ACSJC Occasional Paper No. 21

The Catholic Human Rights Tradition and the Rights of Indigenous Peoples

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Chairman’s Message

The Australian Catholic Social Justice Council (ACSJC) is pleased to present *The Catholic Human Rights Tradition and the Rights of Indigenous Peoples* as its twenty-first Occasional Paper. We hope that it will help people to understand more fully the teachings of the Church on matters of social justice and human rights, especially in relation to Aboriginal and Torres Strait Islander people here in Australia.

The Church’s teachings on human rights are grounded in what Christ said and did. This makes the Church’s stance different to others in the area of human rights. It often seems that we Catholics know more about the western liberal human rights tradition than we do about the Catholic human rights tradition. This paper hopes to change that.

The paper draws out the main themes and principles in the teachings of Pope John Paul II about the rights of indigenous peoples. It also examines the teachings of the Australian bishops on these issues. It aims to provide a systematic presentation of the Catholic human rights tradition on many contentious issues.

The work of reconciliation between indigenous and non-indigenous Australians is a continuing concern of the ACSJC. This paper shows how this concern flows from our commitment to follow Jesus Christ in our everyday life. The Council asks that you read and reflect on this material - which is based on the teaching authority of the Church — and welcomes feedback from your reflection.

Kevin Manning

Chairman, ACSJC

Bishop of Armidale

6 June 1994

Introduction

In April 1963 John XXIII issued one of the most influential documents of the century. *Pacem in Terris* (Peace on Earth) was ‘Good Pope John’s’ legacy to a world entering a period of profound and rapid change. It was the first encycli­cal to be addressed not only to Catholics, but also to ‘all men of good will’.[[1]](#endnote-1) It marked a pivotal point in the approach of the Catholic Church to the secular concept of human rights. Earlier papal documents had rejected outright the ideals of the French Revolution, or very selectively affirmed certain rights, whereas *Pacem in Terris* can be seen as a charter of rights. Over thirty years later it is still the papal document with the most complete listing of the human rights affirmed by the Catholic Church.

Today we are confronted with a growing number of claims expressed in the language of human rights. This proliferation of ‘rights’ has led to a situation where rights claims are often in conflict and the concept of human rights is in danger of being devalued. Rival approaches to human rights differ in the emphasis placed on individual and collective rights. There are also claims to specific rights for particular groups.

The United Nations designated 1993 the International Year for Indigenous Peoples. In Australia this coincided with a period of heated debate on the rights of Aborigines and Torres Strait Islanders, especially their rights to land in the aftermath of the High Court’s decision on native title (known as the ‘Mabo Case’ or ‘Murray Island Case’). Much talk about reconciliation was heard in 1993, but the word will have little meaning unless Australians are prepared to address the rights of the indigenous peoples of this land honestly and practically.

Conflicting claims to land in Australia bring into focus the practical implications of the broader theoretical conflict between different approaches to human rights. The land claims being made by the Aboriginal and Torres Strait Islander peoples fall into the economic, social and cultural human rights categories. The Catholic human rights tradition takes a particular position in this debate.

This paper looks at recent papal teachings on the rights of indigenous peoples, and places these teachings in the broader context of the Catholic human rights tradition. It also looks at the teachings of the Australian Catholic Bishops’ Conference on issues of justice for the Aboriginal and Torres Strait Island peoples. These Australian teachings, which have been growing stronger and clearer in recent years, make the more general papal teachings more concrete by relating them to the actual circumstances of contemporary Australian society.

This paper does not speak for Aborigines and Torres Strait Islanders. It is intended to assist non-indigenous Australians to reflect on the requirements of justice for indigenous Australians from the point of view of Catholic social teaching. Too often our social and political positions are formed without reference to these teachings. It is hoped that Aboriginal and Torres Strait Islander people, especially those who are Catholic, may be encouraged by the affirmation of their rights in the Church’s teachings and may be assisted by this paper in calling the rest of the Catholic community to greater fidelity to the Church’s teachings.

1. The Human Rights Debate: Individualism versus Collectivism

There is no single universally accepted approach to human rights. In fact a vigorous debate has been going on for decades between two major schools of thought, which might be labelled western liberal individualist and Marxist collectivist respectively. While the former stresses the civil and political rights of the individual person, the latter emphasises the collective rights to culture and social participation, and the economic rights to work and material security.[[2]](#endnote-2) These two views of human rights have been in conflict at the United Nations from its beginning. Rather than resolving this conflict, the Universal Declaration of Human Rights simply included both individual rights and collective rights. In the end, rather than being made binding at international law through a single convention on human rights, the rights addressed by the Universal Declaration were covered by two separate covenants. Nation states are free to ratify either the International Covenant on Civil and Political Rights, or the International Covenant on Economic, Social and Cultural Rights, or both.

The United Nations’ attempts to bring together the conflicting views of human rights have remained largely at the level of a political compromise rather than a genuine theoretical breakthrough.[[3]](#endnote-3) Nonetheless, Pope John, in his characteristically opti­mistic manner, welcomed the work of the United Nations in the follow­ing manner:

An act of the highest importance performed by the United Nations was the Universal Declaration of Human Rights, approved in the General Assembly on December 10, 1948. In the preamble of that declaration, the recognition and respect of those rights and respective liberties is proclaimed as an ideal to be pursued by all peoples and all countries.

Some objections and reservations, we observed, were raised regarding certain points in the declaration, and rightly so. There is no doubt, however, that the document represents an important step on the path toward the juridico-political organisation of the world community. For in it, in most solemn form, the dignity of a human person is acknowledged in all men...[[4]](#endnote-4)

Pope Pius XII, by contrast, had passed over the Declaration in silence.

The collapse of the former USSR has not put an end to the debate. In fact the International Conference on Human Rights held in Vienna in 1993 illustrated just how controver­sial the concept of human rights continues to be.[[5]](#endnote-5) The ideological debate between the East and West may be less pronounced now than it was in 1948, but the conflict between the views of the rich ‘Northern’ countries and the poor countries of the ‘South’ have come more sharply into focus.

Some states, often known as ‘national security states’, placing order, stability and national security above everything else, argue that individual civil and political free­doms must be subordinated to the national interest. They say that the economic right to subsistence must be satisfied before the country can ‘afford’ civil and political freedoms. They also argue that the individual civil and political rights included in the Universal Declaration of Human Rights are not really universal rights but simply western concepts. They say that such western norms cannot and should not be imposed on other cultures.

Meanwhile, in many western nations, such as our own, the economic, social and cultural rights are given little attention, or played down as mere aspirations rather than real, enforceable rights. These rights differ from the civil and political rights because they are not simply liberties or negative rights that require others not to infringe them. These rights actually require others to take action to ensure that they are fulfilled. Liberal individualist think­ing rejects the idea that rights can impose any duty on others except the duty of non-infringement. Economic, social and cultural rights are also dismissed by liberal individualists because they involve ‘intangibles’ and because it is claimed that their concrete content is subject to change and cannot be controlled by interna­tional standards. Such rights can be difficult to protect in legislation.

2. The Catholic Human Rights Tradition

The Catholic tradition’s teachings on human rights must be understood in the context of this broader human rights debate. That tradition em­braces both the rights highlighted by the liberal individualist and the Marxist collectivist traditions. Unlike the United Nations, the Catholic tradition does not simply string all of these rights together like a shop­ping list. It actually offers a way of integrating them by addressing the person in the context of community. As one scholar explains:

Because its distinctive approach to the foundation of human rights stresses both the dignity of the human person and the essentially social nature of that dignity, the Catholic rights theory has refused to give exclusive emphasis to either civil and political liberties or to social and economic needs. Especially since Pope John and Vatican II, the tradition has emphasised the integral relatedness and interconnection of all basic human rights.[[6]](#endnote-6)

Before looking at Catholic teaching about the rights of indigenous peoples it may be helpful to note the explicitly theological basis of the Catholic human rights tradition, and some of its more fundamental principles.

