





The Hon. Michael Kirby AC CMG — a Patron of the RSA

## Foreword

When I was invited to become a patron of the Rationalist Society of Australia (RSA), I readily agreed. But I thought some people might regard it as inconsistent if they knew that I still regarded myself a Christian, specifically an Anglican. So I declared my dark secret and asked if that would disqualify me from patronage. I was assured that religiosity might be unusual amongst members of the RSA, but by no means unique. In return, I reassured the RSA that I strongly supported secularism in the public space. Indeed, I regard secularism as one of the greatest gifts of the British to Australia's constitutional ethos.

Yet in Australia's secularism, we are not extreme. The Queen, our Head of State, is (wearing another beautiful floral hat) the Supreme Governor of the Church of England. Moderation in all things is the goal. Drawing lines is what society, and a constitutional court on its behalf, do all the time. As the Book of Common Prayer explains, we generally try to "keep the mean between two extremes of too much stiffness in refusing and of too much easiness in admitting" any change.

This is why I understand religious people. Searching for an explanation for our existence is not irrational. Embracing and protecting the rights of others to have beliefs different from one's own is not only rational, it's essential if we are to avoid the cruelties of extremes.

So where does one draw the line?

Answering this question is why the present study, commissioned by the RSA, is so important and interesting. I congratulate Neil Francis and his colleagues for undertaking and compiling this snapshot of contemporary Australians' values. The detailed statistics paint a rich and dynamic landscape that is changing radically from the Australia of my youth.

Politicians who seek to reflect in a general way the patterns and trends of Australian opinions on 'religious freedoms' will find guidance in this compendium for the proper direction of contemporary laws. Simply to impose one's own opinions constitutes an abuse of power. Trying to reflect the beliefs of earlier generations is bound to fail. Guessing modern attitudes without data would be perilous. Striving to reflect the changing convictions and needs of contemporary citizens will be assisted by this up-to-date research. It portrays a community in the throes of substantial change. And, in this, Australia is not alone.

The United States of America, which we would generally regard as a much more religious society than our own, is now also undergoing significant change in religious affiliations. A Gallup Poll released on 29 March 2021 indicated the proportion of Americans who consider themselves members of a church or synagogue has now dropped for the first time below 50%. According to John Dick, an American Catholic academic, "organised religion in the USA is clearly in recession". There is growing disinterest in traditional practice and belief and a decreased belief in God. Over the past 20 years, Protestants have declined 9% from 73% to 64%; and Catholics have shown the greatest decline with only 58% of those baptised now acknowledging church membership. More than half of American Catholics do not agree with official church teachings on key moral issues: abortion, homosexuality and so on. If it is still true that the voice of the people is the voice of God (*Vox populi vox dei*), it is important for church leaders, and law makers, to ask: "Why is this so?" And politicians need to ask: "Who is out of step?"<sup>a</sup>

A great Australian lawmaker, Sir Richard Bourke — third Governor of New South Wales — was a Protestant military leader from Ireland. From that divided land, in 1831 he brought the idea of 'national schools' to the convict colony in New South Wales. Protestants, Catholics and children of no religion would be educated together, so that they got to know one another. This provided the seeds for the big push for secular public schools in Australia from the 1870s. Bourke recognised the importance of secularism as essential to achieving peace and mutual respect.<sup>b</sup> Out of this concept, of drawing lines that respect one another's dignity and rights, Australia has tried to build a tolerant society that accepts and protects everyone's human dignity. It is why

today, as the research in this report shows, 82% of Australians are opposed to the expulsion of students by religious schools on the grounds of their sexual orientation and relationships. And why 79% are also opposed to permitting such schools to dismiss teachers because of these things.

Some Australians may believe in a God who condemns sexual minorities, although I do not. They may preach their beliefs in their temples; but once they enter the public space, the rights of others must also be respected and protected. And the lines of the law must be drawn accordingly. The right to swing my arm stops when I hit someone else on the chin. My entitlement to religious liberty must be accommodated to the rights of others to be themselves, to be safe and enjoy their own rights, and to hold their heads high with dignity as Australian citizens.

This is why this study is well timed. I support religious liberty. Indeed, I demand it for myself. But like most Australians I also support a secular state and understand that religious liberty is not absolute. Those who ignore the Australian values revealed throughout this compendium betray our nation's commitment to a 'fair go' for all. This report explains what we Australians regard as a 'fair go' today, especially for minorities.

I commend it to you.

Sydney  
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Michael Kirby

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<sup>a</sup> Dick, JA 2021, *The religious recession*, Pearls and Irritations, viewed 22 Apr 2021, <<https://johnmenadue.com/contemporary-religious-recession/>>.

<sup>b</sup> Williams, R 2021, "Richard Bourke", in Lindsay, G. & Hudson, W., *Australian Jurists and Christianity*, Federation Press, p 55.