

THE FIGHT TO SAVE OUR CIVIL AND RELIGIOUS FREEDOM

Since the shocking images of the events of 9/11 slammed into our TV sets, the West's launch of 'The War on Terror', spurred a variety of new laws for the declared purpose of protecting security and tolerance. However, as new legislation has been enacted across the Western world to seek to alleviate the fear and create a sense of safety - anti-terrorism legislation, and anti-vilification legislation - there has been raised the concern that these laws if not carefully worded can unravel freedoms on which the modern world was built. This has alerted us to the need to be informed about the nature of the civil and religious freedoms we enjoy. 'We may need to give up some of our freedoms for security,' governments have told us. 'We may surrender our freedoms for security' Civil Libertarians have warned.

What are these freedoms and where did they come from? What principles are they based on? How are they threatened? How can we protect them?

What is their history? When the Pope was taken captive in 1798, the power that had reigned over the Medieval period some know as the Dark Ages effectively came to an end but light had been dawning for some time. Humanity were discovering their rights and a new era of freedom was slowly sweeping over humanities consciousness. They were recovering the right to know, the right to speak, the right to publish, the right to freedom.

They were recognising rights in the drafting of the *Magna Carta 1215*, as 'natural rights' in the dawning of the Age of Reason, and in the French Revolution taking form in the *Declaration of the Rights of Man of the the Citizen 1789*. They were recognising rights in the Protestant Reformation, and the *1689 English Bill of Rights*. Rights were recognised as 'inalienable' in the drafting of the *Amendments to the US Constitution Bill of Rights* and took a world scope in the Universal Declaration of Human Rights 1948 which has been adopted into the laws and constitutions of many countries today.

What are these freedoms? The American Bill of Rights delineated in the Ten Ammendments to the US Constitution offers a neat summary of human rights, many which are clearly derived from the English Bill of Rights, some of which have been used in the 1948 UN Human Rights declaration. They include the right to freedom of speech, freedom of religion, freedom of assembly, freedom to petition the government. They include the people's right to keep and bear arms, to be free of unreasonable search and seizure and cruel and unusual punishment, and compelled incrimination. They state the right to a speedy and public trial by jury. They restrict Congress's power and reserves all non Federal powers to the citizens or states. They prohibit the government from making any law respecting the establishment of religion, and from depriving any person of life, liberty or property without due process of law.

Human inalienable rights are to be protected by the government. Here the concepts of natural and inalienable rights are significant.

Inalienable rights recognise that rights are given by God to all men equally. They are absolute, not awarded by human power, not transferable to another power, and incapable of repudiation. No government can give or withdraw them, they merely recognise them and protect them. Natural rights are close in concept to human rights and inalienable rights however they emphasis that the rights are inherent in the nature of people, and derived from the nature of humanity - our nature desires life, and freedom to pursue happiness.

Natural rights or Human Rights compare to inalienable rights in that they cannot be legal rights, given, limited or withdrawn by governments. A recognition that rights are inalienable, natural or human, is the foundation of true liberty. Where this is not recognised, oppression lurks, for if one has presumed authority to grant the rights, then the rights too may be withdrawn. The 1776 United States Declaration of Independence, written by Thomas Jefferson, famously asserts:

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men."

How are they threatened?

A new law in Victoria, Australia is an example of the threat to the inalienable right to freedom of speech and the exercise of the freedom of religion. Enacted in 2001, it is known as the Racial and Religious Tolerance Act. A lot of media attention has been given to this law alerting the public that it restricts freedom of speech about religion. Prosecutions made under this law drew a media, legal and public uproar and public protest at the front of the Victorian Parliament House in 2006, calling for the repeal of it's Religious clauses. Over 27,000 signatures were presented to the government. Other calls have been made to have the law dumped altogether.

