

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT
SCHOOLS**

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**THE SOPHISTRY
OF
THE RELIGIOUS DISCRIMINATION BILL**

Meg wallace

Mex Wallace, from the Rationalist Society penned this critique of Morrison's *Religious Discrimination Bill*. She points out that the definition of 'religious' in the Bill includes both belief and non-belief in a supernatural being. This is not only ridiculous. It flies in the face of the existing definition of religious belief, presumably that in the High Court 1983 'Scientology' case.

THE SOPHISTRY OF THE RELIGIOUS DISCRIMINATION BILL
(Sophistry: a method of argument that is seemingly plausible though actually invalid and misleading.)

Meg Wallace

The proposed Religious Discrimination Bill No.2, 2019 is a classic case of sophistry. We are asked to believe that words that are commonly understood to refer to opposites, are now to be understood as meaning the same thing. The sophistry centres around the Bill's definition of 'religious belief'.

According to the Explanatory Memorandum of the Bill, 'Religious Belief' includes both holding a religious belief and engaging in religious activity, and not holding a religious belief or not engaging in religious activity.

For the drafters of the Bill, the lawyers in the Attorney-General's Department, to define not having a religious belief as equivalent to having a religious belief, is to put their legal training aside. It sets the Bill up to be demolished in a court by anyone who cares to question it.

It is both absurd and bizarre for the Bill to claim religious belief and non-religious belief are equivalent where non-religious belief is a denial of anything supernatural.

Further, while 'religious belief' is defined, it is notably subtle that the words 'religion' and 'religious' on their own, are not defined, yet they are used repeatedly throughout the Bill. A likely court case will look to precedent in interpretation, where religion in Australia has been defined as a belief in the supernatural and canons of conduct that give effect to that belief. (Scientology case, High Court 1983)

The Bill's definition of 'Religious Belief' buys into the central tenet of those religiously committed who assume as a fact that any worldview or philosophical belief must be understood to be religious in some way.

It unquestioningly accepts the central tenet in religious thought that faith requires no justification. 'God' is self-evident to the religious, whereas belief for the non-religious is characterised by reasoned argument informed by evidence.

The Bill is (1) about privileging religion: religious groups and individuals expect to be able to discriminate against others, while seeking protection against discrimination themselves (2) about the Pentecostal prime minister and his mainly religious parliamentary colleagues using their political power to impose religion on Australians, whether they like it or not.

On this second point, in 1953 German sociologists turned their minds to analysing the authoritarian ideology of 'National Socialism' used to justify what became the disaster of World War II. They concluded the ideology of 'National Socialism' was:

".. a manipulative contrivance, a mere instrument of power which no one, not even those who used it themselves, ever believed or expected to be taken seriously."

The National Press Club's Mark Kenny, described this notion of authoritarian 'manipulative contrivance':

"I'm yet to hear any compelling reason ... why we're having this push forward for this law ... I'm wondering why the Government is wasting so much time on trying to deliver rights that essentially are there."

Ideally, equal human rights are maximised when people reach an overlapping political consensus through the process of our supposed liberal democracy, based on human rights and the rule of law. This consensus establishes a public morality: values everyone can accept as principles for society as an inclusive whole, regardless of personal beliefs.

The following statement by Joe Hockey best expresses this:

"I do not believe, as do some of my colleagues, that it is the role of government to preach and legislate morality. This is not a church, and I am not standing in a pulpit. As an elected representative of the Australian people, it is not my role to exclusively impose my values on others ... we must never indulge ourselves with the power of office and we should not use our position to force the community to accept our personal moral judgments. This parliament is not for moralistic crusades." - House of Representatives, 21 August 2002

Blind to the secular concept of government which favours neither religion nor atheism, Scott Morrison wants to, in Joe Hockey's words, force the community to accept the authoritarian moral judgment of the Christian far-right. This reveals the true political ideology of Australia, not as a liberal democracy, but as a soft theocracy, where the religious hold disproportionate sway, as expressed through the sophistry of the Religious Discrimination Bill

DOGS agree. There is no need for this legislation. Religious freedom depends upon separation of religion from the State. Australians already have such a clause, clause 116 in the Australian Constitution. The only problem is that the High Court has not yet had the intestinal fortitude to interpret it as it was intended by the Founding Fathers.

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