



the middle ground

THEME 4 RESEARCH PAPER

“KEEP RELIGION AT HOME”



1. KEY MESSAGES (EXECUTIVE SUMMARY)

- There has been a growing tension in Australia that religious groups have overstepped their boundaries and are threatening the secular nature of Australian law
- Muslim communities in particular have been depicted as if they are slowly trying to smuggle their laws and cultural practices into Australia in conscious opposition to the Australian way of life
- It is difficult to imagine a functioning liberal subject who is expected to engage and contribute to society - to do so without moral guidance from the religion they hold most dear.
- Religious groups actually only want the freedom to privately practice their religion and to engage in public rituals that do not conflict with Australian law. They are asking for no more.

INTRODUCTION: HAS RELIGION OVERSTEPPED ITS BOUNDARIES?

The tension between religion and the secular nature of Australian society has played out continuously over the past 3 decades. On the one hand, religious groups seek their best interests, claim to operate within the boundaries of the constitution and practice the freedom of religion they were promised. On the other hand, however, and perhaps more contentiously, there is much concern and anguish over a perceived overstepping of religion into the public sphere. This excess involves different rituals and rites being practiced in the public and informing public life and policy discussions. It is on the backdrop of this perceived concern that many push religious groups to 'Keep God at Home' and respect the secular nature of Australian society. This particular theme, the fourth in The Middle Ground project, examines this issue in more detail.

The recent controversy surrounding Israel Folau's social media statements about homosexuality in the bible have interpellated this discussion deep into public consciousness.

While many have expressed disgust at his intolerance towards a vulnerable minority groups, others have argued that Israel's comments derive from the freedom of speech and religious freedom.

This serves as a good entry point into this discussion, as many have called into question the extent that religious freedom can interact with public values and policy - particularly in

the form of Christian conservatism or Muslim traditionalism.

The discourse has consistently depicted Muslim communities in particular as slowly trying to smuggle their laws and cultural practices into Australia in conscious opposition to the Australian way of life. In 2017, Senator Pauline Hanson called for the banning of Halal certification as she said it wasn't 'Australian law'. Other manifestations of this in opposition to Islam have seen the demonisation of mosques, sharia court scares, calls for banning the niqab. It is important to note that many of the religion-secularism debates are underlined by severe political tones, often implying that Muslims who seek to practice their religion openly in Australia are polluting the public sphere with a violent and backward ideology. For instance, In the aftermath of the horrific murder of 50 Muslims in Christchurch by an Australian right wing nationalist, the conservative Australian politician Fraser Anning declared ,

"The entire religion of Islam is simply the violent ideology of a sixth century despot masquerading as a religious leader, which justifies endless war against anyone who opposes it and calls for the murder of unbelievers and apostate."

It is clear that the discourse around religion in the public sphere is an important one that draws its links to securitisation, immigration and policy but also speaks to the nature of Australian society on a more fundamental level in how it treats its religious minorities.

WHAT RELIGION MEANS TO AUSTRALIANS

In speaking about whether - and how - religion should interact with the public sphere, it is important to consider the scope of the discussion through surveying how religious Australian citizens actually are.

The 2016 census showed that religion was an important part of the social fabric of Australian society.

The Census results indicated that 52.1% of the population was Christian, with the second and third largest faith groups being Islam at 2.6% and Buddhism at 2.4%.

The Census also showed that nearly a third (30%) of Australians identified as having no religion at all - a major increase from 18.7% reported in 2011.

Further, the Catholic church remains as the largest non-government employer in all of Australia, with 250,000 employees across its schools, universities, hospitals and welfare agencies. The Uniting church also employs 50,000 people in its aged care, disability and youth services. Further, religious groups have often been home to many welfare organisations which provide assistance to the homeless and play important social functions. In this capacity, these religious groups have eased the burden on the government and society at large in catering to those in need. The Judeo-Christian heritage of Australia is reflected in numerous aspects of public life that have been taken for granted. Courts pay tribute to the bible in taking oaths,

parliamentary proceedings may start with religious ceremony and clothing in public schools often reflect traditional Christian gender norms. In fact, it may seem that particularly Christian practices have been thoroughly embedded into the structures and institutions of Australia. This points to the question as to whether the problem has been about religion generally overstepping its bounds, or whether it has been about minority religious practices appearing in public.

It is clear that religion plays an important and poignant role within Australian life. While this does not import any argument about how religion should interact with society, it does inform us of how individuals within society relate to religion.

HAS RELIGION IN AUSTRALIA BECOME A THREAT TO SECULARISM?

It is important to understand the kind of secularism that Australia has avowed a commitment to before claiming any departure from this standard. A good starting point for this discussion might be how Australia treats religion in school compared to other countries. While in countries like France, children attending government schools cannot wear religious symbols, an Australian interpretation of secularism deems this to be a step too far. In Australia, the government has been willing to fund schools that have been run by religious organisations (and see the adoption of religious clothing) and has given meaning to contracts that are reasonable and arise out of religious rites. Secularism in Australia has meant that there will be no state church. It has meant giving people a legitimate choice between belief and un-belief and that no particular religion is able to take preference in

a democratic contestation of ideas.

Beyond a theoretical level, however, many groups have taken serious issues with how particular religions have allegedly gone too far in taking over the public sphere.

Otherwise innocent and private rituals have gained the scrutiny of the media and far right politicians for somehow de-secularising Australia. For instance, One Nation's persistent campaign to ban halal food - in part - comes from a concern that a whole new system of law - in this case food safety law - is being imported into Australia.

