Freedom Under Threat

Throughout history Christians have had to make a choice. Whom should they obey, Christ or Caesar? For some, this question meant a one-way trip to the arena. For Christians in the twentieth century the question could mean the loss of:

- The right of religious liberty
- The right of free speech
- The right to enter into employment contracts, and freedom of association in the workplace.

In the place of these freedoms has (or may) come:

- A new wave of religious intolerance
- Abandonment of the idea of a fixed body of laws to limit the powers of the Federal Government
- Control of the local church including, possibly, the freedom to evangelise
- Regulation and control of religious instruction in schools, churches and homes
- An all-powerful, centralised government.

Is This the End of Religious Liberty? is an analysis of the United Nations' *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief*.

Read for yourself how this Declaration can affect religious liberty. Find out what it means for you, your children and your loved ones.

Discover what it could be like to live in the shadow of religious intolerance.

Is This The End of Religious Liberty?

The Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief

Dr Ian Hodge, Editor

with contributions by
Rev Dr David Mitchell
Dr R.J. Rushdoony

Prof L.J.M. Cooray

ISBN 0 85892 533 8

Typeset by FOXHORN Pty Ltd.

This book is dedicated to the memory of the late

Mrs Jean Wallis

a concerned Christian
who warned us 20 years ago that
the events described in this book
would surely come to pass
unless Christians acted
promptly.

For more information on the issue of religious freedom, contact
The Chairman, Dr Graham McLennan
National Alliance of Christian Leaders
GPO Box 1633
Canberra ACT 2601

Tel: (02) 6362 - 6242

Is This the End of Religious Liberty?

In 1993, the United Nations' *Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* became part of Australian law.

For some, this seemed the beginning of the end of religious liberty in Australia. The essays listed below highlight the implications of this Declaration and what it might have meant in 1993.

Now, in 1999, under the impetus of the Human Rights Commissioner, further legislation is being proposed in the Australian Parliament to ensure that discrimination and intolerance are eliminated for the majority of Australians.

This could mean, for example, that people may not be excluded from employment because of their religious beliefs or lifestyle.

The essays below are reprinted from the book, *Is This the End of Religious Liberty,* published in 1993. Now, in 2004, the predicitions of restrictions on CHristian belief and practice are about to materialise. Two pastors in Victoria are being prosecuted for speaking against the errors of Islam.

At the time, the book sold out its original print run in eight weeks, a tribute to its importance and the concern that many people had at the time.

It is time for a reprint and an update. Meanwhile, the essays listed below are a reminder of the issues that once again should concern all who believe that the so-called attempts to legislate religious toleration will, in fact, mean the loss of religious liberty for Christians.

Is This the End of Religious Liberty?

No Other Gods

by Ian Hodge

Almost everyone knows the story of Daniel and the lion's den. What is not so well understood is the specific reason why Daniel came into conflict with king Darius.

Darius had appointed a number of officials to assist in ruling his kingdom. These officials became jealous of Daniel, who had distinguished himself in the service of the monarch. They sought his downfall, but could find nothing in his work habits that would give them cause to complain to the king.

These officials knew, however, that Daniel was a religious man. And they knew enough about his religion to be able to devise a trap that would ensnare Daniel and bring about his political downfall. They were certain that they could only destroy him if they brought some issue to the fore concerning the law of God, forcing Daniel to choose between the law of his God and the law of the king.

Appealing to Darius's ego, they suggested that he should pass a law forbidding any person in the realm from making a petition to any other god or man for thirty days. On the surface this did not seem such a harsh law. Only thirty days. These advisers were not greedy men. All they wanted was enough rope for Daniel to hang himself.

It is important for us to grasp the nature of this edict. It legislated a prohibition against all prayer or petitions to any person or god for a limited period. What was the meaning of this decree that Darius signed into law?

In essence, this law established the *total jurisdiction* of king Darius over all areas of life and thought. So powerful and mighty was Darius supposed to be that he could forbid people from petitioning even a god. Putting this

another way, by prohibiting people from praying to any other god, Darius was establishing his own divinity. He was making himself the supreme authority in the whole universe.

This brought Darius into conflict with the first commandment as far as Daniel was concerned. "Thou shalt have no other gods before Me," declared the Lord God from Mt Sinai (Exodus 20:3). Had Daniel granted Darius the legitimacy to legislate when men could talk to other gods, especially the one true God, Daniel would have broken the commandment. Breaking the commandments, as the Bible tells us, is the essence of sin (I John 3:4).

The biblical account goes on to tell us how Daniel, upon hearing that Darius had signed the decree, entered his house and knelt in prayer on three occasions. He did this in view of all, praying in front of an open window. But you can imagine the comments of his friends and neighbours when he violated the decree:

"Daniel! Why don't you close your windows and pray unseen?"

"Hey, Daniel! You'll give God's people a bad reputation. Don't you know we're supposed to obey earthly rulers at all times?"

"Now look, Daniel. It's only for thirty days. After that you can pray as many times as you like to whomever you like. Just don't rock the boat on this. It's not as if it's forever!"

Yet Daniel did not flinch from his duty. And though he was convicted in the courts of man for breaking the law of the land, he was vindicated in the court of God and given Divine protection at a most difficult time. He was not one to obey the law of Darius on this point, for Daniel knew that to do so would be to break the commandment of his God, thereby giving evidence that he was not a true disciple of the Living God.

Over two thousand years later, Christians in Australia find themselves in a situation not unlike that of Daniel. For the highest authority in the land has made a decree that forces every Christian to make a choice. Whom shall they obey when the government passes a law that gives it *total jurisdiction* -- even over the religious practices of Christians?

The issue in Australia today, however, is far worse than that faced by Daniel in some respects. While Christians are not asked to face the lion's den for violation of the law, they could be restricted from the free exercise

of their religion for far more than the thirty days that limited Daniel.

If you believe that, like Daniel, you must make a choice on this issue, then please read the following chapters and act accordingly.

Is This the End of Religious Liberty?

Why the Fuss?

by Ian Hodge

This book was written and prepared with one purpose: to provide concerned citizens with information about legislation designed to remove religious liberty in Australia.

On February 24, 1993 a notice appeared in the *Commonwealth of Australia Gazette* entitled the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.* The publication on that day brought into Australian law, under Section 47 of the *Human Rights and Equal Opportunity Commission Act, 1986,* this particular United Nations' Declaration.

For many, this might appear a topic that does not require too much thought or comment. Christians are required to treat all people with equity and justice. There should be no discrimination against people because of their particular religious beliefs. That depends, however, on how the term "discrimination" is defined.

It is the belief of the contributors of this book that the definition of intolerance and discrimination contained in the UN Declaration, and already having force of law in Australia, is unacceptable, not only for Christians but for people of other religions as well.

No one likes to read bad news. This, unfortunately, is a book that contains bad news. I should add, quickly, it also contains some good news. First, however, we need to hear the bad news. The good news will be that there is something that can be done about the bad news. It is not necessary, on the one hand, to live in despair about the events described in these pages. On the other hand, it is essential to understand the issue and its implications -- not just for yourself but for all those who claim to be Christian.

On the date mentioned above, the Federal Attorney-General introduced into Australian law the United Nations *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.* This Declaration, like others preceding it, did not need to be scrutinised in the Federal parliament, nor was it subject to discussion in the public media.

While not a totally unusual circumstance, in this instance its omission from public discussion was sinister, to say the least. For, in one piece of legislation, Australians lost several freedoms they enjoyed before the particular date in question. These lost freedoms were:

- The right of religious liberty
- The right of free speech
- The right to enter into certain contracts, and freedom of association in the workplace

In the place of these freedoms has (or may) come:

- Abandonment of the idea of a fixed body of laws to limit the powers of the Federal Parliament
- Control of the local church
- Regulation and control of religious instruction in schools, churches, and in the home
- The end of Federalism in Australian politics
- An all-powerful centralised government as the concept of the state being subject to a Higher Authority has all but disappeared.