Theological foundations

In the Catholic tradition, human rights and the duties that go with them are grounded in the dignity of the human person. They apply to all persons and all peoples in every kind of situation or type of activity. The foundations of human dignity are explicitly theological.

Imago Dei

Being made in the image and likeness of God (Genesis 1:26-27) people are endowed with intelligence and free will. All have imprinted on their conscience the moral sense that moves them to act according to the laws laid down by the Creator (see Romans 2:15). Because they are free, people are also responsible for their choices - everyone has duties as well as rights.

Human dignity is like a reflection of the divine image, an indelible imprint on our very being, and this dignity ranks above everything else. It follows that people should never be treated as means or instruments to be used for the benefit of others. In more philosophical language, persons are subjects not objects.[[7]](#endnote-7)

As images of God people have a spiritual nature, open to truth, good­ness and beauty.[[8]](#endnote-8) Being open to the Absolute, the human person can only find perfection and satisfaction in God. Human dignity is said to be transcendent because it goes beyond all limits of time and place.

The mystery of the Word incarnate

Christians believe that the Son of God became human and entered into the world’s history. Jesus lived in a particular nation, culture, and minority group, thus making clear the dignity of the whole human family and that all of its members are the children of God.[[9]](#endnote-9) As children of the one God, created in the image of God and redeemed by the blood of Christ, all people are brothers or sisters to each other. This is the basis of the fundamental unity of the human family. Every human person is equal in dignity.

Human dignity and the Reign of God

The New Testament tells us that the Reign of God has already broken into human history and is mysteri­ously present in the world. When God returns on the Day of Judge­ment this Reign will reach its perfec­tion (see Revelation 21:1).

It follows that all human action is subject to an ‘eschatological reserva­tion’ - human dignity already exists, it is a fact, but it will not be fully respected and realised in history. Human dignity will be completely and perfectly realised at the fulfil­ment of the Reign of God, but not before. This does not make our action on behalf of the claims of human dignity - i.e. human rights - futile. On the contrary, it gives us the assurance that ultimately all that oppresses the human person shall be overcome. There is a tension between what is ‘already’ and what is ‘not yet’. We must continually work towards deeper respect for the human rights that flow from the claims made by human dignity.

Some key principles

Centrality of the person

Human dignity is the starting point and central concern of Catholic thinking about human rights. The Catholic tradition opposes whatever is opposed to life itself, whatever violates the integrity of the human person, and anything that insults human dignity.[[10]](#endnote-10) One of the founda­tions of Catholic social teaching is that human beings are seen as persons in community. We cannot survive, let alone grow and flourish as persons, outside the context of community.[[11]](#endnote-11) The Catholic tradi­tion, unlike the liberal tradition, insists that the person is social by nature rather than by choice or contract.[[12]](#endnote-12) Yet, unlike the Marxist collectivist tradition, the Catholic tradition does not see the person only as part of the collective. The God whose image we bear is under­stood as a Trinity of persons. Since God’s own nature is communal, the social nature of the human person is understood as one of the ways in which humanity bears the imprint of the divine. It follows that the image of God is reflected not only in indi­vidual persons, but, because God is a communion of three persons, also by communities of persons.

Persons, who are the subject of rights, live as members of communi­ties. Our rights cannot be deter­mined in isolation from our relationships with other people and other social groups, so: ‘... the concrete content of the demands of dignity can only be specified through an analysis of the kinds of relationships which actually govern human interaction.’[[13]](#endnote-13) While the civil and political rights focus on the dignity and entitlements of individ­ual people, these same people, as members of communities, also have collective rights in the social, eco­nomic and cultural spheres.

The correlation of rights and duties

Another important and distinctive feature of the Catholic human rights tradition is the linking of rights and duties. With every right there is a duty. For example the right to life implies the duty to preserve it.[[14]](#endnote-14) The right of one person or group also gives rise to a duty in others to respect it.[[15]](#endnote-15) This is true not only of individual rights, but also of the collective rights. Respecting a right might mean more than simply not infringing that right. It can also mean that we have to take action to ensure that the right is fulfilled. Much human rights talk today rings hollow precisely because the con­nection between rights and duties has not received due emphasis in practice.

Rights harmonised under the common good

People and groups living together in a community must respect each other’s rights and fulfil their duties towards one another.[[16]](#endnote-16) They must ‘... make their specific contributions to the common welfare... they must bring their own interests into harmony with the needs of the community’.[[17]](#endnote-17) In fact ‘... the very nature of the common good requires that all members of the political community be entitled to share in it... ‘[[18]](#endnote-18) The common good is not simply about balancing conflicting claims to produce the greatest good for the greatest number, as utilitarian thinkers would have it. How the benefits of membership in a society are shared out is important, and so are non-material goods and values, such as truth, which cannot be quan­tified. As we will see, the concept of the common good is very significant for the reconciliation of claims in conflict.[[19]](#endnote-19)

Participation and subsidiarity

Because of their intelligence and free will, people have both a right and a duty to participate in those decisions that most directly affect them. They are actively to shape their own destiny rather than simply accept the decisions of others. This right to participate belongs not only to indi­viduals but also to groups and communities.

The principle of *subsidiarity* places responsibility as close as possible to the grassroots. As Pope John Paul II explains:

... a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.[[20]](#endnote-20)

In effect this means that the people or groups most directly affected by a decision or policy should have the key decision-making role. The princi­ples of participation and of subsidiar­ity are relevant not only to the individual’s civil and political rights, such as the right to vote, but also to collective economic, social and cultural rights, such as the right to preserve a given language and culture.

Having examined the foundations of Catholic human rights teachings, and situated those teachings in the broader debate on the nature of human rights, we will now examine Catholic human rights teaching in action. In particular, we will look at Catholic teaching on the rights of indigenous peoples.

Certain key themes and principles can be recognised in the recent teachings of Pope John Paul II on the rights of indigenous peoples. The teachings of the Australian Catholic Bishops’ Conference on issues of justice for Aborigines and Torres Strait Islanders will help us under­stand more clearly the practical demands of justice in our own community. In this case the rights we will be dealing with are largely of a collective nature and relate to the economic, social and cultural spheres.

3. Catholic Teaching on the Rights of Indigenous Peoples

The teachings of John Paul II

While the particular rights of indige­nous peoples have not been presented systematically in modern papal documents to date, what Catholic social teaching has to say about the rights of indigenous peoples has been made clearer through the speeches of John Paul II to indigenous populations. The rights of indigenous peoples are, quite simply, human rights. As we will see, collective rights in the social, economic and cultural spheres appear to be of the greatest impor­tance to the indigenous peoples as peoples.

John Paul II teaches that indigenous peoples have the right to continue to live and develop as culturally distinct groups with primary responsibility for their own development and that they have a right to the things they need to achieve that development. He urges them to remain open to other peoples and to offer their own special contributions to the common good and he calls all peoples to reconciliation in justice and solidarity.

These recurring themes in the pope’s teachings will be examined in the context of the general principles of the social teachings. We will also comment on how the teachings of the Australian Bishops relate to these themes.