One such prosecution is highlighted here. Danny Nahliah together with Danny Scott, an expert on Islam and an advisor to many governments, organised a meeting for Christians about the Muslim religion on how to reach them with Christianity. Danny Scott spoke at the meetings. The Islamic Council of Victoria took them to the Victorian and Civil Administrative Tribunal (VCAT) in 2002 under this law and won a conviction in which they were ordered to publicly apologise and give undertakings not to repeat the things they had said, many of which were misrepresented by the judge and which were merely quotes from the Koran. Both men said they would rather go to jail than obey the orders and said they didn't recognise the law. The two pastor's lawyers argued among other

things that the law was unconstitutional. They appealed to the Victorian Supreme Court in 2006 who overturned the conviction, pointed out that the judge misquoted them, and overturned the orders, sending it back to VCAT for a retrial under a different judge.

The president of the Beckett Fund for Religious Liberty a Washington-based international non partisan public interest law firm recognised for protecting free expression of religion and supporting their case, Seamus Hasson said,

“Pastors Daniel Scot and Danny Nahliah are victims of a rogue law that tramples on religious freedoms protected by international law. Instead of promoting religious tolerance, the Act cultivates disharmony and suspicion. This law makes people afraid to engage in any genuine dialogue about religious beliefs because someone may end up taking them to court just for having an opinion. Our clients, as devoted men of God, were simply expressing their opinions in a straightforward, analytical way regarding the differences between Islam and Christianity. It doesn't matter what the government or anyone else thinks about their opinions, everyone has the right to be wrong when it comes to expressing their opinion without fear of government sanction.”

James Standish from the International Religious Liberty Association said to Signs,

“The Victorian law, and subsequent prosecutions, are troubling and prove that efforts to promote "tolerance" can become a tool for intolerance.”

An Australian observer Ross Patterson says that the law itself contravenes the Australian Constitution Section 116 and 109.

Section 116 “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”

Section 109 “When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

He says, “by the definition of the Constitution, any state law contrary to the Commonwealth law, including the Constitution, is invalid. The bottom line is that the State of Victoria has passed legislation which it had no right to do. It cannot restrict the free exercise of the Christian religion which includes the sharing of ones faith, and if necessary exposing error (e.g. Matt 23). Both are part of the Christian faith. The Racial and Religious Tolerance Act 2001 has gone beyond the bounds allowed by the Australian Commonwealth law. Therefore, the law is invalid, and needs to be purged from the statute books. Any convictions based upon an invalid state

law should be null and void.”

How has the law been overturned in other nations and states as a result?

Danny Nahlia told the Signs that this law is a test case for the Western world. As a result of his conviction and stand against it, and making other's aware of it, it has been prevented from being passed in other states in Australia and in other nations around the globe. He told Signs that he has spoken in the House of Lords and the House of Commons in Britain regarding the Racial and religious villification bill, and the intended bill was ultimately defeated by 1 vote, the vote of the Labor Prime Minister, Tony Blair.

Threat to National and International Freedoms. We turn now to one of the greatest deterrents to human freedom - the unification of religion or atheism with the government. When a religion or belief is established by the state, no recognition is given to freedom of conscience, speech, religion, association, and even the right to life and liberty. This lead to enormous abuse, torture and oppression of individual rights resulting in the trauma, disability or death of the victim. Communism and the medieval era epitomised this condition.

The Western nations of Britain, Australia and America have the separation of church and state written into the Constitution of their governments. The British constitution pays tribute to the idea of separation of religion and the state in the Magna Carta, declaring in the first clause that the Church of England would be free from interference by the Crown. The purpose was to create a separation between the church and state powers to keep the Crown from using the Church as a political weapon and from arbitrarily seizing it's lands and property.

The American and Australian Constitutions maintain the separation of religion from the state. The First Amendment to the American Constitution says,

“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 Australian Constitution states in Section 116,

“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”

This principle of the separation of religion from the state is foundational to freedom principles. Where there an established belief system, be it a religion or atheism, and there is no freedom of religion in a nation state, all freedoms of speech, of the press, of assembly, of the right to petition will be considered a threat. This principle is therefore foundational to human freedom. Our freedom

nationally and internationally is greatly determined by the embracing of this principle.