In the following chapters the authors present a case why not only Christians, but all fair-minded Australians should oppose the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.*

This book provides several pieces of information to help the reader understand the issue and make an informed response. First, there is an analysis of the UN Declaration and its implications for those living in Australia, especially Christians. A number of criticisms are based upon particular views concerning government and its God-ordained role in society as well as particular views about the Australian Constitution and our Federal system of government.

The basis and rationale for the criticism appear in the chapters by Rev Dr David Mitchell and Dr R.J. Rushdoony. Dr Mitchell sets forth a biblical basis for the origins of our Australian common law heritage. In a second chapter, he shows how United Nations' Conventions and Declarations have been incorporated into Australian law in a way that removes from the Australian parliament, courts and, ultimately, the Australian people, the ability for self-determination.

The article by Dr Rushdoony is an assessment of the United Nations and its role in this Declaration. Unless we understand the *theological* nature of our disagreement with what is occurring in the world, we cannot expect to accurately respond to the practical concerns that are raised by the implementation of the UN Religion Declaration.

Law and politics around the globe are in crisis. The idea of a Federal parliament governing in terms of a written Constitution has been difficult to maintain in the light of High Court interpretations of the Constitution. If this basis were upheld, the UN Declaration could be challenged on Constitutional grounds, since it's an infringement of the religious freedom clause (S. 116) in the Australian Constitution.

At the end of this book you will be asked to take action. This means that you will have to make a judgment about the things that you read. Once parliament resumed in August 1993, the issue came before both houses. Since the Declaration was not disallowed at that time, religious liberty has disappeared, as a 2003 court action in Victoria against two pastors for speaking against Islam has shown. Now it requires an amendment to the *Human Rights and Equal Opportunity Commission Act 1986* to return liberty to all Australians.

I hope you see the same urgency in the situation as do the contributors to this book, and we all pray that you will take steps to ensure true religious freedom remains a vital aspect of Australian life.

Is This the End of Religious Liberty?

Why the Fuss?

by Ian Hodge

This book was written and prepared with one purpose: to provide concerned citizens with information about legislation designed to remove religious liberty in Australia.

On February 24, 1993 a notice appeared in the *Commonwealth of Australia Gazette* entitled the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.* The publication on that day brought into Australian law, under Section 47 of the *Human Rights and Equal Opportunity Commission Act, 1986,* this particular United Nations' Declaration.

For many, this might appear a topic that does not require too much thought or comment. Christians are required to treat all people with equity and justice. There should be no discrimination against people because of their particular religious beliefs. That depends, however, on how the term "discrimination" is defined.

It is the belief of the contributors of this book that the definition of intolerance and discrimination contained in the UN Declaration, and already having force of law in Australia, is unacceptable, not only for Christians but for people of other religions as well.

No one likes to read bad news. This, unfortunately, is a book that contains bad news. I should add, quickly, it also contains some good news. First, however, we need to hear the bad news. The good news will be that there is something that can be done about the bad news. It is not necessary, on the one hand, to live in despair about the events described in these pages. On the other hand, it is essential to understand the issue and its implications -- not just for yourself but for all those who claim to be Christian.

On the date mentioned above, the Federal Attorney-General introduced into Australian law the United Nations *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.* This Declaration, like others preceding it, did not need to be scrutinised in the Federal parliament, nor was it subject to discussion in the public media.

While not a totally unusual circumstance, in this instance its omission from public discussion was sinister, to say the least. For, in one piece of legislation, Australians lost several freedoms they enjoyed before the particular date in question. These lost freedoms were:

- The right of religious liberty
- The right of free speech
- The right to enter into certain contracts, and freedom of association in the workplace

In the place of these freedoms has (or may) come:

- Abandonment of the idea of a fixed body of laws to limit the powers of the Federal Parliament
- Control of the local church
- Regulation and control of religious instruction in schools, churches, and in the home
- The end of Federalism in Australian politics
- An all-powerful centralised government as the concept of the state being subject to a Higher Authority has all but disappeared.

In the following chapters the authors present a case why not only Christians, but all fair-minded Australians should oppose the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.*

This book provides several pieces of information to help the reader understand the issue and make an informed response. First, there is an analysis of the UN Declaration and its implications for those living in Australia, especially Christians. A number of criticisms are based upon particular views concerning government and its God-ordained role in society as well as particular views about the Australian Constitution and our Federal system of government.

The basis and rationale for the criticism appear in the chapters by Rev Dr David Mitchell and Dr R.J. Rushdoony. Dr Mitchell sets forth a biblical basis for the origins of our Australian common law heritage. In a second chapter, he shows how United Nations' Conventions and Declarations have been incorporated into Australian law in a way that removes from the Australian parliament, courts and, ultimately, the Australian people, the ability for self-determination.

The article by Dr Rushdoony is an assessment of the United Nations and its role in this Declaration. Unless we understand the *theological* nature of our disagreement with what is occurring in the world, we cannot expect to accurately respond to the practical concerns that are raised by the implementation of the UN Religion Declaration.

Law and politics around the globe are in crisis. The idea of a Federal parliament governing in terms of a written Constitution has been difficult to maintain in the light of High Court interpretations of the Constitution. If this basis were upheld, the UN Declaration could be challenged on Constitutional grounds, since it's an infringement of the religious freedom clause (S. 116) in the Australian Constitution.

At the end of this book you will be asked to take action. This means that you will have to make a judgment about the things that you read. Once parliament resumed in August 1993, the issue came before both houses. Since the Declaration was not disallowed at that time, religious liberty has disappeared, as a 2003 court action in Victoria against two pastors for speaking against Islam has shown. Now it requires an amendment to the *Human Rights and Equal Opportunity Commission Act 1986* to return liberty to all Australians.

I hope you see the same urgency in the situation as do the contributors to this book, and we all pray that you will take steps to ensure true religious freedom remains a vital aspect of Australian life.

Is This the End of Religious Liberty?

The UN Declaration on Religious Discrimination

by Ian Hodge

Religious freedom is something we take for granted. Christians, as do those of other faiths, turn up for worship as their religion dictates, or they practise their religion on a daily basis. Sometimes those religious practices can have far-reaching effects. Christians, for example, are commanded to do good to all men, especially those of the household of faith (Gal. 6:10). This leads to a range of activities, many of a charitable nature, as Christians find ways to implement their beliefs.

With the introduction of the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief* into Australian law, many things will change, including the duty to do good to fellow believers. That may appear to be an exaggeration. Before jumping to any conclusions, however, consider what the Declaration says. There are six major concerns.

1. Who is Sovereign?

At the heart of all discussions of this nature is the question of sovereignty. The word sovereignty was once reserved for God alone, for it was thought that God alone was the one true Sovereign. To find out who is sovereign, ask the question, who is the highest authority? The answers to this question divide into two major categories. On the one hand there are those who believe that the highest authority is transcendent. That is, the court of highest appeal in the affairs of men is to be found outside the created order. The second answer argues that there is no transcendent authority, that ultimate adjudication rests within creation.

Christianity asserts that God the Creator is the source of all power and

authority. It is the Triune God of Scripture who is the highest court of appeal in all matters, for He has created the whole universe, and there is not one area of life and thought outside His jurisdiction. This means that all earthly authorities are *limited* in what they may or may not do. They are authorities *under* God's all-controlling influence. Therefore, all authorities, whether they are in the civil realm, the church, the family, or elsewhere, have an obligation to follow the rules set down by the Highest Authority.

Practically, this means that earthly authorities are not, in a strict sense, lawmaking authorities. They are *administrative* bodies, whose responsibility it is to put into place the laws of God in their respective realms. Thus, church leaders must run the church according to rules and regulations set forth by God. So, too, must parents in the home. And political leaders are not exempt from this requirement.