**Major addresses by John Paul II to indigenous peoples**

10 September 1984: ‘Meeting with Amerindians and Innuits at Saint Anne de Beaupré’ (Canada), in *L’Osservatore Romano* (English edition), 24 September 1984, pp 3-4

18 September 1984: ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, (Canada), in *Insegnamenti di Giovanni Paolo II*, vol VII, 2, 1984, pp 591-597

31 January 1985: ‘Address to Natives at Airport in Latacunga’ (Ecuador), in *L’Osservatore Romano* (English edition), 4 March 1985, pp 5, 10-11

5 February 1985: ‘Address to the Indigenous People of the Amazon Valley Region’ (Peru), in *L’Osservatore Romano* (English edition), 22 April 1985, pp 3, 9-10

29 November 1986: ‘Meeting with Aboriginal and Torres Strait Islander People at Alice Springs’ (Australia)

14 September 1987: ‘L’incontro con gli Amerindi nel Memorial Coliseum di Phoenix’ (USA), in *Insegnamenti di Giovanni Paolo II*, vol X, 3, 1987, pp 512-517

20 September 1987: ‘Alle Popolazioni Indigene a Fort Simpson’ (Canada), in *Insegnamenti di Giovanni Paolo II*, vol X, 3, 1987, pp 687-697

17 May 1988: ‘Address to the Natives at Santa Teresita Mission’ (Paraguay), in *L’Osservatore Romano* (English edition), 27 June 1988, pp 14-15

12 October 1992: ‘Message to the Indigenous People’, in *Santo Domingo Conclusions*, USCC, Washington, 1993, Appendix II

11 August 1993: ‘Church is Committed to Teaching Apprecia­tion for Cultural Diversity’, in *L’Osservatore Romano* (English Edition), 25 August 1993, pp 3 & 8

The teachings of the Australian Catholic Bishops’ Conference

In 1845 Archbishop Polding, the first Archbishop of Sydney, spoke strongly to a Parliamentary Com­mittee on the Condition of the Aborigines. In 1869, together with all the Bishops of the Province, he issued a Pastoral Letter that pointed to some of the cruder realities of the colony:

We have dispossessed the Aborigines of the soil, at least we have deprived them of that use of it from which they gained a subsistence... In natural justice, then, we are held to compensation...

The stain of blood is upon us - blood has been shed far otherwise than in self-defence - blood, in needless and wanton cruelty. It is said, even now, that as Europeans progress northwards, blood is so shed. Shall we not protest against this? Bishops and priests, all ministers and disciples of Christ, shall they not protest by word and deed?[[21]](#endnote-21)

Since Vatican II there have been a number of documents of the Australian Catholic Bishops’ Conference (ACBC) which, some­what belatedly, take up Archbishop Polding’s clear lead concerning issues of justice for the indigenous peoples of Australia.

**Statements of the Australian Catholic Bishops’ Conference**

1971 Brief statement focusing on social welfare[[22]](#endnote-22)

1972 Press release on land rights[[23]](#endnote-23)

1980 First pastoral letter on Aboriginal issues since 1869[[24]](#endnote-24)

1983 Statement on preparations for the Bicentenary[[25]](#endnote-25)

1985 Letter to the Prime Minister on the preferred national land rights model[[26]](#endnote-26)

1988 Pastoral letter *The Church and Aborigines in the Bicentenary[[27]](#endnote-27)*

1988 Pastoral letter *On Racism and the Conversion of the Human Heart[[28]](#endnote-28)*

1988 Ecumenical statement on the Bicentenary

1990 Pastoral letter *Sharing the Country Through Understanding[[29]](#endnote-29)*

1992 Pastoral letter *A New Partnership with Our Indigenous People*

1993 Media release *Catholic Bishops Support Mabo Decision*

The Social Justice Sunday document for 1993, while not a statement of the Bishops’ Conference, is an impor­tant Church document. The theme and title of this document was *Recognition: The Way Forward*.[[30]](#endnote-30) It was produced through a collabora­tive effort of the Australian Catholic Social Justice Council and the National Aboriginal and Torres Strait Islander Catholic Council. Its significance lies primarily in the fact that for the first time the author of a major national Australian Church document dealing with indigenous rights was an indigenous Australian.

Several major themes recur in the documents of the ACBC: a challenge to Australian historical conscious­ness; culture and diversity; resources and land rights; participation or self- determination; rebirth, the need for reconciliation, and the question of a treaty. As we shall see, these themes are related to the concerns that recur in the papal teachings, which are more general.

Key themes

Existence and culture

For John Paul II, the rights of a people to exist and to maintain their cultural identity are intimately linked. A people cannot exist as a people without their culture.[[31]](#endnote-31) Cultural rights are collective by their nature because culture cannot be maintained by individuals in isola­tion. Since everybody lives as part of some cultural group, ‘all human activity takes place within a culture and interacts with culture.’[[32]](#endnote-32) This diversity within the human family is part of God’s work of creation and so we must respect it.[[33]](#endnote-33) Every community with its own culture reflects the image of God in a unique way. By suppressing an indigenous culture we cut ourselves off from a unique way of encountering God. All peoples are of equal dignity because they are made up of human persons and all persons are of equal dignity. It follows that all peoples have a right to uphold their own traditions: ‘The Church extols the equal human dignity of all peoples and defends their right to uphold their own cultural character with its distinct traditions and customs.’[[34]](#endnote-34)

John Paul II also suggests that, as well as maintaining their own cultures, indigenous peoples need to be open to and to dialogue with other cultures.[[35]](#endnote-35) Because no human culture is perfect, all cultures need to be open to the transformative action of the Gospel, which purifies every culture:[[36]](#endnote-36) ‘The Gospel of our Lord Jesus Christ speaks all languages. It esteems and embraces all cultures. It supports them in everything human and, when necessary, it purifies them.’[[37]](#endnote-37) And so John Paul II encour­ages indigenous peoples to: ‘Enter into communication with other cultures and wider circles, so that you may be mutually enriched with­out losing your legitimate identity. Let yourselves be enlightened by the Gospel which purifies and ennobles your traditions. ‘[[38]](#endnote-38) The ACBC’s 1990 Pastoral Letter emphasised this doctrine:

Aborigines are entitled to preserve their cultural identity, while remaining open to others. Aborigines should not be forced to assimilate... Having the right to maintain their identity, Aborigines should have the opportunity to choose their lifestyle. If they integrate into the surrounding society, it should be as a free choice.[[39]](#endnote-39)

Religious liberty

John Paul II recognises that all cultures need the transformative action of the Gospel, but also that God has been active and present among the indigenous peoples before any contact with missionar­ies. For example, in Alice Springs he acknowledged that:

... for thousands of years you [the Aboriginal people] have lived in this land and fashioned a culture that endures to this day. And during all this time, the Spirit of God has been with you. Your Dreaming, which influences your lives so strongly that, no matter what happens, you remain people of your culture, is your own way of touching the mystery of God’s spirit in you and in creation...

and further:

... through your closeness to the land you touched the sacredness of man’s [sic] relationship with God, for the land was proof of a power in life greater than yourselves.... You realised that your land was related to the source of life.[[40]](#endnote-40)

The right of Aborigines and Torres Strait Islanders to maintain their spiritual identity was supported by the Australian Bishops in their 1992 Pastoral Letter, which linked faith and culture in this comment:

Many of the world’s indigenous people have been touched by Christ, through the Church. But they have also found God through their own traditions and customs. As Church, we need to recognise this and make room for one another, so that Christ can find a home within all minds and hearts, thus ensuring wholesome and shared spiritual growth.[[41]](#endnote-41)

Such respect for Aboriginal and Torres Strait Islander spirituality had not always been present in the approach or pronouncements of the Church. This aspect of the bishops’ teachings is still developing. The papal teachings too have been slow to come to grips with the relation­ship of indigenous peoples to the land and the fact that the land is essential to the spirituality and tradi­tional religious beliefs of some indigenous peoples. The Alice Springs address was an early if some­what tentative beginning.

