

FREEDOM OF RELIGION AND BELIEF, CULTURE and THE ARTS

a supplementary paper
prepared for the Australian Human Rights Commission and the
Australia Council for the Arts
to complement the research report

“Freedom of Religion and Belief in Australia in the 21st Century”



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Contents:

1. Introduction:	1.1 background and rationale to this supplementary paper	2
	1.2 the scope of this paper	3
	1.3 methodology	4
2. Scoping the issues:		5
	2.1 culture	7
	2.1.1 civilization	8
	2.2 religion and cultural identity	9
	2.3 art and 'the arts'	13
	2.4 heritage	18
	2.5 cultural rights	20
3. Current Situation:	3.1 cultural institutions, creative industries and cultural indicators	23
	3.1.1 cultural institutions	23
	3.1.2 creative industries	26
	3.1.3 cultural indicators	27
	3.1.4 sport, culture and the arts	29
	3.2 art, artists and culture in Australia: a contemporary snapshot	29
	3.2.1 Religious cultural institutions	32
	3.2.2 UNESCO cultural conventions: implications for Australia	34
	3.3 art, morals and faith in public discourse	35
	3.4 art, culture, religion and well-being	38
4. Analysis:	4.1 observations	42
	4.2 concluding remarks	44
APPENDICES	1) abbreviations	46
	2) Significant UNESCO treaties of relevance to Australia under international law and pertain to culture, cultural and human rights	47
	3) references	49
	4) endnotes	52

1. INTRODUCTION

1.1 background and rationale to this supplementary paper

This paper has been commissioned by the Australian Human Rights Commission, the national statutory body responsible for educating the people of Australia about, and promoting, human rights. It is part of a more extensive research project examining freedom of religion and belief (FRB) in Australia in the 21st century. To inform and complement the core study additional papers are being prepared in various 'sub-specialties' which lie outside the major consultation and reporting process. This paper is one such piece of research.

Reporting on FRB is part of the *Commission's Community Partnerships for Human Rights Program* which was set up under a rolling, four-year initiative *The National Action Plan to Build on Social Cohesion, Harmony and Security* (the NAP). The NAP has a particular focus upon ethnic and religious minorities at risk of alienation, it has a particular 'soft-security' approach to social, cultural and economic participation to help reduce the concern that, through marginalisation, some groups or individuals may resort to violence to address perceived injustices.

The Australian Council for the Arts is working under a memorandum of understanding with the Australian Human Rights Commission to achieve shared goals that are consistent with the NAP. The Council has also, over many years, put much emphasis upon arts in a multicultural Australia, recognising that we are a multi-ethnic, multi-faith, multi-cultural country and that cultural and artistic expressions are a reflection of our demographic reality. As such, it has co-funded this research since it helps to define the continuing importance of the arts to the social and cultural fabric of our nation, and it will provide the Council with an evidence base for ongoing research and funding for arts in a multicultural Australia.

In the world today religion is a resurgent and potent force. It is a force for stability, a source of safety, replenishment and comfort, and a driver of change. Much of this is positive change, but some of it is also negative as is clearly manifest through terrorist violence that has often been justified in religious terms. Understanding the religious experience and motive – in particular, their root causes – is critical for governments to understand since they exist to protect the public good within their ambits of responsibility. This is important for governments everywhere including within secular, liberal democracies such as Australia. Only with understanding can they develop the social policy and security-related frameworks that are needed to both preserve the current equilibrium within society, as well as to ensure people's human rights are protected.

With this awareness the Commission has undertaken to explore FRB for its necessary associations with broader policy and rights issues. Rightly, the Commission, along with the Australia Council, recognise that culture and the arts are deeply enmeshed with religious expressions and practices. It is also critically enmeshed with beliefs. Beliefs may be religious, they may be atheist or sceptical, and they may be a combination of both. Indeed, many beliefs today, particularly beliefs that are manifest through action – including violent actions – are deeply bedded in long histories of conflict, exploitation and disempowerment. Negatively reflexive responses to cultural difference and the cultural 'other' totally fails to respect this fact.

Culture, religion, the arts, beliefs: these are entwined notions. If we wish to understand the causes of radicalised violence, if we wish to sublimate the motives for violence into reconciliation or peace-building, we must understand not only what these things *are*, but what they *mean*. What they mean is often defined by their relationship to each other, their potency, expression, form, cause and effect are derived from how they *intersect*. They can also be mobilised in positive ways if the policy settings and principles of engagement are sound - these can easily be distilled and human rights approaches may offer a pathway to achieve these goals.

The arts, also, can be critical in this process. Human rights may create a moral, normative or conceptual framework but the arts can be the means, or vector, for understanding and building social capital. They can also, of course, include strong moral messages. To be fully human, humans need to have either a form of self-expression which is self-defining, or the freedom to partake in forms of cultural expression, or to participate in ceremony with cultural (and possibly religious) dimensions, or to engage in artistic endeavours: this may necessitate the protection of various heritage forms including intangible heritage. These are fundamental

freedoms that are articulated in the *Universal Declaration of Human Rights* that appear in several subsequent UN recommendations, charters, conventions and treaties. The co-operation, then, between the Commission and the Council is in one sense pragmatic and in another symbolic. Arts and human rights are profoundly associated, recognising this association is particularly relevant for an examination of how FRB is protected and promoted in a civil society. Herein lies the primary rationale to research and report on freedom of religion and belief, culture and the arts in 21st century Australia.

1.2 the scope of this paper

The issue of freedom, religion and belief and ‘the arts’, is particularly vexed. FRB as a human right instantly poses challenges and contradictions between freedoms of thought and expression and those who are affronted by world views and practices which conflict with their own; the rights associated with FRB also pivot upon the tensions between the personal and private, and visible and public. These are only a couple of the many opposing positions that arise in any attempt to mediate effective human rights measures to protect FRBs. But if FRB is a slippery and controversial topic, defining notions such as culture and the arts, the relationship between them, cultural rights, arts and morality, and art as a manifestation of religious expression is equally complex. Trying to make sense of both: FRB and the role and status of artistic or cultural creation, is one, therefore, of amplified complexity.

This paper does not seek to scope out the meaning of FRB. Religion is such an intangible, subjective, yet compelling aspect to many people’s lives, it is virtually impossible to define. This has been explained in the core report and has often been remarked upon by many authors of both religious and irreligious views. Nor will we explain human rights although some context is given in section 2.5 on cultural rights;² again, it will be assumed that the authors of the core report or other authors will undertake this responsibility, although reference is made to various human rights relating to international cultural and heritage laws. This paper does, nevertheless, attempt to explain some critical issues. These include:

- ‘culture’ – what it is, its importance to humans and its relationship with ‘art’
- ‘art’ – is this a meaningful concept, what actually *is* art, how should it be understood, can it be privileged, is it a cultural construct that renders it contested?
- ‘civilization’ – an even more subjective term; while we hear discussions about what it means to be civilised (for example, in relation to terrorists, humanitarian entrants and professional sportsmen), it is a term less-used in the quotidian but nevertheless continues to lurk around discourses on art and culture
- ‘heritage’ – a particularly useful term that is well defined in human rights-based UN treaties and which can be used to define, protect and safeguard many human products of what are more generally described as culture, art and the elements of civilization.

What this paper seeks to do is to position the topic of its analysis in the middle, or perhaps over the top of, other issues, sectors and concerns of public policy. As, hopefully, will become clearer through the reading of this paper, art and culture must be understood for its intersections with, *inter alia*, environmental threat and climate change, human development (or as Amartya Sen has labelled it: development as freedom³), processes of globalisation that encompass the endemic exploitation of the Global South, cultural liberty, the destruction of heritage, the despoliation of cultural artefacts and icons, the theft of intellectual property, the tardiness of responsibility by many cultural institutions, and the profound moral hypocrisy that accompanies the ruthless, ingrained and interconnected contemporary world of branding, consumption, advertising and marketing.

Art and cultural practice, however, will also be promoted as a critically valuable – albeit neglected – tool to advocate for ‘social inclusion’ (particularly through bridging capital), to mediate between conflicting community interests, to support individual and group well-being (such as by supporting local solutions for local problems), and to achieve the goals of social policy in innovative and sustainable ways. In this sense the arts, employed for social policy purposes, may have a political dimension. While this may appear threatening, if it is used negatively to instil fear for political purposes, the author would advocate that this is not only unnecessary, but an egregious waste of opportunity: why dismiss a valuable instrument for positive community development?

This paper will also look at critical issues in Australia which may help to address our failure to both understand and

deal with FRB, arts and culture. While much of this paper is descriptive we also examine our national cultural institutions and question, for many, their commitment to reflect the cultures and arts of many Australians, we consider the status of cultural industries, we reflect on notions of critical whiteness (because many of the failures to address arts and culture in contemporary society are about power relations – holding on to a dominant cultural and political status), we look at issues of racism (for racial discrimination is, today, most typically manifested as ‘xenoracism’ or fear of others, especially those who are culturally distinct from a putative ‘mainstream’), we refer to social inclusion, multicultural and human rights policies and commitments. And we conclude with observations about what Australia is doing well, what and from whom we can learn, and steps that can be taken to promote a more equitable, respectful, creative and – it must be admitted – productive and wealthy country through the process of actually engaging with FRB, arts and culture.

It must therefore, at the outset, be clearly declared that this paper can be no more than **preliminary scoping**. Its ambition is to delineate the extent and complexity of the issues, to highlight its importance, to reflect some prevailing opinions, and to present some observations based upon the research and consultations. This funded research, however, is important because it provides unequivocal pointers to current problems and deficits, and it is able to offer strong advice on areas of auditing, reform, promotion and collaboration. This paper, as such, can serve as the contemporary reference point upon which a range of future work should be based.

Note: while this report makes passing reference to issues relating to Indigenous Australians there is no particular discussion within it. The understanding of the principal researcher is that, firstly, these issues have been discussed in detail in a separate supplementary paper, and secondly, the current document should be of a general nature; this should in no way be taken to deny the importance of Indigenous spirituality, arts and cultural rights within the Australian context.

1.3 methodology

This report is not only a stock it is also intended to be a flow: an approach taken because of comments received during the first round consultations. All research design should be iterative and this feedback is now reflected in the methodology. The principle researcher established a small reference group to assist with the identification of informants and to refine major consultation questions. Following this he undertook a review of literature including a scan of past and current policies, the available data on the cultural and recreational services sector (as available through the Australian Bureau of Statistics (ABS) on-line), some of the conference literature, recent media coverage, landmark reports on cultural industries in Australia, the international framework and current trends in cultural mapping and reporting. In addition, selected key informant interviews were held in most capital cities of Australia with individuals and groups working in public arts administration, cultural institutions, and community representatives. This was supplemented by analysis of feedback received as written comments from separately contacted informants. Due to the size of the project, by necessity this was relatively limited: this report observes that more comprehensive research and consultation is clearly needed in the field.

Based on this simple methodology, within the time and resource restrictions, this paper draws together the information gathered. As became clear through consultations, many in the sector have been frustrated by the absence of good policy and guidelines for some years but, as busy professionals, lack the time to advocate for or develop such a policy. A number of informants expressed an eagerness to see a framework developed and an opportunity to examine an audit of issues so they can provide input based on an existing document. The authors intend, therefore, to treat this paper as both a report on the issues as well as a platform to more comprehensively consult with the sector in the future. Time constraints make this impossible for the current purposes of completing the task for the Commission and Council. However, this report will become the basis of a draft document that will be sent widely to the sector for case studies of good practice, challenging circumstances, further ideas for policy, and for comment. We then anticipate publishing a more extended report at a subsequent date, probably in 2011. We will keep the original funding bodies informed as this process occurs.

2. SCOPING THE ISSUES

Perhaps few things are as controversial as art, unless they are religion or human rights!

In many ways, though, religion and art are closely connected. Both can be products of the creative, the inspired, or the revealed imagination. Throughout history and cultures the artist was often a seer, unless it was the other way around (for example, as discussed in Plato's dialogue *Ion* dating from the 4th century BC). Both the seer and the creator shared a capacity to access terrifying or inspiring visions of the Other, of the transcendental, of the revered or feared. In many rituals – deeply cultural activities – this was the time where visions of the Godhead, another incorporeal world or connection to ancestral spirits, for instance, were revealed.

Today, however, human rights advocates and religious groups have sometimes disagreed over issues around freedom of expression or belief, disagreements that often find their parallels in public debates, as illustrated below under section 3.1 *The arts, morals and faith in public discourse*, and it could be legitimately asked what do the arts and human rights have in common, or can they reasonably be seen to complement the other?

Indeed, at face value, they may almost be an expression of their opposite. To extend Nietzsche's notions about dichotomies of form: artistic creativity could be seen as being quintessentially Dionysian (bordering on the irrational, exuberance, even violence – which can be found in romanticism), and the law or human rights instruments the Apollonian (or the will to express form, moderation, symmetry – which is found in classicism).⁴

However, it can be argued that the arts and human rights do share much in common, not least because both are essential to free and creative societies and both are much more than they might appear at first glance. The arts are more than performances or human-made objects intended to entertain people or furnish adornments to their domestic lives, and human rights are more than 'the law' but are a set of ethic principles about how we should treat others and expect to be treated ourselves.

Religion, or spiritual values, in the lives of many people and human rights are not – and as a general rule certainly should not – be in conflict. This is clearly outlined in the *Universal Declaration of Human Rights* (1948) (UDHR) which, along with the right to freedom of thought, conscience and religion under Article 18, states under Article 27:

- “(1) *Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.*
- (2) *Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*”

As well as these rights, other articles in the UDHR infer rights that will encompass aspects of culture and the arts. Some of these are specific, such as under Article 22 which refers to “...(inter alia) *cultural rights indispensable for his (sic) dignity and the free development of his personality*”, and Article 24 which deals with the right to rest and leisure, and Article 29 (1) which refers to “*the free and full development of...personality*”. Other articles infer rights, such as Article 26 (2) which refers to the right to an education “*directed to the full development of the human personality*” and (3) parental rights to choose the kind of education their children receive, and Article 20 (1) which deals with the right to freedom of peaceful assembly and association, when interpreted alongside Article 19 (the freedom to hold opinions and to free expression without interference and impart ideas through any media) and Article 18 (that part of the article which refers to the right to manifest a religion or belief in teaching, practice, worship and observance).

These human rights that refer directly or indirectly to culture and the arts in the UDHR, receive more detailed treatment in the subsequent conventions that are now part of international law. These include the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Convention on Economic, Social and Cultural Rights* (ICESCR), two binding conventions which Australia has ratified. Many other hard laws and treaties also address rights associated with culture and the arts, some of which are noted in the following pages, and with which Australia should be more compliant under international law.

At a more parochial level, the arts sometimes find they are at the centre of furore over domestic laws, often this occurs when artists push against what are normative moral boundaries and objects of artistic creation are scrutinised under the lens of laws, such as those that are aimed to protect 'decency' for example. When this occurs, ironically, the law itself may become part of the scrutiny and may be subsequently amended to conform to a new contemporary norm. Prevailing public opinion and feeling can, however, "*executive its own mandates*" (to quote Mills⁵) meaning that societal norms, the law and the rights of the artist to free expression have to be negotiated at the same time.

Artistic creation is, at its best, a deeply personal expression of what and how (usually) a single person feels, thinks and reacts to their world – their social, emotional, cultural, political, environmental and often spiritual worlds. In this sense artistic creation can be almost anything anybody wants it to be. Of course, prevailing taste, culturally (and some would say other) subjectively-based views of what art actually *is* will help determine this. One person's art may be another person's ugliness; one person's idea of inspired genius may be another's fool; the gifted may be perceived as a failure; the creator a destroyer; for some the outsider or misfit may, to another, be an ideological peer and, of course, one person's truth or true faith may be another's lies, apostasy or irreligion.

The act of artistic creation and interpretation is not always inspired; often the arts feel the dead hand of art critics or the controllers of public taste. This can lead to stultified art, indeed it could be argued whether this is still art at all, rather than products that are saccharine (such as the pseudo Hellenic classical style of the late nineteenth century Royal Academy that opposed pre-Raphaelite romanticism). It can, in more pernicious forms, be harnessed for other purposes. For instance, state-sponsored 'wholesome' art was endorsed under totalitarian regimes such as Nazi Germany and Cultural Revolutionary China, or in contemporary pseudo-cultural products of transnational corporations. In this last example various artistic media are used to promote consumption of certain cultural products, loyalty to fabricated cultural artifices, and conformity (and hence social control) to behavioural and attitudinal norms within targeted audiences. In contrast, in effect counter-revolutionary arts, may challenge the messaging embedded in these corporate cultural expressions. Seen in this way non-conformity in the arts may be radical, even if it is a passive form of radicalism. Understood this way, the arts can be seen as complex, contradictory and a conundrum.

In the domain of religious life, if philosopher-prophets were often the progenitors or inspirers of faith, it has often been the dead hand of theologians who have denied religion its more Dionysian and charismatic qualities over the millennia. On the other hand, if prophetic philosophers were the creators of our international system of human rights as it is expressed in the UDHR, it has often been the dead hand of lawyers who have diminished what human rights can aspire to be as a moral as well as intellectual and spiritual agents of change. Art, faith and human rights are thus united in their shared and imaginative expression what they may aspire to be, and to express or explain, what it is to be truly and fully human. They also share, in common, the notion that to be truly human, one must be free and creative: free to participate in a culture, to express oneself, to understand and interpret the world we live in.

Freedom of speech is fundamental to a life of true inner and outer freedom. Art, faith and human rights are all what humans may be at their best. But they all may be abused, denied or twisted into something else by those who lack the imagination or skills to be either an artist or to live a fully humane and loving human life. This is a quality that so many people of faith and human rights convictions share. Indeed, many people who work in agencies with a strong human rights orientation, at the human 'coal face', are often people of faith.

Terms such as 'art' and 'culture' are often bandied about in public discourse, what they really mean is often different. Perhaps more definable than 'religion', they describe difficult concepts, not least because they deal with fluid, evolving notions as well as ones laden with values and preferences. When used they also may denote the exercise of power, they may infer inequities of significance and value (economic, intrinsic and absolute values) to the cultures, arts or civilized qualities of other humans. As presaged in the introduction, here, we attempt to both describe the parameters of meaning of these words while arguing that they are cross-referential.

2.1 culture

Culture is one of the most important, defining qualities about being a human; it is also both misunderstood and neglected within public policy and popular discourse. For example, in a recent polemic by Ben Eltham he argues that cultural policy “...is not often thought of as an important topic of public affairs. That’s odd when you consider that culture touches on many of the things that Australian’s do, see, hear and engage with everyday. Watching television, reading a newspaper, playing a computer game, updating your Facebook status, sending a tweet, going to a bar to see comedy, even things like gardening and cooking: all of these activities are explicitly cultural.”⁶

One of the reasons why culture is so important to being human is because we are essentially social creatures. This means that we function collectively and, to do so, we need a common form of communication (language), a set of principles (for example what is generally considered morally right and wrong) and knowledge of how to survive in our environment. Shared rituals and beliefs are part of humanity’s survival kit and, of course, culture and religion are integral and inter-related to these processes.

Raymond Williams said of culture that it is one of the most complex words in the English language,⁷ and it has often been used as a substitute for that other ambiguous term ‘civilization’ (discussed in section 2.1.1) and which is commonly understood to refer to highly prized moveable and immovable iconic creations of the high arts such as works of literature, classical music, paintings or sculptures of the great artists. While this understanding may have some validity, it nevertheless only explains one aspect of the meaning of culture.

At a general level, there have been three concepts of culture that have particularly influenced the social sciences and humanities. In summary, these treat culture:

1. as a quality that differentiates humans from other animals (only humans have culture)
2. as something that a person ‘acquires’ (which infers that some cultures, and some people, are able to acquire ‘more’ or ‘better’ culture through socialisation and upbringing), and
3. with relativism, meaning that all humans are a product of their culture (including belief systems such as religion) and human diversity is best explained by cultural differences, not other determinants such as race.⁸

This third way of understanding culture is of particular interest to us in the context of freedom of religion and belief, and subsumes the second. In an attempt to explain its importance and influence on the human psyche, the psychiatrist and cultural anthropologist Cecil Helman describes culture as:

“...systems of concepts and rules and meanings that underlie and are expressed in ways that human beings live...in each human group there are actually three different levels of culture. These range from the explicit manifest culture (‘tertiary level culture’) visible to the outsider, such as social rituals, traditional dress, national cuisine and festive occasions, to much deeper levels known only to members of the cultural group themselves. While the tertiary level is basically the public ‘façade presented to the world at large’, below it lies a series of implicit assumptions, beliefs and rules which constitute that group’s ‘cultural grammar’. This deeper level includes ‘secondary level culture’, where these underlying rules and assumptions are known to the members of the group but rarely shared with outsiders, and ‘primary level culture’. This is the deepest level of culture ‘in which the rules are known to all, obeyed by all, but seldom if ever stated. Its rules are implicit, taken for granted, almost impossible for the average person to state as a system, and generally out of awareness’...

...an important point in understanding the role of culture is that it must always be seen in its particular context. This context is made up of historical, economic, social, political and geographical elements, and means that the culture of any group of people, at any particular point in time, is always influenced by many other factors. It may therefore be impossible to isolate ‘pure’ cultural beliefs and behaviour from the social and economic context in which they occur...”⁹

As well as the deep psycho-social dimensions of cultural influence the latest UNESCO world report describes culture in a number of interesting ways.¹⁰ UNESCO sees culture as appearing stable on the surface, yet dynamic beneath - a body of material that has accumulated and has collective meaning but is constantly in flux, not just a

past inheritance, it is also a future project. UNESCO also sees cultural diversity as having a value to humanity *because* of its diversity, in much the same way that biodiversity is important for the physical environment. In this regard it is defined not as a pillar of sustainable development, but as a necessary condition of economic, social or environmental sustainability.¹¹ Culture is also defined as being a fundamental aspect of the system of international, universal human rights; in this regard culture is a necessary aspect of global efforts at peace-building.

Culture – if these accounts of it are accepted - is everywhere. It is omnipresent in our lives; it determines how we live, behave, think. It is so ubiquitous it may take on a form of 'transparency'. Humans often accept that what is, just is, without contemplating its cultural relativity, connectivity and meaning. However, this transparency tends to apply only to those who belong to the particular group that is, as a consequence, unaware of it. Cultural qualities may be *highly* visible to those who are *not* of that cultural group. This explains cultural conflict, exclusion, discrimination and culturally-based reasoning.