Fortunately, the framers of the UN Declaration see this issue as important too, so they cover the topic early.

> Freedom to manifest one's religion or beliefs may be subject to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Note what it is telling us here. That the freedom of religion is *subject to such limitations* -- as determined by whom? By God Almighty? If the Commonwealth government sees itself as the ultimate determiner of how religious beliefs may be limited, then it has declared itself to be the highest authority. It is asserting that God and what He teaches must now be subject to the Acts of the Australian Parliament.

Throughout history there has been a battle under way between church and state. Who should be ruler over the other? The Reformation, under Luther's historic challenge, reaffirmed that both church and state are under God. Neither is to be the ruler over the other, but both have an ordained role to play in society under God's authority.

This UN Declaration, however, delivers into the hands of the Commonwealth government all power and authority to circumscribe and limit any religion it thinks necessary in order to "protect public safety, order, health and morals". Whose morals will the state now protect? The morals of the Triune God of Scripture? If not, it will protect the morals it proclaims itself. In short, the Federal Parliament has made itself the new god. All law is legislated morality and the highest authority in the land determines what

that moral standard will be. The only question is, whose moral standards are to form the basis for legislation?

In this Declaration the political state is claiming sovereignty -- to be the highest authority -- for it has granted to itself *total jurisdiction* over all areas of life and thought.

This is a problem similar to that faced by the early church. Christians came into conflict with the Roman Empire not so much because they would not worship the Caesars, but rather because they would not recognise the all-embracing jurisdiction of the Roman authorities. Thus, said Tertullian, "we have a prescript sufficient, that it behoves us to be in all obedience, according to the apostle's precept, `subject to magistrates, and princes, and powers'; but within the limits of discipline, so long as we keep ourselves separate from idolatry."(1) Notice the phrase, "within the limits of discipline". For Tertullian, basing his comments on the writings of the apostle Paul, there were things that Christians could not do if so commanded by the Roman state. There were, of course, legitimate areas where the state must be obeyed. But in other areas the Christian church could not do what the state commanded without violating its faith, for this would be the practice of idolatry.

The UN Declaration on religious discrimination brings the Christians in the twentieth century into such a dispute again. Will it be answered with the same response as the Christians in the Roman Empire? This is the key and most critical issue raised by the Declaration.

2. The Meaning of Discrimination and Intolerance

PPerhaps the most insidious portion of this Declaration is its definition of intolerance and discrimination. Article 2, paragraph 2 states:

> For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Note the four key words: *distinction, exclusion, restriction* and *preference.* And these key words are preceded by that little word *any.* Taking these meanings literally and seriously, what are some of the possible difficulties that might arise if someone were to show *any* preferences based on religious belief? As mentioned above, Galatians 6:10 instructs Christians to do good to all men, especially those of the household of faith. Is this not to make a preference based on religion? And could such action result in a non-Christian having his "human rights and fundamental freedoms" nullified or impaired? Say you were to appoint a new employee because he was a Christian. This could easily fall under the definition of intolerance and discrimination. (Imagine the reverse: you select an employer because he's a committed Christian? If you turned down one employer in order to take this job, could he take action under this Act? That question, as to whether or not the act covers such a circumstance, will no doubt become the topic of legal debate. But are we willing to take the risk that the judgment will be in the favour of the Christians?)

In essence, any prohibition against employing the person of choice for whatever reason is a denial of the freedom of association and a severe limitation on the right of contract between individuals. The implementation of this Declaration is a potential restriction of the freedom of association in the workplace. This kind of lifestyle, where people are prohibited from freely mixing with others, no matter what they believe, is usually reserved for prisoners or slaves.

Think of other activities. Private Christian schools are already under attack from homosexuals who want to remove, or do away with, the school's freedom to select staff based on religious belief. In New South Wales, for example, Anti-Discrimination legislation excludes Christian schools and churches from its intent. But, as the NSW Attorney-General has pointed out in correspondence to the churches, the State Crown Solicitor advised him that the UN Declaration *may* require state legislation to conform with the sentiments of the Declaration.

3. The Extent of the Law

Article 4, paragraph 1, of the Declaration states:

> All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the

> recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

This is the paragraph that perhaps concerns the NSW Attorney-General. There is some debate about the extent of this clause, however. Within the *Human Rights and Equal Opportunity Commission Act 1986* (hereafter the HREOC Act) the word "`State' includes the Australian Capital Territory and the Northern Territory". Elsewhere, paragraph 6 (1), it is declared that "this Act binds the Crown in right of the Commonwealth and of Norfolk Island but, except as otherwise expressly provided by this Act, does not bind the Crown in right of a State". It is argued on this basis that this particular Act has little or no legislative implication for the State[(2)] governments in Australia. Can we be certain of this, however?

In section 4 of the HREOC Act, "this Act is not intended to exclude or limit the operation of a law of a State or Territory that furthers the objects of the Convention and is capable of operating concurrently with this Act". Now if the definition of "State" as provided within the Act is kept strictly, it appears that "State" refers to the six geographic and political entities commonly referred to as States of Australia, but in addition includes the Territories. Note the phrase, *"not intended to exclude"*.

It is necessary to read these two sections together to understand properly what is being legislated. Section 4 is an apparent modification to the sentiments expressed in 6(1). While section 6(1) is intended to keep the States out of the umbrella of the legislation, section 4 allows the Federal government to enter by the back door. Section 4 apparently makes provision that where a State Act covers the objects of the Convention, the State Act is *not excluded* from the provisions of the Federal Act. Thus, for example, if there were a State HREOC Act, the provisions of the Federal Act would become part of, or override, the conditions of the State Act.

For these reasons, it seems better to err on the side of caution, expecting the worst but hoping and working for something better. Therefore, we share the concern of the NSW Attorney-General and rightly fear that this Declaration could be used in attempts to overturn State laws, such as the NSW Anti-Discrimination laws, that protect Christian schools and churches from attempts to eliminate certain kinds of discrimination and intolerance.

The Declaration, it should be pointed out, contains no penalties. The Human Rights Commissioner can only report breaches of the Act. Its real teeth

come from requiring other legislation to conform to its principles. Therefore, we should be wary of the legislative changes that might introduce penalties for actions defined as practising religious discrimination or intolerance.

4. Who Owns Your Child?

It is not usual to talk about children as if they are mere economic chattels. Ownership is usually confined to things and objects, not people. Not since the abolition of slavery has it been appropriate to talk about people, especially children, as being owned by someone. Yet ownership is inescapable if we mean by ownership that someone, or some entity, has the right of control over the child.

The biblical pattern of ownership is unique. It declares that it is God who owns everything. All that a person has is *delegated* to him by God Almighty. Thus, the concept of stewardship is the heart of biblical teaching. Adam and Eve were placed in the Garden and given certain duties and responsibilities. After the Fall, man's responsibilities are no less. He is to use those resources that Providence puts into his possession for the glory of God and the extension of God's Kingdom on earth -- as it is in heaven.

One of the "possessions" God has given to the family is children. It is often thought that parents own the child, but there is a mutual ownership in the biblical family. While parents have obligations and responsibilities to children, so too do children have duties towards parents. Thus, it is better to say that children are owned by the family rather than the parents. This mutual ownership implies that the child owns the parent just as much as the parent may wish to claim ownership of the child.

Not so, says the modern political state. The family apparently cannot be trusted to fulfil its obligations. Parents are sometimes negligent. Children are sometimes unfortunate enough to have parents who overlook their duties. The political state -- made up of the same human stock that it declares cannot be trusted to do its job properly in respect of the child -- somehow will overcome this propensity in people to be negligent. Politicians and bureaucrats, it seems, are not like ordinary parents. They are almost never negligent, so they claim for themselves. What is more important, the state claims to be able to "save" children from their parent's negligence by transferring custody of the child from the family to the state.

But who will "save" the child when the state becomes negligent?