The right to freedom of religious belief and practice has been strongly supported by the Church in the post-Vatican II period.[[42]](#endnote-42) It appears to be a valid application of this doctrine to support land rights for the safeguarding of the religious free­dom of peoples whose religions are land-based. The Australian bishops have moved in this direction in a joint statement with other Christian, Jewish and Muslim religious leaders issued in July 1993. The specific nature of a religious basis for land rights is recognised in the following terms: ‘... because land often has sacred significance to Aboriginal people, we should avoid their displacement wherever possible, even for money compensation...’[[43]](#endnote-43) The right of people to religious liberty is strongly supported by the western liberal individualist tradi­tion. However, religious arguments for land rights have not generally been supported by that tradition because they link an individual civil freedom to a collective economic claim. The Marxist collectivist approach, on the other hand, supports collective economic rights strongly but has little sympathy for claims based on religious belief. Neither of the major approaches to human rights deals well with indige­nous claims to land on the basis of religious beliefs. Because land rights are the key to addressing indigenous rights, we will now look in more detail at the arguments surrounding this issue.

Moral arguments for land rights

At the very heart of John Paul II’s teachings on the rights of indigenous peoples is the question of land rights. A number of different moral bases for land rights claims are used in his teachings. These include: first occu­pancy and labour; inheritance; economic need; and cultural survival.

While the predominant approach of Catholic thinking to land rights has been from the perspective of prop­erty rights, more recently the debate has come to be seen in the context of the economic and cultural rights of peoples. This focus on property rights reflects the mainly western origins of Catholic social teaching. The teaching’s development in the direction of a more comprehensive approach since Vatican II reflects a stance that is more truly inter­national and more open to non­western insights.

John Paul II has often referred to the 1537 document of Pope Paul III, *Pastorale Officium*, which affirmed the dignity of the native peoples of the ‘New World’, defended their freedom and asserted that they should not be enslaved or deprived of their property.[[44]](#endnote-44) This early docu­ment argued that indigenous peoples should not have been deprived of the land that was their property. From the time of Pope Pius XI the Church has taught that first occupancy and labour confer a right to property. Property acquired in this way may be transferred by inheritance, as a natural right. This is a basic argu­ment for the recognition of native title. The indigenous people were the first to occupy and work with the land and so they have a right to the land and they also have a right to pass the land on to their descendants.

The pope stated this argument very strongly at Alice Springs in 1986:

Let it not be said that the fair and equitable recognition of Aboriginal rights to land is discrimination. To call for the acknowledgment of the land rights of people who have never surrendered those rights is not discrimination. Certainly, what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off till tomorrow.[[45]](#endnote-45)

This teaching was taken up enthusiastically by the Australian bishops, who quoted these words in their 1988 ‘Bicentenary’ pastoral. The 1992 Pastoral Letter makes it clear that first occupancy provides a moral basis for land claims by welcoming the rejection of the legal myth of terra nullius.

As one commentator explains:

... particular Aboriginal groups have a moral claim to specific tracts of land on the basis of their own prior occupancy and have a right to transmit that land to their children. Furthermore, there are groups today who have a moral claim to land on the basis of the first occupancy of their ancestors and their own right of inheritance, although their inheritance has been denied due to various occurrences.[[46]](#endnote-46)

John Paul also argues for the right to land on the basis of economic need:

... a land base with adequate resources is also necessary for developing a viable economy for present and future generations. You need likewise to be in a position to develop your lands and your economic potential, and to educate your children and plan your future.[[47]](#endnote-47)

He sees land as essential not only for the physical but also the cultural survival of many indigenous peoples: ‘Your culture is bound to an effective and dignified possession of the earth.’[[48]](#endnote-48) To date the 1980 Pastoral Letter presents the most complete listing of the moral bases for land rights in the teachings of the Australian bishops. As well as an argument based on first occupancy, it presents an argument from the necessity of land for cultural survival and identity along with the protec­tion of sites of historical, cultural and religious significance. Land is also seen as necessary for the strengthening and preservation of the Aboriginal economy.[[49]](#endnote-49)

Sharing the land

The right to private ownership, no matter what its basis is, is always seen in the Catholic tradition as being subject to the universal desti­nation of goods. This means that the first and most important considera­tion is always that everybody’s needs are met by their access to the goods of the earth which God intended for the use of all humankind. Private property is accepted to the extent that it ensures that basic needs are satisfied.[[50]](#endnote-50) Obviously this position is very different from the strong emphasis placed on private property by the liberal individualist tradition. It also differs from the Marxist collectivist tradition’s total rejection of private property. The Catholic tradition has tended to treat land as property which is of instrumental value. No argument for land rights, seen as a property right, can provide an absolute and unconditional right to land. Much of John Paul II’s teaching about the need for indige­nous and non-indigenous peoples to share the land is based on the prin­ciple of the universal destination of goods, which limits the right to private property.

While this view of land as property is consistent with the way that western non-indigenous cultures approach land, it is out of sympathy with the approaches of many indige­nous cultures. In Australia the community is coming to appreciate more deeply that land is not just an economic resource to the Aboriginal and Torres Strait Islander peoples. This awareness needs to be devel­oped further and integrated better in Catholic teaching too.

An Aboriginal view of land

For the Aboriginal people, land is a dynamic notion, something creative. Land is not bound by geographical limitations placed on it by a surveyor who marks out an area and says, This is your plot’. Land is the generation point of existence, the maintenance of existence, the spirit from which Aboriginal existence comes.

Land is a living place made up of sky, clouds, rivers, trees, the wind, the sand, and the spirit has created all these things, the spirit that planted my own spirit there, my own country.

It is something - and yet it is not a thing - it is a *living* entity. It belongs to me, I belong to the land. I rest in it. I come from there.

Land is a notion that is most difficult to categorise in English law, but it is something that is very clear in Aboriginal law. The limitations of my land are very clear to me and to those people who belong in my group. Land provides for my physical needs and provides for my spiritual needs. It is a regeneration of stories.

New stories are sung from the contemplation of the land, stories are handed down from spirit men of the past who have deposited the riches at various places - the sacred places.

The sacred places are not just simply geographically beautiful. They are holy places, even more holy than shrines, but not commercialised. They are sacred. The greatest respect is shown to them and they are used for the regeneration of history - the regeneration of Aboriginal people, the continuation of their life. That is where they begin and that is where they return.

Patrick Dodson, from This land, our Mother, CCJP Occasional Paper No 9

The principle of the universal desti­nation of goods was clearly stated by the Pope to the non-indigenous people of the Amazon valley:

You have the right to share in the gift of God which is the land, but do not forget that this right has a limit, which is where the right of others begins, and in the first place that of the natives and river dwellers, even though they do not possess legal titles, when you consider they have occupied these lands for a long time with their families and communities.[[51]](#endnote-51)

And again in addressing the Innuit and Amerindians at St Anne de Beaupré: ‘God gave the earth to all humankind. Today you have your own special place in this country.’[[52]](#endnote-52) The Australian bishops take up this thinking in their 1990 Pastoral Letter, where they note that the land is the ‘common heritage of all.’[[53]](#endnote-53) In Alice Springs the pope suggested that solutions to the problems suffered by the Aboriginal people as a result of past injustice must be ‘implemented without causing new injustices.’[[54]](#endnote-54) In other words, the rights of all people and peoples must be harmonised under the common good. The Bishops reminded the Australian community of this teach­ing by quoting the pope’s words in their 1990 Pastoral Letter on the process of reconciliation.[[55]](#endnote-55) We must also bear in mind what Paul VI said about the misuse of the doctrine of the common good to harm the legiti­mate interests of Aborigines and Torres Strait Islanders:

The Church proclaims that you, like all other ethnic minorities, have all human and civic rights - in every way equal of those in the majority. You have likewise certain duties and obligations. By reason of the common good, these necessitate the harmonising of your activities in a spirit of brotherhood and collaboration for the benefit of the society to which you belong.