Because culture is so embedded into human consciousness and unconsciousness, *and* because of its selective invisibility, its significance is often ignored. In particular, its relationship to human rights is also over-looked, in particular the human rights dimensions that relate to cultural liberty, human development, discrimination, identity and safety. Because culture is such a determinant of how people live, the quality and meaning of their lives, and how they participate in civil society and the economy human rights can provide the architecture that protects, enables, and provides a language of cultural empowerment, conciliation and equality.

Of course, culture is quintessentially expressed by artistic creativity and the arts have tended to remain, despite ongoing attempts to democratize or socialize art for a century, the continuing domain of the dilettante, the connoisseur and the rich. The important qualification to make here, however, is that culture is not solely expressed through artistic production. While the arts may be the most iconic and visible expression of both culture and beliefs, the forms of culture (the diurnal processes of living such as those mentioned by Eltham and which can include intangible heritage, as explained below at 2.4) may have more significance and importance to most people, most of the time and increasingly, in a globalised and inter-connected world, cultural, belief and creative diversities are constantly negotiated through continuous processes of inter-cultural dialogue.

2.1.1 civilization

From the Latin '*civis*', meaning a town, civilization is a term and a concept that should be used with some caution. Its origins lie in the belief that human civilizations were born in, and are a product of, cities. This is contrasted with the idea that human savagery, no matter how noble, is a result of living in close proximity to nature. The nature versus nurture question has been a staple of the arts for centuries, for example in the European tradition from Shakespeare (*The Tempest*), to Wycherley (*The Country Wife*), the stock in trade of Smollett, Fielding and other English satirists, through Jacques Rousseau, to Mary Shelley to George Bataille to William Golding. The notion that there is a divide between the wild and the cultivated, however, has now shifted. Not only has an awareness of the 'heart of darkness' expressed some of the perils of this approach, but the late modern move away from a development to a sustainable paradigm has shifted sensibilities. This can be illustrated by Peter Dombrovskis, the iconic Tasmanian wilderness photographer, who observed "*When you go out there you don't get away from it all, you get back to it all...*"

Nevertheless, ever since humans began to move into large, permanent settlements, there has been a slow and steady move from the country to town; today, half of humanity is urbanised, a larger percentage of humans than ever before.¹² There always have been strong allures: cities are, by their very nature, sites of population density where human activity can be recruited to various specialist labour functions such as pottery, metallurgy, carpentry or stonemasonry, as examples. Because cities allowed economies and efficiencies of scale, some urban dwellers gained both leisure as well as the opportunity to accrue resources (wealth), this in turn led to a demand for certain qualities to become an added value to the accoutrements of living. In these conditions such accoutrements could be segmented, or marked by different levels of quality (good or poor quality) in either their functionality (they are made with more care and function more efficiently) or adorned to make them more attractive as an end in itself. In some instances, an added quality factor, they may combine functionality with beauty. This differentiation in quality thus denotes the birth of consumer demand and the creation of luxury commodities which, in turn, reflect a segmented society (differences in wealth, social status and power) and

therefore of the market economy.¹³ The city has, as a consequence, allowed inherent human behavioural traits to function as the catalyst that amplifies culture. Cities (the *civis*), as the hothouses of economics, social stratification (classes) and the arts, therefore help define 'civilization'. In this sense many of the archetypal European texts on civilization, such as Berenson's work on the arts of the Italian Renaissance, Huizinga's book on the waning of the middle ages, and Braudel's on capitalism and material life from 1400 to 1800, centre around defining the Western cultural tradition as 'civilization', and that this has been based in cities.

Today, 'civilization' can be used as a generic descriptor, but also in highly value-laden ways that may be problematic. For example, in a television documentary, an historian may be discussing the Hellenic civilization of the 5th century BC; distance in time allows us as viewers to make a number of reasonable generalisations about the material and cultural achievements of the Greek city states during this period and, because most viewers' knowledge about ancient Greece is likely to be fairly limited, there can be some latitude in how this is discussed. In this sense 'civilization' is a kind of taxonomic shorthand that makes it easier for people to sort complex ideas and contrast radically different human attitudes and aspects of life over time and distance. The viewer can picture an image of one civilization with their contemporary civilization, or others with which they may be compared, such as the Maya or civilization of China, for instance. It can also be used for satiric or rhetorical purposes, such as suggesting certain behaviour is uncivilized, meaning it is not civil (that is, certain behaviours are not deemed acceptable within a civilized society, or that they are contrary to a cosmopolitan outlook).¹⁴

The term, however, becomes problematic if it is used either as a substitute for 'culture' or 'art' (implying that the only arts or cultures of worth are those that are civilized), or as a false dichotomy (civilized peoples are morally good and proper, and uncivilized people are not). In this second context the notion of uncivilized peoples, such as people from some parts of the world or of certain religious faiths, has often been applied without care. In recent years, especially in the context of the aftermath of the 9/11 terrorist attacks in the USA, this has been the case in the western media, especially with regards to Islam. This observation is made, in no way, to suggest that the attitudes and actions of certain individuals or groups are indeed violent, inhuman and barbaric;¹⁵ it is reasonable to claim that certain behaviours, even those with specific cultural antecedents, can be described pejoratively. It is when there is an underlying assumption that a certain culture is inherently valueless or harmful that this may become, itself, problematic.¹⁶ For instance, it is reasonable to make claims of a general nature about the Taliban regime in Afghanistan which was an affront to human rights at almost every level. It is not reasonable to make claims about Islam and the views of a billion or more Muslims based upon the history of the Taliban. Yet, the notions of civilization have, and continue, to be regularly invoked in the context of public policies, such as the way in which immigration and freedom of religious and cultural expression in Australia was attacked during the 2010 federal election campaign (this is illustrated in the case study in section 3.1). It is in this sense - given the inferences, misunderstandings and ambiguities about the word - that it can be harmful, or indeed reflect a bias against cultural otherness, which is tantamount to racism.

2.2 religion and cultural identity

The need for a systematised belief system that provides cognitive and moral coherence is a universal human trait. It is found in all societies, cultures, and across history. For something that is both so ubiquitous and so dominant a human quality, religion is also frustratingly difficult to describe, let alone to define. Indeed, almost any attempt at a definition is likely to exclude some belief systems that self-identify as religious or will be so generic as to be meaninglessly vague.

Metaphysical belief systems that explain what is behind and beyond the parochial, material life of everyday existence are typically religious. Belief systems that are not metaphysical, but have a parallel function, may also inspire and motivate people with ideals and goals which transcend their immediate circumstances; political ideologies are examples of such belief systems although some such as Maoism or Fascism are generally considered to be examples of beliefs that are exploitative, repressive and morally questionable. Other belief systems, such as those based on systematic scientific, observational or philosophical analyses can generally be understood as being neither religious nor ideological although science (or pseudo-science) has, and sometimes still is, appropriated by both religious and ideological regimes to justify their actions and policies. This third category may include such beliefs, for example, as rationalism, scepticism or humanism (although many humanists and

rationalists may also claim to have religious beliefs). It is therefore common for a person to hold more than one belief system simultaneously.

It is probably because of the very qualities of religion: qualities that embraces both vagueness and certainty; visions of the splendid and eternal but also of an omnipresent, visceral numescence; the *magnum mysterium*; of reality perceived “through a glass darkly”, that has meant the religious experience – both the spiritual and the glory of institutionalised faith - have been represented culturally and in the arts perhaps more than any other form of human creativity. For those who live in a materialistic, secular, post-modern world, this is a reality we easily overlook.

One way of explaining the function of religion is that it is ontological, epistemological and axiological. That is, religion helps to explain what is, what exists, and what it means to be (ontology); what we do, can and cannot know, and how to think to gain knowledge (epistemology); and how we should act by outlining a moral code (axiology). Both political ideologies and science-based ethics have attempted to outline alternative systems of belief on a similar basis, but not so completely as the major religions or those ancient spiritual traditions. The three functions are each, in a sense, both *a priori* (comprising a religion’s essential truth: that body of knowledge that may be claimed to be self-evident and detached from externalities), as well as *a posteriori* (the complementary truth that manifests and interprets what is known *a priori*, this aspect of religion is more likely to be expressed ‘culturally’ and is the external, tangible manifestation of a religion).

In John Wade’s book on faith as instinct, he reviews the latest scientific literature on the origins of religion and the process this has played in human evolution. What is particularly interesting is the apparent (and necessary) interdependence and concurrence in the development of language, music and dance, and religion. Indeed, language, that most distinct of culture markers is most likely to have been the last of these human developments: musical expressions and shared sense of belief probably pre-dated human ability to express abstract thought in abstract discourse. It would appear that music and dance – fundamental cultural expressions – meet innate human emotional needs including the need to bond with one’s social group or clan. Furthermore, collective solidarity helps guarantee survival and accepted practices and understandings about what is ‘right’ and ‘wrong’ within the social group forms part of an axiological foundation that could be regarded as being fundamentally religious. The interesting point of this partly-hypothesised, partly-evidence-based understanding of human social evolution is the co-dependence of religion and culture, the scope this made available for individual creativity (the origins of ‘the arts’), the transmission of religious and cultural knowledge, the relationship this describes between human survival and the natural ecology, and the *sine qua non* of creativity and culture to human identity and community survival.¹⁷

Most religions do manifest certain qualities. These include narratives (for example about creation); symbolism (expressed as metaphors within the narratives, as well as various artefacts, and the conduct of religious ritual with symbolic purposes); laws, ethics and directions for personal conduct (for instance, what can or cannot be eaten and what types of behaviour are permitted or forbidden); and other practices that give meaning to the faithful. In each of these qualities of religions, although some more so than others, religion is expressed culturally and, in many cases, the arts have ornamented, embellished, interpreted and proclaimed the faiths of their artistic creators.

Religious expressions may involve rituals, prayers, musical performance, song or other creative expressions, or meditation; these may be done in private, in public, or both. The maintenance of standards, ministering to the needs of devotees, the interpretation of texts which explain fundamental truths, the proper delivery of ceremonials, the policing of conduct, the preservation of traditions and heritage whether tangible, intangible, moveable or unmoveable, the commissioning of works of art, the establishing of places of study and worship: these are just some of the roles for the institutional arm of religions which help ensure its preservation. This is also the function of many institutionalised secular systems. In both cases, secular and religious institutions, the arts almost always directly and indirectly are involved in these processes of establishing, expanding, maintaining and promoting their services and status so as to keep and attract members.

In recent years, particularly in the aftermath of the 9/11 attacks, governments across the world reflexively focused on the issue of religion (more precisely, certain radicalised iterations of religion) for its association with catastrophic social dislocation and harm. The 9/11 attacks were organised by an Islamist terrorist organisation, the views of which are generally understood to be schismatic and extremist interpretations of Islam as they are

understood and advocated by the vast majority of Muslims across the world. It was also recognised there are many motives for these and other acts of extremist violence and that terrorism has social, economic, cultural and political roots as well as other influences (such as personal or psychological) but that religion, fused to political ideology and flavoured with cultural variables, were causally associated.¹⁸ At its extremes religion can be a constructive motive for self-sacrifice to charity, compassion, peace-building and understanding. On the other hand, at its opposite end, a destructive motive for hatred, intolerance and violence; this has been described as “*the ambivalence of the sacred*.”¹⁹ It is religion’s great dichotomy and paradox.

In late 2001, government responses in the western world reflected both the recognition of religion’s potential to inspire harm, but also its neglected potential as a counter-balance for good. At much the same time what is generally seen as the multicultural ‘project’ was being questioned in Australia, as it was in many other western democracies.²⁰ Europe’s response to these issues, in particular an increasing fear of presence of the ‘other’ has resulted in wide ranging and draconian responses which are described in a book by Fekete, who uses the term ‘xeno-racism’ to describe a form of racism aimed at the cultural/religious/ethnic other.²¹ Events in the Netherlands were particularly difficult and aggravated by two assassinations, firstly in May 2002 of Pim Fortuyn, an academic who established his own political party which included a strongly anti-Muslim bias in its platform. Subsequently, Theo van Gogh (the great grandnephew of the famous artist, Vincent) was killed in November 2004 by a young Muslim man. Van Gogh was a controversial film-maker and supporter of Fortuyn, he had recently released *Submission*, a short film about Islam and the treatment of women (the script for which was written by Ayaan Hirsi, a Somali national who had gained political asylum in the Netherlands in 1992, she has subsequently written her memoir, the book *Infidel*, which has angered many Muslims). While all three were linked to the right of Dutch politics, the reactions to the assassinations – encouraged by the media - generally pushed all politics, particularly relating to immigration, citizenship and cultural diversity, away from progressive social policy.²²

While similar distancing occurred in Australia, at the same time governments’ across all levels reacted by attempting to engage with Australia’s relatively infantine inter-faith movement to see if this could be leveraged as a vector to promote social cohesion and harmony.²³ The convoluted and concurrent processes (expressed through the actions, if not always in the articulation) of disengaging with multiculturalism, encouraging inter-faithism, redefining cultural identity and pluralism, social cohesion and the promoting of ‘Australian values’ can now be viewed with the benefit of almost a decade’s hindsight and a substantial body of subsequent analysis and research.²⁴

Amongst the lessons learnt from this period of understandable panic is that multicultural principles and the process of inter-faith dialogue (and inter-cultural dialogue generally) are relationally connected and have important areas of overlap, but that they are also separate, distinct, and equally necessary to maintain a civil society. This was acknowledged in the Australian government’s 2010 white paper on counter-terrorism.²⁵ The post 9/11 response also illustrates the complex and vexed web of differences and inter-connections between religion and culture, the cultural dimensions of religions, the religious influence on culture, and religion as an aspect of cultural identity.

The view that religion is an aspect of an individual’s cultural identity is largely determined by personal perspective. Ardent adherents to many religions hold the view that culture is irrelevant to the absolute truths of their religion and that its moral, revealed and ordained truths relegates culture to an irrelevancy. The more dogmatic of these positions are polarising: they consider religion to be *a priori* truth, detached from culture, applicable (if not enforceable) over all humans, that the eradication of religious dissent is integral to that process, indeed, that mankind is engaged in a perpetual ‘cosmic war’ in which God is active, and humans are his agents.²⁶ This is an example of ‘religious ambivalence’ of the intolerant variety and some religions have, under the influence of this form of zealotry, been expansionist over long periods.

What has been particularly confronting to many people is when a sub-group within a religious faith proclaims their culturally-derived practices and beliefs to be definitively valid even when they sit on the margins of religious traditions or in the stratosphere of a liberal democratic society’s levels of tolerance. Extreme cultural practices such as female genital mutilation, or the Taliban’s execution of female victims of rape, are examples of these claims which blend atrocious and obscure culture practice with religion.

On the other hand liberal traditions within religions have been more open to broad exegesis of holy texts or, for practical reasons, have encouraged a flexible interpretation of their faith. Christianity has been particularly pragmatic in this regard, recognising that missionary work could be successful and entice more converts if it assimilated aspects of indigenous cultures, so long as the essential tenets of faith were not compromised. This flexibility, and success, has also come with the greatest proliferation of branches of the religion.²⁷

It is also within the liberal and intellectually quizzical traditions of religion that inter-faith discourse has flourished. While the origins of inter-faith understanding go back at least until the late nineteenth century²⁸ broad ecumenicalism, particularly since the middle of the twentieth century, has been based on the acceptance that the path to a universally understood notion of a benevolent God can take many routes (that is, through different religious traditions and beliefs) and it is religiosity itself that is fundamentally important. This position is highly relativist in its approach to the cultural dimension of religion. There have also been attempts to relativise and explain religious difference to the community more broadly, not only through historical, philosophical and theological accounts of religious difference, but through other forms such as fictionalised biographies. For example, Deepak Chopra has written on the lives of Jesus, Buddha and, most recently *Muhammad: a story of the last prophet*, the publication of which was brought forward in electronic form in the context of the attempts to build an Islamic cultural centre near the 9/11 site (this is discussed in more detail at section 2.5).

Depending on where and when it occurs, religious observance will be performed in a great variety of ways. Religious ritual and liturgy may be conducted in vernacular languages; festivals or ceremonies may be accompanied with song, music, dance and the consumption of food and drink; places of worship can be constructed in a range of architectural styles and sizes. This reflects near limitless opportunity for diverse interpretations and practices of religious observance and necessarily results in distinct cultural identities which may be based on location and often occur within the same religion. Religion and culture, in this sense, intertwine the other and become an inseparable whole which, in turn, help identify a community, a place, and the people who comprise it. Historically, this has been 'spatially' true. In the contemporary, technologically integrated world this may now be 'virtually' true.

Many people deliberately rely upon religious observance as a way of expressing themselves culturally. Indeed, it is possible to engage in religious ritual, or enjoy the artistic expressions of religious faith such as viewing an exhibition of renaissance religious paintings, or listening to a performance of ecclesiastic music with the principal purpose of enjoying the artistic and aesthetic qualities of religious arts, or maintaining the cultural traditions, practices and the social constructs around these religions, yet be sceptical or hold no belief in a God or other aspects of religious faith. In this circumstance, such an attitude is essentially humanistic and rests in the inherent and intrinsic value of cultural expression of which religion is a part.

If the difference between religions and culture can be explained at all, it could be this way: culture is generally perceived as tangible in the sense that it is the *interpretative* media that allows humans to think about or express religious experience; it also helps to describe the visible known world, how humans negotiate their relation to this known world (and each other as an aspect of this negotiation), human agency within it, as well as the frame that other-believed realities may sit; it is the *means* or vector through which the transcendental is expressed or understood. Religion, on the other hand, describes the *actual* engagement (even if this is expressed culturally) with the transcendental (what is beyond tangible knowledge but strongly and intuitively felt, what is prophesized, or recorded as revealed truth), the unknown, the aspired or feared un-real just beyond the immediate perception of the material world.

However, this, like any attempt to explain any distinction between culture and faith is necessarily general, vague and contestable; the boundaries between them are fluid and differ within cultural and spiritual contexts constantly confounding attempts at a systemic definition. For example, in some religious traditions a deity or spiritual beings may dwell within, or are inextricably linked with, man-made artefacts which, of course, are cultural creations. For example, the Aymara people in the southern Altiplano in Bolivia regard their weavings as communal objects that embody ancestral souls. Known as the sacred weavings of Coroma, some of which are several hundred years old, many had been stolen or purchased illegally and later appeared in 1988 in the USA at an 'ethnic art' exhibition. The loss of the sacred weavings caused trauma within the community, many members distressed about the loneliness and sadness of their ancestors who had been removed from their communal home. The artefacts were

subsequently repatriated to the Aymara: a rare but important case of how culture and spirituality are enmeshed, may be misunderstood by those lacking cultural knowledge, but are central to issues around cultural rights and sustainable cultural and religious heritage.²⁹

When religio-cultural artefacts (such as the Aymara's Coroma weavings) are seen as desirable by wealthy art collectors two things immediately happen. Firstly, hermeneutics reorients their value. This, in effect, shifts an object's status from having negligible financial worth but vast religious value (from the perspective of the holders of the cultural and religious traditions associated with it), to one of vast financial worth but negligible religious value (from the perspective of the art collector). At the same time an artefact's inherent aesthetic can transform from a parochial object imbued with spiritual qualities to an irreplaceable work of art. Of course, the artefact itself has not changed (for example, from an ugly to a beautiful object) only the way it is subjectively regarded (and coveted).

Secondly, once this transformation has occurred and objects are removed from their religious and cultural context, if this is removal is involuntary, it can have profound impacts upon those who have lost possession.³⁰ In effect, these are significant cultural rights issues as well as those of theft, fraud and misappropriation. In the case of many Indigenous spiritual traditions the cultural/faith distinctions are also problematic.

The word 'spirituality' is increasingly used as a proxy for religion; in this paper we attempt to use the word with care and accuracy. Misuse of references to the spiritual or to spirituality can be confusing, especially if it is used in such a way that infers it is different from religion, or to imply that established religions are bereft of spirituality. In fact, the words are synonymous, with 'religion' more colloquially used to refer to more institutionally structured ways of being 'spiritual', although even this distinction could be questioned. As noted in the AIATSIS paper on Indigenous Australians and freedom of religion and belief, the term is often used to express "...an experiential encounter and relationship with otherness, with powers, forces and beings beyond the scope of the material world. The other might be God, nature, land, sea or some other person or being."³¹ In this meaning a sense of spirituality or a commitment to some form of spiritual practices or beliefs is not uncommon amongst sceptics, even atheists, and Bouma has written of the strong sense of spirituality that may even be found in some secular or civic contexts.³² While spirituality, then, is integral to any or all religious experience, it has been used more loosely and tends to be a short-hand term for those religious experiences that the Western, hierarchical and taxonomic frame of reference may struggle to define.

These brief observations demonstrate, we hope, a few of the challenges and blurred boundaries associated with attempts to explain something so eclectic and so conceptually variable as religious beliefs and practices and to define the unknown, imagined, felt, or intuited. It also demonstrates the fluid notions of art and culture: what they are and how 'worth' can be transformed based on the differing perceptions of different people.

Whether or not it is religion, art or culture that is being considered, all relate to human rights. Freedom of religion and belief is seldom discussed in the context of cultural rights, nor in the repatriation of cultural products and human remains, nor with the vast art market of stolen goods, nor its association with intangible cultural heritage which is so critical for smaller and vulnerable population groups such as those from ethnic minorities, or maintaining Indigenous spiritual traditions. This oversight is critical to the whole consideration of freedom of religion and belief which usually (and narrowly) focuses on what is morally right or wrong, what is true or false, what is and what is not – issues that are almost inevitably thought of, and debated, in a cultural context. But disconnecting art and culture from this rights-analysis runs the risk of an incomplete debate, contested conclusions and muddled facts.

2.3 art and 'the arts'

Like the notion of culture, art is an idea with a particularly elusive quality. If we could pluck a hypothetical, 'typical' Australian from the street, and ask them to describe an artist and their art, they would probably immediately visualise an iconic or eccentric individual who expresses themselves through painting. This notion is a legacy of romanticism, of inspired self-expression or creation (autopoiesis). It takes the likes of Monet or Picasso, who have been portrayed as possessing artistic 'genius' (another maligned and often abused word) and stereotypes them. Romanticism, where the artist is idealised as a creative hero, is a long-passed phase of a brief period within the

western cultural tradition, leaving aside various neo-romantics. However, it continues to be a frustratingly resilient presence in the arts – frustrating, because it continues to confuse issues about representation and originality which lie at the centre of debates about the form and expression of human creativity, debates which, in turn, relate to civilization and culture and, because it relates to culture, it must also refer to ‘nature’.