The UN Religion Declaration reinforces this principle. Although the Declaration states (Article 5, paragraph 1) that children will have the "right" to be taught the religious beliefs that parents choose, it is clear from the tenor of the Declaration that this freedom has some serious limitations to it. In fact, we should remember that the nature and purpose of the Declaration is to limit religious activity, so that no one religion may discriminate, or be intolerant, of other religions.

5. Abolition of Religious Belief

Well may we ask, then, what use is it to have a religious belief? Religions of all kinds discriminate against others. All religions say that their beliefs are the right ones and others are wrong. Thus, the UN Declaration has as its purpose the *abolition* of all religious belief -- except for the religious beliefs underlying the UN Declaration itself: the belief in the all-powerful, all-knowledgeable, all-wise, all-controlling political state. This is the religion offered in place of the beliefs that form the basis of our historic legal and political systems.

Thus, we see that what the Declaration promises in one paragraph it takes away somewhere else. Paragraphs 3 and 5 of Article 5 therefore confine and limit the religious beliefs that may be taught to children as guaranteed in Paragraph 1:

> 3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
>
> 5. Practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

To understand these paragraphs properly, it is necessary to keep in mind the definition that the Declaration gives to discrimination and intolerance. Four

key words are used: *distinction, exclusion, restriction* and *preference.* Let's see if we can make sense out of all this.

On the one hand, to show a *preference* to someone (where it might affect his fundamental rights, as Article 2 says) is to fall into the embrace of this Declaration. Thus, to prefer one job applicant because of his religious belief would appear to be a discriminatory act that this Declaration is keen to abolish.

Similarly, however, when a child is taught to hold to orthodox Christian faith he is also taught to *prefer* this belief system over all others. He's taught that this selection of Christianity automatically causes him to declare all other religions to be false, and teachers of these religions misguided concerning the truth. That is what the Bible requires of all those who profess to follow its teaching. The Declaration, on the other hand, requires a child to be taught to tolerate other religions. Well, we should most certainly teach him to be patient, kind, charitable to all men, but he is to show this *especially* to those in the household of faith (Gal. 6:10). In short, Christians are to show *preference* for other Christians, just as Muslims are taught to give special consideration for other Muslims. This preference, however, will now be limited by government decree, just as we have seen in Article 1.

This point cannot be stressed too strongly. Remember, the Declaration's definition of discrimination and intolerance includes the idea of preference. Now it says that the child is to be raised in a spirit of tolerance. Tolerance, being the opposite of intolerance, means that preference becomes non-preference. Children are to be raised in a spirit of non-preference concerning religious belief. In this manner the Declaration intends to end *all* religious belief -- except the unadmitted one underlying the Declaration itself.

By such action the Declaration shows that it is absurd in its ambition. To suggest that people can have a religious belief that does not display preference is to endeavour to change the way in which the human mind works.

What the Declaration is saying is that *its* beliefs are to be preferred over those taught in the Bible. In essence, it wants people to discriminate in favour of its basic ideas. It wants us to be intolerant of all those who do not agree with its sentiments. In short, the Declaration wants us to do with its beliefs what it prohibits for any other belief system.

It is not too difficult to see that paragraph 5 of Article 5 grants a vicious power to the government. Not only must a child be taught to be tolerant of

all other religions, he cannot be taught anything that might be injurious to his physical or mental well-being. Is teaching fundamental Christian truths injurious to a child's mental well-being? Some people think so, and they are very vocal supporters of the sentiments behind this UN Declaration. It is not too hard to imagine how this Declaration might be used to limit the activities of Christian schools, or to prevent Christian parents from operating home schools. And if it applies to the Christian school and home, why not the Christian Sunday school or the Christian sermon?

The question I keep asking myself as I write this analysis is, am I making incorrect assumptions? While it is my purpose to highlight problem areas within the Declaration, it is not my intention to make false claims about it. My purpose is to raise legitimate concerns. So, am I going too far when I claim that the political authorities would attempt to control what is taught about a religion by particular religious groups? I don't think so, and here's the reason why.

In 1987, an Anglican clergyman in the Newcastle region resigned from teaching Religious Instruction classes in his local public school. His reason for quitting was to draw attention to a directive from the Director-General of Education in New South Wales dated November 13, 1986 that set forth "New Procedures for Special Religious Instruction". Under the heading, "Responsibilities of Schools", it said:

> The school should reserve the right to intervene in the event of unreasonable disruption to the school, alleged teaching inefficiency, or *alleged distortion of religious doctrine.* Such matters should be pursued by the principal in collaboration with the relevant Special Religious Instruction authorities and, if necessary, officers of the Department of Education (emphasis added).

Here is a claim by the Education Department that it now reserves the right to determine an alleged distortion of religious doctrine. What forms a perversion of religious doctrine? Some Catholics believe Protestantism is a distortion of religious doctrine. Many Protestants believe the teaching of the sects and cults is a falsification of religious doctrine. While the authorities should "collaborate" with the Special Religious Instruction authorities, there is no mention of who is to be the final adjudicator in any dispute. What is implied is that officers of the Education Department would be the final arbiters. This makes the political state the determiner of what is acceptable religious doctrine, something that Christianity has fought against, on biblical

grounds, for centuries.

The UN Declaration, however, would give teeth to the Education Department directive. Under the sentiments of the Declaration, the Education Department might well argue that the child's mental well-being is affected by the teaching of certain religious doctrines, and the teaching must therefore be halted. Concern over this aspect of the Declaration is thus well-founded.

It can be seen, then, why the UN Declaration means the end of free speech. Religious doctrine is to be controlled. The idea of free speech has never meant there should not be some restriction on what people say, such as defamatory remarks. But it certainly implies that people should be able to talk freely about their religious beliefs or the beliefs of others.

6. Suitable Places

So far we have seen that the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief* has attempted to put an end to all forms of religious belief except belief in the political state as ultimate authority and the ideas espoused in it. This is the belief system that is being offered in this Declaration.

Its comprehensiveness, however, can be seen in Article 6. On the one hand, in sub-paragraph (a) it grants the freedom "to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes". A little later, sub-paragraph (e) grants the right "to teach a religion or belief in places suitable for these purposes". Well might we ask what is a "suitable place" for the teaching of religion. While there is no categorical statement that a religion will be limited to "suitable places" it is easy to see that there is an *implied* concept that someone must define what is a place suitable for the teaching of a religion. Who shall make such a judgment? The answer should be obvious from earlier comments: the state will determine what places will be suitable for the teaching of religion.

It may come as a surprise to some that there should be an attempt to control the places of religious worship. But in 1984 the Baulkham Hills Shire Council banned a Northmead family from holding church services in their home.(3) According to the chief town planner, any place of worship needed the approval of council. In most cases, this would require specific zoning to

permit worship services to be held in homes. Neighbours had apparently complained. The sentiments reportedly expressed by one councillor were, "If everyone wanted to set up a place of worship, the place would be a shemozzle."

Thus, the thin edge is exposed; the principle is established. Religious worship is to be controlled. More specifically, *Christian* religious worship is to be restricted. If the council can ban worship in the home for 24 people, then why not for 12 people, and why not for six or two? And if it can be banned in the home, why not elsewhere? Especially if a UN Declaration makes provision for the development of "suitable places" for worship.

Conclusion

These, then, are the explicit difficulties that are associated with the UN Declaration concerning religious discrimination. There are, however, other matters that need to be addressed, for they help us to understand the nature of the issue and why we should be opposed to the idea that this Declaration should remain a part of the law of Australia.

NOTES

1. Tertullian, "On Idolatry," in Alexander Roberts and James Donaldson, eds., *The Ante-Nicene Fathers* (Grand Rapids, MI: Wm. B. Eerdmans, 1986), Vol. III, p. 71.

2. State with a capital `S' refers to a geographic region such as Victoria; with a small `s', it refers to a political entity.

