

## How free is your religion?

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*For freedom Christ has set us free; stand firm therefore, and do not submit again to a yoke of slavery. [Galatians 5:1]*

The Australian Human Rights Commission (AHRC; formerly HREOC) is a body formed by Commonwealth statute. Its task is to examine international human rights agreements, and to make recommendations to Federal Government accordingly.

The AHRC has begun a **'Freedom of Religion and Belief in the 21st Century Project'**, since 'freedom of religion' is a U.N.-recognised human right. This new and wide-ranging project will map the state-of-play for freedom of religion and belief in Australia. Details follow in an appendix to this briefing; but broadly, the project seeks to address the experiences and place in civil society of every religious belief (including 'secular belief'), and especially that of Muslim communities.

'Freedom', and freedom of religious belief, are extremely important to Christians for many reasons.

**Jesus the liberator.** When Jesus introduces himself as a liberator, his first hearers are offended [John 8:31-36]. They do not believe they need the release from sin to 'sonship' that he offers. But he insists that this truth 'will set you free,' and early Christians are mesmerised by it. Christ, writes one, gives 'the glorious freedom of the children of God' [Rom. 8:31] through the Spirit [Rom. 8:2, 2 Cor. 3:17].

Because Christ has cut the link between our performance and our acceptability to God, every human attempt to condemn now has no weight [1 Cor. 10:29, Gal. 5:1]. Also, moral action is no longer 'junked up' with our need to impress God (as if our puny morality ever could impress the Holy One). So we are freed to act for the good of the other—free now to 'love' them for their own sake [Gal. 5:13; cf. Rom. 6:18,22]. It becomes clear that the Bible's moral sections are a 'law of liberty' [Jas. 1:25, 2:12]—a kind of 'roadmap' that frees us to love well.

This freedom with God and for others enables us to discern false 'freedoms', such as the freedom that seems free because it brings pleasure. Freedom for pleasure is lost and barren on its own, and only finds its proper 'home' within the freedom to love others, and within freedom before God. [Cf. 2 Pet. 2:19.]

**Living free.** 'Be subject for the Lord's sake to every human institution,' says the apostle Peter [1 Pet. 2:13]. 'Live as people who are free, not using your freedom as a cover-up for evil, but living as servants of God.' [1 Pet. 2:16]. How can he say both 'be subject' and 'live free'? The two ideas seem totally contradictory.

But when we are owned by the Lord, a strange paradox follows. Human authorities often reflect Christ's rule, even if only roughly, and we can go along with that as 'subjects'. But when the authority stops resembling Christ, we can live free as the 'servants of God'. (We can fool ourselves, though, nobly claiming freedom as a 'cover-up' for the evil. Such self-deception simply fails to love others, and is another false 'freedom'.)

All this theology shaped our democratic traditions. It gave an 'exalted' view of each person: each could stand apart from society on the basis of their 'conscience'. As a result, no State can stand between a person and God. Each is free to know God (which may result in some denying God). Each is free to find what God wants for them, and to assemble with like-minded others. We can begin to see how the New Testament's 'spiritual' freedom became a 'freedom of conscience' that in turn shaped many social freedoms.

**Australian freedom of belief.** The project is a comprehensive review:

- based on **public submissions** (closing 31 January 2009), and ...
- **extensive input** from the community by means of focus groups and by discussion with religious leaders (during 2009 in NSW), all for ...
- a **detailed report** due for release in 2010, which may well ...
- recommend **legislative changes**.

The AHRC wants a cohesive civil society that sustains freedom of belief. But the AHRC thinks that freedoms within a cohesive pluralist society are not easily realised. Some Muslim community grievances will figure prominently in their investigation. They note that for other religious people, religious beliefs and human rights mix 'like oil and water' (as Tom Calma puts it). They realise that no one's 'right' is ever absolute, and that the best way to maintain 'freedom' without obliterating someone's 'right' will require careful negotiation.

Some Christians are concerned about the AHRC's Project. There may be good reasons for these concerns. For example, at some points the discussion paper hints of a challenge to important Christian freedoms. Also, the value of a Federal charter of rights, of existing 'religious exemptions' to anti-discrimination law, and of new religious anti-vilification laws, will emerge as topics for consideration; and conservative Christians are traditionally edgy about these matters. But we should presume no malice or ill-will, since Christian citizens are invited to participate in the process.

