

Religious freedom collides with anti-discrimination laws in Australia

By: Surinder Jain.

Religious freedom is fundamental to Australian identity said the Australian Prime minister Scott Morrison. And Australians voted in favor of anti-discrimination laws to protect the rights of LGBT only recently. One would think that both are laudable achievements for Australia, but the future of religious freedom does not look so rosy.

A clash between Religious Freedom and Human Rights is brewing up.

Religious freedom right to propagate one's belief permits Christians, Jews, Muslims and all other religions to run their own schools. Does this freedom means that these schools can admit gay students and have gay teachers imparting religious teachings to children when many believe admitting gay in their schools is against their faith.

This debate is heating up in Australia.

Religious freedom rights for an individual come in various parts. Right to belief is a right to believe in a certain religion and some/all the tenants that come with it. Right to practice a religion is a right to practice your religious rituals and actions coming from the belief. It also includes a right to propagate your beliefs either to your own constituency or to other non-believers.

Human rights on the other hand are also a set of rights for an individual and includes Right to Live, a Right to Freedom, a Right to Express and a number of other rights like anti-discrimination and so on.

Australia and most secular and theocratic countries permit Right to Belief. Australia also permits Right to Practice and a Right to Propagate religion without any state interference. Some theocratic countries like Pakistan and Saudi Arabia place restrictions on Right to Practice in public and thus not allowing any temple or church unless it has been sanctioned by the government. Many countries in the middle east ban propagation of any religion other than the state sanctioned one. Communist countries like China place restrictions on all religions. They frown upon all religious beliefs and control them by total control over appointment of clergy and allow only state permitted rituals to be practiced. Communist ideology and whims of the party are given far higher priority than either religious freedom or human rights.

A clash between the rights of one individual to protect their faith and institutions and the right of other individuals to a fair go requires a balancing act. While the Liberal party PM has vowed to protect religious freedom as integral to Australian identity, the opposition Labor party is considering an "appropriate" balance between the two.

When Right to Life clashes with Right to Practice, the human Right to live wins hands down. Thus I can not take away life or liberty of an individual even if I believe that my religious belief requires me to do so. My Right to Propagate my religion by imposing it on others will be OK in ISIS ruled

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countries but will be rejected in most other countries including Australia.

In a progressive country like Australia, Right to Propagate once religion has been well balanced with the Right to Practice one's religion. Thus each religion is prohibited from imposing its belief on another religion. If I believe in a religion that does not have a personal God then I can not ask another religion to permit me to enforce my belief as part of their propagation. Thus if a religion does not believe in God, then s/he has no right to join a christian church/school and expect to teach his/her belief to the christian congregation or to students in a christian school. Religious practitioners can not invoke courts of law to enforce their Right to Propagate through the propagation machinery (churches, schools, congregations, Sunday mass, sermons, communications etc.) of other religions except in their own.

This is tampered both ways. No religion can frown upon the beliefs and practices of others as long as they are valid in law. No religion should propagate a belief that belittles the belief of another religion.

We can find the appropriate balance between right to propagation and anti-discrimination using the above well accepted principal. Thus all religions will respect the rights of LGBT and will not frown upon their practices in their religious propagation. At the same time, LGBT do not have an automatic right to use another religions propagation machinery to propagate their beliefs. Thus LGBT should not expect that they will be able to teach their belief in a religious school as much as a Hindu does not expect to have an automatic right give a Hindu sermon in a Christian church.

Number of Religious schools and number of students studying in religious schools is such a minority that it does not restrict the right of LGBT children to study or LGBT teachers to employment. These children have a very wide choice as to which school they go to study. Teachers of LGBT persuasion are not constrained in applying for jobs to most schools and have a meaningful employment. And off course, there is nothing stopping people passionate about their gender beliefs to start their own special LGBT friendly schools.

Each new religion in Australia has to do the hard effort to establish their own schools, churches, temples and congregations. A newly arrived religion like Hinduism does not expect Christians or Jews to be forced to give up their resources like church or school for the propagation of Hinduism. Similarly, LGBT have to do their own hard yakka in establishing their own schools etc and not expect to get an easy ride on the resources of other religions in the name of anti-discrimination. And the Religions should not frown upon LGBT efforts to establish their own special LGBT friendly schools either.

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