal and Torres Strait Islander Culture (Sorry Business)* available online: <https://www.nslhd.health.nsw.gov.au/AboutUs/Documents/publications/Didja%20Know%20Final.pdf#search=Aboriginal%20Health%20death%20and%20dying>



*Safety Strategy 2020-2025*, and it has a specific goal of achieving the provision of culturally and clinically safe health care for Aboriginals and Torres Strait Islanders.<sup>114</sup>

### *Indigenous Australians and Education*

The Federal Government's 'Closing the Gap' Reports show the disparity that exists between the experience of Aboriginal and Torres Strait Islanders and non-Aboriginal Australians, and the progress that has been made to reduce the disparity over the last decade.<sup>115</sup>

Some commentators argue that the 'gap analysis' has a narrow focus on attendance, retention, and literacy/numeracy achievements, and that this is problematic. Vass, for example, suggests that when student attendance is the focus, there is a false assumption that better outcomes for students can be obtained if only attendance is improved.<sup>116</sup> He claims that "race is located at an 'intersection of oppression' alongside other factors including (for example) gender, socio-economic status, age, sexual orientation, and (dis)ability ... Race helps with explaining how and why power and influence are distributed in ways that privilege White interests, while concurrently and relationally discriminating against non-White interests."<sup>117</sup>

The barriers to Indigenous children's participation in early childhood education include: "out of pocket costs, a limited awareness of services, administrative complexity, lack of transport or locally available services, poor child health, a perception that the child is too young to participate, a lack of confidence in the value of early education services or fear of racism and judgment."<sup>118</sup>

There has been good progress in enabling access to early childhood education, in all States except the Northern Territory. In 2018, more than 85% of Aboriginal and Torres Strait Islander children were enrolled in early childhood education, and so have access to learning opportunities that will help them make a positive transition to 'big school', and set them up for a better future.<sup>119</sup>

The target to reduce the gap in Year 12 attainment is also reported to be on track. This bodes well for future improvement in targets for employment of Indigenous Australians: it is already known that "for Indigenous Australians with higher levels of education, there is virtually no gap in employment rates."<sup>120</sup>

Nevertheless, about one in four Indigenous children in Years 5, 7 and 9 (and one in five in Year 3) remain below the national minimum standards in reading.<sup>121</sup> Also, there has not been

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<sup>114</sup> The Australian Health Practitioner Regulation Agency (AHPRA), <https://www.ahpra.gov.au/About-AHPRA/Aboriginal-and-Torres-Strait-Islander-Health-Strategy.aspx> accessed 1 October 2020.

<sup>115</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Report 2020*, available online <https://ctgreport.niaa.gov.au/sites/default/files/pdf/closing-the-gap-report-2020.pdf>

<sup>116</sup> Greg Vass, *Putting critical race theory to work in Australian education research: 'we are with the garden hose here'*, *Australian Education Researcher*, 42(3) (2015). Vass draws on the work of Ladwig and Luke, *Does improving school level attendance lead to improved school level achievement? An empirical study of Indigenous educational policy in Australia*, in *The Australian Educational Researcher* (2013).

<sup>117</sup> Greg Vass, *Putting critical race theory to work in Australian education research: 'we are with the garden hose here'*

<sup>118</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p25 (quoting AIHW 2018; Holzinger and Biddle 2015; Productivity Commission 2014).

<sup>119</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p7.

<sup>120</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p7.

<sup>121</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p8.

improvement in school attendance rates, the gap for which is obvious from the first year of primary school and widens every year.<sup>122</sup>

The *Closing the Gap Report* notes that a child's early experiences in the education system have a significant impact on outcomes in later years. The importance of access to early childhood education has been highlighted in some recent videos showcasing the work of Tregear Presbyterian Preschool.<sup>123</sup>

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<sup>122</sup> Commonwealth of Australia, *Closing the Gap Report 2020*, p33ff.

<sup>123</sup> Department of Education, <https://www.youtube.com/watch?v=Feu5qz4uzB8>, accessed 30 April 2021. See also the Preschool's own promotional videos at <https://www.youtube.com/channel/UCYkx5PdTRCZHghMxe1fMGfQ>