In this regard, however, it must be clear - and We would like to stress it - that the common good never can be used legitimately as a pretext to harm the positive values of your particular way of life. Society itself is enriched by the presence of different cultural and ethnic elements.[[56]](#endnote-56)

It is the duty of the State to foster the common good, in doing which it must pay particular attention to the needs of the most vulnerable.[[57]](#endnote-57) When different groups in the Australian community make conflicting claims to land, these claims must be harmonised under the common good, but the common good could not legitimately be used as an excuse continually to set aside the rights of indigenous peoples to land in favour of other interests such as those of the mining and pastoral industries. The lengthy discussions on the adminis­tration of native title in the wake of the High Court’s native title decision in 1992 show how difficult it is in practice to reach just agreements in cases of conflicting rights claims, and how strong the temptation is to pursue sectional interests rather than the common good.

At Fort Simpson John Paul II spoke of the parable of the estate owner who goes out at different hours to hire workers, paying them according to need rather than the ‘laws’ of the market.[[58]](#endnote-58) In the same way the pope calls on the indigenous peoples to be open to the needs of others:

This concern with your own native life in no way excludes your openness to the wider community. It is a time for reconciliation, for new relationships of mutual respect and collaboration in reaching a truly just solution to unresolved issues.[[59]](#endnote-59)

Concern for the common good is also a call to solidarity among the children of God, and to reconcilia­tion. It is a constant theme in the addresses of John Paul II to indige­nous peoples.[[60]](#endnote-60) The 1985 letter of the bishops to the Prime Minister took a more detailed look at what would be needed in order to make land rights work in the context of the debate about the National Land Rights Model at that time. While the bishops spelt out what they saw as the legal requirements of the common good in this letter, they did not explicitly present the moral prin­ciples on which the right of Aboriginal and Torres Strait Islander people to land rested.[[61]](#endnote-61) The 1980 and 1985 documents are best looked at together because one deals with the moral basis for Aboriginal claims to land and the other presents judge­ments on what might be required to fulfil these rights in Australia. Moral principles and technical solutions should not be seen as distinct and totally unrelated. Moral principles need to be embodied in technical solutions such as laws and policies if they are not to remain at the level of theory.

The right to development

John Paul II has often expressed concern about the right of indige­nous peoples to development. All peoples have a right to development, so indigenous peoples too have a right to the things they need for their survival and flourishing as a people. Development is a vocation and must be integral, rather than simply economic. It must include all dimen­sions of the human person,[[62]](#endnote-62) and be for the good of every person and all peoples:

The fraternity that should reign in mankind should lead actually to a collaboration and solidarity among all individuals and peoples, that will foster the development of everyone while respecting their own special characteristics.[[63]](#endnote-63)

This right to development is more fundamental than any particular instrumental right, or set of rights, aimed at achieving it. The particular institutional arrangements that best meet this end depend on the local juridico-political situation.

The issue of integral development is not directly treated in the statements of the ACBC in this area. What the papal teachings seem to suggest for the Australian situation is that the integral development of the Aboriginal and Torres Strait Islander peoples, and of the whole Australian community, is more important than the particular legal or political entitle­ments used to achieve it.

Self-determination and participation

Addressing the indigenous peoples of Canada in 1984 John Paul II did not hesitate to... proclaim that freedom which is required for a just and equitable measure of self- determination in your own lives as native peoples...’[[64]](#endnote-64) He went on to explain:

It is clearly the position of the Church that peoples have a right in public life to participate in decisions affecting their lives: ‘Participation constitutes a right which is to be applied both in the economic and in the social and political fields.’ This is true for everyone. It has particular applications for you as native peoples, in your strivings to take your rightful place among the peoples of the earth, with a just and equitable degree of self- governing.[[65]](#endnote-65)

In speaking of indigenous peoples’ right to be the key decision-makers in matters that affect their lives, John Paul II’s early talks used terms such as ‘self-determination’ and ‘self- governing’. In later talks he does not use these terms, which have quite specific technical meanings at inter­national law. Instead he explains more directly the principle at stake - the principle of participation.

Speaking at Latacunga, for example, John Paul II used neither term but rather affirmed the people’s desire to be ‘the administrators and artisans’ of their own progress without inter­ference from those who would provoke violent reactions or keep the people ‘in situations of intolerable injustice’.[[66]](#endnote-66) At Santa Teresita Mission, he referred to the people’s desire to be the agents of their own develop­ment and to have their freely made decisions respected.[[67]](#endnote-67) In their recent teachings, the Australian bishops have applied the principle of partici­pation, calling on governments to ‘encourage Aboriginal self-manage­ment and independence’ and to ‘involve Aboriginal people in all decisions that affect them’.[[68]](#endnote-68) Furthermore:

As descendants of Australia’s first occupants and as the primary custodians of the Aboriginal culture and heritage, Aborigines have the right to continue the management of their community affairs as autonomously as possible within the Australian nation provided they do not act contrary to the common good nor interfere with the rights of others, and provided all community members are given a realistic choice between their community life and lifestyles available to other Australians.[[69]](#endnote-69)

The bishops also said that Aborigines and Torres Strait Islanders should have an ‘assured place’ in Australia’s political processes.[[70]](#endnote-70) If indigenous people are truly to be the main artisans of their own future, they will need not only to be involved in the decisions that affect them, but also in designing those decision-making processes. If the institutions and processes are controlled solely by the dominant culture, Aboriginal and Torres Strait Islander involvement will not ensure outcomes that address their aspira­tions. This is starkly evident if we look at the Royal Commission into Aboriginal Deaths in Custody. This more procedural point needs further development in the teachings and actions of the Church in Australia.

The Church in Australia, which has not yet fully worked through the implications and requirements of self- determination for the Aboriginal people, is still thinking and speaking from a basically European perspec­tive.

The ACBC acknowledged this in 1990: ‘Even in Church life we have to face questions like: “Why can’t they be just like us? We have our parish structures, why won’t they participate?”‘[[71]](#endnote-71) In this regard the creation of the National Aboriginal and Torres Strait Islander Catholic Council (NATSICC) is a sign of hope. The Australian bishops are no longer relying on non-Aboriginal advisers on issues affecting the indigenous peoples. Through NATSICC Aborigines and Torres Strait Islanders speak directly to the bishops on their own behalf. The ACBC has explicitly identified the establishment of NATSICC as an expression of the Bishops’ desire to take self-determination seriously.[[72]](#endnote-72) At the local level too, Aboriginal Catholic ministries have been encouraged in a number of dioceses. Another sign of commitment is that the Social Justice Sunday document for 1993 was offered as a platform to an Aboriginal Catholic to speak out of experience to the broader Catholic community rather than Aboriginality being talked about by non-indigenous Australians.

Self-determination and the Australian community

Few Australians would disagree with the principle of participation in itself. Legitimate disagreements do arise about how this principle should be put into practice in Australia in relation to the Aboriginal and Torres Strait Islander communities. For example, various positions have been taken by both indigenous and non-indigenous Australians on the desir­ability of a treaty and what a treaty would mean for the Australian community.

The right of peoples to self-determi­nation is well established at inter­national law in relation to peoples under colonial rule, peoples in non-autonomous territories, and peoples living under racist regimes. In other States however, the right of peoples to self-determination can enter into conflict with the legal principle of the sovereignty of the State. It is understandable that some commen­tators fear that, interpreted in a certain way, the right of peoples to self-determination will lead to the fragmenting of States, the overturn­ing of existing international fron­tiers, and the disintegration of the authority of governments.[[73]](#endnote-73) The adjustments currently taking place in Europe demonstrate graphically that such fears are not without founda­tion, leaving us with a number of questions. If different peoples live within a State, how can they all exer­cise their right to self-determination? How are such peoples to be repre­sented within the State? Must each separate people have its own sovereign Nation-State?