Throughout human history, humans have expressed themselves graphically. They have used available resources (initially plant pigments and coloured soils) to imprint their hands on rock surfaces, or to portray images of their physical environment, especially those images that represented the most important aspects of survival; these tended to be about food (such as the hunting of game) and fertility (such as exaggerated depictions of reproductive or feeding body-parts). While this was essentially mimetic (a representation or mimicry of reality) it was also likely to have incorporated aspects of spiritual importance, hence being integral to rites of a religious nature. These may have alluded to creator or ancestral spirits, being a form of preservation (an object to aid memory and education in a pre-literate world), utility (they were easier to access or commune with) or they represented a form of worship or awe. Over time, as human societies become more settled and domestic appliances were created (such as urns made from clay), these were also decorated with animal or plant motifs as well as geometrical patterns. Abstract graphic expression may have been either symbolic (a non-figurative depiction, or a greatly simplified form, of something found in the natural world), or merely an invention (a creative expression that makes humans unique amongst animals), or even a tangible expression of the unseen (such as an emotion or sense of otherness, hence possessing certain spiritual qualities). In surviving Indigenous cultures this is still very much the case with combined figurative and/or abstract forms representing both physical and non-physical dimensions of the universe, in particular the co-joined aspects of the human experience: material life and spiritual essence.

This brief outline of the first artistic expressions of humans is mentioned primarily because it actually mirrors the essential issues relating to art and the arts and still applies tens of thousands of years after the oldest artistic expressions can be dated. These are dichotomies that define artistic expressions as being either:

- figurative (recognisable forms in nature or representations of people) or abstract (non-representational, geometric) forms
- mimetic, meaning they try to replicate nature or are based on templates that have been established by earlier humans (in this sense reflecting a communal or collective cultural consciousness) or autopoiesic, meaning self-creative, individual, non-referential
- good (inferring skill, originality and aesthetically pleasing) or bad (the opposite: poorly executed, derivative and/or ugly).

Even when we consider some of the most topical issues in the arts today, such as the crisis of representation in a post-modern post-industrial society, the fundamental question of the arts as expressions of being human, remain.

Throughout most of human history the arts were a skill gained from apprenticeship, observation and experience, hence the origin of the word which derives from the Latin *artis*, meaning an acquired skill. The arts, therefore, are generally considered to include works of craftsmen and women who make jewellery, pottery, tapestry, ceramics, embroidery and weaving – as examples – of high quality, and which may be emblematic of the best of their cultural context. More recently, the creativity embedded in intangible heritage (once considered as the intergenerational transmission of artisan knowledge) is now taught through technical colleges and art schools. Despite this their status as artisans, as opposed to artists, continues to be ambiguous. Unlike emblematic cultural achievements of architecture, painting and literature, these artists are more often unremembered and unnamed. Today it is the norm that artisans demand lower prices for their works. Generally, this applies both in absolute terms, in terms of input (hours of labour, material costs) as well as output (the finished item). The arts are also sometimes understood to incorporate graphic art (in their commercial and mass market application rather than in the sense of lithography, engraving and drawing serving non-commercial illustrative purposes), virtual art and art installations, much of which is essentially ephemera and may be of a contested arts status.

There are fundamental contradictions which persist in the arts and which are listed here, not to provide an answer to questions, but merely for the purpose of summarising and setting a context. These include:

Must art be original? can craftsmanship or artisanship (no matter how skilled or even inventive), because it is fundamentally derivative (based on antecedents) ever qualify as a work of art, or must 'art' be entirely original and self-referential? Nothing that humans produce is done without reference to the environment which shaped them, whether this be existing social and cultural human context, or the broader physical universe. The notion that genius trumps training, or a culture, is a modernist conceit that continues to arouse controversy in the arts and amongst art theorists.

Is art determined by beauty or utility? A fraught question is whether art can be determined by aesthetics or function. Art, especially in the quasi-romantic sense described at the top of this section, is a product of the view that art is an expression of its creator, for its own sake. In this view art is something privileged and detached from mundane domestic matters, it can only be appreciated by a cognoscenti (necessarily a privileged minority within any society). Indeed, in this meaning, it is often depicted as the quintessential expression of a culture, yet is often unobtainable, incomprehensible or alienating to the majority who belong to that culture because it is of a highly-grained or obscure production (think: Beethoven string quartets), or because a taste for or understanding of it generally requires long periods of exposure, training, conditioning or inculcation (think: Anton Webern's late works or Penderecki's *Threnody for the Victims of Hiroshima*). Many esoteric art forms are almost self-defining as functionless, or if they do have a function, this is likely to be purely luxurious or incidental, such as the famed Fabergé Eggs. On the other hand many functional objects are also described as works of art yet were produced without any intention of being aesthetically expressive: beauty or adornment were of secondary importance or deliberately eschewed by those who made them. This issue, of course, has been debated in the arts since the 4th century BC and has threaded through aesthetic theory every since. In some cultures (or at least communities) functionalism was ideological or an instinctive counterpoint to aestheticism, such as the work of Shaker designers and artisans.³³ Here the artistry resides within an extraordinary level of functionality or pared minimalism - even if it also possesses line, form or symmetry that adds to its attraction. By the 20th century functionalism became a hallmark of some schools of thought, such as in the architectural styles promoted by Frank Lloyd Wright and pursued by Le Corbusier and the Bauhaus.

Must art be culturally based? The question of whether art must be culturally or artistically 'pure' (in the sense of having been produced by an artist) is also contentious. Will a product that is hybrid, collaborative, or has evolved over time due to iterations of over-work, be necessarily of diminished artistic value or merit? In a globalised world culturally or media-plural arts, are increasingly hybridised. This may give the arts a contested status, or it may just mean that purchasers or participants in the 'arts experience' need to reorient their expectations or understanding of art, and it may place older, less hybrid forms of arts, into a more or a less privileged status. On the other hand, this is an issue that is easily, and erroneously, compartmentalised. If we take, for example, the oriental carpet as an iconic piece of Islamic art, it is easy to forget that not only does it have 'pagan' origins, but it also has a Christian origin and a central place at the heart of Christian symbolism.³⁴ Whether we describe this as hybrid art, an example of the cultural impacts of globalisation or in some other way, is merely labelling. The point is: not only is all art culturally-based, but virtually no artistic production is hermetically constrained. Art cannot exist without reference to culture. Indeed, even nihilism in the arts, such as John Cage's '4'33"' (although whether this is about silence or ambience is debatable) as well as the trend to abstract minimalism fashionable in the 1950s and '60s New York art scene (typified in the works of artists like Mark Rothko and Jasper Johns) were products of their age: the history, philosophy, psychology and fashions coursing through contemporary life at the time. This is, obviously, also the case in pop art and is seen in the mass replication of iconic products and people (Andy Warhol) or of images derived from comic books (Roy Lichtenstein). Similarly, even conceptualism, so scorned by Wolfe as a process of morphing art into art theory,³⁵ will also be culturally based either because it uses cultural product as the 'shorthand' of artistic expression, or the concepts being expressed have cultural roots.

Art, then, while it must be seen in cultural context, including its spiritual or ideological context, is also of value for something more: its value to humanity in terms of cultural-adding, social benefit and, on the individual level, the resonance and power to emotionally or intellectually connect and expand consciousness. Art has more than an economic rationale and provides benefits (perhaps 'meaning' is a better word) and values (not financial value) that are both self-defining but also transcendently defining. This argument is simply explained by Tusa "*Mozart is Mozart because of his music and not because he created a tourist industry in Salzburg or gave his name to decadent chocolate...Van Gogh is valued because of the pain or intensity of his images and colours, and not because he made sunflowers and wooden chairs popular. Absolute quality is paramount in attempting a valuation of the arts; all*

other factors are interesting, useful but secondary."³⁶ Great art may pull away or be distanced from the parochial or venal, but an inevitable centripetalism always seems to draw the arts into a space where it can be exploited, interpreted, or tamed to dilute its potential power, especially if it publicly expresses raw, exposed human pain.

For these reasons, and to reiterate the point made earlier, at their best art and human rights are fundamentally revolutionary because they pose a constant challenge to existing power structures. They pose such a challenge because they inspire people to think and to act in ways that may move them beyond the parochial and to get a far deeper understanding of, or an exploration into, reality by delving into the minute or expanding into the infinite (materially or spiritually). Nevertheless, while sharing some similarities when art challenges power structures this is often seen as a creative tension (positive in that it opens up possibilities, at least in democracies), but human rights, which establish ethical and legal compliances, are often perceived (especially by some religious institutions) as negative and restrictive as a consequence.

Much of this thinking about rights and creativity involves dissent – it may be dissent expressed within a theocratic oligopoly, or it may be dissent from the norms expected in a contemporary neo-liberalised economy where transnational corporations determine public taste and knowledge. Human societies always segment themselves, and then seek some form of internal domination to secure its efficient functioning or to reinforce the status and power of those at the top of the hierarchy. Traditionally, patronage of the arts and of religious organisations were the norm of those in power (monarchs, the nobility, the 'First Estate') today, however, the manner in which resourcing occurs, even when through arms-length mechanisms, is often contentious. Art can exemplify and reinforce cultural norms within society while simultaneously undermining it. This explains the fundamental dilemma of the relationship between artists, cultural institutions and governments: the arts help achieve some government goals (an example of which is explained in section 3.4) and may add repute to those ministers who support them, but the arts and cultural institutions are a fickle beast: they are truth-seekers and truth-displayers.

Some of the critical issues about the relationship between religion and art – as well as those inferred in many of the issues already scoped - can be summarised as:

the artistic and cultural heritage of religions: this can take many forms but can be broadly categorised in four ways, as

- [1] immovable (for example, ancient places of worship or sites of spiritual significance such as cathedrals, mosques, temples or Indigenous sacred sites)
- [2] moveable (artefacts used in religious ceremonies with artistic or heritage values, they may be old and therefore rare, or of high quality craftsmanship)
- [3] tangible (such as books and manuscripts of holy texts or of music – these may also be moveable), and
- [4] intangible (various traditions, orally transferred knowledge or specific practices and beliefs that are transferred across generations and between practitioners of a faith).

Religious commissioning of work, especially when this has been generational (for example, a religious product such as a major site of religious observance, or a fashion in religious artistic expression that lasts for a long period) may be responsible for the development and maintenance of unique, craft-related (artisan) knowledge, such as the complex geometric designs of tiles in Iranian mosques, the dyes used to create stained glass windows in Gothic Cathedrals, or the intricate stone relief on Hindu temples. These religious legacies have often become iconic and are viewed as a shared heritage of humanity.

the role that religions have had in commissioning and nurturing the arts. It is often difficult, in a modern secular world, to recollect that most art for most of human history has either been commissioned by religious institutions or has been produced for a directly or indirectly religious or spiritual purpose. Indeed, much recent art (in terms of the history of humanity) has been defined by its attempt to detach itself from or to critique religion. In this sense it may not be definable as religious art *per se*, rather as reactive art: irreligious but, because it is self-consciously irreligious or contrarian, it retains a necessary relationship with religion. Romanticism, in some regards, was a result of this process. While many romantics were deeply spiritual or religious, the artist as hero (and later anti-hero) often perceived themselves as independent of temporal or

spiritual authority. In this sense they were often seen, and occasionally saw themselves, as revolutionary. Romanticism is also fundamentally about the affirmation of individualism, which is also a defining aspect of modernity. This poses interesting issues relating to the arts, such as whether the birth of Protestantism – with its emphasis on the individual relationship with God and, in some cases, pre-determinism – paved the way for the rise of individualism (and hence progressively more aggressive capitalism) over communalism, especially in European and American culture. The tensions between the artist and those who commission art (the Church or other institutional authority with a divine mandate); between the individual and group; creator and owner; and between the orthodox and the schismatic, heretic, or maverick interpreter of religious Truth, are many and complex!

the influence religious bodies or their temporal representatives have upon ‘taste’ in the arts. These bodies are many and various (for instance, the Catholic Church in Mediaeval Europe, or the High Priests in the Temple of Solomon in ancient Israel) and have shaped (and equally have been shaped by) the culture within which they have been located and have been instrumental in determining whether certain artistic products passed or failed ethical ‘tests’. Ironically, although religious institutions have been the most important patrons of the arts over the millennia, this bears no relation to whether the arts produced were at the time (or still are) either in good ‘taste’ (beautiful by relative standards of aesthetics) or of good quality (well made). It is impossible to generalise, of course. Most religious commissioning was due to the sensibilities of those who did so and most was probably to magnify and elevate the status of the religious institution, a religious person, or a religion generally to an audience (either a domestic or colonised population) it intended to impress. Given the enormous legacy of such commissioning, inevitably, much that remains (and perhaps remains because of certain universal qualities of excellence) is now deemed to be valuable and has an artistic heritage status, even if this is earned due to rarity or the patina of age. But the process of producing religious art under the auspice of a religious institution has allowed, by creating a safe space (real and metaphorical), for the genuine outpouring of deep religious sensibilities by artists. These are often seen as the products of the human spirit in that they are emblematic of what it means to be human: their religious specificity is often lost, but what remains is a powerful outpouring of expression that is essentially artistic. And, of course, much religious art is not only beautiful but contributes vastly to, and heightens the experience of, religion for the religious.

art as the product of persecution. Often artistic works have been attacked by institutionalised religion, this may have involved little more than offended criticism within modern democratic societies, but the application of death penalties in others. This continues today. In some societies artists have been executed on religious grounds. Fatwahas have been declared on such writers as Salmon Rushdie, and there have been attempts to assassinate Kurt Westergaard, the creator of the most controversial of twelve cartoons satirising the Prophet Muhammad that were published in the Danish newspaper *Jyllands-Posten* (September 2005). These alleged acts of blasphemy leave their creators in continuing fear they will be murdered on religious grounds. On the other hand, much religious art has been produced by the persecuted, indeed, the experience of persecution has often inspired artists to portray their faith and experience of repression in more creative and expressive ways.

Art as a vector of education and to promote cultural and ethical knowledge. The medium of the arts, as well as the transfer of knowledge (such as intangible heritage), is critical for the education of future generations and members of a faith community. This will include their inculcation into broad norms and expectations of the faith, as well as a potential portal to more esoteric knowledge. There have been fierce arguments as to whether the arts should be didactic,³⁷ while this is a relatively redundant notion (that’s not to say that art must or must not be didactic, rather it is not a current debate in cultural policy), it is axiomatic that the arts and culture not only enrich people directly and indirectly, overtly and covertly, subjectively and objectively, but that cultural knowledge – through the act of transfer – represents a vector to educate its audience. Cultural artefacts, whether produced independently by the religiously inspired, or commissioned by a religious authority, will almost inevitably have some form of didactic qualities. Wayang puppet theatre from Indonesia, Ramlilas depicting events from the Ramayana in India, the Sama’ or Sufi ceremony performed as a dhikr (remembrance of God) in Turkey, or the Spanish baroque masterpieces of Francisco de Zurbaran – these are all vastly different cultural expressions, drawn from a wide array of potential examples, that reflect in their diverse ways the educative role the arts have to convey and reinforce ethical, historical and social messages that underpin their various religious traditions.

2.4 heritage

Heritage is a term that is broadly understood and applied; it refers to those things (usually a form of property) that have been handed down or inherited from past generations. In this sense such 'property' can take a material form, but may also include ideas or traditional practice, thus making them culturally-based. Heritage can take a variety of forms, primarily, and for the purposes of simplicity, these are either:

tangible - they take the form of a physical object or collection of objects, such as human-created artefacts

intangible - they do not take a physical form, for instance, special knowledge or skills that may be handed down orally from one person to another, or from one generation to the next

moveable - a material object that is not 'fixed' and can be moved from one place to another without difficulty

immoveable - such as a large building or other monument which, generally, cannot be relocated, or the physical landscape

cultural heritage – a man-made product, structure, or a place in the physical landscape of great cultural significance (that is of significance to a group or groups of humans)

environmental heritage - places in the natural environment that are unique or of great beauty; because this is determined by human judgement, this form of heritage is anthropogenetically decided

cultural landscapes - places that are a combination of nature and human's relationship to, and shaping of, a particular physical environment.

These different forms of heritage are recognised in international law and, importantly, they all relate to both human rights and human development. UNESCO's treaty of 1972, the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (the World Heritage Convention) was particularly important for its recognition of both man-made heritage as well as the physical environment. This convention, perhaps the best known of all the cultural conventions and one which is still constantly used as a means of identifying and protecting heritage, was also important for raising awareness of the link between human and environmental heritage. As such, it anticipates a more sophisticated appreciation of cultural heritage that was to be outlined in subsequent UNESCO treaties. More recently, given the recognition of the connections between culture, heritage and the environment, there has been increasing attempts to locate culture (and the arts) in sustainable and more culturally sensitive models of human development, hence advocacy for approaches such as sustainable heritage development.³⁸

While religion's bond to culture can be understood in many ways the notion of intangible cultural heritage (ICH) and its association with religion is poorly recognised in Australia. Again, the main advocate for ICH is UNESCO which has adopted a convention specifically for its preservation (the *International Convention for the Safeguarding of Intangible Cultural Heritage*, 2003). Essentially, these intangibles are oral, iterative and inherited knowledge-forms. They include (as examples) performances such as dance and song, artisan produce, rituals and ceremonies, and food preparation that are symbiotically associated with the physical environments where people live. In this context ICH is of particular importance for the Indigenous peoples of the world although it is potentially meaningful to all people and communities. It comprises culturally-related practices (including those of religions, of spiritual traditions and spiritual knowledge) that form living heritage. Locally adapted practice, inter-generational transfer of sacred information, creative interpretations of personal spiritual experience, the formation and custodianship of cultural landscapes, inspired sites – these may all be expressed through intangible cultural and religious practices and behaviours. They help to define and enrich the variety of religious experience and are of heritage, creative and potentially artistic value to all humanity.³⁹

Heritage objects may take a variety of forms and, while much relates directly or indirectly to culture, not all of the remainder can be defined as art (although they may) even though they may demonstrate high standards or unique craftsmanship. Many such objects can have particular significance for some individuals or groups. When this occurs and the significance is culturally-based it is usually also spiritually or religiously based. In the context of heritage collection or conservation this may become particularly contentious.

Cultural institutions such as museums, galleries and archives may collect, handle, and exhibit certain artefacts in ways that are either offensive, even painful, to some groups. This can often occur unconsciously. These activities include the repatriation of human remains, a process that has been perplexing if not considered destructive to some scientists and curators, yet – fundamentally – a cultural and human right for Indigenous peoples. The issue of collections: how they are compiled, catalogued, managed, displayed and labelled, are substantial. They include the trade in stolen or misappropriated goods, intellectual property rights, subjective ‘values’ (both in terms of financial value, as well as symbolic significance) and cultural relativity.

For example, the return of the Parthenon friezes (the ‘Elgin Marbles’) by the British Museum has been hotly debated for decades. The British Museum refuses to repatriate these famous masterpieces to the Athenian Acropolis, although they have offered to provide replicas. The Greeks, however, want the original works returned and regard the proposition that they accept an alternative as offensive. The issue here is symbolic: the British Museum’s reputation is enhanced by holding the original works, the status of the Athenian cultural site is diminished by having lost the friezes. Authenticity has a particular value for both parties, hence neither is willing to surrender the objects in dispute to the other.

If this provides an iconic example that resonates with readers of European heritage, the issue has parallels for traditional owners of cultural heritage in other settings. The case documented by Clifford, of how Tlingit elders and young translators from the community engaged with the Portland Museum of Art in Oregon over its Northwest Coast Indian collection is a particularly moving example which helps to illustrate how, from one cultural perspective, objects may be viewed as ‘art’ but from a different perspective may be a people’s records, history, law, myths and morals.⁴⁰ A view that such heritage management is of less importance than the case of the Elgin Marbles essentially misses the point. What is of passionate heritage value to a Greek or English person may be of equally passionate heritage value to a Tlingit Indian. Judging the differences in ‘value’ between the works in question is based upon different aesthetics, different economic values that may be placed on the objects (which is relative and market-determined, and hence elastic, in value), and assumes that one group’s set of cultural sensitivities are more sophisticated than another’s.

One approach increasingly advocated by colonial museums to such heritage management dilemmas is that of so-called digital repatriation. This involves providing digital data (even a three dimensional digital image) to another institution, or to original property holders (owners in a sense of either having a heritage, production or spiritual relationship with the artefact in question). For example, the digital repatriation of a Melanesian war canoe dating from circa 1910 to the Solomon Islands, its place of origin.⁴¹ If this object is, as proclaimed, a “*highly significant cultural heritage object*” this begs a number of questions about its continuing in an ethnographic repository in the UK and whether it would provide greater public good if it was physically repatriated.

There probably are cases where digital repatriation does have a place such as when the original has been destroyed, or for those institutions that have surrendered an object to another collection and wish to hold (or are permitted to keep) a digital record, or where ownership or connection has ceased to exist and it is used for educational or similar purposes. The proposition that items of significant cultural heritage, or of profound spiritual significance, can either be copied (digitally or otherwise) and offered as a substitute to genuine repatriation, is one that must be judged by the reader. Views will vary. If, however, one accepts and applies ICESCR and ICCPR in relation to freedoms to practice, manifest, participate in and educate the young about culture practice, religion and belief systems, then these alternatives can be viewed simultaneously as: in conflict with human rights, they are a form of cultural imperialism, and (as a consequence of the first two points) fundamentally discriminatory, if not racist.

In summary, the way that some cultural institutions, some of the time, address cultural and religious heritage may be (at best) culturally incompetent or (worse) a callous or hypocritical exercise of power control and self-interest. Objects held by a collecting institution may have strong spiritual, cultural or religious significance for those outside the institutions who are, in effect, rendered disempowered as stakeholders. This continues to be a significant issue in the field of FRB, culture and the arts.

2.5 cultural rights

In the broad domain of human rights the issue of cultural rights are often seen as contentious, this may partly explain some state party hesitance regarding a full realization of these rights. To understand this reticence, it is necessary to understand the way that human rights have been broadly classified: a complex task that can only be described in its briefest outline here.

Human rights are sometimes described as either 'positive' or 'negative'. Negative rights are those that are designed to protect people from the loss of various freedoms; some examples include freedom of speech, freedom from violence or loss of life, freedom from slavery, freedom to practice one's religion and, in these cases, the withdrawal of such freedoms would have a negative impact upon an individual. The human rights encoded in law that are intended to stop this from occurring are 'negative human rights' because their purpose is to limit harm from occurring due to the actions of others. On the other hand, the right to do, access or be given something that one wants are 'positive human rights'; they may include the right to be protected from harm, to be given adequate health care, an education or a minimum standard of living. While this is a useful distinction it is also a rather crude one; some rights can be seen as both positive and negative at the same time, and they can conflict with each other when a choice has to be made between competing rights.

