



Rendering unto God

'Revolutionary secularism' and the campaign to kick religion out of public life

Alan Anderson on how governments are trying to regulate away religious belief.

The observation that Australia's political and cultural heritage is founded on Judeo-Christian values is always sure to make an audience of Australian academics or public servants shift uncomfortably in their seats.

It is puzzling that such a manifest historical truth could elicit an emotional response, particularly when 64 per cent of Australians identify themselves as Christian, according to the 2006 census. Yet we live in an age of purportedly ahistorical public institutions, supremely confident that they represent a set of modern, secular values wholly distinct from the faith-based traditions of religion and superstition, and paying only marginal fealty to the cultural bequest of previous generations.

Executive agencies, courts and universities perceive themselves as external to the sphere of religious belief and activity. Religion is viewed as a cultural artefact to be studied and managed by objective secular institutions, not as an intrinsic element of the popular input that, in a representative democracy, shapes those institutions. Accordingly, contributions to political debate from overtly religious individuals are greeted with vehement, if somewhat selective, hostility.

Public institutions should serve the needs and interests of all Australians, regardless of religious affiliation. As such, it is appropriate that they seek to avoid real or ostensible favouritism towards particular religious denominations.

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Yet the pretence that these institutions stand divorced from the belief structures of so many of the citizens who are their political and financial sponsors can only lead to the alienation of that religious majority.

Hostility to religion is not limited to these increasingly aggressive assertions of secularism by public institutions. While defending itself jealously against the perceived intrusion of religious values, the state advances ever further into the regulation of religious affairs. Religious vilification laws restrict religious discourse. Faith-based institutions are confronted with meddlesome anti-discrimination laws that undermine their very right to adhere to their belief structures in the conduct of their affairs. Politicians call for government witch hunts against disfavoured sects.

Not content with demanding that the faithful should render unto Caesar, the state now seeks to prohibit them from rendering unto God.

Redefining secularism

The Constitutional draftsmen had an understanding of the secular state rooted in the American experience. Section 116 of the Australian Constitution, which is frequently cited as the provision mandating that Australia is a secular state, captures the essence of the traditional view of secularism:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

It is modelled on the Establishment Clause and the Free Exercise Clause in the First Amendment to the Constitution of the United States:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The intent of the founding fathers was to prevent federal politics from becoming a battleground for interdenominational religious disputes, a serious risk given the origins of the thirteen colonies. As President Clinton observed, the Constitution guarantees freedom of religion, not freedom from religion.

Indeed, the founding fathers saw this not only as a means of protecting the state from religious sectarianism; Thomas Jefferson regarded it equally as a defence of the many churches against state interference. This understanding has been lost in modern jurisprudence and political debate.

The same is clearly true of the First Amendment's Australian counterpart. The founders' vision of a secular Australia was limited to a prohibition of state-imposed religious discrimination. The much-vaunted 'separation of church and state' is not a separation of religion and state: the Constitution explicitly states that no religious condition (including a prerequisite of disbelief) may be imposed on candidates for state office. Rather, section 116 is a prohibition of the state interfering in matters of the Church.

Yet, in the United States, intellec-

tual elites have laboured to pervert the First Amendment into a prohibition of any religious expression in the public sphere. From the 1960s onwards, the Supreme Court has gradually outlawed prayer in public schools, from reasonable decisions overturning mandatory specific prayers imposed by the state to increasingly absurd decisions prohibiting the invitation of clergy to address students and even the recitation of prayers by students themselves prior to football games.

Christmas is another victim of this reinterpretation of the secular state. Ever since the Supreme Court ruled unconstitutional the placement of a nativity scene in a public building in 1989, many state and local authorities in the United States have curtailed Christmas decorations to an extraordinary extent. Last Christmas, residents in Santa Rosa, California, were shocked when the county removed all stars and angels from Christmas trees in county buildings over concerns that they promoted Christianity. In Cary, North Carolina, controversy erupted over the decision to relabel their Christmas trees 'community trees'. 'Happy holidays' has replaced 'Merry Christmas' as the standard seasonal salutation, at least in states like New York and California.

In Australia, where the absence of a bill of rights has constrained the courts from this sort of social policy adventurism, the role of religion in the public sphere is defined more by the executive and legislature than by the courts. Yet the trend is similar. In 2004, Sydney's Lord Mayor courted controversy by defending the substitution of 'Merry Christmas' with 'Season's Greetings' on council banners, to avoid offending people who do not believe in the story of Jesus.