In dealing with the rights and duties of different groups, the standard approach of the Catholic human rights tradition is to apply the prin­ciples of subsidiarity and of partici­pation.[[74]](#endnote-74) As we have seen, the principle of participation indicates that indigenous peoples should be the main agents in the decision-making that most affects their communal lives. The principle of subsidiarity suggests that decision- making should happen as close as possible to the grassroots without interference from above, except where, in the interests of the common good, it is necessary to coordinate the decision-making of indigenous peoples with the needs and decision-making of other groups.[[75]](#endnote-75) Interference from above is justified where it is needed to promote the common good. Smaller, more local groups cannot perform some functions.

Some Aboriginal and Torres Strait Islander people want to pursue polit­ical recognition of Aboriginal and Torres Strait Islander sovereignty, or to establish a separate nation. The Catholic bishops feel that the indige­nous peoples should be free to manage their own community affairs as autonomously as possible within the Australian nation. They judge, or at least imply, that the common good requires that the Aboriginal and Torres Strait Islander peoples remain within the Australian nation rather than seek to be recognised as sover­eign nations - but the bishops do not explain the basis for this position. It could be argued, for example, that past government policies of attempted genocide, dispossession, dispersal and assimilation have left the indigenous peoples of Australia without adequate social organisation or territorial concentration on a sufficiently large scale to claim nationhood or statehood effectively.

The question of appropriate juridical and constitutional responses to the just demand of Aboriginal and Torres Strait Islander peoples to be the key decision-makers in those matters that affect their communities will require much discussion, creative thinking and careful discernment.

Reconciliation and rebirth

John Paul II has spoken often of the capacity of the indigenous peoples for ‘rebirth’ and of the fact of such a renaissance of indigenous cultures.[[76]](#endnote-76) Likewise, the ACBC in 1988 was ‘witnessing... an artistic explosion of Aboriginal poetry, drama, art and music’.[[77]](#endnote-77) This rebirth, this beginning of a new life, is related to reconcilia­tion with the non-indigenous peoples: ‘It is a time for forgiveness, for reconciliation and for a commitment to building new relationships’.[[78]](#endnote-78) However:

The establishment of a new society for Aboriginal people cannot go forward without just and mutually recognised agreements with regard to these human problems [that is, the consequences of colonisation], even though their causes lie in the past. The greatest value to be achieved by such agreements, which must be implemented without causing new injustices, is respect for the dignity and growth of the human person.[[79]](#endnote-79)

One of the pope’s earliest and most developed appeals for reconciliation is in his address to the Innuits and Amerindians at St Anne de Beaupré:

As disciples of Jesus Christ, we know that the Gospel calls us to live as his brothers and sisters. We know that Jesus Christ makes possible reconciliation between peoples, with all its requirements of conversion, justice and social love. If we truly believe that God created us in his image, we shall be able to accept one another with our differences and despite our limitations and our sins.[[80]](#endnote-80)

For John Paul II reconciliation requires an acknowledgment (em­bodied in just and mutually recog­nised agreements) of past injustice and a conversion away from it. The indigenous peoples are called to renounce the use of violence in the pursuit of their rights,[[81]](#endnote-81) to respect their own dignity, and to live in soli­darity with others.[[82]](#endnote-82) All people are called to live in relationships of soli­darity in recognition of their unity and equal dignity as children of the one God.

Most of these elements are in the recent teachings of the ACBC:

What we ask for now is a new heart that can admit past injustices while looking to the future with hope, a new heart that seeks in­dividual and national reconciliation.

The Church can contribute much to this process of reconciliation because it draws people into a unity which goes beyond differences of class and race.

Furthermore, the ACBC calls:

... on all people of good will, Aboriginal and non-Aboriginal, to go out to one another in a spirit of love and mutual respect. In particular we ask you, our Catholic people, to be leaders of reconciliation seeking the unity in Christ that acknowledges but transcends all differences of culture, status or race.[[83]](#endnote-83)

Surprisingly, the 1990 Pastoral Letter fails to treat in detail what reconcili­ation itself is, and what a Christian concept of reconciliation requires. It focuses instead on the government proposal of a process of reconcilia­tion, possibly leading to some formal legal instrument.

The 1992 Pastoral Letter takes the conversation a step further noting that:

Government policies and Court cases do not change people’s hearts at the level we Australians need. And so we welcome this International Year of Indigenous Peoples as an opportunity to reach out and learn more about each other, to own our history and to embrace the rapid changes which are confronting all Aboriginal and Torres Strait Islander people.[[84]](#endnote-84)

Until the non-indigenous commu­nity understands and acknowledges that it has profited from the injus­tices done to the Aboriginal and Torres Strait Islander peoples in the past and present, and humbly asks forgiveness, there can be no lasting reconciliation. The challenge to the Aboriginal and Torres Strait Islander peoples is to name injustices and oppressive structures, welcome efforts towards a conversion of heart, and forgive. Only then can a new life together for all Australians begin.

The Church could provide an exam­ple here through a public examina­tion of its own conscience as a necessary first step towards a con­version to justice on which true rela­tionships of solidarity might be built. Admissions that harm was done in the past by Church institu­tions and Church people, however well-intentioned their actions were, is conspicuously absent in the bishops’ teachings, although it is present in John Paul II’s talks, including that at Alice Springs. As the Aboriginal Catholic, Kaye Mundine, has said:

You have to understand how the past is linked to the present. You also have to know what has to be forgiven, if you talk about asking for forgiveness. If you don’t know what you are asking forgiveness for, what are you asking?[[85]](#endnote-85)

This matter, and the continuing racism within the Catholic Church, are addressed in a forthright way by the Aboriginal writer of the Social Justice Sunday document for 1993, *Recognition: The Way Forward*.[[86]](#endnote-86) For Catholics reconciliation is not just a political process. The Catholic tradition provides a theology of reconciliation, and a sacrament of reconciliation. Moral theologians could contribute more to help the Church make a specifically Christian response to the call to build a new partnership based on true reconcilia­tion. Deeper reflection on the nature and requirements of reconciliation between indigenous and non-indige­nous peoples is desperately needed at this time if the word ‘reconciliation’ is not to be devalued by the political process.

The Catholic human rights tradition in Australia

The Catholic human rights tradition offers an important contribution to the general debate about the nature and extent of human rights. Human rights are seen as the claims made by human dignity. Because people are social beings who live in community, both individual and collective rights are seen as important - we need to address the rights and duties of the person in community. This is not just a theoretical contribution but also a very practical one that helps us grapple with the issues facing our society in the light of the Gospel. This paper has focused on the approach of the Catholic human rights tradition, both internationally and locally, to the rights of indige­nous peoples. We have been con­cerned then with an area of collective rights.

During the years since *Pacem in Terris’s* unambiguous proclamation of human rights grounded in the God-given dignity of the human person, Catholic thinking on human rights has developed and new appli­cations have been explored. The most relevant of these applications for the Australian community at this time is the matter of the rights of the indigenous peoples. This field of teaching has been undergoing significant growth and development in recent years as the Church, both internationally and locally, has sought to understand better the non- western perspectives of indigenous peoples.

The rights of indigenous peoples are human rights - they are not ‘special rights’ created for Aborigines and Torres Strait Islanders. To treat indigenous peoples as second-class citizens is unconscionable because every person and all peoples possess an equal God-given dignity.

The right to land is at the heart of John Paul II’s teachings on indige­nous rights. We have seen that the moral bases of the indigenous peoples’ claims to land include the same moral arguments that non- indigenous people must adopt to justify their ownership and use of land.