Another way human rights have been classified, and which also helps illuminate the distinctions between positive and negative rights, is the idea of the three 'generations' of human rights, although the simplicity of this taxonomy, also, has been questioned. In this framework the first generation largely includes the negative rights of civil and political life that are outlined in ICCPR. The second generation represents the positive rights that tend to be social, economic and cultural, and which are included in ICESCR. The third generation of rights largely go beyond the social and political rights of individuals and look at the rights of groups over time, this may include those rights such as the rights to an environmentally sustainable future, to groups to collectively bargain, or for certain cultures to survive. Like the simplistic positive/negative binary, the generations idea is helpful to understand complex ideas, but it is describing a fluid set of rights many of which defy definitive categories.

From the birth of the modern human rights era, when the UDHR was proclaimed in 1948, human rights have always been described as inalienable (they cannot be surrendered or given away, even freely) and indivisible (by virtue of being human, humans get all rights not just some of them) and, more recently, they are also seen as inter-connected. While the two types of human rights taxonomies that have just been described may be helpful in some sense, they are also confusing in that the language used may establish a mistaken sense of primacy within the rights system: positive rights may seem more important than negative rights (or vice versa), and similarly for first generation rights. The importance (as UNESCO puts it) of interconnections should also be noted: establishing sound first generation civil and political rights is like a foundation for then building the rights of the subsequent generations. The problem has been, and continues to be, that many rights of a civil and political nature are difficult to achieve and the rights protections which should follow are neglected as a consequence despite their purported equivalent importance. The right *to* certain things is also substantively different to the rights to be protected *from* them. Once the notion of entitlement enters the rights argument so does the debates as to whether one person or group's rights trumps another's, can or should be preferred, will compete, or whether it will have socially or culturally perverse effects such as social disunity.

A particularly prevalent cultural rights issue, one that has been debated in Australia and several other states that are often described as liberal secular democracies, is whether there should be a prohibition on the wearing of the burqa, a form of complete body covering worn by some Muslim women that expresses strong religious and cultural values. Although less heated, there has also been debate about the hijab, or head scarf that is also worn by Muslim women but only encloses the hair. The basis for the argument that such garments should be banned by law is that it is divisive, it acts a kind of anti-social if not defiant statement that defines one group of people (Muslims) as separate from the rest of the population (non-Muslim), but that it is also an offensive reminder of the repression of women within the Islamic faith.

However, whether or not some groups within a society are comfortable with the sight of a women wearing a Muslim head covering is irrelevant to the fact that attempts to prohibit their choice to do so are, firstly, contrary to

human rights (the right to personal expression, beliefs, religious practice, culture and conscience for example), and secondly, selective (there are no claims that the habits of Catholic nuns are an offence to civil society, or Sikh turbans, or Buddhist saffron robes) and, thirdly, hypocritical (the issue is not about social cohesion, it is faith-hate or, in another name, racism). A woman dressing modestly, but with high-visibility, is easy to contrast with fashion norms which could include immodest or tasteless clothing. In this comparison what should be irrelevant or low-visibility becomes a form of defiance and menace because of what it represents: an idea, or a socially and culturally fabricated anxiety. This issue sits squarely in the middle of the public arguments about the presence of Islam in western society and cultural rights. They complement the related but different human right of freedom of religion and belief (article 18 of ICCPR) and represent a principle that some public expression (as John Stuart Mill describes in *On Liberty*) should be protected from “...the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development and, if possible, prevent the formation of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own.” In the contemporary language of sociology this is a discourse between the subaltern and hegemonic – between those who are disempowered, and those with dominance who are using their power – it is based on cultural difference and denies people their human rights to religious and cultural beliefs and practices that do no harm and have no direct impact upon those who oppose them.

If some cultural rights are not always seen as a threat to wider society, they have been criticized for the way they have been seen to excuse certain behaviours that are deemed unacceptable in most modern secular democracies, for example, the defence that domestic violence or the physical mutilation of children is a form of cultural practice and, as such, warrants protection or indulgence. Critics of multiculturalism, such as Okin, who are really also attacking cultural rights, take a binary interpretation of human rights (culture either comes first as a right, or it does not) as well as a reductionist understanding of culture and one that sees it as fixed and unchanging. As recently argued by UNESCO, cultural diversity can accommodate human rights and vice versa, indeed, human rights are not “...imposed at the expense of cultural integrity, but rather as being declared from within the cultures in order to fulfil a need. In this sense, cultural diversity has the potential to become a useful instrument for facilitating consensus among different cultural traditions by engaging debate within and across cultures on human rights by virtue of our common humanity, despite possible divergences related to context.”⁴²

The rights of women, children, people with a disability, for example, are not rendered irrelevant by cultural rights. As stated repeatedly in human rights hard and soft law, a human right *only* applies when it does not impinge upon *other* human rights. Furthermore, the claim that cultural rights describe fixed and immovable cultural practice is also patently false.⁴³ Cultures are dynamic and changing,⁴⁴ indeed, human rights have the potential to take harmful cultural practices and effect their transmogrification: cultural rights can be protected and cultural practice preserved through this very process of cultural development. These views have found thorough articulation in the early work of Farida Shaheed, the Independent Expert in the field of cultural rights, appointed by the Human Rights Council in late 2009.

Shaheed’s annual report in 2010 emphasized that culture is a living and dynamic process, it is a tool for development, peace-building and social cohesion, for the eradication of poverty, and cultural rights cannot be equated with relativism: if they impede human rights they require modification or discarding. She says that ensuring “...cultural diversity is less about preserving cultural goods and practices as they exist...than about ensuring the conditions which make possible the continuous creation and development of cultural goods and practices”. Despite their importance to humanity, however, and “...despite numerous references in international instruments and the practice of human rights, the area of cultural rights remains relatively under-developed”. Of particular note is her reminder that “States’ obligations to respect and to protect freedoms, cultural heritage and diversity are interconnected. The right to participate in cultural life entails respecting and protecting cultural heritage in all its forms, including intangible heritage which has special relevance for indigenous peoples and for sustainable development. It means respecting and promoting the rights of all groups and communities as well as creating an environment that supports the enjoyment of cultural rights as well as cultural diversity.”⁴⁵

Cultural rights, heritage conservation and religion occasional coincide in significant ways, when this occurs it may be linked to highly contentious issues. Three examples can illustrate these tensions, firstly, the case of the Babri Mosque in Uttar Pradesh, a state in India and home to more than 30 million Muslims. Built allegedly on the site of

the birth of the Hindu God Rama in the years after the Mughal victory in 1527, this was a symbolic act and part of the agenda of imposing religion over the newly conquered. Late in 1992, against supreme court rulings, a large group of Hindu nationalists demolished the ancient mosque; in the aftermath violent riots broke out in cities across India leading to the deaths of over 2,000 people.⁴⁶ When religious passions run deep, even centuries-old conflicts retain their immediacy and potency.

A second example is that of the Bamiyan Buddha's, located in Afghanistan and destroyed in 2001. Dating from the 5th century and once the largest statues of the Buddha in the world, Mullah Omar (at that time the spiritual leader of the Afghan Taliban which then controlled most of the country) originally gave a commitment to protect these pieces of iconic heritage. This decision was later reversed and, despite international pleas to leave the statues untouched, the Taliban government stated "*the Buddhas violate the Islamic prohibition against sacred images and...are false idols that must be destroyed....so that they are not worshipped now or in the future.*" The people of the Bamiyan region are Shi'ite Muslim and had strongly resisted the Taliban (Sunnis) in the past, this act of vandalism was probably related both to vengeance as well as a form of cultural genocide: although Buddhist, the statues were long regarded as important to the heritage of Bamiyan.⁴⁷

The third example is more recent: the international controversy that has recently arisen around the proposal to build an Islamic cultural centre in New York, two blocks from 'ground zero', or the original site of the World Trade Centre which was destroyed in 2001 by Al Qaeda terrorists. There has been an extraordinary response to this development proposal, despite the fact the US Constitution's first amendment specifically prevents impeding the free exercise of religion and the freedom of speech. This is recognised in polling which demonstrates that while many American's oppose the centre's opening, there is a grudging recognition that it is constitutional.⁴⁸ What is driving this resistance is complex, it may range from antagonism to Islam, Christian militarism, to a sense that the 'sacredness', symbolism and heritage of the site would somehow be compromised by an Islamic presence within a certain radius. This begs many questions in addition to the constitutional ones, such as: what is a reasonable radius, do the Muslim lives lost in the 9/11 attack give Islam no right also to grieve or to claim this attack was immoral, can Islam generally be condemned due to the actions of a few individuals (and if so, how should Christian immunity from a similar condemnation be determined), and how long will it take before some form of reconciliation is possible? It has also triggered extreme reactions far from the centre of the controversy, for example, Terry Jones (a pastor for a small congregation in Gainesville, Florida, and author of a book entitled: *Islam is the Devil*) planned to burn copies of the Qur'an to commemorate the 9/11 attack which, in response, prompted global outrage include violent demonstrations in Kabul and threats to attack Christians and Americans across the world if the burning took place.⁴⁹

It could be argued events like the ones just described are driven by many processes, not solely by irreconcilable religious difference. While, at first glance, faith seems to be the most obvious driver of conflict, so too is cultural difference, racism (as it is manifested in discrimination based on ethnicity or nationality), and politics (how hegemonies are understood and enacted). If this is the case then remedies aimed at peace-building need to be based – as a logical response - around rights (cultural, belief, speech, expression), inter-cultural and inter-religious dialogue, and social justice.

Australia, with its lacunae of multicultural policy and increasing demand for action on human rights and cultural diversity, is not pursuing an approach that embeds the principles and frameworks of cultural rights into the arts, culture and heritage sectors. It should. But governments not only want to eschew potential conflicts within society between cultural or religious groups, in a neo-liberal age they are also reticent about public spending on what are often perceived as personal preferences that can be addressed through market mechanisms. Claims that social, cultural and economic rights are too expensive, may be disruptive, anti-competitive or too complex to protect with legislation are all part of governments' armoury of procrastination and ambivalence. While they can often pose challenges for governments and legislators, because they are difficult does not legitimise their neglect. The issue of cultural rights, in particular for the arts, culture and heritage is significant, persistent, and largely ignored in public debate, public policy and public advocacy.

3. CURRENT SITUATION

3.1 cultural institutions, creative industries and cultural indicators

What we are generally clustering as the 'arts, culture and heritage' sector in Australia is obviously segmented in a variety of ways. The difficulties associated with doing so is reflected in the way that the ABS defines cultural activities, who and what contributes to these activities, and assessing its impacts. Generally, these impacts are treated as economic. It is difficult enough to measure the sector's contribution to GDP and the quantum of value in cultural trade because of the informality and fluidity of inputs from the cultural and creative industries, it is even harder but no less important to consider other impacts, such as those relating to social and health benefits. The ABS's *Measures of Australia's Progress* (MAP) does have a section reporting on culture and leisure although it includes sport in this category. The definitions offered do not encompass sport, but infers that it falls under the leisure category. MAP affirms the importance of the arts and cultural pursuits in the quality of peoples' lives (including its capacity to improve social and health status). However, it also acknowledges in the opening paragraphs of this chapter "we recognise the importance of reporting on all...aspects of progress in culture and leisure, at present we only include a number of supplementary indicators relating to participation in arts, sports and leisure activities. Future editions of MAP will provide further exploration of cultural indicators".⁵⁰ The gap in this important aspect of national cultural mapping is coyly recognised in the Commonwealth's most progressive social reporting instrument but, dated from 2006, development of the reporting framework is a slow process.

In this section we briefly scan this segmented sector. We find that, by necessity, it tends to shadow the definitional characteristics we have already outlined: cultural, artistic and heritage. We also find it is a sector which, despite being relatively healthy and growing, is nevertheless poorly understood and supported with a government policy framework for research, funding, promotion, professional development, community capacity building, and access and equity.

3.1.1 Cultural institutions

There are a wide variety of cultural institutions, these can be private, public, or operated on the basis of part-public funding supplemented with commercial activities.

Public cultural institutions are those funded by governments at any or all of the three levels in Australia. As examples, in NSW the Blue Mountains City Council is currently building a new cultural heritage centre in Katoomba; the Parramatta City Council runs a heritage centre that includes a gallery and exhibitions of the region's Indigenous and colonial history; Orange City Council runs a regional art gallery with a significant permanent collection, and of course, all local government provide a range of other important community cultural activities such as public library services and make civic centres accessible for cultural events run by local community organisations.

At the state and territory government levels the infrastructure is more substantial and cultural institutions include libraries, museums, archives, gardens and galleries. For example, the Queensland government has developed a vast cultural precinct along the south bank of the Brisbane River that incorporates the state library, art gallery and gallery of modern art, museum, and performing arts centre. In Melbourne there is a similar precinct on or near St Kilda Road on the south bank of the Yarra that includes the National Gallery of Victoria, the Arts Centre, Australian Centre for Contemporary Art, with other important cultural institutions based nearby in Federation Square, Flinders Street and the central business district. Many of the great cultural institutions are also housed in important physical sites such as the magnificently facaded State Library of Victoria's home on Swanston Street with its domed La Trobe Reading Room, recently restored. State governments also fund high-status arts institutions such as state-based ballet, orchestral, opera and theatre companies, and they manage the estate of historical or significant sites of performance, education and administration. States, as the main funder of their public education systems, also run specialised secondary schools that allow young people who are creatively gifted and with artistic talents to develop these skills along with their peers and with dedicated professional teaching staff while they also complete compulsory core elements of their schooling. For example, the NSW education department supports the Creative and Performing Arts High Schools program of eight specialised

schools including the Sydney Conservatorium of Music High School (inner city), the Hunter School of Performing Arts (a regional school in Newcastle), the Campbelltown Performing Arts High School (outer-urban) – this is a form of special arts streaming replicated in other states. Through their funding to local governments, and also a wide range of additional grants to communities and individuals, as well as commissioning, they directly and indirectly support artists, creative industries and the cultural sector generally – the same multiplier effects can also be said to apply to expenditure by the Commonwealth.

State governments also operate botanical and zoological gardens which are, in many regards, cultural institutions too. Certainly, they meet the definition of a museum, as used by the international peak agency, ICOM.⁵¹ Such places may have significant heritage and cultural values. For example, the garden design of the great parks in Adelaide, Melbourne, Sydney and Hobart date from the mid nineteenth century; they reflect the cultural and historic interests and attitudes of the settlers and scientists of the time, and now are cultural landscapes of fully established and living colonial masterpieces of horticultural design. Similar comments can be made of the older zoological gardens. More recent gardens of indigenous and international flora and fauna represent different forms of cultural landscape and they are developing alternative but equally valuable heritages. Many national parks, including those with World Heritage classifications, are not solely repositories of natural biodiversity but contain within their borders important Indigenous heritage (as well as colonial heritage from time to time); the Indigenous knowledge may still be living with local communities who maintain strong links to sacred sites, or the archaeological remains may be so ancient that many of the connections are not immediately evident and are deeply embedded in the intangible heritage of communities.

The Commonwealth government also supports the arts and cultural institutions in many ways. As the seat of national government is in the Australian Capital Territory, most of the national cultural and heritage institutions are based there: the national archive, library, museum, gallery and portraiture gallery, war memorial, film and sound archive to list some of the best known. While these are located in the capital they also provide a wide range of services and programs that are out-placed, linked to regional hubs and, of course, they collect and represent materials that are in the national interest and are of national value.

However, this is only the tip of the Commonwealth arts funding iceberg. For example, the Commonwealth is the main funder of the tertiary education sector and universities and colleges of the arts are the training grounds for the creative industries and cultural and heritage sector. Many Australian universities have major musical training faculties that support the education and transition to professional musicianship of their students, such as the Melbourne Conservatorium (University of Melbourne), the Elder Conservatorium of Music (University of Adelaide), the Queensland Conservatorium (Griffith University) and the University of Sydney's music department which supports Sydney's conservatorium and is linked to the Australian international conservatorium; some help shepherd students from their early teens right through secondary and tertiary education. Of course many of the larger universities teach across critical disciplines: visual arts, art history, film and theatre studies, cultural studies, heritage studies, museology and curatorship, media and communications (just to start the list) and all the subjects that support these disciplines such as languages, philosophy, history, sociology, political economy, religious studies and anthropology. Universities also maintain the critical physical infrastructure for these disciplines such as specialised museums (for example, the Nicholson Museum in Sydney) and art galleries (for example the University of Queensland Art Museum or the Ian Potter Museum in Melbourne); many of their campuses include significant architectural heritage housing their teaching and cultural institutions, while much of this is splendid colonial 'sandstone' architecture, such as in Adelaide, Melbourne, Brisbane and Sydney, some of the newer campuses also contain interesting features, such as the famous Australian Academy of Science 'shine dome' in Canberra.

Other critical cultural organisations that are Commonwealth funded are the two public media institutions: the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS). The roles and products of these are well known so are mentioned here primarily to acknowledge the critical role they play in commissioning and broadcasting Australian cultural content, broadcasting the best international documentaries, films and serials on culture heritage and the arts, not just through free-to-air television channels, but on-line and radio (Radio National, ABC FM, the metros, community language broadcasts across multiple frequencies). They are, perhaps the most important platform for a diversity of views to be articulated and shared – often views or perspectives on life, politics and culture that are not mainstream or highly dissenting – this makes them all the more critical to

maintain an imaginative and creative population, a foundation of a plural, democratic society. And, of course, many important cultural industries work closely with the national broadcasters.

The Australia Council for the Arts is perhaps the most immediately 'visible' of the Commonwealth's arts and culture sector agencies. The Council is responsible for building audiences, encouraging the philanthropic sector to support the arts, and increasing the level of understanding of the arts through research. Annually, the provide approximately \$175million (2008-09 financial year) in funds for arts organisations and artists across Australia,⁵² although its actual revenue from government is \$166.29m⁵³

The Council has a range of strategies designed to encourage greater participation in cultural life, they focus on multicultural Australia, Indigenous arts, regional, youth, education, community development, and the arts and disability; there is a focus on supporting artistic careers, audience participation and expanding general support for the arts.⁵⁴ A very large proportion of funds do go to the 'elite' end of the heritage arts, for example, \$112.9m (or 64.4% of total grants) went to four broad arts areas: the orchestras, opera, dance and theatre companies.⁵⁵ This has been criticised on many occasions and, equally, has elicited strong defence for arts organisations. The Council, given the current levels of funding it has available to support the arts nationally, is not in an enviable position. If we deal with approximate amounts, this is only \$8.15 per Australian per annum, assuming an approximate total Australian population of 22 million.

It is interesting to compare the arts in Australia with other areas of government funding and, to take a rather extreme example (and one that has to be approximate) we can look at the health sector. The 2007-08 government expenditure on health was \$103.6 billion (the most recent figures available),⁵⁶ using the same assumptions, this equates to a per capita spend of over \$4,709. In other words, government spends through the Australia Council 0.17% of the amount it spends on health. Of course, health is a priority of government and it would be expected that there would be vast disparities in expenditure. Nevertheless, even if we add the funds that are provided by government to SBS and the ABC in 2008-09 (\$187m and \$834m respectively) to that of the Australia Council bringing the total to \$1,187m and again compare this to the health outlays, now at a more generous \$53.95 per annum per capita, this is still on 1.14% the amount spent on health. Even assuming all the other funds that are spent on the arts, by comparison to the health sector, the percentages are barely statistically significant. As a percentage of total outlays by government in an economy of more than a trillion dollars per annum, already tiny percentage shrink to near invisibility, or 0.43%.⁵⁷ These figures are mainly quoted to help put into perspective just how well the arts and culture sector are funded within the big picture of government outlays.

Attacks on the Australia Council should be seen in this context. This is not to suggest it is unimpeachable or should be protected from constructive criticism, but rather to highlight the parlous extent of arts funding in a nation that considers it is creative and innovative and promotes itself as a tourist destination, in large measure, based upon our cultural industries and our cultural diversity. It would appear that the question is not so much what and how the Council spends its scant resources, but what and how it can do given how little it actually has available to spend. Below (3.3), there is some analysis of the impacts on both individuals and communities of the arts and cultural development, these are impacts that have enormous benefits, including health benefits and greater social harmony, which also provides a cost dividend. Greater investments in arts, culture and heritage – like much government expenditure if it is intelligently targeted and its delivery effectively designed – should not solely be measured as an expense, but also a saving.

This is a simplistic account of publicly funded cultural institutions, the way this often occurs is not so linear: state governments funding local governments, the Commonwealth co-funding state institutions or providing grants to the states, the Commonwealth funding international cultural activities, international agencies funding national, state or local programs. The primary point is, of course, that many cultural institutions survive due to direct, indirect or partial funding from governments, thus contributing to the richness of Australia's cultural sector. And the significance is not solely in the amenity that is provided to the Australian community, and the range of benefits it maintaining a viable cultural sector, but in the multiplier effects from its existence and all the many subsidiary programs, organisations and businesses that are sustained around the core cultural institutions. Another point of concern, which will be expanded further below, is that governments have great leverage to improve quality and ensure equity around arts and culture – this is particularly important, and there have been egregious failures to address these issues.

This brief section on cultural institutions has focused on the role of the state, across the three tiers of government in Australia, in arts, culture and heritage. However, as noted elsewhere, this is a cluster of intersecting sectors that are not solely the responsibility of individuals or communities, governments or the private sector, but they survive as a complex matrix of intersections. As touched upon below (and the end of 3.2), these are sectors that not only rely upon government, or business, but also upon philanthropy. The last of these may be corporate (grants, awards, commissions and the like) but also significantly upon volunteerism. Everything from regional community museums, to the ‘top end’ national cultural institutions rely upon cohorts of eager volunteers who fund-raise, collect payments, organise events, take visitors on guided tours, promote events and clean, repair and maintain sites. These institutions, which fall completely or mainly outside the support of government funding may be based on performing arts, heritage preservation, religiously-affiliated activities, community artisan production and a host of other activities. Private enterprises and privately operated cultural institutions (which may include faith-based ones such as cathedral choirs) may in many ways compete with those that are fully or part-funded by government. It should also be emphasised that very few cultural institutions are fully funded by government, this support is primarily a safety net or subsidy: these institutions can only survive with rigorous corporate funding, advertising and ticket sales. In terms of the total quantum of its value, most arts and culture sector related business, however, fall under what can very broadly be called the creative or cultural industries.