Prime Minister Kevin Rudd and Leader of the Opposition Tony Abbott during the parliamentary church service in Canberra, Tuesday, Feb 2, 2010. Alan Porritt | AAPImage

Significant elements of the political, academic and media classes have waged a culture war against the validity of religious values, or at least Christian values, in public debate. Tony Abbott's observation, while Health Minister, that the statistic of 100,000 abortions a year reflects poorly on Australia prompted the women's lobby to question whether his Catholicism was consistent with his office.

In December last year, *The Age* ran a story entitled, 'Catholic Libs storm frontbench en masse'. On closer inspection, the reader discovered that the story did not refer to a violent Papal takeover of the Australian government, but merely to the fact that around 30 per cent of both Coalition and Labor frontbenchers are Catholics. Given that 26 per cent of the population of Australia is Catholic, the Catholic 'storming' efforts seem decidedly underwhelming.

This new understanding of secularism as an exclusion of religious values and symbolism from the public sphere runs contrary to the principle of religious freedom which the constitutional draftsmen sought originally to enshrine. We could call this 'revolutionary secu-

larism', to distinguish it from the traditional secularism embodied in our Constitution.

A false distinction

Implicit in the revolutionary secularism championed by our political elites is the assumption that religious views can be excluded from the political process. Affairs of state are to be conducted in an atheistic vacuum, and the overwhelming majority of parliamentarians who are Christian must set down their religious beliefs in the lobby so that they may vote in the chamber unencumbered by dogma.

Unfortunately for proponents of this view, divorcing religious beliefs from other beliefs is not a trivial exercise. After all, the biblical injunction which underlies Catholic opposition to abortion is 'thou shalt not kill'. Should Catholic parliamentarians set aside their opposition to murder when determining criminal law? Should theft be legalised because its prohibition is a tenet of Christianity and Islam?

The selectivity of revolutionary secularists in identifying the religious beliefs that must be excluded from our

politics is still more evident when the subject changes to economic policy. When the Australian Catholic Social Welfare Commission called on the Senate to reject the Howard Government's GST, there was a notable absence of revolutionary secularists clamouring about the interference of the church with the secular issue of indirect taxation. Attacks on welfare reform, industrial relations reform and border security policies by left-wing clerics have been similarly embraced by the revolutionary secularists of the media without apparent misgivings.

Ultimately, the law is a codification of the morality of a community. Given that 81 per cent of Australians declared some religious affiliation in the 2006 census, and given the role of religion in promulgating a moral code, we should hardly expect the law to be free of religious influence. The morality of our parliamentary representatives, who set the laws, reflects the morality of the people they represent, and not just in its imperfection.

Similarly, our political institutions are built on Judeo-Christian foundations. The liberal principles that underlie our national values flow from Christian origins, notwithstanding the inclination of modern secularists to lay claim to them. The very concept of religion as a matter of individual conscience and private worship, the embodiment of the secular state, is a product of Protestantism and the Reformation.

The tendency of revolutionary secularists to flatter themselves that their political views are on a higher plane than religion is unsustainable. Not only is their own morality firmly if unconsciously rooted in traditional religious values; many also harbour beliefs which are indistinguishable from religious beliefs, even if not associated with an established religion.

For instance, many shrewd commentators have remarked upon the similarity between contemporary envi-



ronmentalism and religion. While the causes and severity of climate change remain a matter for scientific debate, the fascination of environmentalists with tokenistic lifestyle changes (organic food, water-saving shower heads) rather than serious 'solutions' (nuclear power, market-based pricing of water) clearly owes more to superstition than science.

One hears adherents of revolutionary secularism scoff at traditional Christianity as a primitive cult while using healing crystals, magnetic bracelets and 'natural medicines'. Proudly atheistic leftists postulate improbable conspiracy theories about CIA involvement in

September 11. If Australia does harbour an objective intellectual elite, free from superstition, it is not the political, academic and media elite that champions the cause of revolutionary secularism.

Indeed, there is something profoundly disturbing about an elite that believes itself to owe nothing to the rich intellectual legacy of religion. The modern university itself, now a bastion of revolutionary secularism, is descended from venerable theological institutions of the Middle Ages, while the Western Canon is imbued with religious associations.

Newton famously declared, 'If I have seen further than others it is by

standing upon the shoulders of giants'. Today's intellectuals know not on what they stand.

Freedom from the state

Revolutionary secularists are not content with purging religion from the organs of the state. Increasingly, they are inserting the state into the affairs of religions.

Laws governing religious vilification threaten to suppress religious debate. For instance, in the case of *Catch the Fire Ministries*, two Christian pastors made remarks about Islam to which a Muslim audience member, who was attending for the purpose of being of-

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fended, duly took offence, sparking off a claim of vilification under Victoria's draconian Racial and Religious Tolerance Act 2001. The pastors were heavily fined, but successfully appealed to the Supreme Court, with financial assistance from an American Christian organisation.