An argument based on first occupa­tion and inheritance undergirds claims to native title in a way that is not open to non-indigenous people. Non-indigenous Australians simply cannot claim to be the first occu­pants of the land. The High Court’s rejection of the doctrine of *terra nullius* has removed that lie from our legal system.

An argument based on religious liberty and the right to maintain their culture is also applicable to the case of some indigenous claims - whereas the faith and culture of non- indigenous Australians are not inte­grally linked to particular sites and areas of land in Australia.

The Catholic tradition has tended to reflect on land rights as private prop­erty rights and has set out limits to such rights and ways of dealing with conflicting claims. But indigenous cultures tend to view land very differently. While the pope and the Australian bishops have accepted cultural and spiritual arguments for a right to land, the Catholic human rights tradition is not yet adept at dealing adequately with such claims when they come into conflict with other claims to land.

The challenge facing the Australian community is to work out practical ways in which to harmonise a variety of legitimate claims to land under the common good. Progress in the area of land rights will be a significant indication for Australians and the international community of the strength of our national commitment to human rights. While the legal and procedural ramifications of native title are by no means settled, the broader struggle for land rights presents an even greater challenge. The majority of Aboriginal and Torres Strait Islander people will not benefit directly from native title. The aspiration to land of these even more thoroughly dispossessed people is yet to be satisfactorily addressed.

Many people are working towards reconciliation between the indigenous and non-indigenous peoples of Australia. For Christians this is clearly a duty. John Paul II and the Australian bishops have sought to help the Catholic community by teaching from the basis of the Catholic human rights tradition, and relating the insights of this tradition to the rights of indigenous Austral­ians. This paper has attempted to present a summary and explanation of this body of teaching. What is needed now, if justice is to be done and these teachings are not to remain at the level of theory, is action: action by individuals and groups, and churches and governments.

The focus of this paper has not been on action itself, but rather the beliefs and reasoning behind the obligation on the part of Catholics to take action. While this document does not provide action suggestions, *Recognition: The Way Forward* contains many practical suggestions from an Aboriginal Catholic. Readers who would like help in identifying what they can do in response to the teachings presented here are encour­aged to contact the National Aboriginal and Torres Strait Islander Catholic Council or a local Aboriginal group.