Cultural institutions – whether public, private, secular or faith based – are a critical arm of Australia’s cultural and arts sector. However much they innovate and serve, collectively, they often simultaneously struggle to adapt to shifting demands, expectations and opportunities. Cultural institutions studies, especially in Europe, look at the cultural sector as “...historically evolved societal forms of organising the conception, production, distribution, propagation, interpretation, reception, conservation and maintenance of specific cultural goods”⁵⁸ not an approach that is rigorously promoted in Australia. Of course, cultural institutions will always have a place to collect, sort, represent and preserve the past – this must remain a key function – but Australia does not yet seem ready to re-envision the cultural institution as an egalitarian civic space, an independent network hub (bridging and interpreting the past, present and future, the local with the global), and as a place to explore, reflect and reconcile contemporary social realities, socially radical ideas, and the socially marginal. New models of cultural institution (such as the virtual or eco-museologically based) are increasingly common in other countries, but here are only trialled on the margins by more inventive or community-based organisations).

3.1.2 Creative industries

Distinct from cultural *institutions*, although parallel travellers, are the cultural or creative *industries*. These industries are substantial and are based in the development and promotion of new information and products. The creative industries work across the spectrum of arts and culture, but do so for profit (even if on a socially entrepreneurial basis) and contribute greatly to the economy, either through domestic or international sales. One definition has been “...those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property.”⁵⁹ The creative industries are generally associated with architecture, fashion and design, music production and distribution, other performing arts, book production, the media (television, radio, film, advertising, graphic arts).⁶⁰ Understandably, the boundaries between what are cultural industries (which can include the types of institutions and programs already described) and creative industries are blurred and overlapping in one sense and, in another, confusing: creative industries have always existed as producers of cultural products that have left legacies of iconic artistic and cultural heritage of both the ephemeral and more substantial types. And increasingly the creative industries will directly produce, or will establish the means to produce (for example, through innovative computer software), new forms of creativity and cultural products.

The creative industries, however, do present an important counter-point to much of the cultural institutional infrastructure just described. Because they are primarily based on business models they function to profit, and to do so they must create cultural productions for which there is substantial public demand. The controversies that relate to mass production, commodification, standardisation and competition mean that products may become conformist and narrow in this context. Cultural goods that are manufactured through the commercial media such as film, sitcoms, radio, popular music, fashion, magazines, computer games are particularly likely to take this form.

Further, given the synchronicity of cultural productions, economies of scale add to this trend, for example, the fashion industry, filmmakers and media outlets (many of which have integrated and co-dependent business investments) work together to cross-promote (market and advertise) so as to maximise the potential sales of popular cultural goods.

The recognition of the challenge this poses to the heritage arts as well as to cultural production that is highly complex, individualistic or does not conform to certain hybridised and internationalised cultural norms, is not new. In the middle of the last century Theodor Adorno and Max Horkheimer (who influenced what is known as the Frankfurt School and left wing critical theory) argued that the market place, especially through the influence of media and centralised power, has encouraged a limited notion of culture and, furthermore, one that assumes its dominance should ensure 'subaltern' cultures are progressively diminished on the basis of majority preference and demand. This is a cyclic process in that the more culture is mass produced, the more dissent and diversity is restricted, thus progressively limiting the range of cultural experiences of people and increasingly narrowing consumer preferences and tastes, further guaranteeing ready and predictable markets for cultural product.

This is a rather gloomy picture, and a theory that has a substantial body of evidence to validate the fears of those who hold it. Certainly, UNESCO's concerns to maintain at an international level the diversity of cultural expressions reflects an awareness that through globalisation cultural product is increasingly being commodified to a largely American materialist cultural paradigm, although it is also beginning to focus on a more positive approach to creative industries as a means to jointly achieving economic development in parallel with freedom of cultural expression.⁶¹ While this is a tangible concern at a global level, it is also true that dystopic visions have not yet born fruit. Humans, certainly a sufficiently large proportion of them anyway, appear to continue to want to find forms of expression, and means to satisfy spiritual or aesthetic needs, that sit outside a populist norm. The Marxist interpretation of how capital will use cultural product as a means to maximise power has, surprisingly, omitted one of the bases of Marxist dialectic: the very structures that the market economy has created has also created its anti-thesis. This includes, as a reaction to the universalism of globalisation and international culture, a reassertion of cultural identity (and this is often mixed with religious identity as well) and a return to cultural origins and expressions which, in turn, are reformulating the shape of culture and the arts.

The relationship between these two sectors, the creative industries (which are largely business and demand-based) and cultural institutions (which are based on providing aesthetic and social values) is symbiotic: entwined, dependent, yet distinct. Both are important and it is unwise to dismiss one at the expense of the other. However, what tends to occur in debates about culture and cultural policy is the tendency to conflate one with the other, this can be misleading and harmful. Creative industries may produce cultural goods that are in high demand and have high value. But this does not mean that they are high quality and provide high levels of public good and long-term satisfaction, indeed, they may do the opposite. Creative industries can, by and large, look after themselves, cultural institutions less so. But cultural Darwinism may be a recipe for disaster. In the same way that biodiversity is necessary for ecological health, arts diversity is necessary for social and cultural health. In the long run, if cultural institutions suffer at the expense of what a majority demand culturally, the well-springs of the creative industries will be undermined; this will damage a system of cultural replenishment and re-creation on the one hand, and on the other deprive the artistic and cultural rights of those who do want continued access to the varieties, and the richness, of cultural and artistic experience.

3.1.3 Cultural Indicators

The issue of indicators has really arisen from the promulgation of the Universal Declaration on Cultural Diversity (UDCD) and its associated Action Plan in late 2001, although UNESCO had started scoping out the need for indicators to better integrate culture with human development models several years earlier.⁶² The UDCD was the product of many years of a gradually developing understanding of the importance of culture to humans, and also how it has been shaped and continues to be shaped. Over the previous couple of decades, while culture was being closely examined from anthropological and rights perspectives, notions of sustainable development were also being better understood, in particular sustainable ecologies and the carrying capacity of land to support increasing human populations and their footprints. An appreciation how culture, humanity and the ecosystems that support them are inter-related and inter-dependent found articulation in the UDCD which argues cultural

diversity is the common heritage of humanity; UNESCO's Director General, Koïchiro Matsuura, says in the opening statement that "...*cultural diversity is as necessary for humankind as biodiversity is for nature... (it is) an opportunity for States to reaffirm their conviction that intercultural dialogue is the best guarantee of peace and to reject outright the theory of the inevitable clash of cultures and civilizations... a living, and thus renewable treasure that must not be perceived as being unchanging heritage but as a process guaranteeing the survival of humanity... The Declaration... can be an outstanding tool for development, capable of humanizing globalization.*"⁶³

Although the UDCD Action Plan does not specifically call on state parties to develop indicators there are measures listed as domains of action such as supporting diversified media content (12), developing policies to preserve cultural and natural heritage, intangible heritage and to combat illicit trade in cultural products (13), fostering international research programs (15), and assisting with the emergence of new cultural industries (17). The UDCD is not particularly well known or acknowledged in Australia (although it was one of the state parties which supported its proclamation in November 2001), this is unfortunate as it is a most valuable and progressive document, not least because it makes the task of developing a new cultural policy relatively straightforward: the principles stated, and the actions outlined provide a framework for most of the key attributes that should be incorporated into a national policy that addresses culture, heritage, artistic creators (individual and collectively) taking account of globalising processes within an integrated sustainable development model. There is further comment on the impacts and obligations of various UNESCO conventions, and its approach to cultural diversity, below at 3.2.2.

UNESCO states that the purpose of cultural indicators is to give information about societies even when there is no intent to actually evaluate the culture/s within it. They clearly have a function at a national level, but also local levels. Indeed, a substantial body of work on indicators has been on its value as a tool for local governments, in particular, its importance in the whole area of sustainable development is crucial. Agenda21 – an international program auspiced by the UN and formed following the Rio Earth Summit in 1992 – argues that cultural indicators are critical to ensure that culture is embedded as pillar of sustainable development. This concern has been recognised by the international arts agency, IFACC, as well as the work of the Eurocult21 project (the Eurocities Culture Forum) which analysed qualitative and quantitative culture-related data (such as cultural policies) from several centres across Europe.⁶⁴

Cultural indicators, then, are a relatively new idea, a particularly important idea, but also one that is yet to be fully developed and utilised. As mentioned above, MAP claims it will use cultural indicators more fully in the future. What these indicators are, how they have been developed, what they seek to measure, and the how they are used are intriguing and important issues. As observed by an Agenda21 working group it is "...*a fragmented field and lacks consensus*"⁶⁵ and, by IFACCA, that "*Cultural indicators, as with other social indicators, are still largely under development, particularly in their relevance to policymaking and program delivery. There are therefore reasons to be wary of cultural indicator frameworks that have been developed to date.*" The IFACCA report notes that some of the problems include defining them, the difficulties associated with data collection, overly vague objectives, and a lack of international consistency: different countries take different approaches and come up with different ideas based on differing circumstances and needs but that "*Improving cultural indicators is not simply about supplying better statistics and undertaking statistical development work: it is also about understanding better the nature of arts activities, improving the articulation of arts policies, and being aware of the interrelationships between data and policy analysis and the impacts that measurement can have on the arts and cultural sectors.*"⁶⁶

As the Agenda21 paper on cultural indicators makes clear, the need to define cultural indicators will vary based on needs and context. Nevertheless, if policy makers are able to evaluate local cultural needs within the context of other issues (such as urban planning, environmental management, economic context and human ecology) indicators can be developed; they are likely to be based on relatively generic criteria. Some examples include: culture and social inclusion, public space and cultural projects, culture and the economy, governance (such as the extent to cultural rights available to communities within the planning parameters).⁶⁷ That cultural indicators are still an instrument in development does not preclude their use; their models are developing but there is flexibility about their design, this will allow Australia greater creativity in how they contribute to knowledge about culture in this country as well as their use as a research and reporting device on culture, heritage and the arts and its impact on health, wealth and social capital.

3.1.4 sport, culture and the arts

As noted above in section 3.1, the *Australian Culture and Leisure Classifications* exclude sport-related activities which are therefore excluded from the data quantifying the workforce and economic value of the arts and culture sector to the macro-economy, on the other hand MAP reports on culture and leisure together. The question as to whether sport is a cultural activity has raised some debate. In Throsby's work on economics and culture he defines cultural activities as those that "...involve some form of creativity in their production and they are concerned with the generation and communication of symbolic meaning, and that their output (includes)...some form of intellectual property."⁶⁸ Sport, given this explanation, should be understood as a cultural activity and certainly sports commentators often lavish praise on players and coaches for their 'genius' and proclaim the 'artistry', if not the inherent beauty associated with sports and athleticism, particularly at the elite and competitive levels. In many ways sport is integral to culture, especially in the sense that people, individually or as groups, participate in sport that has a strong social dimension. Talking about (socialising), reading and viewing sport (digitally or at a live event), collecting the ephemera and products associated with sport, are examples of sport-related activities that are all explicitly 'cultural'.

However, our view is that while sport cannot be contested as having cultural qualities, it is neither a cultural industry nor part of the cultural and heritage sector even if parts of it do overlap. Of course, creative businesses such as graphic designers, architects, film producers and entertainers – as examples - work closely with professional sports organisations; some institutions (such as the Don Bradman Museum) would be categorised as belonging, and artists may create works that relate directly and indirectly to sport. Despite this, the inclusion of sport in a broad definition of 'the arts' is likely to be both potentially confusing as well as damaging to the arts sector. Sport, nevertheless, is one of the grey areas of culture and it is important to acknowledge its presence and ambiguity. What can be less contested is the connection – and this will be a health and fitness association as well as a cultural one – of sport to overall personal and community well-being.

3.2 art, artists and culture in Australia: a contemporary snapshot

The issues are too big to fully dissect in this paper the differences between, culture, cultural policies, heritage, heritage policies, the arts, arts policy, and the extent to which human rights associated with freedom of religion and belief weave through them. Clearly, while they are each separate, at the same time they are entwined. References to one set of issues must always be made in context, and context will be simultaneously social, political, economic and cultural in the way that human societies will always:

- have their own creative dynamics, preferences and novelties
- involve a form of politics (and this includes the way religious lobbies and institutions, or others' based on different belief systems, behave politically)
- interpret the role and impact of the arts and culture from certain ideological perspectives
- function within some form of economic system that places a financial value on a cultural or artistic object; the contribution of the arts, artists and cultural policy; or to argue against the associated costs
- have some degree of social stratification, and hence status definition, such as a prevailing dominant group or subaltern (sub-cultural) group. This will inevitably involve public debate or competition over the relative benefits or risks associated with different approaches to art and culture, including artistic and cultural deviations from, or competition with, the 'mainstream.'

To return to the theme bemoaned by Eltham and Westbury, although it is generally ignored in political debate and national social policy discussions in Australia, the arts and culture sector is important. It is also a sprawling. For surveying purposes artists are defined as writers, visual artists, craft practitioners, actors, directors, dancers, choreographers, musicians, singers, composers and community cultural development workers. Furthermore, within each of these generic categories there are many sub-definitions which, in total, number 120.⁶⁹ On the other hand the ABS, which collects this data, looks at the total impact of arts and culture in Australia and broadens the definition for statistical purposes to align with the *Australian Culture and Leisure Classifications*. Here, the culture sector is defined as the heritage and arts divisions, but excludes sports-related and other recreational industries such as gambling and hospitality. This means that the data (some headlines figures are quoted below) includes

museums; environmental heritage sites (such as national parks and World Heritage-classified sites, zoological parks and botanical gardens); libraries and archives; print media; performing arts; music, film and video production, publishing and distribution, and broadcasting.⁷⁰

All well as being a broad sector, it's big. For example, in 2006 almost 346,000 people were employed in cultural industries and that year's Census records 284,791 people "...whose main job in the week prior to Census Night was in a cultural occupation" (this from a total workforce population of less than 11 million). This, however, presents only part of the picture. The ABS does qualify this information by stating "Due to the large number of people involved in the cultural sector through second jobs and unpaid work, the Census was unable to fully represent employment within this sector... In 2007, the survey of Work in Selected Culture and Leisure Activities found that there were about 3.5million people (22% of the population aged 15 years and over) in Australia who had worked in a culture or leisure activity in the 12 months before interview. Of these, some 701,800 stated that their involvement was part of their main job".⁷¹

The ABS report from this year also records that the production of cultural goods and services in 2006 totalled \$48,557,000,000 in Australia,⁷² and household expenditure on cultural items totalled \$14,694,000,000, although these are now old data dating from 2003-04.⁷³ In terms of its employment and wealth contribution to the Australian economy and Australian society, this all points to a sector that has low visibility but high importance. This is best understood if the culture and arts sector is compared to others. For example, agriculture contributes on 3.8% to GDP, industry (and this includes mining, food processing and manufacturing) 24.9%, and services 71.3%.⁷⁴ The cultural and recreational services sector contributed approximately 1.8% to GDP in 2006, over the period 2001-02 to 2005-06 it grew at an average annual rate of 4.5%, and over the four years to 2006-07 employment in the sector grew at an average annual rate of 4%.⁷⁵

While it clearly does not yet match the size of other classifications, cultural enterprises within the services sector are rapidly expanding and increasingly important. That this is evident is based on the raw statistics, some of which have just been quoted. However, they do mask variables that may actually signify that the sector is, in fact, somewhat larger. This is a problem of aggregation: economic impact analysis of the arts tends to focus on direct effects rather than on broader implications for communities. This problem in economic aggregation finds a parallel in the health and social impact assessments of the arts; the connections tend to be seen as linear and causal, the more tangential impacts harder to assess and (consequently) seldom attempted. Just because this information deficit exists does not indicate there is no connection, merely that the funding to design accurate methodologies and to collect data have not been made available, and it has not been properly attempted. Like other sectors, such as family carers of the aged or people with a disability or chronic illness, the arts, culture and leisure sector relies heavily upon volunteerism to function. This effectively adds significant economic value which is not reflected, and hard to estimate, in its net dollar worth. Nor is this fully measured in terms of its less tangible value to Australia, such as its contributions to bridging and bonding social capital. Nor for its complementary value, such as the income generated by making Australia a more attractive tourist destination generally.

In Hollister and Throsby's now-ageing report on professional artists in Australia *Don't Give Up Your Day Job*, they note the paradox of the situation for the contemporary artist. Artists must attempt to function within a world where new information technologies and globalisation are shifting society, culture, economics and politics; at the same time "...there is a sense that nothing changes. The fundamental processes of creativity, the pursuit of an artistic vision and the passionate commitment to art that characterises the true artists – these things remain at the heart of what it is to be a practising art professional. For many artists the real challenge is to keep hold of these core values in such a rapidly changing world."⁷⁶ The report particularly notes a number of key facts:

- on average artists are able to devote about 50% of their time on creative work
- only 15% of artists are able to fully devote themselves to creative work, even less for those who are able to do so on their area of preferred creativity
- most artists live with a low income (many are single, this makes living as an artist even harder), and
- the artist population is, generally, ageing.⁷⁷

At the time of completion of this report, the fifth in the series of economic studies on professional artists in Australia was released. The latest largely reinforce trends identified in earlier analyses, these include stability in

gender balance, a progressive ageing of the artist community (the current mean age now being 48 years), patterns of time allocation have also remained stable over the last 20 years, and incomes have only increased to keep pace with inflation “*in other words, artists have not shared in the rising trend in real (inflation-adjusted) incomes that have been experienced across the workforce at large.*”⁷⁸

Most artists make a living, whether this is full or part time, through the private sector: the sale of artistic or craft productions from direct point of sale (they sell directly from their studio or, for some media such as photography or other digital arts, through the internet), or through an agent (such as an arts dealer, gallery or other form of retail outlet). Sometimes an income may be generated through commissioned work, often based on reputation, word-of-mouth, professional body of which the artist is a member (such as the Australian Watercolour Institute which invites artists to become members, based on portfolio or reputation), or reference guide (which may be self-nominating, such as a published list of artists by region and itemising their field/s of artistic work or craftsmanship). This commissioning may take many forms, for example, from private corporations wanting art works to beautify (or impress) business rivals or stakeholders, to individual art-lovers wishing to support an artist or to acquire a particular art creation, to local government urban planners working on communal regeneration, to public hospitals wanting to make their institutions more welcoming and hence encourage faster recovery or rehabilitation of patients. The drivers for such commissioning are many and various – not always benevolent – and reflect fundamental human motivations. These include the desire for beauty, art as therapy, to be charitable, and as power-status signalling to others.

Amongst the many paradoxes about art and culture is that it is simultaneously a private and a public matter. In Australia much activity in the arts, culture and heritage is done privately in the sense that it is not state-sponsored, artists work for themselves and sell their work for profit, or sell their skills on a fee-for-service basis. Many of our great cultural enterprises, such as theatres and dance companies, musicians, ensembles and bands survive as businesses, or sell their skills in performance and teaching. Publishers, recording companies, production and distribution are run on a business basis. Other cultural services or activities may be linked to religious institutions formally or informally, for example, some of the larger Churches financially support choirs or musicians (such as conductors and organists) that perform for free (either at religious services or in concert) as well as at a cost (audiences pay to attend performances). Many choirs are amateur (this does not necessarily infer they are of poor quality, rather that their members rehearse and perform *pro bono*) and raise funds through concerts to support their church or to cover costs - this is active cultural sustainability.

Another easily-forgotten fact about the arts, culture and heritage sectors is that it relies heavily upon voluntary contributions from the community. The ABS study on voluntary work provides an insight into the extent of this participation, for example, in 2006 5.2 million Australians (at that time approximately a third of the population aged 18 years and older) took part in some form of voluntary work, this was estimated at 713 million hours during the course of the year.⁷⁹ This is probably a significant under-estimation; the ethnic community sector has been targeted for its apparent low levels of volunteerism based on the way that the ABS has collected their data, however, many CLDB community advocates have been incensed by these inferences arguing that levels of volunteerism are actually proportionately far greater, it is just that ethnic communities do not perceive their activities as ‘volunteering’ and that there is significant cultural bias in how the data is collected and interpreted.⁸⁰ The ABS study separates the types of volunteerism into 15 categories, one of these is ‘performing/media production’ which most obviously refers to the arts sector, some of the other categories may include volunteerism in arts and heritage activities but the aggregation of data is not so detailed as to provide this information. Volunteers from this category represented 8.2% of all volunteering involvements.⁸¹ Under the organisation type there is a listing ‘arts/heritage’ although the same problem of over-lap, as with the previous category, remains. In this field 2.9% volunteers worked in this sector which equated to 207,200 individuals.⁸² Of the ‘arts/heritage’ organisations supported by volunteers, 83.6% were private not for profit and 55.8% were fully staffed by volunteers.⁸³ Other forms of volunteerism attract much greater numbers and hours of work (for example, sport/physical recreation dominates at 25%, followed closely by education/training at 19.4% and community/welfare at 16.3%) nevertheless, arts/heritage do exceed others (for example, emergency services at 2.3% and environmental/animal welfare at 2.5%).⁸⁴ What this data does demonstrate is, firstly, that the contributions of the voluntary sector are significant and, secondly, given its current relatively small percentage of the total combined with communities’ persisting willingness to be engaged in voluntary work (a trend likely to increase as the population ages while remaining relatively healthy) there is clearly scope to grow the extent of

volunteerism in arts, culture and heritage.

While the authors suggest a number of areas in which governments can work to support the arts, as well as ways in which artists and arts organisations themselves can function to build a better 'culture' of arts funding, support and protection, these issues are generally outside the scope of this paper although it does lend its endorsement to the need for more active policy work and research into this area given its direct and indirect relevance and contribution to Australia as a whole.

3.2.1 Religious 'cultural institutions'

The Encyclopedia of Religion in Australia, edited by James Jupp and published in 2009, is a large and detailed volume; but it is also instructive about what is not included within its almost 800 pages. Scanning the index for listings on 'art', 'heritage', 'cultural heritage', 'galleries' or 'museums', let alone more specific searches such as 'choirs', 'painting', 'music' and the reader will find no listings, and only on rare occasions some sub-headings, such as 'church architecture' under 'Anglicans' (where there are a few sentences covering Gothic Revivalism and the Arts and Craft Movement). This is not intended as a criticism of an extraordinary overview of the field, merely an observation that art, culture, heritage and religion in Australia seem to be largely decoupled notions and it is necessary to look closely to find how they are associated – but of course they are: they cannot be disassociated, it is just that there appears to be peculiar blindness to the connections. These can take a variety of forms, such as [1] museums that celebrate the cultural achievements or calamities associated with a faith, [2] sites that preserve the moveable or immovable heritage of a religion, [3] that maintains a variety of living cultural practices that both add to religious events while providing cultural or aesthetic amenity to wider audiences, or [4] that encourage or acknowledge artistic or cultural achievements.

