

Quotes and Extracts re: Victorian Racial and Religious Tolerance Act, 2001

Amir Butler - Executive Director, Australian Muslim Public Affairs Committee

“Religion is, in essence, simply a set of ideas about the world and how one conducts one’s affairs. As religion is, unlike race, a matter of choice, it does not need the same legal protections. Instead, it is imperative to our pluralist society that all religions be able to compete freely in the marketplace of ideas. If an ideology or idea is defective, then it will be exposed and rejected....” (*The Age*, Melb, 4 Jan.2005)

“All these anti-vilification laws have achieved is to provide a legalistic weapon by which religious groups can silence their ideological opponents, rather than engaging in debate and discussion...Who, after all, would give credence to a religion that appears so fragile it can only exist if protected by a bodyguard of lawyers?” (On-line Opinion, 23 Dec.2004 – R. Limkin ‘Faith in open debate’)

Grant Chapman - Senator, National Party, S.A.; President, Tears of the Oppressed

It is the role of teachers in every religion to demonstrate why their faith is worthy of adoption. Critical examination of other faiths is integral to the process of adopting the faith of one’s choice.

Now the Australian public needs to be aware that their human right to freedom of religion and its expression is being whittled away by insidious laws which, under the guise of protecting religious freedom, actually diminish it. (Aust. Christian Channel, News - Ramon Williams ‘Sex & politics are fine, but don’t talk about religion’)

Bob Carr - Premier, NSW, Labor Party

There are great difficulties with legislating against religious vilification to enforce religious tolerance. Such laws can be highly counterproductive.

Religious vilification laws are difficult because just about anyone can have resort to them and because determining what is or is not a religious belief is difficult. It can be defined as just about anything. It is subjective. It is a personal question. As they are used in practice religious vilification laws can undermine the very freedom they seek to protect – freedom of thought, conscience and belief. (NSW Hansard, 21 Jul.05)

Patrick Parkinson - Professor of Law; Head of School, Faculty of Law, Sydney University

In democracies there is a long tradition of people holding and expressing and passionately debating their views of what is true and right. To risk curbing truth telling which offends others is to risk our way of life.

The protection of truth telling is an important justification for the right of freedom of speech.

At issue, is the freedom to express views about truth and falsehood, right and wrong, good and evil, which may offend others who have a different view on these matters. Religious vilification laws in practice, if not in theory, pose a grave danger to this freedom because of the collateral damage that can be caused by a legislative strategy to enforce tolerance.

(P.Parkinson; ‘Enforcing Tolerance: Vilification laws and religious freedom in Australia’, Nov.2004)

Brian Houston - National President, Assemblies of God.

The law fails to recognise that religions are engaged in the great competition of ideas and worldviews that must be debated in a free and open way. It makes this debate impossible and because offence is not determined by the intent of the speaker, but by the recipient, is open to vexatious litigation. (Statement)

Jim Wallace AM - Executive Chairman, Australian Christian Lobby

“People have always been free to publicly debate the Bible. But this decision seems to indicate that this same freedom does not extend to other religious texts”.

This law is without doubt a wonderful tool for those who oppose the Gospel. A tool that shuts down debate on issues that must be debated and particularly the detail of religions or sects whose doctrine is not consistent with Australian or western values. It ignores the inevitable disagreement that will occur on issues of religion and hands the arbitration to secular judges who are generally ill equipped to make decisions on it.

(ACL newsletter, May 2005)

“...these laws are weakening not strengthening our democracy.”

(Media Release; 17 Dec..2004 & 29 June 2005)

Peter Costello - Federal Treasurer, Liberal Party

“I do not think we should resolve differences about religious views in our community with lawsuits between the different religions. Nor do I think the object of religious harmony will be promoted by organising witnesses to go along to the meetings of other religions to collect evidence for the purpose of later litigation.

I think religious leaders should be free to express their doctrines and their comparative view of other doctrines. It is different if a religious leader wants to advocate violence or terrorism. That should be an offence – the offence of inciting violence, or an offence under our terrorism laws. That should be investigated by the law enforcement authorities who are trained to collect evidence and bring proceedings.

But differing views on religion should not be resolved through civil law suits...

The proceedings which have been taken, the time, the cost, the extent of the proceedings, the remedies that are available all illustrate, in my view, that this is a bad law.”