3. *The Mercury,* May 29, 1984, p. 1.

Is This the End of Religious Liberty?

Further Implications

by Ian Hodge

There are further practical implications that might be drawn from the UN Declaration. In the previous chapter I gave examples of how I think it is possible that this Declaration might be used. In this section I'm going to let my imagination run a little more and draw some hypothetical illustrations that might be implicit in the Declaration.

It has already been suggested that a prospective employee could use this Declaration to claim discrimination if someone else was selected for the position because of a religious belief. This principle, that someone who misses out because of a religious belief (or lack of a particular belief) has been discriminated against, can be applied elsewhere. Employment in Christian schools by nonbelievers, practicing homosexuals, and others is a clear example. But there's an example that, while it may appear extreme, is no more than an extension of the principle stated here. Could a prospective marriage partner who is turned down because of religious beliefs take action under this Declaration or other legislation that might support its sentiments? A frivolous example, you say. Wouldn't get past the front door of those enforcing Human Rights and Equal Opportunities legislation, you argue. Yet there are many examples of people using the courts for equally petty situations.

While this is probably not the *intention* of the Declaration, the question that must be asked is this: could it be used in this way in the future? If the Declaration is not intended to be used in this manner, then surely the legislators should ensure it contains these particular exclusions. This way, everyone would know exactly what is the intention of the Declaration.

The Declaration, unfortunately, is not so clear. And it is this propensity to vagueness, unclear definitions, and faulty logic that should concern us. Because it leaves doorways open, it could be used in ways not envisaged at

the time of its inception.

Welfare institutions, such as retirement villages built for members of a particular denomination, will no longer be able to select clients on the basis of religious beliefs. This practice, however, has almost been taken away by the fact that the government finances most denominational welfare institutions. With the money has come government control, and many are finding that they may no longer use their denominational institutions for the exclusive use of members and adherents.

Recent activity in New South Wales by homosexual groups has put pressure on the State government to repeal its Anti-Discrimination legislation that specifically excludes private schools and churches. The President of the Anti-Discrimination Board that administers the Act has reportedly received a "significant number" of complaints, alleging discrimination at Christian schools. Apparently "numerous" men and women have been either dismissed or not hired in the first place because of their sexual preferences. Under the present law, the Board cannot take action against the schools. But if the UN Declaration requires that State legislation conform with its intentions, then the privileges and advantages of the Christian school could disappear.

Rev Dr David Mitchell, whose efforts against this UN Religion Declaration (and others similar to it) have been remarkable, has raised the question of whether this Declaration might prohibit evangelistic activities. Since the Declaration appears to regard as an offence any religious instruction that teaches preference of one religion over another, the end of free speech appears certain. Will it become a crime for a Christian to approach an unbeliever and tell him that there is only one way of salvation: faith and trust in Jesus Christ as Lord and Saviour? Will a Muslim be permitted to proselytise among the Jews? There is only one way to ensure that freedom to evangelise continues to exist: do everything possible to ensure that this UN Religion Declaration is overturned.

Contradictions

It is difficult to see how the courts of the land can enforce a piece of legislation that is contradictory. Not only do contradictions appear within, but the UN Declaration apparently disagrees with sentiments expressed in the Australian Constitution. For example, Section 116 of the Australian

Constitution states that "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."

Now this section of the Constitution offers some very interesting thoughts. *First,* it states that "the Commonwealth shall not make any law for establishing any religion", yet this is exactly what the UN Declaration attempts to do. It attempts to establish the religion of secular humanism as the only religion that is to receive legal status in the Commonwealth of Australia. No doubt the Federal government does not see itself as establishing any particular religion, which means our task is to help it realise its error.

A religion of some kind, though, is inescapable. It is a myth to assume that we can somehow have a belief that is not, at the same time, a religious belief. A religious belief is one where a person has a belief about himself and where he comes from (i.e., metaphysics); it includes a belief about how knowledge is obtained and verified (i.e., epistemology); and incorporates concepts about justice, goodness, right and wrong (i.e., ethics). These three ideas are inescapable; everyone has some belief about them. The only question is this: which is the *right* answer? But we cannot answer this question without assuming answers to the basic questions themselves. We must assume that either we are the creation of God Almighty, or we assume the origin of the human race lies elsewhere. If we assume the former, then we must recognise that the answer to the two remaining concepts must be based on what God tells us, not on what we like to imagine. Naturally, if the assumption is we're not created, then there's the impossible task of showing how man, unaided by Divine Revelation, can be certain that what he knows is right and true.

People also have a belief about sin and salvation. According to the Bible, sin is ethical revolt against God's standards of right and wrong, and salvation is entirely the work of a gracious and merciful God. For the unbeliever, on the other hand, sin is attributable to the environment or some other earthly cause, and salvation is available to those who make the right effort to overcome themselves and their surroundings.

There are, then, religious beliefs underlying the UN Declaration. We should insist that the state legislate Christianity rather than their religion of secular humanism; not because it's our religion or that it's a better religion (even

though that's true), but because Christianity is the *only* religion that worships the true God. In other words, parliament should legislate Christians standards because they are the *right* ones.

Second, Section 116 says that "the Commonwealth shall not . . . [prohibit] the free exercise of any religion". The Christians have already lost out on this one if they are seeking to prevent the Commonwealth from passing any laws that limit the free exercise of religion. In wartime, for example, some religious groups were restricted in their religious practices (e.g. Jehovah's Witnesses). There are other religious beliefs that we may wish the Commonwealth government (or State governments) to prohibit. So, ultimately we cannot expect that the Commonwealth will limit itself in enacting legislation of the present kind that interferes with the free exercise of a religion.

Rather, we must expect that the Commonwealth (and the States, for that matter) should pass laws that prevent people from practising some of the beliefs of false religions. For example, there are religions that encourage human sacrifice. In parts of India, it is a Hindu practice for a widow to be burned alive with her dead husband. Where it has the appropriate jurisdiction to do so, we certainly would want the Federal government to prevent Sutteeism occurring within Australia. In some places homosexuality is also a religious practice, as are various kinds of immoral (from the Biblical perspective) sexual practices, and there are sound biblical reasons for having government legislation restricting these activities.

No, we certainly do not want the Commonwealth to keep right out of religious issues. We want it actively promoting the true religion, and those beliefs and practices that are right, noble, and true. In short, we want the Commonwealth government to be actively Christian and encourage and legislate in terms of the Christian faith.

Quick and Garran, in their *Annotated Constitution of the Australian Commonwealth* point out that this section "is not intended to prohibit the Federal Government from recognizing religion or religious worship. The Christian religion is, in most English speaking countries, recognized as a part of the common law."(1) The authors of these words were present at the time of the formation of the Australian Constitution, and their knowledge of the *intent* of the framers of the Constitution cannot be dismissed lightly. Their comments, however, take us to another dimension of this debate: the meaning of the Constitution.

"Original Understanding" or The End of Federalism

I am going to present here an argument concerning the *original intent* of the Constitution. There are some who follow an interpretive approach to the Constitution that can be called "original understanding". A defender of this view in Australia is Professor Mark Cooray formerly from Macquarie University, and a portion of his defence of this position was reprinted as chapter 8 in the 1993 edition of *Is This the End of Religious Liberty?*

The view that the Constitution should be interpreted according to its original meaning or intent is not popular in government circles, for it places a real restriction on the activities of the Federal Parliament. The High Court, whose task it is to interpret the Constitution when disputes arise as to its meaning, have generally not favoured this view. By severing themselves from the original meaning of the Constitution, however, the Judges have changed the nature of the Constitution in this country from one of fixed law, or firm principles, to one of arbitrary opinion. Speaking on the issue from an American perspective, Judge Robert H. Bork argued that "there is a historical Constitution that was understood by those who enacted it to have a meaning of its own. That intended meaning has an existence independent of anything judges may say. It is that meaning that the judges *ought* to utter. If law is more than naked power it is *that* meaning the Justices [have] a moral duty to pronounce."(2)

Australia has a Federal *system* of government. The government of Australia is made up of local, State, and federal authorities. The sole purpose of a Constitution under this system is to limit those in Federal parliament. It is a document designed to give *limited jurisdiction* to the politicians in Canberra.