In the first of these examples, the range of Jewish museums illustrates the purpose of such institutions, as well as their variety. There are a number in Australia, largely funded through public benefactors, corporate sponsorships, although also supported by the state of Israel and, from time to time, with funds from state or Commonwealth governments. The museum in Sydney is largely dedicated to remind current audiences in Australia of the persecution of members of the Jewish community over the centuries, it has a particularly powerful exhibition dedicated to the Holocaust of European Jewry by the Nazis during the Second World War.⁸⁵ In other exhibits, the museum presents the sites of prominent Jewish businesses in the early days of the Sydney colony to highlight the important contributions of Jews to the social, economic and cultural life of early Australia. Similar exhibits are presented in other museums, for example, the Immigration Museum in Melbourne has presented information about the Myer family (Russian Jews who migrated to Australia in 1899), although this is not a religious cultural institution. Also in St Kilda, Melbourne (traditionally an area with a large Jewish community) is the Jewish Museum of Australia, closely located to a synagogue with significant architectural heritage.⁸⁶ Like the Sydney museum it includes Holocaust-related exhibitions but tends to focus more on the cultural, migratory and artistic heritage of Judaism; it also has a strong ethos of building inter-cultural and inter-faith dialogue and respect. In addition, Melbourne also hosts a Holocaust centre.⁸⁷ Recently a virtual Jewish museum has also been established in Adelaide (2001) with aspirations to eventually find a permanent physical site.⁸⁸ One community member, active in the maintenance of one of the Jewish museums, has explained why such enormous effort has been invested by a relatively small religious population into building these high-quality cultural institutions: "*Why do we do it? How can I explain this without sounding trivial or horrible? We've been in diaspora for 2,000 years. Communities have just vanished, they've been decimated, we have experienced dreadful things. But through all that we've had our culture and our faith, some of this has stayed the same for thousands of years, and some of it has come and gone. We need continuity, a continuity of record. We need to preserve our history, our culture, our religious beliefs. This is for the next generation of Jews, but it's also for everybody else - wider society I mean - so they can know our story, they can learn about our contribution to civilization, they can learn from history, there can be healing and reconciliation.*"⁸⁹

Many religious institutions have a critical role in preserving the heritage values of important sites, often these include museums, archives, art galleries and other cultural amenities. For example, Australia's only monastic town, New Norcia, is based about 130 kilometres from Perth. It was established by Spanish Benedictine monks in 1847 and continues to operate a range of businesses such as a winery and bakery – but it includes an

important gallery that holds a prized work by Raphael, and the Spanish-style architecture of the church, school, cloisters and other buildings are of significant heritage value (27 buildings are classified by the National Trust).⁹⁰ In all of Australia's major cities, and many of its large regional centres as well, there are numerous places of worship, some of which now date from the mid nineteenth century. In particular, the Anglican and Catholic Cathedrals (such as St Andrew's in Sydney (1868), St Paul's in Melbourne (1891), St Peter's in Adelaide (1904), St Patrick's in Ballarat (1871), St David's in Hobart (1874)) are buildings of both beauty and great heritage significance as are, of course, innumerable other churches across the country.

The particular point about these sites is their living and evolving qualities. Not only are they significant for their architectural heritage; many are incredibly beautiful with astonishing adornments. Australia, as a rapidly growing colony in the nineteenth century, was eager to replicate the churches of Europe and to populate their own with the finest stained glass windows, carved pews, marble alters, silverware and the other trappings of faith. And no Christian place of worship with any pretensions was really finished without an organ. Australia's churches have a large number of some very fine instruments, indeed, some of the best European makers were commissioned to produce organs for both churches as well as civic centres; these are highly regarded. For example, when the organ was installed in Sydney's Town Hall in 1890 it was at that time the largest in the world and claimed to be the finest ever constructed by an English organ builder.⁹¹ Furthermore, and also based on the European traditions, many of Australia's cathedrals maintain cathedral choirs, cathedral scholars, organists, a master of choristers, even composers in residence and other musicians. Music is integral to religious ceremony; it is also a link to the compositions, traditions, and repertoire of Christianity over the last millennium. Many of these cathedral and church choirs maintain high standards and not only perform during services, but record CDs, tour, and participate in concert performances with other musicians and orchestras. This continues to be a particularly alive form of religious cultural heritage and an important arm of the Australia's arts sector.

More established religions, notably Judaism, also have religious buildings of significant Australian architectural heritage (such as The Great Synagogue in Sydney (1878) and the St Kilda Shule (1872)). While these are on a grander scale, there is also a significant heritage of other religious communities although, because these tended to be pushed to the margins of Australian society in the nineteenth, and well into the twentieth century, much has been lost, is in a poor state of repair, or was constructed on a small scale. Some of the remnant Chinese temples built during the Gold Rush are examples of this cultural heritage. In more recent decades, however, there has been very large scale developments of religious institutions with impressive cultural components incorporated in them. The vast Buddhist Nan Tien Temple near Wollongong in NSW is an example, built in a traditional Chinese style with intricate carved details, statuary, libraries, calligraphy exhibits, landscaped gardens, pagoda, enormous bronze bells, cultural festivals and events.⁹² Already impressive, sites such as Nan Tien will become internationally significant religious cultural sites of important heritage in the future; Buddhism is the fastest growing religion in Australia, and the largest of any non-Christian faith. While overtly Christian art is still viewed as belonging to mainstream traditions, the arts of many other faiths – such as Buddhism, Islam, Sikhism and Hinduism – still tends to be categorised into the orientalist frame of reference,⁹³ this places it clearly outside culturally normative frameworks in Australia.

A further form of religious cultural 'institution' is the range of awards, scholarships and prizes that are linked to religion and the arts. Perhaps the best know of these is the Blake Prize which was established in 1951 and provides \$20,000 (as of 2010) for a work of art that relates to religion, spirituality or cultural diversity. Named after William Blake the English poet, printer and artist it was co-founded by Richard Morley (a Jewish business man) and Michael Scott (a Catholic) who hoped the prize would encourage art works to be produced for the many new places of worship being built in post-war Australia. The award is particularly open and does not privilege any particular religion, the Blake Committee that administers the award are interested in encouraging contemporary artistic expressions with a spiritual dimension, these may "...encompass a wide diversity of religious expression drawing on major religious traditions such as Christianity, Buddhism, Islam, Hinduism and Judaism, as well as indigenous spirituality. The Blake has fostered this breadth of diversity and celebrated the various rich traditions that make up the landscape of belief in Australia."⁹⁴ The Blake recipients and the awards process is regularly criticised for not being religious enough, in poor taste, or for even being anti-religious; for example, Cardinal Pell (who has attempted to impose his particular connoisseurship on the arts sector a number of times) attacked a number of works exhibited in the Blake exhibition in 2009.⁹⁵ More recently the Blake awards system has been expanded to establish prizes for poetry and for artists who explore human justice.

The Needham Religious Art Prize is administered by Riddoch Art Gallery (the largest regional art gallery in South Australia) which is based in Mount Gambier, a large regional town in south western corner of the state. This religious prize was established by the Anglican Parish in Mount Gambia in 1997 and is aimed to encourage artists to interpret a story, character or truth found in the Bible.⁹⁶ Based in Western Australia, the Mandorla Art Award commenced in 1985 but is currently held biennially. With the major sponsor the Catholic, St John of God Health Care, the award is run by the Mandorla Centre for Inner Peace, an ecumenical group of Christians who were “...concerned by the overwhelmingly secular nature of contemporary art and so set about reviving an interest in and patronage of religious art, creating what can be likened to a renaissance of the genre”; like similar awards, such as the Needham Prize, artists are required to interpret a passage from the Bible this, it is hoped will challenge viewers “...to embrace diversity and to view the world through different perspectives and sensibilities.”⁹⁷ There are a range of other art prizes (for example, the Godfest Art Prize, the Clancy Prize for Religious Art, the Phoenix Prize for Spiritual Art) but, as observed by Frances McDonald, the contemporary commissioning of art, and the range of inducements to produce religious art such as competitions and prizes, are only a shadow of the impact that religious institutions had upon the arts in the past.⁹⁸

3.2.2 UNESCO cultural conventions – implications for Australia

Government, across the three tiers (local, state and national), has a major role in the cultural services sector. It funds or part-funds cultural institutions such as orchestras, ballet and opera companies; it offers grants or commissions to individual artists, companies and collectives; it maintains library and archiving services; funds major galleries and museums, and it maintains national heritage (including environmental and cultural landscape) estates. The adequacy of this funding is another matter, and it is widely accepted that most cultural and arts institutions must complement government funding with other forms of revenue and the ‘corporatisation’ of cultural industries is sometimes a controversial matter.⁹⁹

However, in terms of legislation, other than appropriations (budget allocations to funds arts, culture and heritage programs), most laws really pertain to the preservation of iconic natural and human heritage sites, and funding the major cultural institutions (which, while getting most of the public attention, only represent a small portion of the total). This last context, the laws and the funding that may be linked to legislation, are often associated with international law and the system of human rights-related conventions that cover culture and heritage.

In terms of these treaty obligations UNESCO is of particular importance and, of these hard laws, the World Heritage Convention has and continues to be the most influential, although other heritage treaties also help shape arts and cultural matters in Australia. A brief summary of the most relevant treaties (there are a number of other, related conventions not listed here) and their effects are listed at Appendix 2.

The World Heritage Convention is regularly used by Australia to protect iconic natural heritage (such as Macquarie Island in Southern Ocean, or the Great Barrier Reef), cultural heritage (such as the Sydney Opera House, The Royal Exhibition Building and Carlton Gardens in Melbourne and, as declared only 31 July 2010, a range of penal colony sites), or cultural landscapes (such as Uluru in Central Australia and Mount Fields in south-eastern Tasmania). The convention clearly serves an important function in that world heritage classification gives a highly public ‘value’ to a heritage site, but governments pursue world heritage listing for more than the public good. A UNESCO inscribed site attracts immediate international attention and inscription provides a lure to the global cultural tourism market which, of course, can be highly lucrative, not just for the region around the site but for a national economy overall. This, however, is a two edged sword. While large attendance numbers reinforce a site’s intrinsic value, and this may help its sustainability because of the wealth generated by tourism, the total human footprint – especially if this is not managed competently – may actually accelerate processes of decay or the destruction of a site.

A number of the other treaties listed at Appendix 1 have a range of implications for Australia’s legal system, such as the Hague Convention and the subsequent 1970 convention. Police and customs services have dedicated teams responsible for monitoring the flow of illicit cultural artefacts and other trade such as the smuggling of indigenous Australian fauna. The 2001 convention (covering the protection of underwater heritage and the

salvaging and management of marine sites) has similar implications. The two most recent conventions are, to some extent, potentially more contentious.

The ICH Convention is a particularly important convention that now has sufficient numbers of ratifying state parties to bring it into effect as international law. However, the Howard Government refused ratification and the Rudd Government procrastinated over a decision despite strong advocacy and support for it to do so. Like the United Nations Declaration on the Rights of Indigenous Peoples – which was at least two decades in the drafting and political lobbying before it could be presented to the UN General Assembly – the ICH Convention is also controversial. Why? Probably because it is about the culture and heritage of all humans giving it direct relevance to all people. This empowers culture politically: the ICH Convention elevates the role of non-government organisations to inform and endorse state action. It may also actually cost governments revenue rather than function as a milking cow like the World Heritage Convention (for example, World Heritage Listing is an inexpensive process that, if successful, can yield considerable national income through cultural and ecological tourism). Given that most democratic western governments are driven by concerns to keep cutting outlays, tax revenues and market restrictions, a hard law treaty that protects peoples' heritage may require governments to intervene and restrict the worst aspects of mass market exploitation. This comes with little direct financial benefit; it actually helps to reinforce cultural rights and identities and, as such, is perceived as essentially antithetical to the interests of many states (as distinct from the interests of its human constituents).

This last observation is based on the assumption that “*A state is the bureaucratic mechanism... necessary to organise and control a nation within territorial boundaries*” as opposed to a notion that “*A nation is borderless; it is an ‘imagined community’... The only borders a nation has are those of inclusion and exclusion: who belongs and who does not.*”¹⁰⁰ States that are more culturally homogenous than Australia, such as South Korea and Japan, have been great advocates for the ICH Convention and consider that substantial investment into their culture has vast social, economic and cultural value. Countries such as Australia, with large and culturally plural diasporas living within its borders as well as a resurgent Indigenous population, appear intimidated at the prospect of cultural empowerment. This bespeaks of the more general timidity of governments, especially at the Commonwealth level, to respect the human rights of its citizens. Ignorance, quietism and avoidance are easier options. In contrast, we believe that direct and active engagement in community empowerment (for some of the reasons discussed in section 3.4) is not only good for people, in the long-run it works in a government's interests as well.

Australia did, however, ratify the UNESCO 2005 Cultural Diversity Convention in 2009. A treaty that was weakened because of competition between the US and European members over trade, it imposes little expense or reporting obligations on state-parties.¹⁰¹ Of particular interest is its strong focus on cultural diversity and human rights, and the notion that culture is strongly linked to human development. There are particular implications for Australia's foreign aid programs in the future, especially focusing on the roles that human rights and culture have in economically, socially and environmentally sustainable development programs, which appears to be increasingly recognised by AusAid, Australia's international foreign aid agency.

3.3 arts, morality and faith in public discourse

As a general rule the arts, religion and public normative morality (which is largely culturally determined) tend to keep to themselves, moving along their own metaphorical tracks. Occasionally, however, they collide. When they do they make for fascinating case studies or general amusement. Notorious examples of this include the publication of Lawrence's *Lady Chatterley's Lover* (Penguin Books was prosecuted under the Obscene Publications Act (1959) in the United Kingdom, in Australia not only was Lawrence's book banned, so was a book describing the trial), and distribution of Roth's novel *Portnoy's Complaint* which was declared a prohibited import to Australia in 1969 and there were unsuccessful attempts to prosecute booksellers who distributed it.

Furore over films, for example those made by the Monty Python comedy troupe *The Life of Brian* (1979), Peter Greenaway, including *The Baby of Mâcon* (1993) and, more recently Mel Gibson's *The Passion of Christ* (2004) enraged some faith communities: devout Catholics in the first two examples, Jews in the second. In other cases art works that have been exhibited in major galleries have inspired similar protests, for example: Andres Serrano's *Piss Christ* (1987) (George Pell, at that time Archbishop of Melbourne, unsuccessfully sought an injunction to

prevent the National Gallery of Victoria from exhibiting the photograph) or Tania Kovat's *Virgin in a Condom* (1994) which attracted protests in New Zealand when it went on display at the Te Papa museum in 1998, and was subsequently stolen from the Museum of Contemporary Art within days of its exhibition in Sydney.

In other circumstances cultural or religious difference may be attacked on ethical or other grounds. The debates during 2010 about female genital mutilation and the wearing of the burqa by some Muslim women have been very public and have bordered on the racist, although in these cases the arts were not in question. Indeed, since the 1970s, public scandal about the arts and religion have become increasingly rare, whether because of increasing secularisation, or because there is not much left for artists to actually *do* to scandalise society. This credential seems to be left largely to internet-based pederasty and terrorist networks. Public morality and the arts, perhaps with either a direct or indirect whiff of religiosity, continue to gain public attention from time to time. Below are three short case studies that are used to illustrate how culture and cultural identity can be used and abused in public discourse, and how it can also be used to for political purposes.

Case Study 1

In May 2008 the Roslyn Oxley Gallery was preparing to open an exhibition in Sydney of the works by the well-known, and collectable, photographic artist, Bill Henson. On advice that the photographs included pornographic images of children the NSW Police Vice Squad seized the pictures and investigated the claims. The media immediately sought the views of leading federal politicians (who had not actually seen the images under suspicion), the following are extracts from storylines in the press:

“ ‘I find them absolutely revolting,’ he (Prime Minister Kevin Rudd) told the Nine Network. ‘Kids deserve to have the innocence of their childhood protected. I have a very deep view of this. For God’s sake, let’s just allow kids to be kids. Whatever the artistic view of the merits of that sort of stuff - frankly I don’t think there are any - just allow kids to be kids.’ ”¹⁰²

At much the same time, well-known Liberal Party politician, Malcolm Turnbull’s response was reported this way:

“The Opposition Treasury spokesman said today that artistic freedom was one of the things that made Australia great. ‘I don’t believe that we should have policemen invading art galleries,’ he said. ‘I think we have a culture of great artistic freedom in this country and I don’t believe the vice-squad’s role is to go into art galleries.’ However he was not expressing an opinion about the particular works at the centre of the current controversy. ‘I haven’t seen them,’ Mr Turnbull said.”¹⁰³

However, in early October Mr Turnbull was reported as having reversed his view on the issue: *“...matters that have been described in the media are totally inappropriate and unacceptable and I share the outrage that has been expressed by many people at these events...”*

Case Study 2

In mid 2010 two new government-funded advertisements were released; both were designed to sell Australia to overseas audiences, both present very different images of Australia as a culturally diverse nation, as critiqued in this opinion piece by sociologist, Andrew Jakubowicz:

“...it’s rarely the case that two government campaigns launched within weeks of each other so starkly frame different visions and representations of ‘the nation’.

May 14 and the ‘export’ focused Austrade ‘Australia Unlimited’ campaign is launched by Trade Minister Simon Crean. He announces that the bold new image (an Australia ‘book-ended’ by stylized boomerangs) heralds a new aggressive multicultural presence. “Being the ‘quiet achiever’ is not going to cut it in an increasingly competitive global market. We need to make ourselves better. Australia is known as a great place to have a holiday but it is also a great place to do business. We should be better regarded as a dynamic and creative nation, a good global citizen and a strong business partner...”

The promotional video focuses on our greatest asset, ‘our people’, and then flips through the real diversity of contemporary Australia (hijab but no burquas or niqabs but you can’t have everything).

Fast forward two weeks. Tourism Australia launches ‘Nothing Like Australia’, and if you’ve seen the Australia Unlimited video then you’ll understand how accurate the TA campaign label really is. Addressed it is claimed to prospective tourists (and to be aired in the UK, the USA, New Zealand, China and Japan) it is nothing like the Australia that AU paints for our international business partners. An Aboriginal kid in a billabong (again!) and a Chinese girl in an SUV churning up a high country meadow chasing kangaroos. Then it’s all Euro-Australians, overwhelmingly blond and young. Very attractive, fit and powerful, but only marginally like the real Australia.

...here we have two major multi-million dollar campaigns, each at the sharp end of key industry sectors, in a world that increasingly and mistakenly views Australia as a haven for racism and intolerance. They are both funded by the Australian taxpayer, and managed through national government corporations. They both consciously decided to represent Australia in very specific though as it turns out quite contradictory ways. Is that a problem or just a case of horses for courses?”¹⁰⁴

Case Study 3

Andrew Bolt is an opinion writer for the Murdoch press, based in Melbourne. He is a well-known critic of multiculturalism and what he perceives as the harm done to Australian society by certain cultural, racial and religious presence:

“My excuse for this column is Julia Gillard. She’s the one who says we need to bring in ‘the right kind of migrants’. More importantly, our new Prime Minister says she wants us to talk frankly at last about boat people - and, I presume - other immigrants. ‘I’d like to sweep away any sense that people should close down any debate, including this debate, through a sense of self-censorship or political correctness,’ she declared.

I hope she means it, because here are some facts of the kind that normally invite screams of ‘racist’ and an inquisition from our shut-your-face human rights tribunals...let’s talk about bringing in ‘the right kind of migrants’. Before I do, let me make the standard disclaimers. You’re right, most people from whatever community or group I’ve mentioned are law-abiding, and race is not related to crime. It’s culture that counts. Now back to the adult talk....

Is the difference really nothing to do with Islam, the faith of so many poor nations? Is Muslim poverty, terrorism and crime really just the fault of our miserable society? Or is our real fault to have apologised too much for what we are, and to have failed to protect this great society from newcomers too disposed by their culture to reject our own?”¹⁰⁵

These three stories, drawn from recent media, may deal with different issues, but they also share common threads. The first story, dealing with the Henson photographs, is at one level about the arts and how some forms of creativity may push against moral boundaries – or so it seems at first glance. The second story is about the products of the creative industries designed to ‘sell’ Australia to external audiences, the selling is based around a

sense of national cultural identity. The final case study is not about the arts at all, but is an attack on a group of people in society that do not fit within a mainstream set of cultural standards as they are defined by the author. What unites the different stories is a theme of how culture is a device in popular discourse that is used to label and to segment, to divide one group from another based on cultural norms, to validate the wholesome and acceptable, and to demonise or marginalise the cultural other. Hage has written extensively on this process, describing what is occurring as a reflection of paranoid nationalism; his analysis of critical whiteness in the Australian context essentially concludes that a form of racism pervades much of the public discourse, but this is deflected through a form of perverse ontology: by arguing they are *not* racist *proves* that racists are not, even when demonstrably so. This is a form of social, cultural and political 'camera obscura', a turning of the world upside and claiming it is the right side up, it is an interpreted world where the victim becomes the culprit, the violator the aggrieved, the powerful the subaltern.¹⁰⁶ It is also a process of racialising that is often endorsed by national political, cultural and other leaders, either consciously or unconsciously. When this becomes a communication standard it is normalised, loses its visibility, and is progressively accepted as ethical. The problem, at a population level, is essentially that (as it is clinically termed) of non-bizarre delusion: or a set of beliefs that are plausible but fundamentally disconnected from reality. This is potentially a serious problem at a national level. When there are widespread delusions about a country's standards, beliefs, conduct - and this is inconsistent with how others perceive them - there are consequences. In a globalised world of instant communication, these may relate to trade, wealth, credibility and attractiveness (for investment, skilled migration, tourism).

The example of the Austrade and Tourism Australia advertisements typify the conflict within Australia as to how we should present ourselves to this globalised world of high visibility. As Jakubowicz argues, the first promotion attempts to depict the nation as one that has been enriched by cultural diversity and is dynamic and creative, it is a picture of an open society that is engaged in exchanges of various types. The other is a picture of closed society. The images may be of friendly folk, but the subliminal messages are conformity, an affirmation of a White Nation where diversity is a novelty, patronisingly protected but available for inspection on request; this may deliberately or inadvertently reflect volition on the parts of the producers to project a national image that validates and valorises what they believe Australia is (or should be). Whether this is convincing is the key question. It may persuade a mono-cultural or inward looking purchaser; whether it entices global (and therefore culturally diverse) audiences, is another matter.