(P.Parkinson; ‘Enforcing Tolerance: Vilification laws and religious freedom in Australia’, Nov.2004.(p14, re: Address given on 29/5/04))

Bill Muehlenberg - Vice-President, Australian Family Association

"In free societies, passion is the lifeblood of religious debate: "If you're serious about your faith and its truth claims, you're bound to be offended at times, or to cause offence "

“How does a secular judge with no expertise in religion make such decisions, when Islamic scholars themselves are divided on such crucial questions of theology, interpretation and exegesis?

Much of what the judge considered offensive was simply quotations from the Quran itself. To argue that quoting a religious book makes one guilty of vilification would put 98% of religious discussion out of bounds.” (Mrs Roslyn Phillips, BSc. DipEd, Research Officer, Festival of Light Australia; 17 Dec.2004)

Stanley Fish - American Critic

The problem is, speech you dislike must be defeated by better speech, not by law.

"When something is suppressed, it does not go away. It just takes on a romantic underground life and flourishes." (27 Jun.2005: Paul Gray, ‘Gagging won’t work’)

Murray Baird - Melbourne solicitor, Specialist in Church Law

"There's a balance between free speech and reasonable protection of people's sensibilities. The Act does not achieve this. In my view it will lead to a general fear of speaking openly and plainly about religious matters." (Keenan, Elizabeth, ‘All fired up about faith’)

Peter Watson - Archbishop, Anglican Church, Victoria

The church did not look closely enough when the act was framed and that it does not want “the law of the land intruding into places where it has no proper role.”

‘I am persuaded by the proposition that there is a substantial difference between racial vilification and religious vilification. Our race and ethnicity is a given. We do nothing to change that. But our religious views and behaviours may change. Do we want an effective censoring of the capacity to speak about and debate religious ideas which may sometimes seem unpleasant even offensive to others?’ (Statement)

Barney Zwartz - Religion Editor, The Age

Mainstream and conservative churches, which see the case as a test of freedom of religion and freedom of speech, are girding their loins for battle. They warn that if the act is not amended they will make it an election issue in next year's state poll. A couple of Christian ministers in jail citing freedom of conscience certainly has the potential to embarrass the Bracks Government.

The Australian Family Association's Bill Muehlenberg lists several issues with vilification laws. He argues that they confuse different issues (race, religion, gender, sexuality); they are ambiguous and nebulous; that laws already exist to prevent incitement to violence or defamation; the burden of proof is always on the accused, who is guilty until proven innocent; that in religious cases, secular judges are incompetent to decide complex theological disputes; that they create a new crime based on thought; and they curb free speech. (The Age, 22 June 2005: ‘Making martyrs and mischief’)

Rev. Dr Allan Harman - Moderator, Presbyterian Church of Victoria

Rev. David J Palmer - Convener, Church & Nation Committee, PCV

Are judges now required to make theological judgements under the Act and just how well qualified are they to do so? Making judgements about which version of Islam is truly authentic (“mainstream”) is a big call for a judge in a secular court to make, and certainly a judgement open to question.

If Islam and its writings are now to be placed in some privileged position whereby they cannot be criticized, this indeed is a rare privilege, a privilege often denied to Christianity by its cultured despisers in the West. If so, then it is a serious indictment of the Act.

(Statement, Presbyterian Church, Vic.)

Ruth Limkin - Pastor, Northside Christian Church, Brisbane

The barrister for the Islamic Council of Victoria successfully argued that publicly reading out verses from the Koran, which reflect poorly on Islam, is, in fact, vilification. He asserted that the truth is no defense.

Let that sink in for a moment. The truth is no defense. Then ask yourself the question - are we truly free? A robust democracy is one in which we have the freedom to debate, to discuss, to argue and even to vigorously disagree on what is right and true. And that's just on political persuasions. Religious persuasions are even more polarising as by necessity each religion makes claims of truth. The ability to discuss, to compare, and yes, even to compare unfavourably, should be a mark of a free society.

Victoria's legislation is dangerous and sets an appalling precedent for our Nation.

(‘Faith in open debate’ – On-line Opinion, 23 Dec.2004)

Dr Gordon Moyes - MLC, NSW; Rev., Superintendent of Wesley Mission

It is my firm belief that religious freedom of speech is a basic tenet of a democratic nation. It is a basic human right to have the ability to decide whether and what religious faith one may adhere to. This also involves the critical examination and assessment of belief systems in general.

(Media Release; 17 Dec.2004; 'Black day for free speech and religious liberty')

Peter Stokes - Director, Saltshakers, Christian Ethics Action Group

It causes "enormous intimidation and stress". "That's the danger of this type of legislation. People can throw mud at the wall and bring a case, and even if the Equal Opportunity Commission throws it out, people can take it to VCAT."