We should also note that the AHRC is an advisory body only. Its recommendations can influence legislative change, but legislation is finally changed by the Parliament. The 'Freedom of Religion and Belief Project' does not necessarily reflect a sudden change in government policy. We cannot predict what effect, if any, the final report will have on law and government policy.

At this stage, the Social Issues Executive views the Project as an opportunity to state Anglican evangelical concerns in an orderly way, and to lay the foundation for long-term dialogue with government. (We view the process as an opportunity to offer a 'defence' for the excellence of Christian belief, and for the rationale of Christian practice, a bit like early Christian apologists once did in ancient Rome.)

**An attack on 'Christian heritage'?** This section deserves a briefing on its own, but a quick comment is better than none.

Some Christians argue that Australia is a 'Christian country' since it was founded on Christian principles and grew from British Christian stock. As a result, any attempt to shift the national status-quo away from Christianity and toward some other religion or belief, is wrong. For these Christians, the AHRC's project is likely to be considered an attack on our 'Christian heritage'.

It is undeniably correct to highlight the many ways Christianity informed and shaped our early colonies and Federation (even if a radically anti-Christian strand of the Enlightenment was also part of our national story). The nation would be foolish to ignore how this significant Christian component of our history has affected our institutions.

Yet many Australians deny the Lordship of Jesus Christ, do not profess to follow him, and know nothing of repentance and forgiveness before God. Hence evangelical Christians cannot in good conscience call Australia 'a Christian country'. To do so would mask the way this generation of Christians needs to show other Australians how Christ is good news for them.

For the purposes of the AHRC project, then, the SIE will argue that Australia 'is not a Christian country, but is not a blank slate either'. Australia needs to find a way to share cultural space between people of different beliefs, while never pretending away the depth of its Christian roots. It follows that any attempt to banish public manifestations of Christianity is a silly denial of our past. (Of course neither should we attempt to banish public manifestations of other beliefs.)

#### **What next?**

- Read the AHRC discussion paper (see link in appendix below).
- Stay tuned: the SIE is taking an active interest as the Project unfolds.
- If you tend toward paranoia, don't panic. If you are a bit lazy, don't be complacent. Start reading and thinking in two or three of the areas raised by the AHRC discussion paper.
- Write a submission to the AHRC. After all, they want to find out about people's experiences of freedom (or not) of religion and belief. Be polite but direct; tell any stories that are relevant; and stick to what you know.

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## Appendix: further details on the Project

1. A discussion paper explains this project and invites submissions from the community. It is available at [http://www.humanrights.gov.au/partnerships/projects/freedom\\_religion.html](http://www.humanrights.gov.au/partnerships/projects/freedom_religion.html).

2. Speakers at the launch of the discussion paper included:

- Tom Calma (Race Discrimination Commissioner);
- Laurie Ferguson (Parliamentary Secretary for Multicultural Affairs and Settlement Services); and
- Dr Hass Dellal (executive Director, Australian Multicultural Foundation).

Their speeches are available at <http://www.humanrights.gov.au/frb/launch.html>.

3. The project has **seven broad terms of reference** (reworded here for simplicity):

1. Evaluation of the relevance and impact of the **1998 HREOC report**, *Article 18: Freedom of Religion and Belief* (the recommendations of which are reproduced on pp. 11-13 of the discussion paper).
2. Assessment of the adequacy of the Australian Constitution's Section 116 to protect freedom of religion, especially in the absence of a **Charter of Rights**.
3. Investigation of interactions between religion and the **delivery of services** (e.g. in education and human services [i.e. welfare]).
4. Consideration of the impacts upon religious freedom of **September 11 2001**.
5. Examination of how religious belief affects **political and cultural aspirations** (e.g. for gender equality, or in relation to civic responsibility).
6. Consideration of whether **media practices** and emerging technologies affect religious freedom.
7. Scrutiny of instances where religious freedom seems **directly to contradict** 'fundamental human rights' (e.g. for disabled people, or in relation to sexuality).

**Fifty-one wide-ranging questions** are posed under these seven headings.

Submissions may also raise and comment on areas **not mentioned** in the discussion paper.

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*Note: This paper is intended to assist discussion and may be corrected or revised in future. Short responses to [social.issues@moore.edu.au](mailto:social.issues@moore.edu.au) are very welcome, but the SIE cannot guarantee a reply. To access this free regular briefing, visit <http://www.sydneyanglicans.net/socialissues> and to receive it by email, follow the link 'Sign up for our free weekly briefing!' Visit <http://sie.moore.edu.au>, our second website, for other material.*

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