Thus, a key issue in this debate is the meaning of the Constitution itself. The UN Declaration assumes that the Federal Government is able to pass legislation in this area of religious belief. It assumes that the Commonwealth can also force State and municipal governments to bring their legislation into line with the Declaration. This view must be vigorously rejected.

When the Federal government was formed, the States transferred certain of their powers to it. The Australian Constitution, especially Section 51, sets forth those powers in writing. Thus, in the words of Quick and Garran, "the Federal Parliament is a legislative body capable only of exercising enumerated powers. Its powers are determined and limited by actual grants

to be found within the Constitution. *Anything not granted to it is denied to it.*"(3) This is the sole purpose of the Constitution: to set forth the duties of Federal Parliament.

The Constitution is therefore a *limiting* document: it limits the activities or establishes the boundaries of the Federal Parliament. Australia's Federal government is thus *constitutional government.* In the words of Sir Kenneth Wheare, this "means something more than government according to the terms of a Constitution. It means government according to rule as opposed to arbitrary government; it means government limited by the terms of a Constitution, not government limited only by the desires and capacities of those who exercise power. . . . The real justification of Constitutions, the original idea behind them, is that of limiting government and of requiring those who govern to conform to law and rules."(4)

The attempt by the Federal Parliament to legislate the United Nations *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief* must therefore be seen as an attempt to legislate in an area where it has no Constitutional jurisdiction. In short, what it is doing is illegal -- if by legal we keep in mind the concept of original intent, or original understanding.

Thus the very bulwark against an over-powerful centralised government is being broken down. For, as Judge Bork observes, "the interpretation of the Constitution according to the original understanding . . . is the only method that can preserve the Constitution, the separation of powers, and the liberties of the people."(5) (While it is recognised that these words were written in the context of the US Constitution, the ideas are equally applicable to the Australian situation. Unfortunately, we have no outspoken judges defending the idea of "original understanding".)

Conclusion

In conclusion, it is possible to see that the UN Declaration assists in overturning Australia's historic system of limited government. While there are earlier examples, such as the Franklin Dam issue, that have shown the Federal Parliament does not intend to be bound by the words and meaning of the Constitution, the UN Declaration provides a clear example of the United Nations being used to further the illegitimate transfer of power to Canberra.

Given the Christian's understanding of sin and its influence, there should be extreme caution in granting too much power to any human institution. How much power should be granted to the Federal government? If we are to be consistent with our understanding of the idea of God as the supreme law giver, Canberra should have no more power and authority than is granted to it by God Almighty. In short, we need a biblical view of government. And that, in part, is provided in the next chapter.

NOTES

1. John Quick and Robert Randolph Garran, *The Annotated Constitution of the Australian Commonwealth* (Sydney, NSW: Legal Books 1976 [1901]), p. 951.

2. Robert H. Bork, *The Tempting of America* (New York: The Free Press, 1990), p. 176.

3. Quick & Garran, *op. cit.,* p. 952, emphasis added.

4. K.C. Wheare, *Modern Constitutions* (Oxford: Oxford University Press, 1960), p. 137.

5. Bork, *op. cit.,* p. 159.

Is This the End of Religious Liberty?

Origins of the Australian System

Rev Dr David Mitchell

A revolution is taking place in Australia, largely unrecognised by the Australian people.

At the present time, when principles established within the organisation of the United Nations are quickly becoming the measure of right and wrong in Australia in place of the historic principles of the common law, it is very important for the people of this nation to understand the conflict of views that exists in relation to theories of law and government.

There are two contrary perspectives on the function of government. The one is that the government of a nation must represent the people of the nation rather than God. The other is that the government is the representative of God for administering godliness for the benefit of the people (see Romans 13:1-7). From this flow the conflicting ideas that law is the measure of right and wrong established by the government (or the people) on the one hand, or that it is the measure of right and wrong established by God and revealed in the Bible on the other hand.

What is Law and Where Does it Come From?

Put simply, law is the measure of right and wrong in society. A basic distinction between the philosophy of humanism and the philosophy of Christianity exists in this area. A humanist will say that whether something is right of wrong is the product of human thinking. A Christian will say that something is right or wrong irrespective of what any number of people might say or think. There are essentially four possible sources from which to choose:

a. Revelational

For a Christian, or a nation with Christian principles of government, the Bible is the infallible guide to God's measure of right and wrong and will be applied as far as possible to every circumstance.

For a humanist, or a nation with humanist principles of government, there are three possible measures of right and wrong. Of course, there can be an overlapping of these three measures without clear lines dividing them, but it is helpful to understand what the humanist measures are:

b. Totalitarian

The government sets the measure of right and wrong. The government is supreme. The government "knows best". The opinions of the people or the statements in the Bible might be taken into account but the government decides. Even in a home situation the husband (or the wife) might exercise a totalitarian regime, or take occasional totalitarian decisions. Who has not heard: "Why must I, Mummy?" "Because I say so, Johnny!"? In other words, "I am the government and I know best." Of course, it might very well be true,and probably is, that Mummy does know best but the answer and the attitude is totalitarian. In a national situation, even governments that have been elected by popular vote can be thoroughly or occasionally totalitarian.

c. Anarchy

There is no standard measure of right and wrong. Every individual makes his (or her) own decisions on every occasion. Everyone does what is right in his own eyes. There is complete freedom for everyone to do or say what he likes. There are no laws or rules because rules and laws are the antithesis of freedom; rules and laws inhibit the development of individual personality and necessarily make an individual subservient to the ideas of others. Most nearly everyone could identify one or more homes that run on the basis of anarchy, where the children do exactly as they please. In the national sphere it is easy to identify aspects of anarchy. For example, homosexual practices were once illegal. Now, in most States of Australia, everyone is allowed and, indeed, encouraged to do what is right in his own eyes.

d. "Majority Rule"

The people decide every issue. The government does not "know best" but must listen to the "voice of the people". Decisions of the majority of the people are binding on the whole of society. Individuals and minorities must abide by and implement decisions of the majority no matter how prejudicial those decisions might be to the minority or to the individual. No one may do

what is right in his own eyes but only what is right in the eyes of "society". Who hasn't heard a parent telling a child: "You mustn't do that! People won't like you if you do." Indeed, some families run on the basis that all domestic decisions are put to the vote and the majority always has its way.

Aspects of "majority rule" can be identified in the history of government. Some of the city states of ancient Greece ran on the basis that all the people met to discuss and vote on all affairs of state and the majority decision became the law. "People" did not include women, slaves, hired workers, young people (perhaps even those under 40 years of age were excluded in some States), residents of "ethnic" origin or descent, and so on.

Even today, in many "democratic" countries signs of majority rule can be seen on election day when a majority of the people decide who will make their laws (i.e. establish the measure of right and wrong for the nation) for the ensuing number of years, and when public outcry causes the government of the day to take or desist from particular action. Indeed, in some countries there is specific provision for a referendum or majority vote in particular circumstances.

Most readers will be familiar with the "majority rule" decisions at the foot of Mount Sinai that resulted in the making and worship of a golden calf, and in Pilate's judgment hall that resulted in the crucifixion of our Lord and Saviour.

Australia's Historic Heritage

The principles of government and law in every country in the world are based on one or other of these four principles, one Christian and three humanistic in origin. In most there is an amalgam, with some aspects of each of the three humanist principles being discernible. Where one or other of the three humanist principles dominates (usually the totalitarian principle) the country should not be called a "Christian nation". It is countries where government and law are based on the Bible that can properly be called "Christian nations". The question then arises: is Australia a Christian country?