If we forget the mistakes of the past we are doomed to repeat them. This underlying foundation of the modern secular state in the separation of church and state is under threat both nationally and internationally. There is a war from within being launched on the secularism of the West by some American Christians loosely classified as Theocons, who believe that Church and State need to come together to establish Christ's kingdom in America and ultimately internationally as God's world order based on the ten commandments.

A growing tendency amongst American Christians to advocate for the recognition of the Christian religion as a state religion and its laws as state laws in their nation state is placing the American secular state at risk. Hundred's of books warn of this influence in the American Republican Party and the Bush administration, and of the already far reaching consequences of it's influence. A documentary called *Outfoxed* reveals that Rupert Murdoch's media empire that reaches 4.6 billion people, $\frac{3}{4}$ of the world population is clearly pushing this right wing, pro Republican agenda that they label propaganda.

Internationally, the Vatican is a rival contender for heading the New World Order, as revealed in *The Keys of This Blood* by Malachi Martin and *A New Worldly Order* edited by George Weigel about *Centesimus Annus*; Pope John Paul II's vision of the new world order as a 'moral' world order. Various insiders and whistleblowers reveal they created the plans and agencies such as the UN in the first place. The Bible calls Catholicism the continuation of Mystery Babylon the Great, in whom is found all the blood of all those that are slain upon the earth. All protestant reformers recognised, protested against and pointed to the Papacy as the antichrist power.

In it, the Pope calls for nations to recognise the 'right to Sunday rest'. Although couched in freedom language, it is nonetheless the antithesis of the principles of freedom to legislate one religions practices for all religions to conform to. It is warned that the new world order, which the Pope and some Christians believe must be a 'moral' world order will be 'at once medieval and international in character' says Dr Siracusa a reader in history at the Queensland Univesity. In his review of *After the Nation-State; Citizens, Tribalism and the New World Order* by two shrewd and experienced journalists, Matthew Horsman and Andrew Marshall, he says the authors sense that the modern world that was invented around 1500 is fast coming to an end."

It may be surprising to many Christians to discover that Jesus separated forever the realms of church and state when He said, 'render unto Caesar the things that are Caesar's and unto God, the things that are God's.'" God's realm the realm of morality is separated from the realm of civility - the realm of the state. He dictated the principle that his disciples are not to intervene in the state and the state is not to intervene in Christianity. This is a solid principle on which the world of the Dark Ages came to an end and the legislated freedoms of the

Western world today were framed, the Magna Carta, Common Law, the First Amendment to the American Constitution, Section 116 of the Australian Constitution.

Ignorance of this principle risks the unravelling of the freedoms that we experience today and the adoption of principles that have created great human oppression, principles at work in the Islamic theocracies. The church experienced the great falling away when it intervened in the state and used its theocratic power to committ genocide against 3 nations that refused to accept its view of God in the 3rd to the 5th centuries AD and the period of the Dark Ages began. 2 Thes 2:3. Sadly, just as Jesus predicted, in the name of Christianity, and in the name of God great sins and crimes were committed. Estimates are that around 50 000 000 were tortured/ killed during the Inquisition. This is the horrifying outworking of the principle of church state unification.

In the Australian Federal Treasurer, Peter Costello's speech on the 23rd of September 2006, he said to the Australian Christian lobby National Conference,

“Christ lived his entire life on earth under the Roman Empire. He was crucified by the Romans. Mostly the apostles died at the hands of the political authorities. Both Peter and Paul are believed to have died at the hands of the Romans during the persecutions of Nero. *The early Christians exercised no political power. They were victims of it.* This was the experience of the Church for nearly 300 years. In 312 AD the Emperor Constantine converted to Christianity and with that conversion Christianity, or at least some part of it, transformed from the faith of a reviled minority to the official religion of a powerful state. *As an “official religion” Christianity could be blamed for some of the excesses of the States where it held sway.* Even today, Muslim critics will cite the Crusades or the Spanish Inquisition as failings of Christianity.