He worries that insurance companies put prudence over principle and pay vexatious complainants rather than fight them. "So many cases are held in confidence, settled by insurance companies, it's really dangerous. We have a private thought police in the EOC working behind the scenes," Stokes says.

(*The Age*, 22 Jun. 2005: Barney Zwartz 'Making martyrs and mischief')

The Rev. Gordon Cheng

The anti-religious vilification legislation is an appalling imposition on freedom of speech, and has had the exact opposite effect to the one intended - it has discouraged thoughtful discussion and exacerbated religious Disharmony. If I were in Danny Nalliah's position, I would do exactly as he has done and risk the consequences of jail. (*The Age*, Letter to Editor, June 2005)

Rev. Walter Abetz - Uniting Church, Chairperson EMU Vic.

Rev. Trevor Faggotter - Uniting Church, Chairperson EMU Tas.

The decision to find 'Catch the Fire Ministry' guilty of religious vilification, on the grounds given in the media so far, is quite worrying.

We believe the judgment is seriously misguided and reflects a lack of understanding and balance of the deeper issues at work in both mainline Christianity and mainline Islam. The judgment needs to be revoked, on the basis of what has been fed to the media so far. While we do not approve of vilification, one must be able to call a spade a spade. The state has a responsibility to ensure that the vilification law is applied in an even handed manner. Otherwise the law will only serve to create new conflicts and to further inflame existing conflicts. (Media Release; 24 Dec.2004)

David Barton - State Director Victoria, Australian Christian Lobby

Says the act is unworkable because the offence is to create a feeling in others. "If you can be held responsible for creating a feeling in someone else you are guilty under the act".

"The other element is the sheer injustice of the entire process. Someone decides, let's silence these people, bring a case against them. They have to engage solicitors, go through the time, effort, stress and financial drama of mounting a defence. And some of these complaints are so bizarre, why should people go through all that hassle?" (*The Age*, 22 Jun.2005: Barney Zwartz, 'Making martyrs and mischief')

Robert Forsyth - Bishop, Anglican, South Sydney

"People of good will, of religious commitment or none, need to be committed to a society which allows genuine freedom even if at times this has tensions with the good of cultural harmony".

(Media Release; 17 Dec..2004)

In 2003 the Australian Embassy in Washington was flooded with letters from concerned Americans, and was hard pressed to explain that the case was being heard by a court-like tribunal operating under a law passed by one state's Labor government, not Australia's federal government.
(Patrick Goodenough, CNS News, 22 Jun. 2005: 'Throttling free speech')

Amir Butler - Executive Director, Australian Muslim Public Affairs Committee

Argued that the Victorian legislation has "served only to undermine the very religious freedoms" it was supposed to protect. "If we believe our religion is the only way to heaven, then we must also affirm that all other paths lead to Hell... Yet this is exactly what this law serves to outlaw and curtail: the right of believers to passionately argue against or warn against the beliefs of another."

(*The Age*, 4 Jun.2004; Amir Butler, 'Why I've changed my mind on vilification laws')

(Also these paragraphs quoted in article by Steve Edwards, 'Do we really need religious vilification Laws?')

"The only way to fight offensive ideas is to confront them intellectually," he says. "Legislation cannot make bad ideas disappear." Butler fears that "if Muslims rush to the courts, some people will get the impression we can't respond to the arguments and think there must be some truth in them." Without the law, he says, the pastors would have been ignored. Instead, "they've become martyrs." And their Supreme Court appeal will bring even more publicity. In silencing two voices, it seems, the law has provoked an uproar.

(Time Pacific Magazine, 4 Jul. 2005)

Graham Harris - State Leader -Victoria, Apostolic Church Australia

As the recent prominent 'Catch the Fire' case has shown, the law is in fact causing division and greatly inhibits the rights of all Victorians to make an informed decision about various religions.

This extraordinary law lays the burden on the respondent to prove their innocence of vilification, surely a highly subjective matter when the strong emotions often associated with religious beliefs are concerned. This law needs urgent reform in order to protect innocent people being sanctioned for merely expressing a point of view or comparing their religious beliefs with those of others. (Statement)

Abdul Aziz - Consultant adviser to the Muslim Council of Britain

Reported in The Guardian as saying that religious vilification legislation in Victoria was far closer to a blasphemy law and that proposed laws in Britain would be less ambitious. (*Geelong Advertiser*, 13 May '05)

Steve Edwards

It is perfectly clear that these laws are being used as a tool to ban criticism of particular religious beliefs. It now appears that attacking Islam as a belief system is also banned.

What we have here is nothing short of a blasphemy law.