Historically, the power of government in England rested in the king. The king was regarded as God's representative for the purpose of ruling the nation. He was not unfettered in this responsibility but was required to

govern lawfully, justly and mercifully, to maintain God's law and to regard the Bible as the rule for the whole of life and government. Interestingly, these very requirements continue to the present day and were incorporated in the promises required of Her Majesty, Queen Elizabeth II as part of her coronation ceremony.

In addition to the king, in the historical structure there was a Parliament for the purpose of advising the king but he did not have to act on this advice if he believed the advice was contrary to his responsibilities. The idea was that the king was subject to "the law" rather than to parliament. The parliament, too, was subject to "the law" and was expected to tender advice on the basis of the Bible being the rule for the whole of life and government. Christianity was "parcel of the common law of England". The law held "whatever strikes at the very root of Christianity, tends manifestly to the destruction of civil government."

When the colonists came to Australia in 1788 they brought with them the law of England as it then stood. By 1828, with the enactment of the Australian Courts Act on 25th July 1828, the Governors of the several colonies (and subsequently the States), as the representatives of the king, were advised by their parliaments and exercised authority under God on the same basis as the king historically did in England. The Australian courts of law, too, had responsibility to resolve disputes and administer justice on the same basis. Appeals lay from those courts to the Privy Council which, after 25 July 1858, sat as an Australian court when hearing Australian cases.

The correctness of the above assessment of the Christian and biblical character of the law established in the various Australian colonies is supported by the judgment of Mr Justice Hargrave in 1874 in the case of *ex parte Thackeray* (1874 13 S.C.R. (N.S.W.) 1 at p. 61). He said: "We, the colonists of New South Wales, `bring out with us' (to adopt the words of Blackstone), this first great common law maxim distinctly handed down by Coke and Blackstone and every other English Judge long before any of our colonies were in legal existence of even thought of, that `Christianity is part and parcel of our general laws'; and that all the revealed or divine law, so far as enacted by the Holy Scriptures to be of universal obligation, is part of our colonial law -- as clearly explained by Blackstone Vol. I pp. 42-3; and Vol. IV pp. 43-60." This statement continues as a judicially unchallenged precedent to the present day. It is not surprising that it is unchallenged since it presents the true basis of Australian common law.

It is often said that the Christian and scriptural basis of law was terminated

in England by the House of Lords in the case of *Bowman v. Secular Society* in 1917 (1917 A.C. 406). A careful reading of that case, however, reveals that it held only that an "offence" against Christianity was no longer necessarily cognisable in the courts. Certainly, no change to the historic Christian basis of law has been formally recognised by the courts in Australia. Indeed, the Supreme Court of Victoria recently adopted with apparent approval a statement that Australia is "predominantly a Christian country" (*Noontil v. Auty* 1992 1 V.R. 365).

The Christian theory of government and law in Australia did not change with the agreement of the colonies to establish a federal parliament. Unlike France or U.S.A., the Constitution of the Commonwealth of Australia did not establish a new principle of government, purport to be the "fountain head" of law or to establish or guarantee citizens' rights. Indeed, the use of the term "Constitution" to describe the agreement can be somewhat misleading. Rather than being a Constitution in the same sense as the Constitutions of some other countries, it has the nature of a treaty among six colonies, entered into with the approval of the colonial power (Britain).

The Federal Commonwealth of Australia came into existence on 1st January 1901 as a result of the Commonwealth of Australia Constitution Act to which royal assent was given on 9th July 1900. The historic basis of government and law applicable in the former colonies continued in the States and the newly formed Commonwealth.

It is worthy of note that the preamble to the Commonwealth of Australia Constitution Act begins:

> Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established. . . .

The important point is that reliance on God was clearly expressed. Quick and Garran in their authoritative book on the Constitution recognise that "this appeal to the Deity was inserted in the Constitution at the suggestion of most of the Colonial Legislative Chambers, and in response to numerous and largely signed petitions received from the people of every colony represented in the Federal Convention" that prepared the text for the Act. Although modern revisionists might give other interpretations, the fact is

that the framers of the Constitution recognised that the only measure for right and wrong within the Commonwealth of Australia was to be God's measure.

Australia Today

A.V. Dicey, writing last century, used the expression "sovereignty of parliament". By it he meant that Parliament was supreme and could make any laws it chose without restriction. This, of course, did not accord with the principle that parliament could only make laws in accordance with the "constitution". This was an expression of the totalitarian idea that the government decides the measure of right and wrong and the Bible, while its teachings could be considered, was not the unchanging and binding law of the land.

As far as Australia is concerned, Dicey's statement of the sovereignty of parliament was judicially approved for the first time in 1983. Of course, the principle had been taught in law schools for many years before that, and the teaching of the supremacy of the Bible had fallen into disuse long ago. It is not surprising, therefore, to find a judge adopting Dicey's humanist approach. What is surprising is that judges, having been taught humanist theories of law as students, have not been more outspoken in those theories when giving judgments.

The theory in Australia is that the Governor-General, the parliament (both Federal and State), the courts and the administration are all subject to God and the Constitution and are bound by the Bible and by the exact words of the Constitution. Is this theory also the practice?

Many administrators, parliamentarians, lawyers and judges would laugh at the idea that all legislation contrary to the Bible is invalid. Indeed, some might laugh at the idea that parliamentarians will be held to account on the day of judgment for the legislation they have passed. Some might even laugh at the idea there is going to be a day of judgment or that there is a God. Laugh they might, but the fact is Australia's historic measure to distinguish right from wrong has not been formally changed. Perhaps the historic position is not made clear in any current text books; perhaps it has not been taught in schools for the last two generations; perhaps it sounds inappropriate to minds that have not been directed towards eternal things; but the fact remains -- legal theory recognises the Bible as the measure

provided by God for discerning right and wrong and anything described as wrong by that measure is "unconstitutional".

With the attitudes referred to in the preceding paragraph comes a degree of uncertainty, a degree of insecurity and a feeling that society, economy and justice is out of control or could easily elude the control of those in government. Writing in 1970, R. J. Rushdoony stated:

> Man needs a source of certainty and an agency of control: if he denies this function to God, he will ascribe it to man and to a manmade order. This order will, like God, be man's source of salvation: it will be a *saving* order. The Charter of the United Nations, in its Preamble, begins by declaring that "We the people of the United Nations determined to save . . . have resolved to combine our efforts to accomplish these aims." The phrase "determined to save" is expressive of the high religious resolution of the United Nations. The United Nations is, by its own Charter, clearly a humanistic organisation, dedicated to . . . "humanitarian principles". We will either fail to understand the UN or to cope with it unless we recognise that it is religious in inspiration and a religious necessity for humanism, or the religion of humanity. *First,* man needs an agency of certainty in order to meet this world of change and decay and give it meaning, and, *second,* man will make of that agency a substitute god.(1)

Conclusion

Australia, then, is a nation that has a Christian basis for government. But, while Australia is an island geographically, it is not isolated from ideas abroad. Thus, powerful external influences bear down on our historic legal and political system. In the next chapter, we'll explore how the United Nations has become an influence in the political and legal process in Australia.

NOTES

1. *Politics of Guilt and Pity* (Fairfax, VA: Thoburn Press, 1970), p. 185.

Is This the End of Religious Liberty?

The Place of United Nations Law in Australian Law

Rev Dr David Mitchell

With the establishment of the United Nations after World War II, a plan was developed with a view to ensuring another terrible war like that one never occurred again. The hub of the plan was the General Assembly of the United Nations and the Security Council, with the various UN Agencies effecting rehabilitation of the war-torn world, re-establishment of displaced and distressed people and organisation of international activities such as health, trade, aviation and crime control.