Endnotes

1. Some presentations unfortunately omit this small but significant detail. [↑](#endnote-ref-1)
2. D. Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, New York, Paulist, 1979, Ch. 1, compares these two views of human rights. [↑](#endnote-ref-2)
3. See Hollenbach, ibid., p. 33. [↑](#endnote-ref-3)
4. John XXIII, *Pacem in Terris*, n. 143 & 144. [↑](#endnote-ref-4)
5. See for example C. Reardon, ‘Human Rights Reconsidered: a world conference fuels a fractious debate’, in *Choices*, December 1993, pp. 34-37, and C. John, ‘Human Rights After Vienna: facing new challenges’, in *One World*, November 1993, pp. 10-12. [↑](#endnote-ref-5)
6. Hollenbach, op. cit., p. 141. [↑](#endnote-ref-6)
7. see Pontifical Commission lustitia et Pax, *The Church and Human Rights*, Working Paper No 1, Vatican City, 1975, p. 34. [↑](#endnote-ref-7)
8. Ibid., p 33. [↑](#endnote-ref-8)
9. Ibid. [↑](#endnote-ref-9)
10. Vatican Council II, *Gaudium et Spes*, n. 27. [↑](#endnote-ref-10)
11. See ibid., n. 12. [↑](#endnote-ref-11)
12. See S. J. Cornish, ‘Work: A Christian Vision’ and C. Burke, ‘What Kind of Society Do We Want?: Individual Greed or the Common Good? ‘, both in P. Smyth, (ed. ), *The Employment White Paper: a New Social Charter?,* Discussion Papers No. 3, Uniya Publications, Sydney, 1993. [↑](#endnote-ref-12)
13. Hollenbach, op. cit., p. 85. [↑](#endnote-ref-13)
14. PT, n. 28 & 29. [↑](#endnote-ref-14)
15. Ibid., n. 30. [↑](#endnote-ref-15)
16. Ibid., n. 30 & 31. [↑](#endnote-ref-16)
17. Ibid., n. 53. [↑](#endnote-ref-17)
18. Ibid., n. 56. [↑](#endnote-ref-18)
19. John XXIII, *Mater et Magistra*, n. 65 gives the standard definition of the common good used in Catholic social teaching. [↑](#endnote-ref-19)
20. John Paul II, *Centesimus Annus*, n. 48. [↑](#endnote-ref-20)
21. The Pastoral Letter of the Archbishop and Bishops of the Province, 1869, included as Appendix II of ‘Aboriginal Land Rights: A Submission to the Federal Minister for Aboriginal Affairs on the Preferred National Land Rights Model’, CCJP Issues Paper No. 4, Catholic Commission for Justice and Peace, Sydney, 1985. [↑](#endnote-ref-21)
22. ‘Statement on Aboriginal People, August 1971’, in N. Kerr (compiler), *Australian Catholic Bishops’ Statements Since Vatican II*, St Paul Publications, Homebush, 1985, p. 81. [↑](#endnote-ref-22)
23. ‘Aborigines, August 1972’, in Kerr, op. cit., pp. 81-82. [↑](#endnote-ref-23)
24. ‘Aboriginal People: Pastoral Letter, 26 August 1980’, in Kerr, op. cit., pp. 82-87 [↑](#endnote-ref-24)
25. ‘Bicentenary, May 1983’, in Kerr, op. cit., pp. 71-73. [↑](#endnote-ref-25)
26. ‘Concerning the National Aboriginal Land Rights Model’, press release, 1985. [↑](#endnote-ref-26)
27. The Church and Aborigines in the Bicentenary, leaflet printed and distributed by the Australian Catholic Social Justice Council, 25 January 1988. [↑](#endnote-ref-27)
28. *‘*On Racism and the Conversion of the Human Heart’, published as Appendix I of Pontifical Commission ‘lustitia et Pax’, *The Church and Racism*, St Paul Publications, Homebush, 1989, pp. 75-82. [↑](#endnote-ref-28)
29. ‘Sharing the Country Through Understanding’, reprinted in the *Catholic Weekly*, 29 August 1990, p. 19. [↑](#endnote-ref-29)
30. *Recognition: The Way Forward*, Collins Dove, North Blackburn, 1993. [↑](#endnote-ref-30)
31. To suggest otherwise would seem to contradict Vatican II, see GS, n. 53. [↑](#endnote-ref-31)
32. John Paul II, *CA*, n. 51. [↑](#endnote-ref-32)
33. John Paul II, ‘L’incontro con gli Amerindi nel Memorial Coliseum di Phoenix’, *Insegnamenti*, n. 4, p. 514. [↑](#endnote-ref-33)
34. John Paul II, ‘Alle Popolazioni Indigene a Fort Simpson’, *Insegnamenti*, n. 3, pp. 688-689. [↑](#endnote-ref-34)
35. See, for example, John Paul II, ‘Address to the Natives at Santa Teresita Mission’, *L’Osservatore Romano*, n. 6, p. 15; the homily at Fort Simpson, *Insegnamenti*, n. 5, p. 695. [↑](#endnote-ref-35)
36. Note *CA*, n. 50. [↑](#endnote-ref-36)
37. John Paul II, ‘Meeting with Aboriginal and Torres Strait Islander People at Alice Springs’, op. cit., p. 6, see also the address in Latacunga. [↑](#endnote-ref-37)
38. John Paul II, ‘Address to the Indigenous People of the Amazon Valley Region’, *L’Osservatore Romano*, n. 4, p. 9. [↑](#endnote-ref-38)
39. ACBC, ‘Sharing the Country Through Understanding’. [↑](#endnote-ref-39)
40. John Paul II, Alice Springs, op. cit. [↑](#endnote-ref-40)
41. ACBC, *A New Partnership With Our Indigenous People*, December 1992, distributed as a leaflet by the ACSJC. [↑](#endnote-ref-41)
42. See especially *Dignitatis Humanae*, n. 2, and *CA*, n. 29’s affirmation that ‘total recognition must be given to the rights of the human conscience’. [↑](#endnote-ref-42)
43. Media Release, ‘Religious leaders, Royal Commissioners, in Joint Mabo Call’, 8 July 1993. [↑](#endnote-ref-43)
44. See, for example, the ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 2, pp. 592-593. [↑](#endnote-ref-44)
45. John Paul II, ‘Meeting with Aboriginal and Torres Strait Islander People at Alice Springs’, op. cit., p. 5; see also ‘Address to the Indigenous People of the Amazon Valley Region’, *L’Osservatore Romano*, n. 4, p. 9. [↑](#endnote-ref-45)
46. J. Egan, ‘The Moral Basis of Land Rights’, in Brennan et al, *Finding Common Ground*, (2nd ed.), Collins Dove, Blackburn, 1986, p. 59, see also pp. 57-60. [↑](#endnote-ref-46)
47. John Paul II, ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 8, p. 596. [↑](#endnote-ref-47)
48. John Paul II, ‘Address to Natives at Airport in Latacunga’, *L’Osservatore Romano*, n. 3, p. 5. [↑](#endnote-ref-48)
49. See ACBC, ‘Pastoral Letter, 1980’, in Kerr, op. cit., p. 84. [↑](#endnote-ref-49)
50. John Paul II, *CA*, n. 30 & 31. [↑](#endnote-ref-50)
51. John Paul II, ‘Address to the Indigenous Peoples of the Amazon Valley Region’, *L’Osservatore Romano*, n. 7, p. 9. [↑](#endnote-ref-51)
52. John Paul II, ‘Meeting With Amerindians and Innuits at St Anne de Beaupré’, *L’Osservatore Romano*, n. 1, p. 3. [↑](#endnote-ref-52)
53. ACBC, ‘Sharing the Country Through Understanding’. [↑](#endnote-ref-53)
54. John Paul II, ‘Meeting with the Aboriginal and Torres Strait Islander People’, op. cit., p. 6. [↑](#endnote-ref-54)
55. See ACBC, ‘Sharing the Country Through Understanding’. [↑](#endnote-ref-55)
56. Paul VI, *Insegnamenti*, op. cit., p. 1353. [↑](#endnote-ref-56)
57. The social magisterium has taken this position since as early as *Rerum Novarum*, n. 27-29. It is reiterated as recently as *CA*, n. 10, p. 17. [↑](#endnote-ref-57)
58. Matthew 20: 1-16. [↑](#endnote-ref-58)
59. John Paul II, ‘The Mass for Natives at Fort Simpson’, *Insegnamenti*, n. 5, p. 694. [↑](#endnote-ref-59)
60. John Paul II, ‘Meeting with Amerindians and Innuits at Saint Anne de Beaupré’, *L’Osservatore Romano*, n. 6, p. 4; ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 6, p. 595; ‘Address to the Indigenous People of the Amazon Valley Region’, *L’Osservatore Romano*, n. 4, p. 9; ‘Meeting with Aboriginal and Torres Strait Islander People at Alice Springs’, op. cit., pp. 6-7; The Mass for Natives at Fort Simpson’, *Insegnamenti*, n. 2 & 5, p. 693 & pp. 694-695. [↑](#endnote-ref-60)
61. See ACBC, ‘Concerning the National Aboriginal Land Rights Model’. [↑](#endnote-ref-61)
62. G. Filibeck, *The Right to Development: Conciliar and Pontifical Texts (1960-1990)*, Pontifical Council for Justice and Peace, Vatican City, 1991, p. 8. [↑](#endnote-ref-62)
63. John Paul II, ‘Address at Santa Teresita Mission’, *L’Osservatore Romano*, n. 2, p. 14. [↑](#endnote-ref-63)
64. John Paul II, ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 7, p. 596. [↑](#endnote-ref-64)
65. Ibid., n. 8. [↑](#endnote-ref-65)
66. John Paul II, ‘Address to the Natives at Airport in Latacunga’, *L’Osservatore Romano*, n. III. 3, p. 10. [↑](#endnote-ref-66)
67. John Paul II, ‘Address to the Natives at Santa Teresita Mission’, *L’Osservatore Romano*, n. 5, p. 15. [↑](#endnote-ref-67)
68. ACBC, ‘The Church and Aborigines in the Bicentenary’. [↑](#endnote-ref-68)
69. ACBC, ‘Sharing the Country Through Understanding’. [↑](#endnote-ref-69)
70. Ibid. [↑](#endnote-ref-70)
71. Ibid. [↑](#endnote-ref-71)
72. See ACBC, ‘A New Partnership With Our Indigenous People’. [↑](#endnote-ref-72)
73. See M. Mascia & A. Papisca, A ‘Diritti dei Popoli: Seminario di esperti UNESCO’, in Pace, *diritti dell’uomo, diritti dei popoli*, anno IV, numero 1, 1990, pp. 84-85. [↑](#endnote-ref-73)
74. The classic statement of the principle of subsidiarity is found in Pius XI’s *Quadragesimo Anno*, and is reaffirmed in *Mater et Magistra*, n. 53. John XXIII explicitly extended this approach to the global level in *Pacem in Terris*, n. 140. The principle of participation emphasises human subjectivity, the right and duty to be active shapers of history, see *JW*, n. 18; *PP*, n. 65;, *SRS*, n, 44; *Address to the UNO*, John Paul II, 2 October 1979, n. 17. [↑](#endnote-ref-74)
75. Egan’s treatment of the right to self-determination is consistent with my position although he uses the term self-determination where I would refer to the principle of participation. See J. Egan, ‘The Moral Basis of Land Rights’ in Brennan, et al., op. cit., pp. 64-68. [↑](#endnote-ref-75)
76. See, for example, John Paul II, ‘Meeting with the Aboriginal and Torres Strait Islander People’, op. cit., and ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 2, p. 593. [↑](#endnote-ref-76)
77. ACBC, ‘The Church and Aborigines in the Bicentenary’. [↑](#endnote-ref-77)
78. John Paul II, ‘Messaggio Radiotelevisivo alle Popolazioni Autoctone’, *Insegnamenti*, n. 6, p. 595. [↑](#endnote-ref-78)
79. John Paul II, ‘Meeting with the Aboriginal and Torres Strait Islander People’, op. cit. [↑](#endnote-ref-79)
80. John Paul II, ‘Meeting with Amerindians and Innuits at Saint Anne de Beaupré’, *L’Osservatore Romano*, n. 6, p. 4. [↑](#endnote-ref-80)
81. See, for example, John Paul II, ‘Address to the Natives at Santa Teresita Mission’, *L’Osservatore Romano*, n. 6, p. 15, and ‘Meeting with the Aboriginal and Torres Strait Islander People’, op. cit. [↑](#endnote-ref-81)
82. See John Paul II, ‘L’incontro con gli Amerindi nel "Memorial Coliseum" di Phoenix’, *Insegnamenti*, n. 6, p. 517, and ‘Meeting with the Aboriginal and Torres Strait Islander People’, op. cit. [↑](#endnote-ref-82)
83. ACBC, ‘The Church and Aborigines in the Bicentenary’. [↑](#endnote-ref-83)
84. ACBC, ‘A New Partnership With Our Indigenous People’. [↑](#endnote-ref-84)
85. Kaye Mundine quoted in *Recognition: The Way Forward*, op. cit., p. 11. [↑](#endnote-ref-85)
86. See ibid., especially pp. 28-40. [↑](#endnote-ref-86)