To return to the first case study, while this may not be so easily associated with overt or covert racism as the other examples, it nevertheless illustrates the way that the perception of public morals held by politicians (even if this is not a genuine reflection of them and especially when enacted under the glare of the media) determines what and how they express their views. The Henson photographs triggered an avalanche of public discussion, and much of this centred on child welfare, child pornography, duty of care, privacy, and related matters. There was staunch defence and criticism on various sides of the debate. What was particularly interesting about the entire controversy were the issues that were *not* discussed: the systemic pornification and exploitation of children by entertainment and advertising businesses (creative industries), processes that dwarfed the significance of the Henson pictures (which were, in due course, assessed by the Vice Squad, *not* to be obscene). The issue of how the creative industries, through popular culture are, in effect, validating obscenity has been argued stridently by Hamilton and Reist, amongst others.¹⁰⁷ The question we are interested in raising here is not whether one view is right or wrong, rather, how the presence of these ethical issues shape the way public figures react. The sexualisation of children in the media has become such a contemporary cultural norm that it has lost its visibility, and it is practiced by business interests that are so rich and powerful that these are evaded at the political level: a middle aged art-house photographer who takes an occasional image of a adolescent nude becomes a safer terrain to proclaim on public morals. Indeed, the eagerness to do so reflects precisely the way that art and morals are confused in the public sphere.

3.4 art, culture, religion and well-being

The connections between the arts and well-being have been rigorously debated for many years. While there may still be a limited (albeit steadily increasing) evidence-base to validate claims of a strong connection at a subjective level there is a broad assumption the connection is self-evident. The literature review conducted by VicHealth into the connection between social and emotional well-being and religious belief, conducted as part of the wider FRB

report, demonstrates there does appear to be connections, for instance, that those who hold and practice a religion may experience a health advantage. What actually helps achieve this benefit, of course, may not be religion itself but the way humans behave religiously. Active engagement in a community of shared belief and commitment, supportive social networks, charitable work, a sense of quiet acceptance of fate and that a higher being or beings control our destinies and will give us peace or reward in another state of existence - these may all help to improve health generally.

The connections between art and well-being has attracted sustained interest, rather than just conjectural or spurious trialling of arts exposure as a form of psychological therapy, since a new understanding of population health was promoted by WHO. This was contextualised with principles outlined in the Ottawa Charter of 1986. This charter is particularly concerned with the social and environmental contexts of good health which it promotes as something that must be understood holistically:

“To reach a state of complete physical, mental and social well-being, an individual or group must be able to identify and to realize aspirations, to satisfy needs, and to change or cope with the environment...Health is a positive concept emphasizing social and personal resources, as well as physical capacities...Political, economic, social, cultural, environmental, behavioural and biological factors can all favour health or be harmful to it.”¹⁰⁸

The charter affirms that the settings for, and the factors that support health include: peace, shelter, education, food, income, a stable eco-system, sustainable resources, social justice, and equity. In many respects the factors that enable good health for populations are much the same as fundamental human rights. That they are complementary makes sense given they are both products of the United Nations. Inherent in the charter is the acceptance that health is closely related to well-being, and that physical and mental health are closely related (at the time it was released, not something always readily accepted in the medical specialties), and that one can improve the other. For example, good physical health makes it easier for an individual to have good mental health and the opposite is also true. It can be difficult to avoid depression if you live with chronic pain, on the other hand anxiety and stress-related disorders may have real physical impacts, from somaticisation to a lowered immune system making people more vulnerable to disease or non-communicable illness. The realisation that health – both of the individual, but also whole communities – can be improved through programs that are not directly health or medical related has not only been viewed as a potential ‘silver bullet’ for health policy managers, it also has the potential to reduce the burden on medical services and therefore to help control funding outlays in the health sector. Social services, too, have been interested in the arts, most particularly community cultural development (CCD),¹⁰⁹ as a tool for greater social participation and, as result, better social inclusion. The Community Cultural Development Board of the Australia Council has also focused on CCD as the means to get better health and social outcomes, but also recognises that art has a function broader than this and can encompass environment and sustainable development issues as well as active citizenship.¹¹⁰

Guetzkow lists what is described as the mechanisms of arts impacts. He divides these into (firstly) individual impacts: material/health, cognitive/psychological and interpersonal; and (secondly) community impacts: economic, social and culture. Amongst the benefits in his matrix include improved social networks, cultural capital, self-esteem, a sense of belonging, stress-relief, self-expression and enjoyment, educational performance, reduced crime and delinquency.¹¹¹ Further, he briefly examines the claim that the arts are good for individuals, notably that it improves health and psychological well-being, it improves skills, cultural capital and creativity (particularly in educational settings for children). He cites studies which indicate there is an ‘arts effect’, whether this is based in active or passive participation.¹¹² At much the same time (the early 2000s) the British also conducted a number of reviews, particularly in the context of the Blair Government’s focus on social inclusion, believing that the arts could have a positive role supporting the goals of this policy. Jermyn’s review references various programs and studies dealing with health and well-being, in particular the assumptions underlying the research that “...improved health and well-being was one of the outcomes of arts participation.”¹¹³ Like so many of these reviews, this too acknowledges the deficit in data, the lack of rigorous validity, the problems with defining the objectives, and the actual things they were measuring, such as ‘community’, ‘art’ and ‘well-being’.

The social impact of the arts, along with the health effects, are, similarly, a fraught matter. Reeve’s analysis is useful, noting that while the phrase is familiar in policy debates few studies have attempted to define what it

actually means. One attempt says it is "...those effects which are sustained beyond actual arts experiences, and have resonance with the life activities and processes of individual" although "...that the distinction between economic, financial, environmental and social impacts arising from such activity (cultural and/or artistic) is likely to be blurred in reality."¹¹⁴

A more recent Australian study by Mulligan, Scanlon and Welch provides a particularly useful summation of the issues, as well as reporting, that are based on Victorian community arts projects which explored alternative ways of understanding the association between art and well-being. They note that years of repeated attempts to demonstrate tangible improvements to health, based on arts interventions, continues to be unconvincing but that much of the research has been based on loose concepts (such as 'social capital') and too much has focused on direct relationships between inputs (such as arts projects) and outcomes (social change or better health). The authors posit that the relationships and effects are more indirect and diffuse.¹¹⁵ They argue that:

*"the open-ended nature of the arts can help to generate and sustain webs of meaning at a time when shared narratives of meaning of community are being challenged by the disruptive effects of the intersecting social processes of 'globalisation'...community arts can positively affect health and well-being because they can enable individuals and groups of people to develop narratives of action in response to social change."*¹¹⁶

This understanding of the effects of globalisation on individuals and communities is interestingly paralleled in the comments in Aslan's recent book that deals with the notion of 'cosmic war', or the causes of religious radicalism driving international terrorism. At first glance it may seem a long bow to draw, but the evidence appears to be increasingly clear that while social alienation has many causes and many effects – from alcoholism and drug use, to mental illness, chosen 'sea-changes', to violence – rapid, constant change that is profound, systemic and unavoidable is putting enormous stress on people, communities and institutions.

*"Globalisation is not just about technological advancement and transnational relations. It is about one's sense of self in a world that is increasingly being viewed as a single space. The world has not changed as much as we have. Our idea of the self has expanded. How we identify ourselves as part of a social collective, how we conceive of our public spaces, how we interact with like-minded individuals, how we determine our religious and political leaders, how we think even about categories of religion and politics – everything about how we define ourselves as individuals and as members of a larger society is transformed in a globalised world because our sense of self is not constrained by territorial boundaries. And since the self is composed of multiple markers of identity – nationality, class, gender, religion, ethnicity...if one of those starts to give way (say, nationality), it is only natural that another (religion, ethnicity) would come to fill the vacuum."*¹¹⁷

In this context of change and uncertainty, Mulligan et al defined three main issues that emerged from an evaluation of community arts in their research. These were [1] there is enormous community change occurring due to globalisation which is confronting personal identity and a sense of narrative, [2] community arts help create individual or collective narratives of action in a local context, and [3] community arts participation helps to foster local engagement.¹¹⁸ They argue, within the context of communities experiencing a prolonged period of buffeting and reconstitution due to globalisation, that "...the arts can play a role in providing a sense of narrative and purpose, and so facilitate a sense of agency, offering people the means of piecing together the fragments of life and a coherent sense of self."¹¹⁹ The key word in this sentence is 'agency', with the authors concluding this is the key notion to draw from the projects and research, and to focus on in the future: the arts help build agency for individuals and groups in an age of confusion and change, this improves community capacity and, consequently, supports population-level health outcomes. In some regards religiosity may actually have a similar effect.

Our review of the literature of the associations between art, religion and well-being did not yield much information. Certainly, as well as the studies into the links between art and health and social outcomes, there has been considerable research into the health benefits of religion, but not the connection between the three. This would suggest a gap in the research. In the absence of this data, it would be reasonable to assume that given religion appears to contribute to well-being, as does art, then the expression of a person's faith or belief through arts practice would have the same well-being benefits indicated in other research. Similarly, the experience of the arts in a religious context (staring into a stained glass window, listening to a musical performance) or ideological

context (watching a play or film promoting particular political principles) may have the effect of amplifying the intensity and significance of the religious or belief experience. As noted in section 2.2 (dealing with religion and cultural identity) through most of human history the religious experience has been expressed by, enhanced by, and transmitted by forms of cultural tradition which often has a strong creative or artistic dimension; as noted earlier, Wade reports this is borne out by the anthropological evidence. Although not dealing directly with the arts, nor CCD, Bouma observes in his book on religion and spirituality in contemporary Australia that they operate in a cultural context:

“Many religious leaders today find that profound cultural changes in the nature of authority and the expectations of religion and spirituality challenge their assumptions about their roles...Many institutions that train clergy still produce graduates suited to a society and culture that has now passed for more than a quarter of a century. Most religious organisations continue with structures that were established in the mid-nineteenth century, singing hymns of the same era and pushing agendas set long ago. The pace of change is bewildering and the scope of change such as to leave no comfortable place to hide. However, religious organisations are responding to this situation in a variety of ways. Some are reactionary, others retreat, but many are creatively rising to the challenge. Meanwhile spiritualities burgeon.”¹²⁰

The point here is that religion and its institutions are having to negotiate the challenges of globalisation and change, to which we have referred, in their own ways but with just as much difficulty as do communities, secular organisations, businesses and individuals. The arts and cultural institutions are clearly part of religions' response to these challenges, as noted in section 3.2.1, as too are many performance-based activities, and continuing commissioning of artists to decorate, enhance, design or renovate existing institutional infrastructure. The steady decline in the established churches (and as a consequence a decline in available resources) may leave less funds available for the commissioning of embellishments to enhance religious institutions and ceremonies, which are most likely to be specialised art products, in the future. How actively or extensively CCD is utilized is unclear, how actively CCD and other forms of arts practice can contribute more generally to social capital, or as a preventative measure to help limit alienation, is also unclear. This would appear to be a potential sources of positive engagement and change.

4. ANALYSIS

4.1 observations

As has been noted earlier in this paper, it is not within our scope to do other than to broadly define the issues and to raise critical questions about the nature of freedom of religion and belief, culture and the arts in contemporary Australia. This is a vast and complex topic and inevitably deals with intersections between the creative arts, heritage, culture, cultural industries, public morals and individual preferences and tastes. What has been attempted, at least, is to highlight the complexity, the contradictions and paradoxes, and the breadth of the issues. Based on research, existing knowledge and experience of the sector in Australia and internationally, and on consultations with experts and practitioners in the field, the following observations are made. These are important issues and should be taken into account by a range of stakeholders, government, non-government, professional and business, across the broad domains of the arts, culture and heritage.

Eltham and Westbury's recent chapter in the Centre for Policy Development's *More Than Luck*, which has been referred to earlier, calls for a new cultural policy in Australia. This is a timely suggestion, and interesting issues are raised in their advocacy, among which they call for an abandonment of the false divide between high art and popular culture, for a focus on artists not institutions, and a reform of the Australia Council. While there are claims that this argument is not motivated to destroy the heritage arts in Australia or to withdraw funds from the elite cultural end, there is a strong argument threaded through this approach that does imply the 'either/or' approach to arts: high art is not as popular as popular culture, so why should it receive government support?

There are signs that there is brewing a major fight across Australia's arts and culture sector. There have been well-reported comments from Richard Mills (a renowned Australian composer and conductor), Richard Tognetti (violinist and leader of the Australian Chamber Orchestra), Bill Henson (photographer) and others entering the discourse about what should or should not be funded, what may or may not be at threat of losing funding. This, sadly and perhaps not without some justification, are fears based on what might happen should certain arts, cultures or heritages be protected or discarded by government funders. The situation should not be oppositional: will the traditional 'high' arts continue to receive adequate government funding, or should this be redirected to new arts, community arts, or different forms of cultural development? There is a risk that the arts community, which should be united in its enthusiasm to not only protect arts funding but to expand it, will fight in the bottom of a metaphorical barrel for diminishing resources. This will help no-body and no organisation that is committed to supporting Australia's arts community, culture and heritage sectors.

In this building atmosphere of concern in the sector, our observations include that there is a need to:

introduce a comprehensive national arts development and funding policy

Artists, the arts and creative industries are important to our society and are growing in significance - but they are not an endangered species. While the arts should be actively supported and encouraged, this must be realistic; that said, this is not occurring at present. There is scope for significant reform in the way the arts and artistic production is taxed and subsidised, there is a need for better professional development across training and career spans (from early to mature careers), and there is a need to nurture arts across quality standards. The arts should strive for excellence, the arts are also a domain where an argument can be made to preserve elites (in the same way that there is in the sports/leisure sector). Arts policy should both encourage entry and participation in the arts, but also to build a culture of excellence; it should not polarise by pretending to 'democratise' the arts and focusing solely on community cultural development at the expense of specialist heritage arts and cultural practice, and our institutions of national arts and heritage significance.

introduce a strong cultural development policy

culture, as we hope has been articulated in this paper, should be differentiated from the arts even if there are strong connections and intersections. Cultural development can occur through policies to support the creative industries (such as film production or other kinds of industry subsidies, preferred contracting, grants programs), but also through approaches to local area planning (including some laws that may have perverse effects on cultural development and maintenance), social inclusion, health, localised

community empowerment and cultural development. Cultural development and community capacity building is embedded in both civil society, and our societies' interface with the total environment, a policy in this area is need – as there never has been one at the national level – and it needs to address the connections across multiple sectors, and the need for co-operative action. New models of museology offer exciting opportunities for cultural institutions to mediate between citizens and their peers, global issues of concern (such as population movements, climate change, fear of terrorism, cultural difference, food security) and to help navigate a complex and threatening world.

ensure national arts development and national cultural development policies are linked and complementary

arts policy, cultural policy and social policy (including multiculturalism, the social inclusion agenda, anti-racism, security (building a 'resilient nation'), improving human rights literacy, and strengthening social capital) – these three policy frameworks need to stand as three separate pillars of human development in Australia, but pillars that support each other. To do so, there should be a co-ordinating role that ensures this not only happens at the national level and through our national government's negotiation with international agencies, but that it also occurs across the state/territory and local tiers of government. This approach will not only provide efficiencies, but will help grow an already-growing arts sector. It will provide economic benefit through self-growth (expanding GDP), but also contributing to social and health improvements, that clearly has indirect dividends for government.

audit those parts of the sector that are publicly funded to ensure that it is accessible and equitable

with the slow death of multicultural policy, as well as the protection of priority groups protected by access and equity standards, national cultural institutions have been allowed to independently determine what level of responsiveness they are prepared to give to non-mainstream audiences. But public institutions must be accountable and available to all Australians – it is their taxes that fund them. It is now long overdue that a national audit of these institutions is undertaken to determine the extent to which they are accessible, equitable, and that their collecting, exhibiting and curating are culturally appropriate, sensitive and inclusive. This process should be supported by some form of compliance process, transparent reporting, and it should be linked to the development and use of cultural indicators. In this way a form of human rights process will be applied to cultural institutions.

Ratifying the 2003 UNESCO intangible culture treaty will protect unique heritage and will support future Australian culture, communities and creativity

Australia is yet to ratify UNESCO Convention Safeguarding Intangible Cultural Heritage (2003); this remains the last area of cultural heritage that is covered by international law to which Australia is yet to accede. The Convention would cover important aspects of Indigenous, diaspora (immigrant communities) and colonial heritage, obliging government auditing, reporting and protection. This heritage is not only important as an end in itself (a cultural right for the holders of this heritage), but its protection may also bring economic benefits, and it will ensure what would be an effective repository of knowledge, skills and lifestyles from which artists and creative ideas can be drawn in the future.

Increasing funding and research into the benefits of arts and culture in Australia

Australia's culture, heritage and arts sector is a significant contributor to GDP, to employment, as a cultural tourism magnet, and enriches the life of the community. It also provides substantial health and social benefits, such as strengthening both bridging and bonding social capital. The arts and cultural participation can also be recruited as an important tool to improve social inclusion by better engaging with those who experience isolation, marginalisation (such as the mentally ill, homeless or disabled) or discrimination (such as ethnic or religious minorities, and victims of racism) through community capacity building. There is a dearth of data on how cultural expression and the arts can provide significant benefits (including savings); research or pilot programs will help determine what works, what does not, what can be done better, and where future effort should be directed. Given the size of the sectors that are generally associated with religions, and the lack of research looking at the relationship between religion and religious activities, culture, the arts, and community development, this is also a neglected area of social research.

4.3 concluding remarks

In the section looking at art, culture and well-being, we referred to the recent studies by Mulligan et al based on Victorian community arts programs and the learning drawn from this work, in particular the notion of 'agency'. This is a notion that encompasses more than empowerment, but rather its active expression and production of tangible effects. Agency can come from many sources, of course. It may be a learnt resource for living imparted from one generation to the next (good parenting), or it may be intuitive (good luck), or drawn from a commitment to a cause, a belief, or religious faith (good choices). Yet, agency and what it potentially entails is not necessarily one that is comfortable for arts funders: primarily governments and corporations. Agency is about freedom – moral, intellectual and creative freedom – which may lead to action.

This may not be the action that governments and corporations always welcome. In this sense, like human rights, agency (whether inspired by or expressed through the arts) may be seen as radical. Agency can lead people to demand government reforms, doubt the teachings or traditional practices of religions, or question the economic, social and political assumptions of the current system in which we live, especially in an era of transformations caused by globalisation, corporatisation and climate change. As noted earlier in this paper, art and culture are fundamental expression of humanness yet, because of their potential power to build agency – a power that has been feared by authorities many times in the past – they are simultaneously a threat.

In his book *Holy Terror*¹²¹ Eagleton examines the role reversal of two principle characters in Euripides' play, *The Bacchae*: the God Dionysus (the radical, the offender) and King Pentheus (the conservative, the keeper of social harmony). As the play progresses Pentheus becomes increasingly unreasonable and intolerant which leads to his final demise (lynching at the hands of crazed maenads, possessed female followers of Dionysus who, in their number, include his mother). Eagleton argues the play is essentially about recognizing the duality of the human condition - the 'animal' within, the creative, the abandoned - but also the rational, humane and methodical. The irrational will have a thread of rationality running through their character and decisions, and the rational, when their moral or cultural compass is threatened, may become irrational. The logic of violence and genocide is often the logic of maintaining order and peace. To be truly human a human must be neither a brute or a machine but rather manage an equilibrium between both facets of our humanness. This is also a good metaphor for the creative arts; Euripides the artist can still speak to contemporary audiences across almost two and half millennia. Art – the creative and Dionysian within us – is as essential as ever, it cannot be controlled and ordered by the Apollonian. Yet, this continues to be a challenge for the arts and art funding, an irony it would seem since this is such a self-evident fact.

Is art and culture still important in a post-modern, 21st century world? We hope to have demonstrated it is as important as ever. For our world, a world of globalising and hybridising cultures, and cultural and religious revivalism, not only is difference as great as ever, it is simultaneously and ironically both driving people apart at the same time it is demonstrating its efficacy for agency, inclusion and peace-building. The arts may not overcome difference, or redefine moral, cultural and social relativity – but what they can do is interrogate these issues and provide a safe space to understand them, and to find resolution between people and groups over their differences. In this process, arts or cultural institutions can and should play an important role. As was famously said "*museums can be safe places for unsafe ideas*"¹²² – but not just museums, all cultural institutions – should play important roles in civil society: pushing boundaries of beliefs, reflecting society back to itself (the good, the bad and the ugly), providing a modern agora, a public place where established power relations are suspended and citizens can think and reflect in new ways and at deeper levels.

As has been alluded to, one of our greatest contemporary challenges is how can the massive process of religious revival across the world be directed towards positive engagement, to 'civil paths to peace' and away from a 'clash of civilizations'? UNESCO's approach, which is shared by many other key institutions and expert commentators, is that inter-cultural dialogue and advocacy of human rights provides many of the answers to these questions. While a number of strategies are promoted in their reports (including education, ethical media, women's empowerment) not only can the arts and cultural institutions play a key role, but they can cross across multiple domains of action.

Australia is inevitably part of a globalised world, a world of impending demographic shifts, climate change, integrated financial markets, and cultural commodification, re-segmentation and re-formation. Our rapidly

growing culturally and religiously diverse population is evidence of this reality. The choice we have is to reject reality and try and reinvent it (an approach that is likely doomed to delay the inevitable while aggravating existing social tensions), or embrace reality and seek to improve the quality of collective and individual life by educating and empowering citizens. How to face this enormous, constantly evolving, complex mass of realities? The arts, culture and heritage sector are an obvious setting to do so.

Issues of faith, ideology and belief are deeply personal and, therefore essentially subjective, this is even more so when culture, the arts and personal taste are involved. It is therefore never possible to arrive at a definitive or objective position on such matters. There are, nevertheless, important reasons for undertaking research into FRB, the arts and culture; what we were able to find is that religion is a vital part of the cultural mix and there are certain distinct issues that relate to religiosity, but what is broadly true for culture is also true for religion. If this observation is mistaken, then clearly further research and analysis is needed. What is clear is that cultural institutions, and communities' need for a better supported cultural engagement is both pressing, and offers great opportunities for community development that will be compatible with broad government social policy objectives. More than anything else, what is clear is the long-overdue need for a mature national discussion on these issues, and a progressive government response that will help Australians to better understand and engage with the complexities of life in the contemporary world.