This isn't about shielding people from vilification -- it's about giving statutory protection to beliefs.

So it's much more convenient for all involved to target evangelists instead. All vilifiers are equal but some are more equal than others.

The evidence is clear -- the pillars of the state have re-appropriated the right to ban blasphemy and issue determinations on religious matters, thereby repealing 200 years of secular progress since the 18th century Enlightenment.

The people of Victoria might like to re-evaluate the wisdom of rendering both God, and their long-cherished freedoms, to Caesar. (*Geelong Advertiser*, 13 May '05)

Salman Rushdie

Called the law an “attempt to placate British Muslim spokesmen, in whose eyes just about any critique of Islam is offensive.” (Time Pacific Magazine, 4 Jun.2005: ‘All fired up about faith’)

The Rev.Hon. Fred Nile - MLC, Leader of the Christian Democratic Party

Judge Higgins has unknowingly introduced the Islamic Shariah Law into Australia. In Islamic countries, such as Saudi Arabia, Pakistan, Iran etc., it is the capital offence of blasphemy with the death penalty to publicly criticise the Koran or Mohammed.

The important Freedom of Religion in Australia must allow experts on the Koran, such as Pastor Scot, to explain the factual teaching of the Koran, which is followed as the letter of God’s Law by millions of Moslems around the world, including sections of the Islamic community in Australia.

(Media Release, 23 Jun.2005, Christian Democratic Party; ‘No Justice for two Daniels’)

Danny Nalliah - Pastor , President, Catch The Fire Ministries

"We’ve tried to say all along that these laws are bad. This law is creating gross disharmony and pitting religious groups against one another. Is this really what Mr Bracks’ Government intended when they introduced these bad laws in 2001?

(Media release: Media Contact: Sarah Champness, ‘Martyrs for freedom of speech would rather go to jail than apologise’)

Politicians often have not had the experience of living outside Australia, thus they bend over backwards to please immigrant communities without understanding what motives can lie behind some of these groups. Presently, we have been found guilty of vilification of Muslims under this ridiculous law, which is subjective and not objective, one where TRUTH is no longer a defence. This was clearly demonstrated in the tribunal procedure and outcome. Several times when we wanted to simply quote a verse from the Koran in response to questions put to us by the Islamic Councils legal team, we were stopped on the grounds that we could once again vilify Muslims by quoting from their Koran.

(Catch The Fire April 2005)

Peter Walsh - Deputy Leader, Victoria, National Party

“As a Christian nation we have strong beliefs and the right to express our views is an essential element of our society.”

“We should not be pandering to every minority group and be forced to censor our comments to please everyone.”

While Mr Walsh said he opposed comments which were designed to incite hatred or violence, the Racial and Religious Tolerance Act was so broad that any public comments could lead to legal action.

“This Act was a recipe for trouble from day one and the most recent case where Christian preachers were prosecuted for their comments on the Koran have further illustrated the point,”

(The Nationals – Media Release, 30 Jun.2005)

Patrick Parkinson - Professor of Law; Head of School, Faculty of Law, Sydney University

Legislation defines legality and illegality, but legitimacy is something different. Legitimacy is conferred by the assent of the people. It is the legitimacy of law, and not its constitutional legality, which matter most for stable and harmonious societies.

Religious vilification laws have proven to be controversial and divisive. There has been much opposition to them from people of faith and integrity who are law-abiding citizens. There is a real question as to whom they are designed to protect, and whether the benefits outweigh the costs. Other laws protect people from threats and falsehoods, including the criminal law and defamation laws. The collateral damage to religious freedom from vilification laws is considerable. It is time for a rethink.

(P.Parkinson; 'Enforcing Tolerance: Vilification laws and religious freedom in Australia', Nov.2004)

Jenny Stokes - Research Director, Salt Shakers, Christian Ethical Action Group

Many of the statements attributed to Pastor Daniel Scot by Judge Higgins in the 'Summary of reasons for Decision' and found by him to be vilifying were direct quotes from the Qur'an.

This Act is also divisive as people are encouraged to take litigation cases against others for what often amounts to little more than hurt feelings or personal opinions.

Issues such as the loss of religious freedom, free speech in general and that "truth" and "intent" are irrelevant when deciding if vilification has occurred.

(New Life, Vol.67, No.44 – Religious Vilification; 5 May 2005)

Rev. David Palmer - Convener, Presbyterian Church Victoria, Church & Nation Committee

In reference to Danny Nalliah and Daniel Scot: - At no stage did these men incite their audience to rise up and attack Muslims, rather they exhorted their hearers to love Muslims.

