



# The future of religious freedom

**Speaker: Patrick Parkinson, University of Queensland**

**Date: 17th March 2020**

0:00

For generations, we have taken religious freedom for granted completely. It's

0:04

just part of

0:06

life in any Western democracy that people can

0:09

worship as they choose and believe what they what they want. And to great extent that's not under under threat. Nobody is suggesting that. Churches will be closed. People can't worship as they as they wish. The challenge though, is to a lot of Christian organisations and Christian identity and the freedom to express views on religious matters, and those are under under threat, and increasingly so. So the issue is this. In Australia, we don't have a bill of rights. We don't have a charter of human rights or anything of that kind. We don't have those institutional protections for any freedoms. Largely, religious freedom is protected by exemptions from anti discrimination laws. So let me give you an example. The Catholic Church has only male priests and it insists on celibacy priests cannot be nice. Now, there are anti discrimination laws which say that you cannot discriminate against women, and you cannot discriminate on the basis of marital status. So how does the Catholic Church managed to have male celibate priests? Well, because there are exemptions and anti discrimination law, which allow churches to insist that their priests are male, and to be not nice. So, religious freedom exists on the basis of anti discrimination laws and exemptions. And some of the difficult issues are course around sexual orientation and to increasingly transgender issues where religious organisations are exempted. Now, that is a huge push, particularly from the left of politics but not just to limit or remove those exemptions. The view is churches not going to provide a privileged position they shouldn't have the right to not follow the law which applies to the rest of the country. So, as long as religious freedom rests upon exemptions, it rests on a narrow ledge, and that ledge is crumbling. As there's more and more

2:16

attacks on the

2:19



existence of those exemptions in Australia law is not a right to discriminate. It's not a right to treat people and Firstly, it's not at all. Let's suppose that you have a Thai restaurant and you want to employ to hire staff, you want to employ a Thai cook and because of the, the ambience of the restaurant, you want to have a high staff. You're not discriminated against Belgians, or people from Burkina Faso or from Romania. So just wanting staff with a positive actually studies to be tied in exactly the same way a Christian school will a Muslim school, a Jewish school. May will want to have, or IT staff or its teaching staff, as parents of the faith, certainly some Christian Schools

3:10

want all of their staff, including the administrative staff to

3:13

share the same Christian faith, to attend devotions in the mornings, and so on and so forth. This isn't discriminating against people of other faiths. It's not going against non believers. It's just simply wanting to have a staff policy which reflects the ethos and identity of the organisation. That's what we need to protect. And what I and others are urging for therefore is for a positive right, for faith based organisations to employ staff or to prefer staff who adhere to that faith and sign up to the values of that faith. It's not a big ask. It's not something which is ought to be controversial. It's being taken as read

3:58

for the last hundred years or or more,

4:01

but now it's under attack. And we have to create a new legal framework. Listeners may possibly have heard of the Israel flower case. Israel Folau is an outstanding rugby player, one of the finest of his generation. He's also a member of a rather small Christian sect, he's Polynesian has a certain cultural background. He has very strong views on homosexuality. He is apparently I've never met him, but apparently quite a gentle soul and loving and caring, but he just has to dance social media posts, in which he has said that there is categories a person by going to hell if they don't accept Jesus, and amongst them are homosexuals. He is of course crocheting or paraphrasing Paul's letters, both letters to the Corinthians, in that context, but he said one or two other things of that kind, and there's been a big debate in Australia. Whether employees should have the right to insist that

5:04

employees don't share such

5:06

learning in the workplace or through work email, but 24 hours a day, seven days, days, days a week. I think this is a very serious issue about freedom. Imagine that you are working for a



mining company. And the mining company insists that 24 hours a day seven days a week, you are not allowed to express a view supporters of renewable energy or saying that climate change is a global emergency or something of that time. Once we start saying that employers can curtail the private expression of us entire outside of the workplace. There is no end to the control that we see to employers. Let's just save our working lives about every aspect of our lives. So I think it's a serious issue the position which many people in Australia seem to take and the media has been Facebook This is the rugby Australia could sack it Rasul Allah and insist that they control all his absences. In my view, this is serious mistake. What they should have done is to have gone out publicly and saying, We don't agree with Israel Folau. We are a diverse organisation. All people are welcome to play in our sport, whatever their sexual orientation. But we recognise that this flower has certain beliefs. And we stand by his freedom to express those beliefs privately. Increasingly, there are challenges to freedom of conscience and we haven't had this before. There's been an understanding that medical

6:42

practitioners particular medical professionals

6:46

ought to have arised conscientious objection to services that they really don't feel they can perform.

6:52

Abortion being of course the most well known example.

6:55

Now in a number of states that right is compromised in the sense that The doctor is under legal obligation to at least refer to another practitioner who will perform format for abortion, even though that information will be widely available on the internet and

7:14

in many other other sources,

7:15

so there's at

7:17

least that level

7:18

of obligation to be complicit in helping the patient find an abortion provider. One doctor was disciplined by the Medical Association because he refused to assist a couple to have a sex selection abortion they wanted a child of a certain gender wanted to abort a child because it was



off the other agenda. And he was disciplined, went through an eight month inquiry with medical professional this is this is wrong. They found their own provider and has an abortion the following week. But it's not just just abortion. It's things like providing fertility treatment for single, single women. These are issues on which people have have strong views and which raise issues of profound belief and conscience and a civilised society, a civilised society ought to protect the freedom of conscience of our health professionals and others who devote their lives to the public in this sort of way. The issues about religious freedom which are currently playing out in Australia, but also in North America and England and elsewhere,

8:27

are at one level issues just about people have said.

8:31

But then more than that,

8:32

they are about what it means to be a multicultural society, and what it means to protect the freedom of minorities generally, these are big issues. And what we are seeing is increasing intolerance, increasing a willingness to accept other people's beliefs and values, increasing levels of shouting people down and D platforming people. So I'd encourage listeners who haven't thought about these issues before to think about What sort of society you want to live in?

9:02

Is it a society where mob rule

9:05

prevails where the values and views of the majority can be imposed on minorities where employers can can dictate what we

9:15

can express 24 hours a day, seven days a week,

9:19

or whatever will we again cherish the freedoms for which people fought and died in two world world wars and have done so since? These are the issues