APPENDICES

Appendix 1

abbreviations:

ABS – Australian Bureau of Statistics

CCD – community cultural development

Cultural Diversity Convention - Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) at: http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 20 July 2010)

DRIP – UN Declaration on the Rights of Indigenous Peoples (at: <http://www.un.org/esa/socdev/unpfii/en/drip.html> accessed July 2010)

FRB – freedom of religion and belief

ICCPR – International Covenant on Civil and Political Rights, at: <http://www2.ohchr.org/english/law/ccpr.htm> (accessed 10 July 2010)

ICESCR – International Covenant on Economic, Social and Cultural Rights, at: <http://www2.ohchr.org/english/law/cescr.htm> (accessed 10 July 2010)

ICH – intangible cultural heritage

ICH Convention - Convention for the Safeguarding of Intangible Cultural Heritage (2003) at: <http://www.unesco.org/culture/ich/index.php?pg=00006> (accessed 10 July 2010)

ICOM – International Council on Museums, at: <http://icom.museum/> (accessed 15 July 2010)

IFACCA - International Federation of Arts Councils and Culture Agencies, at: www.ifacca.org

MAP – Measures of Australia's Progress (ABS report)

UDHR – Universal Declaration of Human Rights, at: <http://www.un.org/en/documents/udhr/> (accessed 16 July 2010)

UNESCO – United Nations Education, Science and Cultural Organisation

WHO – World Health Organisation

World Heritage Convention – UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) at: <http://whc.unesco.org/en/conventiontext> (accessed 16 July 2010)

Significant UNESCO treaties of relevance to Australia under international law and which pertain to culture, cultural and human rights

Date	International Normative Instrument	Summary of contents
1954	Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the [UNESCO] Hague Convention) and, later, First and Second protocols (1954, 1999)	This Convention, promulgated in the years immediately after the Second World War, recognised the importance and inherent value culture has in the lives of people. Amongst war crimes, the destruction (about which nothing could be done) and theft (which could) of cultural property had been a major problem. Returning, repatriating or protecting cultural property was therefore seen as an important human right which demanded attention. The second protocol (issued in the context of the Balkan Wars of the 1990s) extended protection to cultural property during armed conflict.
1970	UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property ¹²³	This treaty expands the definition of cultural property to include specimens of flora, fauna, minerals and objects of paleontological interest; property relating to history, technology and social history; objects of ethnological interest; musical instruments; and sound, photographic and cinematic materials. Increasingly, culture is perceived as more than iconic works of civilization and includes ephemera, practical tools as well as significant natural heritage. The treaty reflects the need to address misappropriated cultural property while also focusing on the fragility and endangered status of much culture.
1972	UNESCO Convention Concerning the Protection of the World's Cultural and Natural Heritage (World Heritage Convention)	The Convention states “... <i>cultural (and) natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable...damage or destruction</i> ”. There must be “... <i>safeguarding (of) this unique and irreplaceable property...as part of the world heritage of mankind as a whole</i> ”. ¹²⁴ This heritage is defined as [1] monuments such as architecture, monumental sculptures, paintings and cave dwellings that are “... <i>of outstanding universal value from the point of view of history, art or science</i> ” [2] groups of buildings and sites “... <i>works of man or the combined works of nature and man</i> ” including those of universal value from historical, aesthetic, anthropological and ethnological points of view, and [3] natural heritage which comprise natural features, geological and physiographical formations, and natural sites of beauty or importance to science. The convention's co-joining notions of heritage heralds the recognition that humans' relationship to the natural world is of primary importance to culture and human agency is critical to sustain the physical environment
2001	UNESCO Convention on the Protection of the Underwater Cultural Heritage	This convention, which came into force in January 2009, covers the protection, salvaging, archaeology and ownership of materials collected from underwater sites (ship wrecks) and related laws of the sea. Australia has not yet ratified this convention although the government has sought submissions as to whether we should become a state party, given our marine heritage (human and natural), the convention has implications for how we manage these sites and resources.

2003	UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH Convention)	The ICH Convention attempts to complete the coverage, under international law, of culture by including those forms of culture that people live in their daily lives. It reflects the principles outlined in the Universal Declaration on Cultural Diversity (2001) which clearly places culture in the context of sustainable development, the impacts of globalisation, human rights and environmental protection. It includes culture that is orally transmitted between people and across generations and is constantly created and reformed in the context of natural and human interactions.
2005	UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Cultural Diversity Convention)	Of all the conventions, this most directly relates to the human rights of groups (rather than just individuals) and locates culture in sustainable development. Also reinforcing the 2001 International Declaration, the treaty emphasises that cultural diversity itself – like biodiversity – is of value, its aim is to bind states to actions that help preserve cultural diversity, particularly in countries that face cultural decay due to exogenous cultural imports, it therefore aims to moderate some of the most harmful cultural impacts of globalisation.
2007	United Nations Declaration on the Rights of Indigenous Peoples (DRIP)	DRIP is a human rights instrument proclaimed by the General Assembly; it recognises cultural rights of the world's indigenous peoples and their unique relationship to the environment. In effect, DRIP addresses the cultural heritage and sustainable development of indigenous communities in an holistic way. The preamble recognises (inter alia) “...respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment”. Articles such as 29, 31 and 32 note the rights of indigenous peoples to their heritage, particularly intangible cultural heritage and to the development and control over traditional lands. However, as a declaration this is soft law .

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endnotes:

¹ Professor Amareswar Galla is the Executive Director of the International Institute for the Inclusive Museum, Conrad Gershevitch is the former Director of the Race and Cultural Diversity Unit at the Australian Human Rights Commission.

² In short, the Universal Declaration of Human Rights (see: <http://www.un.org/Overview/rights.html>) was promulgated by the United Nations in December 1948 and is the first unequivocal outline that all humans have rights that are inalienable (they can't be repudiated or given away to another person), indivisible (you get them all, not just the convenient rights) and interconnected. They are the rights of all humans, no matter political views, culture, sexual preferences, faith, racial group, or any other of the multiple determinants of human difference. They can be seen in two broad ways (1) as a set of mutually dependent rights and responsibility - values by which humans should aspire to live within families, communities and societies, and (2) as a system of agreements, internationally recognised, and often enshrined in national laws – this gives human rights both a legal and a moral basis.

³ A. Sen, *Development as Freedom*, see especially 35ff, and 227ff.

⁴ F. Nietzsche, *The Birth of Tragedy*, 1872

⁵ John Stuart Mills famously argued in *On Liberty* (1859), that it is popular tastes or opinions that enforce a conformity to societal norms. The point he makes, is entirely applicable to how maverick arts practice can challenging prevailing laws both normative and culturally preferential... "Society can and does execute its own mandates: and if it issues wrong mandates instead of the right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression... Protection, therefore, against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development and, if possible, prevent the formation of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own."

⁶ Eltham, B. and Westbury, M. "Cultural Policy in Australia", at: (add CPD URL) (accessed 5 August 2010)

⁷ "Culture is one of the two or three most complicated words in the English language. This is so partly because of its intricate historical development, in several European languages, but mainly because it has now come to be used for important concepts in several distinct intellectual disciplines and in several distinct and incompatible systems of thought." Williams, R. *Keywords*, 1976, see: <http://pubpages.unh.edu/~dml3/880williams.htm> (accessed 4 August 2010)

⁸ UNESCO *Investing in Cultural Diversity and Intercultural Dialogue* (2009), see 17ff

⁹ Helman, C. *Health, Culture and Mental Health* pp.2-4

¹⁰ UNESCO, *Investing in Cultural Diversity and Intercultural Dialogue*, 20ff

¹¹ see: <http://onsustainability.com/ideas/scope-concerns/>; and J. Hawkes *The Fourth Pillar of Sustainability: Culture's essential role in public planning*, Common Ground Publishing, Melbourne, 2001

¹² F. Pearce, *Peoplequake*, 265ff

¹³ in *Spent*, Geoffrey Miller analyses consumption from an evolutionary psychology perspective to explain how a wide range of variables, formed on the basis of a mix in fundamental human behavioural characteristics and coupled with instinctive trait or fitness displays, helps define how marketing functions and the reasons for often irrational consumption, hence, the shape that many human societies and cultures take.

¹⁴ cosmopolitanism presents a foil to uncivil approaches to culture and society – too big a topic to address here but the remark needs qualifying, briefly define, link to MC/racism etc, see K. Appiah, *Cosmopolitanism: ethics in a world of strangers*.

¹⁵ these are, of course, highly subjective words too, and each can be critiqued for vagueness. However, there must be a point where exegesis can deteriorate into pedantry, in this context it seems reasonable to label such actions in this manner; no apologies on the grounds of cultural relativism can here be reasonably made.

¹⁶ for example, the way that the media has jumped to certain conclusions about Islam, and has accepted political rhetoric related to the 9/11 attacks, was anticipated in Edward Said's book *Orientalism*, which explains the long history of 'othering' the Muslim and Arab other in modern western cultural traditions. It has also been observed that a culturally and religiously derived labeling of 'rightness' and 'wrongness' in the media is only contributing to a cycle of unending religious conflict in Reza Aslan's *How to Win a Cosmic War*.

¹⁷ J. Wade, *The Faith Instinct*, see in particular pp.74-97.

¹⁸ R. Aslan, op.cit.

¹⁹ see Scott Appleby's book of that name in which he outlines the dual nature, and response to, the religious experience which tends to peace-building on the one hand or aggression on the other.

²⁰ as discussed in T. Modood, *Multiculturalism*, who mounts a defence arguing that, contrary to the views of the “the multicultural blamers”, engagement with and support for cultural and religious communities is the best means to secure communities from the threat of terrorism, p.138.

²¹ L. Fekete, *A Suitable Enemy*, 19ff.

²² J. Victor, ‘Theo van Gogh murdered on the streets of Amsterdam’, see: <http://www.wsws.org/articles/2004/nov2004/gogh-n10.shtml> (accessed 12 August 2010)

²³ For example, the Minister for Citizenship and Multicultural Affairs (when one still existed) commissioned the report *Religion, Cultural Diversity and Safeguarding Australia*, as well as a resource on establishing a local multi-faith network (see: <http://amf.net.au/research/religion-cultural-diversity-and-safeguarding-australia/>) and the peak body, FECCA, launched a new peak-of-peaks (the Australian Partnership of Religious Organisations) with the strong encouragement of the federal department and its ministers.

²⁴ for example, some of the reports that discuss these issues include D. Wright-Neville et. Al. *Counter-Terrorism Policing and Culturally Diverse Communities*, Monash University, 2007, see: <http://arts.monash.edu.au/criminology/news-and-events/counterterrorreport-07.pdf>; Chatham House and Global Terrorism Research Centre, School of Political and Social Inquiry, Monash University *Globalisation’s New Challenge: Social Cohesion in Diverse Communities*, Melbourne, 2007; G. Bouma et al *Managing the Impact of Global Crisis Events on Community Relations in Multicultural Australia: Background Report*, Multicultural Affairs Queensland and Victorian Multicultural Commission, 2007, see: http://mp3.news.com.au/bcm/Multicultural/MAQ_Global_Crisis_bkgrnd_report.pdf

²⁵ see Department of Prime Minister and Cabinet, *Securing Australia, Protecting our Community*, 63ff

²⁶ R. Aslan, op.cit., 4ff, explains this in the introduction to his book on ‘cosmic war’

²⁷ see *God is Back*, especially comparing Christianity’s success and flexibility with that of Islam.

²⁸ For example, the first Parliament of World’s Religions in Chicago, 1883

²⁹ see E. Bergman, “Reversing the Flow of Traffic in the Market of Cultural Property”

³⁰ D. Chang, *Stealing Beauty: stopping the madness of illicit art trafficking*

³¹ AIATSIS paper, draft Freedom of Religion and Belief Report supplementary paper, p.5 (in first draft)

³² Reference Bouma, *Australian Soul*, 12ff

³³ see Xenophon’s *Memorabilia*, Burke’s *A Philosophical Enquiry into the Origins of Our Ideas of the Sublime and Beautiful* (1757) – also discussed by the Encyclopedists such as Diderot.

³⁴ an hypothesis thoroughly examined by Gantzhorn in *Oriental Carpets*, 69ff.

³⁵ Wolfe, T. *The Painted Word: on radical conceptualism: "...there, at last, it was! No more realism, no more representation objects, no more lines, colors, forms, and contours, no more pigments, no more brushstrokes... Art made its final flight, climbed higher and higher in an ever-decreasing tighter-turning spiral until...it disappeared up its own fundamental aperture...and came out the other side as Art Theory!...late twentieth-century Modern Art was about to fulfil its destiny, which was: to become nothing less than Literature pure and simple"*

³⁶ Tusa, J., quoted in Reeves, M. *Measuring the economic and social impact of the arts: a review*, p.36

³⁷ for example, see Shaw’s comments in the preface to his play *Pygmalion* which, he argues, “...is so intensely and deliberately didactic, and its subject is esteemed so dry, that I delight in throwing it at the heads of the wiseacres who repeat the parrot cry that art should never be didactic. It goes to prove my contention that art should never be anything else.” At: <http://www.bartleby.com/138/0.html>

³⁸ For example, see Galla’s description of how sustainable heritage development is achievable under an ecomuseological model as has been practiced at Ha Long Bay.

³⁹ Reference the 2003 convention, definition of ICH, UNESCO understanding of culture etc...

⁴⁰ Clifford, J. “Museums as Contact Zones” 435ff

⁴¹ Hess M. et al *Niabara - the Western Solomon Islands War Canoe at the British Museum*.

⁴² UNESCO *Investing in Cultural Diversity and Intercultural Dialogue*, p.225. See also section ‘Cultural Rights’, pp.226-230

⁴³ *ibid*, 226ff

⁴⁴ *ibid*, p.20

⁴⁵ F. Shaheed, from the 31 May 2010 statement to the Human Rights Council, see: http://www2.ohchr.org/english/issues/cultural_rights/annual.htm

⁴⁶ see media coverage at: http://news.bbc.co.uk/onthisday/hi/dates/stories/december/6/newsid_3712000/3712777.stm (accessed 2 September 2010).

⁴⁷ see: <http://www.photogrammetry.ethz.ch/research/bamiyan/buddha/destruction.html>; and <http://www.msnbc.msn.com/id/3067334/> (accessed 2 September 2010).

⁴⁸ see *The Economist* website for reports of these polls: http://www.economist.com/blogs/democracyinamerica/2010/08/islamic_cultural_centre_sorta_near_ground_zero (accessed 28 August 2010)

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- ⁴⁹ see: <http://thelede.blogs.nytimes.com/2010/09/08/florida-pastor-says-koran-burning-still-on/> (accessed 10 September 2010)
- ⁵⁰ ABS, *Measuring Australia's progress: Culture and Leisure*, see: [http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/6CF7815003DE9DF1CA257589000F8AA9/\\$File/1370.0_culture_and_leisure.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/6CF7815003DE9DF1CA257589000F8AA9/$File/1370.0_culture_and_leisure.pdf)
- ⁵¹ ICOM's definition of a museum is a "non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment" see: <http://icom.museum/definition.html>
- ⁵² Australia Council *Annual Report, 2008-09*, Australia Council, Sydney, 2009, p.13
- ⁵³ *ibid*, p.74
- ⁵⁴ see: <http://www.australiacouncil.gov.au>
- ⁵⁵ *ibid*, pp.13-14
- ⁵⁶ Australian Institute of Health and Welfare, *Health Expenditure Australia 2007-08*
- ⁵⁷ for example, total government expenditure in 2007-08 was \$272.2bm, see K. Laurie and J. McDonald, *A perspective on trends in Australian Government spending*, 29ff (presumably over \$280b for the years we have been comparing), of which \$1.187b equals 0.43% of the total.
- ⁵⁸ translated from T. Zembylas, *Kulturbetriebslehre* (cultural institution studies) *Begründung einer Inter-Disziplin*, Wiesbaden: VS-Verlag für Sozialwissenschaften, 2004, p.13.
- ⁵⁹ Department for Culture, Media and Sport, *Creative Industries Mapping Document*, p. 5
- ⁶⁰ J. Howkins, *The Creative Economy: How People Make Money From Ideas*, 89ff.
- ⁶¹ in September 2009 UNESCO held its first world forum on creative industries and culture in Monza, Italy, see: http://portal.unesco.org/culture/en/ev.php-URL_ID=35024&URL_DO=DO_TOPIC&URL_SECTION=201.html
- ⁶² for example, see P. Pattanaik, *Cultural Indicators of Well-being*, 11ff
- ⁶³ UNESCO *Universal Declaration of Cultural Diversity*
- ⁶⁴ see: www.eurocult21.org
- ⁶⁵ from *Cultural indicators and Agenda 21 for culture*, p.2
- ⁶⁶ IFACCA, *Statistical Indicators for Arts Policy*, p13.
- ⁶⁷ Agenda21, *op.cit.* Annex 1, pp.4-5
- ⁶⁸ Throsby, D. *Economics and Culture* – need page reference
- ⁶⁹ Hollister, V. and Throsby, D. *Don't Give Up Your Day Job*, Appendix III, pp122-124
- ⁷⁰ see notes and lists of tables in the ABS *Arts and Culture in Australia* overview document
- ⁷¹ *ibid*, 27ff
- ⁷² *ibid*, p.39
- ⁷³ *ibid*, p.20
- ⁷⁴ see: http://www.indexmundi.com/australia/gdp_composition_by_sector.html (accessed 23 August 2010)
- ⁷⁵ ABS 1301.0 Year Book Australia, 2008, see: <http://www.abs.gov.au/ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/A4387D27795BF776CA2573D200109FB3?opendocument> (accessed 19 August 2010)
- ⁷⁶ Hollister, V. and Throsby, D. *op.cit.* p.12
- ⁷⁷ *ibid*, pp79-80
- ⁷⁸ D. Throsby and A. Zednik, *Do you really expect to get paid?*, p.12
- ⁷⁹ ABS *Voluntary Work, Australia*, p.3
- ⁸⁰ D. Madkhul, *Supporting volunteering activities in Australian Muslim communities, particularly youth*, 7ff
- ⁸¹ ABS *Voluntary Work, Australia*, p.42
- ⁸² *ibid*, p.40
- ⁸³ *ibid*, p.56
- ⁸⁴ *ibid*, p.40
- ⁸⁵ <http://www.sydnejewishmuseum.com.au/>
- ⁸⁶ <http://www.jewishmuseum.com.au/>
- ⁸⁷ <http://www.jhc.org.au/>
- ⁸⁸ <http://www.adelaidejewishmuseum.org/aboutus.php>
- ⁸⁹ community consultation, July 2010
- ⁹⁰ http://www.experienceperth.com/en/Destinations/Pages/New_Norcia.aspx
- ⁹¹ <http://www.cityofsydney.nsw.gov.au/sydneytownhall/grand-organ.asp>
- ⁹² <http://www.nantien.org.au/>
- ⁹³ see E. Said, *Orientalism*, in which he argues that 'the West' has, over a long period of time conceptualized, labeled, and therefore perpetuated cultural divides and misunderstanding about the oriental 'other'.

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- ⁹⁴ <http://www.blakeprize.com.au/about/the-blake-prize>
- ⁹⁵ L. Schwartzkoff, 'Blake Prize art anti-religious, says Pell', 22 August 2009, *Sydney Morning Herald*, see: <http://www.smh.com.au/national/blake-prize-art-antireligious-says-pell-20090821-etst.html>
- ⁹⁶ <http://www.riddochartgallery.org.au/needham.html>
- ⁹⁷ http://www.mandorlaart.com/history_of_award.html
- ⁹⁸ F. McDonald, 'Art + Religion', *Australian Art Review*, see: <http://www.artreview.com.au/art/artandabout/feature-ar14-art--religion.aspx> (accessed 20 August 2010).
- ⁹⁹ For example, see R. Janes, *Museums in a Troubled World*, 94ff
- ¹⁰⁰ Aslan, R. op.cit., pp19-20
- ¹⁰¹ see Brouder, A. *The UNESCO Convention on Cultural Diversity: Treacherous Treaty or Compassionate Compact?*
- ¹⁰² see: <http://www.smh.com.au/articles/2008/05/23/1211183044543.html> from *The Sydney Morning Herald*, 23 May 2008, accessed 19 July 2010.
- ¹⁰³ see: <http://www.theaustralian.com.au/news/nation/art-owner-turnbull-defends-henson/story-e6frg6nf-111116466749> from *The Australian*, 28 May 2008, accessed 19 July 2010.
- ¹⁰⁴ Jakubowicz, A. On the beach: selling Australia as a land or as a people
- ¹⁰⁵ Bolt, A. "Choosing Julia's Rights Kind of Migrant"
- ¹⁰⁶ see G. Hage, *Against Paranoid Nationalism, and White Nation*.
- ¹⁰⁷ for example, see M. Hamilton, *What's Happening to Our Girls?: too much, too soon, how our kids are overstimulated, oversold and oversexed*, Viking, 2009 and M.T. Reist, 'The Pornification of Girlhood', *The Quadrant*, July, 2008
- ¹⁰⁸ WHO *Ottawa Charter for Health Promotion* (1986) http://www.who.int/hpr/NPH/docs/ottawa_charter_hp.pdf
- ¹⁰⁹ community cultural development (CCD) is generally understood to mean the process whereby a community and its members are the creators and owners of their cultural practices. In collaboration with professional artists and CCD workers, communities express their creativity, celebrate their culture and generate activities with social and economic benefits. Definition from Arts Queensland, at: <http://www.arts.qld.gov.au/publications/grantsglossary-ad.html> (accessed 31 July 2010)
- ¹¹⁰ see Mills, D. and Brown, P. *Art and Wellbeing*
- ¹¹¹ Guetzkow, J. *How the Arts Impact Communities*, p.3
- ¹¹² *ibid*, pp.10-11
- ¹¹³ Jermyn, H. *The Arts and Social Exclusion* pp.22-24
- ¹¹⁴ Reeves, M. op.cit., p.29
- ¹¹⁵ Mulligan, M. et al, "Renegotiating Community Life" pp.49-52
- ¹¹⁶ *ibid*, pp.49-50
- ¹¹⁷ Aslan, R. op.cit., p.19
- ¹¹⁸ Mulligan, M. et al, op.cit., p.60
- ¹¹⁹ *ibid*, p.63
- ¹²⁰ Bouma, G. *Australian Soul*, p.105
- ¹²¹ Eagleton, T. *Holy Terror*, see chapter one: "Invitation to an orgy"
- ¹²² Gurian, E. H. Keynote Speech, ICOM General Conference, Vienna, Austria August, 2007. (www.icom.museum)
- ¹²³ at: http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed June 2010)
- ¹²⁴ *Convention Concerning the Protection of the World Cultural and Natural Heritage*, see: <http://whc.unesco.org/en/conventiontext>