As matters stand with the Victorian legislation, introduced to promote religious harmony in the State of Victoria, we can say without fear of contradiction that the government has managed to set Muslim against Christian, Christian against Muslim, and even Christian against Christian.

(www.sydneyanglicans.net: Religious vilification finding breeds disharmony, 31 Jul.05)

Rev. Rod Benson - Director, Centre of Christian Ethics, Morling College
- Sec., Social Issues Comm., Baptist Churches of NSW & ACT

"It strikes a deliberate blow at religious liberty, freedom of expression and democracy. Salman Rushdie was correct in saying that there is no such thing as the right not to be offended. We live in a free society, and until today I believed people in Australia were free to express opinions about religious matters, even when those opinions were strongly contested. Now that freedom is under threat from the state. This isn't about Christians versus Muslims, or vice versa. This is about curtailing freedom of speech with respect to religion. I would like to think the Act was fashioned with good intentions, but as it stands, the Victorian law is deplorable and un-Australian, and must be repealed." (Media Release; 17 Dec..2004 'Black Day for free speech and religious liberty')

Murray Thompson - MP, Liberal Party, Victoria, Multicultural & Indigenous Affairs

The Bracks Government's *Racial and Religious Tolerance Act* is not working.

Rather than resolving problems and enhancing social harmony, the racial and religious tolerance law is having the reverse effect.

The law is now dividing our community and our courts are placed in the ludicrous and potentially dangerous situation of determining the worth or otherwise of religious debate.

The Liberal Party opposes any incitement of religious hatred, but seriously doubts whether the current provisions are the best way to preserve social and religious harmony.

(Liberal Party Media Release, 22 Jun.2005; 'Racial & Religious Tolerance Laws need rethink')

Michael Atkinson - MP, Labor Party, South Australian Attorney General

"It is clear that most of the people intended to benefit from the new law not only do not want it but are ardently opposed to it. It is therefore not appropriate to proceed with legislation." He said also: "Vilification laws should not be extended because they are liable to misuse. (Bob Carr's speech, NSW Hansard, 21 Jul.05)

Dr Mark Durie - Hon.Assoc.Prof. Dept.of Linguistics & Applied Linguistics, Uni. of Melb.,Anglican Vicar

Referring to The Act, "What is sadly ironic ... is that it incites vilification."
(*The Age*, 22 Jun.2005: Barney Zwartz, 'Making martyrs and mischief')

Steve Edwards: 'Do we really need religious vilification laws' – Extracts

"On the whole, religious vilification laws set a dangerous precedent of giving statutory protection to belief systems, and thereby pose a threat to free speech.

The effect of both the Act and Higgins' judgment will be the curtailment of free speech, as people will be afraid to speak out on controversial issues should there be even a slight chance of being taken to court on a technicality, leaving aside the numerous threats of violence that arose as a direct consequence of the recent case.

Religious vilification legislation is unlikely to function practically; it is conceptually unsound on many levels. It has been shown that religious vilification laws are often grouped with racial vilification laws.

Yet the two categories are clearly not comparable. One's ethnic ancestry is a fixed and immutable identity, yet a religion is simply a body of ideas that one can adopt, change, or reject—rather like a political ideology.

Nobody is seriously calling for political vilification laws, despite the well-known potential for political vilification to lead to violence.

Furthermore, there are few valid philosophical grounds why religious beliefs should be the only beliefs protected.

Will political vilification ... be the next target of the anti-vilification lobby?

On balance, religious vilification legislation is an ill-conceived idea that ought to be consigned to the dustbin of history at the earliest opportunity—lest 'dearly cherished beliefs', such as the belief that mankind should be free from the arbitrary rule of tyrannical government, come under serious threat."

(The Centre For Independent Studies; www.cis.org.au)

Amir Butler - Executive Director Australian Muslim Public Affairs Committee

With most Australians sensible enough to recognise and reject hateful ideas, social pressure is a far more effective mechanism for controlling such speech than law suits. It is also difficult to see how such laws build cohesion when they provide faith communities with legalistic cudgels that can be swung vexatiously at their ideological opponents and critics. (*The Age*, Melb. 4 Jan. 2005)

Jim Wallace AM - Executive Chairman, Australian Christian Lobby

The task of the church now is to acknowledge the good intention of the legislators and to seek to have them realise that the best environment for religious harmony is one where the normal protections of the law against libel, abuse and physical attack sit unobtrusively behind the scenes of otherwise complete freedom of religious expression. (ACL newsletter, January 2005)

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