In a subsequent case, a Wiccan prisoner serving time for paedophilia brought a claim against the Alpha Group (a supplier of Christian education materials), the Salvation Army and Corrections Victoria in relation to Bible studies courses he had voluntarily undertaken in prison. The case was ultimately dismissed by the Victorian Civil and Administrative Appeals Tribunal, but not before considerable legal resources were expended.

The state's desire to regulate religious discourse is a profoundly illiberal impulse. It is not the only example of state intrusion into religious affairs.

Anti-discrimination laws threaten the rights of religious groups to operate sectional institutions in accordance with their beliefs. Catholic schools in Tasmania recently applied for an exemption in relation to their desire to refrain from hiring homosexual teachers. The application is being vigorously resisted.

The Labour government in the United Kingdom, whose social policy is regularly plagiarised by Australian Labor governments, has gone further down this path. Faith schools in England are subjected to a level of government intrusion that defies belief. Benedict Brogan of the *Telegraph* recently reported on the activities of the education regulator:

St Hilda's Church of England secondary in Liverpool was

reprimanded for asking parents to 'support' their children's attendance at Christian assembly because—wait for it—this breached the right of parents to keep their daughters out of [religious education] lessons. A Catholic school on Merseyside and an Anglican school in Epsom were both taken to task for asking parents to sign forms supporting their Christian ethos, while some highly rated Sikh schools were upbraided for encouraging parents to take part in community activities, in case that discriminated against those unable to attend, perhaps because of work.

A third form of state interference with religious practice relates to groups that attempt to separate themselves from the broader community in order to live consistently with their beliefs. Not only are they vilified by media commentators; they are increasingly being persecuted by politicians. In the extreme, this has consisted of calls for parliamentary inquiries into specific religious sects, a form of state harassment wholly inconsistent with the separation between church and state to which revolutionary secularists claim to subscribe.

This is not to say that any practice, no matter how repugnant, should be free from government interference by virtue of being endorsed by a religion. Some religious practices are sufficiently offensive to community values that they should be proscribed: female circumcision and suicide bombing, for instance. In other cases, such as the de facto compulsion on women from fundamentalist Islamic backgrounds to wear burqas,

reasonable people might disagree on the appropriateness of intervention. But government intervention targeted at the religion, rather than the specific practice, is not consistent with the values of traditional secularism.

Senator Bob Brown's vendetta against the Exclusive Brethren included calls for Senate Inquiries into the group and the issuing of parliamentary questions on notice to senior Ministers demanding details of any meetings with members of the sect, as if Ministers should record the religious affiliation of visitors to their offices. More recently, Senator Xenophon called for a Senate inquiry into the Church of Scientology, over claims of abuse which would clearly be actionable by police if substantiated.

The philosophy driving this trend was recently articulated by Tom Calma, who was at the time the Race Discrimination Commissioner of the Australian Human Rights Commission. In a paper, Calma addressed the 'persistence' of religion in Australia in a tone sometimes resembling that of a scientist noting the survival of a strain of virus in hostile conditions:

In an age when the persistence, if not resurgence, of religion has been amply demonstrated (sometimes in negative ways) this should compel governments to accept the reality that they have responsibilities:

- To intervene when religious practices harm individuals and communities
- For the good governance of inter-religious relations, and
- To maintain civil society

A secular inquisition, probing into the practices and statements of unpopular sects (at least those sects insufficiently violent to provoke fear of reprisals) is no more appealing than the religious inquisitions that performed the role in centuries past.

from acts of violence or forms of religiously-motivated terrorism.

The solution, according to Calma, is to regulate religious practices in a manner analogous to the regulation of commercial activity under the *Trade Practices Act*. Just as consumer protection and disclosure rules apply to companies engaged in trade, such as a prohibition on misleading and deceptive conduct, Calma argues they should apply to religious organisations engaged in the 'market place of religious ideas'.

Calma believes that 'the public discourse and public competition between different religious groups is one that can be regulated in the same way (albeit much more moderately) than (sic) that of business'. Such interaction requires 'the hand of government, even if gentle and gloved.'

The targets of this proposed regulatory scheme come as no surprise.