The image of a practicing Muslim - donned with either a beard or hijab (scarf) and praying in a public park - has become a trope for the failure of integration and a failure of secularism. This discussion has been intertwined with the maintenance of Australian culture as well. In August 2018, Bolt released an article with the heading *The Foreign Invasion* and described migrants - many of whom were characterised by their religious practices - as a "tidal wave" that "sweeps away what's left of our national identity", "not just crowding our cities but changing our culture."

The activity of the Australian Christian Lobby has also recently become the seat of contested dispute in this discussion. In 2015, the Human Rights Commission set up a religious freedom roundtable - which was pushed by the Christian Lobby - in consulting about how anti-discrimination laws were to be shaped in the coming years. Church leaders wanted special religious liberty for any Christians in the wedding industry to refuse service to

gays, once same-sex marriage was legalised. Christian influence on public policy extends beyond same sex marriage. Christian groups have also long made official submissions pertaining to end-of-life issues, employment rights and women's issues.

The current proposal for the Religious Discrimination Bill draws upon similar concerns. The Bill will see the prohibition of direct and indirect discrimination based on religion but also makes exceptions to this in reasonable circumstances. In Israel Folau's case, as previously mentioned, the termination of his contract may not fall under the purview of this bill given large corporations may censure employees if it means they will avoid unjustifiable financial hardship to their business. The Act seems to push in the direction of strengthening accountability processes around religious discrimination.

Whether these are instances of the freedom of religion at play, or the overstepping of a major religious institutions in shaping public policy, was the subject of heated intra-national debate. However, it is difficult to imagine a functioning liberal subject who is expected to engage and contribute to society - to do so without moral guidance from the religion they hold most dear. If liberal democracies are indeed meant to see the realisation of public values, then it follows that the public should be allowed to contribute through the set of morals that they hold dear. This kind of religious freedom has been enshrined as a human right in Article 18 of the International Covenant on Civil and Political Rights, which posits religious freedom as an absolute and unequivocal right. While Australia's Religious Discrimination Bill is a step in the right direction in ratifying this Covenant, it is still short of posing a set of positive rights that religious groups may hold on to.

Furthermore, this implementation is consistent with what secularism actually means. Secularism emerged in post-Reformation Europe as a way of stopping consistent bloody Catholic-Protestant rivalries and wars. Through promoting religious freedom and reducing religious influence on the affairs of the state, there could be more stability in society. Australian secularism was also implemented with a view to preventing sectarian divides that characterised earlier European society. It is clear that following on from this genealogy, if religious citizens are able to engage in public discourse in a rational and democratic way, there should be no reason to shun them.

What becomes problematic, however, is when religious groups actually overstep and wish to see the moral precepts of their religion dominate public discussion, or if they want to see the implementation of their own law instead of an Australian democratic law. However, through a genuine understanding of what religious groups actually want, it is clear that the claim that religious groups seek to upheave Australian law is an extreme exaggeration.

WHAT RELIGIOUS GROUPS ACTUALLY WANT

A good entry point into revealing the misgivings of conservative Australia is the heated exchange between Senator Jacqui Lambie and Activist Yasmin Abdel Magied on QandA in 2017. It was clear that implicit within Jacqui Lambie's comments was a misconception that there existed a burgeoning class of Muslims who were pushing for sharia to be implemented in the country. She passionately exclaimed, "There is one law in this country and that is Australian Law. It is not Shariah law." She went on to exclaim

how Sharia involved notable interventions into public life including preventing the equality of men and women.

Upon a proper analysis of what Muslims want however, it is clear how far fetched this idea is.. While Muslims have set up institutions that allow for a more comfortable existence - namely the halal food and Islamic finance industries and other localised cultural institutions - this cannot mean they are trying to 'take over'.

What religious groups want in the country is not for their values to take over Australian society, but rather to be able to live a comfortable existence in the realm of private practice.

Religious groups - apart from very extreme and isolated incidents - have largely not denied the singularity of Australian law and the importance of a national identity. What religious groups do ask for, however, is the opportunity to engage exercise their freedom of religion that they are afforded by the constitution. Any perceived conflicts with Australian law have usually been met with reasonable dialogue.

Much benefit can be derived from a willingness to see beyond the headlines and consider potential arrangements for different religious groups. Religious groups that interact with the law may benefit from Alternative Dispute Resolution mechanisms that they consenting parties can engage in. This can reduce burdens on the court system and still stay within the contours of Australian law. Further, affording religious minorities the ability to practice their religion and exercise their freedoms - without

the scrutiny they are currently subject to - will ensure that these groups feel more respected and hence contribute in more meaningful ways to public discourse.

CONCLUSION: MOVING FORWARD

Hence, it is clear that a workable solution can be reached between religious freedom and the secular nature of Australian society. Through understanding what religious groups actually want - namely to lead a comfortable existence in Australia and exercising the rights afforded to them by the constitution - mainstream Australian discourse should reduce the distrust and unease concerning varying religious beliefs and practices. Those who consider religion to be an important part of their lives should be able to freely practice their faith without being received with discomfort by others in society nor individually feeling constrained about their practice. It is clear that no religious group is seriously attempting to undermine Australia's secular political make up - practicing one's faith individually is not aimed at doing this. The national conversation must move towards more honesty and realise that religious freedom is not at odds with Australia's secular make up.