“But Christ's purpose was not to found a State or a government, at least not in this world. On trial for his life before the Roman Governor, Pilate, Jesus said: “My kingdom is not of this world, if my Kingdom were of this world, then would my servants fight.”

“Jesus rejected any opportunity to seize political power. He raised no army, fought no battles, enacted no law, meted out no punishment. When he was asked whether it was lawful to pay taxes to Caesar (the military Emperor occupying Israel at the time) he took a coin with Caesar's image and replied: “Render to Caesar the things that are Caesar's and to God the things that are God's. In other words there is the realm of the State - tax and coinage and so on - but beyond that there is a spiritual realm: The kingdom of God. The separation of Church and State - the Kingdom of God and the Kingdom of this world - each with their separate areas of responsibility and each claiming loyalty from the citizen in their areas of jurisdiction - derives from the teaching of Christ himself.

“Separating the State from religion allows religious freedom. In Christ's time it was the freedom of Christians and Jews under the Roman Empire. In our time it is the freedom of all kinds of religion under a secular state prescribed by the Australian Constitution.

“Christ's teaching which separated the spiritual from the political kingdom was, by large measure, lost after the fourth century and for several centuries thereafter. It was recovered in the later part of the 2nd millennium AD. **Most spectacularly, it was adopted and extended by the framers of the American Constitution and The Bill of Rights....**”

“The separation of the state from religion liberates both. It preserves freedom for religion. It liberates the church from the baggage of unpopular and difficult political decision making. It liberates the State from the religious dogma which at times has held back scientific progress....

“Now I have argued that the separation of Church and state is good for both and, further, that is a Christian teaching. I believe, that a secular national state can be adopted by Muslim societies and, what is more, that doing so will lead to greater technological and economic progress.

“I support the concept of a secular state for our country. Does this mean that Christians have no role in setting it's policy direction? Of course not. Like all citizens they are entitled (indeed in our country required) to vote. They will exercise their rights as they are entitled to do in a democratic country in accordance with their Christian conscience. They have a right and a duty to do so. And when they do so they can make a great difference for good.

“Much of our system of government has its origin in an idea or teaching from our religious heritage. Here I would widen that heritage to the Judeo-Christian heritage. As you know the Christian faith has adopted, and built on, a great deal of the Jewish faith. The concept of the rule of law derives from Moses and the 10 commandments which gives us the concept of property rights and respect for the family. I believe you cannot fully understand the importance of all these ideas without appreciating where they originated and, in their context, why they developed.”

In the writing of Australia's Constitution, Seventh Day Adventist's had a strong belief in recognising and living under the inalienable rights given us by God, campaigned for religion and the state to be kept separate by law. They were instrumental in seeing Section 116 placed in the constitution.

What can we do? We are empowered by accurate information. Become empowered by being informed about these issues. Help to protect our freedoms of speech and religion by supporting the effort to repeal the religious clause in the Victorian Racial and Religious Tolerance ACT. Information is available at

www.coalitionforfreespeech.com and

"Goebbels was in favor of free speech for views he liked. So was Stalin. If you're in favor of free speech, then you're in favor of freedom of speech precisely for views you despise. Otherwise, you're not in favor of free speech." Noam Chomsky, *Manufacturing Consent: Noam Chomsky and the Media* (1992).

“It is hard for men to learn that the same rights which they claim for themselves they are in duty bound to extend to others, however widely they may differ from them. But this is the golden rule of life - “Whatsoever you would that men should do to you, do you even so to them.” This is the true panacea for all bigotry, intolerance, and oppression.

No one himself desires to be coerced by others as to what he shall believe and practise in matters of religion; and no one ought, therefore, to assume or claim the right to coerce another in this respect. The liberty which each desires for himself, he should freely grant to others. Men may be quick to recognise and claim their own rights, while they utterly ignore and trample on the rights of others. For each to demand his own rights is not the basis of true liberty. Each must recognise and respect the equal rights of others before freedom is ensured.”

(The Rights of Man: An exposition of the Province of Civil Government and Religion and a Plea for Civil and Religious Liberty by W.A. Colcord.)

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