Generally, while many participants at the freedom of religion and belief consultations expressed some reservations about the efficacy of new legislation pertaining to religious freedom and religious vilification, these were largely due to concerns that such laws might unsettle the status quo, or the often-uneasy tolerance between some members of some faith groups. This was based on the premise that the public sphere of religious discourse is also a civil space. However, much of this discourse is not doctrinal—the interpretation of holy texts—but one of vilification between representatives of a number of different religions, or between some of

the more conservative individuals and organisations that are associated, broadly, with particular religions.

Indeed, Calma explicitly cites the case of Catch the Fire Ministries as an example of the sort of 'venomous exchanges' that require regulation.

In the aftermath of the September 11 terrorist attacks, Western leaders frantically scheduled press conferences at mosques to profess, rather implausibly in the circumstances, the mantra that 'Islam is a religion of peace'. The absurdity of this reaction to nineteen hijackers flying commercial airliners into buildings in the name of Islam calls into serious question the ability of the state to adjudicate fair commentary on religion.

With great respect to the large majority of Muslims who subscribe to more moderate variants of Islam than the September 11 hijackers, it is not for some government commission to declare that one variant or another is 'true' Islam.

It follows that the commission cannot identify vilification in circumstances such as the Catch the Fire case, as most of the criticisms of Islam were well-founded in respect of at least some variants of the religion.

The inconsistent treatment of Christianity and other religions, especially Islam, in the application of revolutionary secular principles emphasises the point that political elites cannot be entrusted with the responsibility of regulating religious discourse. An attempt to resurrect the laws of blasphemy would meet with howls of protest from the intellectual classes, as well it should. Yet Muslim insistence that Islam is a special case has been met with

increasingly craven acts of appeasement in Western Europe.

In the United Kingdom, local councils have banned toy pigs from their office desktops, for fear of offending Muslims. A West Midlands councillor, Mahbubur Rahman, defended the ban in Orwellian terms as 'a tolerance of people's beliefs'.

The publication of the controversial Danish cartoons of Mohammed and the violent Muslim backlash evoked a chorus of ambiguous responses from European leaders. The European Union Commissioner for Justice, Freedom and Security claimed that Europe faced 'a very real problem' of trying to reconcile 'two fundamental freedoms, the freedom of expression and the freedom of religion', and called for the adoption of a code of conduct on media discussion of religion.

In the case of Christianity, any call to regulate works of 'art' such as the notorious *Piss Christ* are condemned by political leaders who subscribe to revolutionary secularism as an outrageous intrusion of religion into the public sphere. The fecklessness of the same leaders in the face of equivalent Islamic protests demonstrates that they lack the mettle to act as bona fide regulators of religious affairs.

In any case, the high level of subjectivity associated with religious discourse is not conducive to some sort of objective arbitration.

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Thomas Malton (1748-1804,) St. Pauls Church, Covent Garden, London, from the Piazza

The benefits of pluralism

Revolutionary secularism is reminiscent of the age of religious ‘toleration’: an established state religion or, in the contemporary version, atheism, combined with state toleration of other sects. Yet the founding fathers of the United States, followed by Australia’s constitutional draftsmen, wisely eschewed mere toleration in favour of a state with no established religion.

As Thomas Paine wrote, ‘toleration is not the opposite of intolerance but the counterfeit of it. Both are despotisms: the one assumes to itself the right of withholding liberty of conscience, the other of granting it’.

Revolutionary secularists like Calma, who seek to pervert freedom of religion into a licence for state regulation of religious affairs and discourse, run contrary to the governing principle of traditional secularism: religious free-

dom, conceived of as a separation of Church and State in which each institution respects the independence of the other within its field of competence.

As John Micklethwait and Adrian Wooldridge of *The Economist* argue in their 2009 book *God is Back*, the robust pluralism of a deregulated market place has proven far more effective at mitigating the excesses of religious extremism than attempts to rein in extremism through state regulation.

French *laïcité*, with its draconian attempts to exclude religious symbols from the public sphere, has led only to the alienation of religious groups from the state and a resultant backlash of resentment.

American pluralism, although imperfectly implemented, has reduced inter-religious tensions. The revolutionary secular state has spawned many more terrorists than the pluralistic one.

Both history and contemporary experience validate the principles of traditional secularism enshrined in the United States and Australian constitutions. They teach us to apply the heavy hand of state regulation to religious affairs only reluctantly and, in the case of mere words, almost never. (Exceptions are where speech should be illegal regardless of religious content, such as direct incitement of violence.)

Jesus instructed his disciples to ‘Render therefore unto Caesar the things which be Caesar’s, and unto God the things which be God’s’. This succinct endorsement of the separation of church and state should give pause to the revolutionary secularists who sneered at President Bush’s identification of Jesus as his favourite philosopher.

It appears they have something to learn from Jesus after all.

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