Naturally there is a view that inequality is a basic cause of war and, in any case, should be abolished on a worldwide basis in the interests of social justice and friendship. In the ultimate, this would mean that a worker in China or India should enjoy exactly the same working, living and social conditions as a worker in Australia or U.S.A. It follows that the conditions and standard of living of people in the third world would need to be improved and in Australia and U.S.A. their standard of living and general conditions might need to be lowered. To achieve equality, attention needs to be given to social, political and economic circumstances.

In order to achieve economic, social and political equality and conformity throughout the world, it would be necessary to establish a universally applicable system of law. The question, of course, is what system of law? If the historic Christian base of the common law inherited by Australia were to be adopted, other legal systems would have to give way and not be recognised as equal. What needs to be done, then, (it is thought) is for the General Assembly to develop a scheme of law recognising "a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that the energies and talents of every person should be devoted to the service of his fellow men". For a Christian, the problem with this high sounding proposal is that "man" is determining

the measure of law, the measure of right and wrong. The scheme developed by the United Nations becomes "the rule of life and government". The chief purpose of mankind ceases to be to service of God and becomes the service of mankind.

Steps towards a universal law of equality for all people have been taken by the United Nations General Assembly in a series of "instruments" referred to as "human rights conventions" (or treaties).

Historically, treaties were made for the purpose of establishing binding rules for the relationship of nations with one another, such as a peace agreement after a war or a trade or defence agreement or the delineation of international borders. The idea of treaties to establish standardised laws in many or all countries was first introduced through the International Labour Organisation before World War II. Since World War II, however, international treaty machinery has been widely used to lay down standards to be applied throughout the world. Consistently with the principles referred to above, such treaties are for the purpose of ensuring fundamental human rights, the dignity and worth of the human person, and the equal rights of men and women and of nations large and small. They are intended to supersede or replace any inconsistent laws, rules or standards previously existing in every country so that laws throughout the world will be identical, or at least consistent, and will no longer vary in accordance with differing history, religions, cultures, traditions or practices. While any or all such treaties might be formulated with the highest and best motives, their syncretic nature is likely to cause concern among people committed to historic or religious values if any particular value is challenged or changed.

A "human rights treaty" prepared by the General Assembly of the United Nations does not automatically replace or supersede any Australian law. It does not do so unless and until it is incorporated into, or its terms are reflected in, an actual law made in Australia. Incorporation can occur in any of several different ways.

In 1986, with the agreement of all members of the Federal Parliament, a law was passed empowering the Commonwealth Attorney-General to declare by notice in the *Commonwealth of Australia Gazette* that any particular "international human rights instrument" is part of Australian law for the purpose of the Human Rights and Equal Opportunity Commission Act. This procedure requires the declaration of the Attorney-General and the "instrument" to be tabled in both Houses of Federal Parliament within fifteen sitting days after the declaration appears in the *Gazette*. The

"instrument" becomes applicable in Australia when it appears in the Gazette but ceases to be applicable if not tabled within those fifteen days. If it is tabled within fifteen days, any member of the House of Representatives and any Senator may, within a further fifteen days, give notice of motion to "disallow" the instrument. If such notice is given and the matter is not disposed of by the relevant House within fifteen days after the giving of such notice, the "instrument" then ceases to be part of Australia's internal law. The *Convention on the Rights of the Child* and the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* are among the "international human rights instruments" introduced into Australian law by this method. At the time of writing, notice of motion to disallow has been given in both the Senate and the House of Representatives with regards to the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,* but fifteen sitting days have not yet run since then. No notice of motion to disallow the *Convention on the Rights of the Child* has been given at the date of writing but a short time still remains if any Senator or Member of the House of Representatives wishes to do so.

A second method of incorporating the terms of a human rights treaty is simply to amend existing legislation to comply with the treaty.

A third method is to pass a special Act of Parliament, as (for example) has been done in the case of the *International Convention on the Elimination of all forms of Racial Discrimination* (Racial Discrimination Act, 1975, the most recent amendment to which came into force on 13 January, 1993) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (Sex Discrimination Act, 1984, the most recent amendment to which came into force on 26 November 1992).

Whatever method of incorporation is used, the new law incorporating the terms of a human rights treaty has some remarkable features. The first is that it must be interpreted in accordance with the intention of the treaty, and judgments in cases in foreign countries interpreting the treaty are precedents to be used in Australia. The second, and of great significance, is that if a human rights treaty has been ratified by Australia, Australia is in breach of international law if the Australian law applying the treaty is amended inconsistently with the terms of the treaty or if it is repealed. This is clearly a limitation on the power of the Parliament to legislate in accordance with its will or the will of the people or even in accordance with the Bible. The third, also of great significance, is that the measure of right and wrong has been drawn up by people and, what is more, by people who

have not been elected by Australians (or, indeed, by anyone).

Appeals from Australian courts to the Privy Council continued from colonial days until 1986 when the Australia Act finally terminated that right. The expressed reason for the termination was to complete Australia's independence and to ensure that Australian justice is administered in Australian courts rather than in "foreign" courts. The High Court of Australia became the final place of appeal for Australians. Understandably, this action pleased the nationalistic and patriotic instincts of many Australians. Even though the Privy Council was (and still is) a court applying the common law with a historic Christian and biblical base as the measure of justice, and was theoretically an Australian Court when sitting on an Australian case, many people found it difficult to defend an arrangement whereby disputes in which other recourse had been exhausted could be adjudicated outside Australia by non-Australians over whom Australia had no authority.

Interestingly, subsequent to removing the jurisdiction of the Privy Council, the Australian Government has, by administrative process, opened the way for Australians whose recourse within Australia has been exhausted to take their complaints to United Nations tribunals. This has been done by the implementation of "international human rights instruments". Australians can now take disputes on matters they believe to be covered by the *International Covenant on Civil and Political Rights,* the *Convention on the Elimination of All Forms of Racial Discrimination,* and the *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* to United Nations tribunals. These tribunals do not adjudicate on the basis of Australian law, they are not (even theoretically) sitting as Australian Courts, the adjudicators are non-Australians (although it is possible for Australians to be appointed and the appointment of one Australian as a member of one of the tribunals has been made) and Australia has no control over the adjudicators. Was the Privy Council preferable to what exists now?

The first appeal to the United Nations under the arrangements referred to above was instituted in 1992, in relation to a Tasmanian law under which it is an offence to practise homosexuality. The "appeal" has been "admitted" by the tribunal. This means, in effect, a *prima facie* case has been made out by the appellant. A final hearing will take place shortly and judgment is expected late this year. Will the decision of a United Nations tribunal force a change to the internal law of Tasmania in 1994?

Where to From Here?

If the leaders of Australia have forgotten, or are intentionally turning their backs on, the biblical basis of government and law in this land it is not surprising that the principles laid down by a "substitute god" are being adopted to replace the principles of our historic heritage. In this context it is significant to note that the decisions of the United Nations, whether adopted as internal law by particular countries or not, form principles of international law to which all "law abiding" nations will conform. In other words, the world measure of right and wrong is now determined by the United Nations Organisation. The structure of what some might call "this modern tower of Babel" is growing from month to month.

Both those who fully applaud the human rights conventions and determinations of the United Nations and those who have concerns about them are readily able to understand that the basis on which their principles are determined are the decisions of unelected representatives at the United Nations.

The revolution is well under way! I must ask the reader, which side are you on? Neutrality is impossible.

Is This the End of Religious Liberty?

The United Nations: A Religious Dream

Dr R. J. Rushdoony

An understanding of the nature of the United Nations and why its influence is so powerful and sought after is necessary. The following essay is extracted from chapters on the United Nations from two books by Dr Rushdoony: Politics of Guilt and Pity,(1) *and* The Nature of the American System.(2) *This edited essay is reproduced by permission of the author.*

The poet Tennyson, while striving earnestly to maintain a Christian perspective, found nonetheless that Darwin's evolutionary theory had made the old certainties difficult for him. Thus, despite certain pious affirmations from time to time, his basic perspective was doubt, doubt of God and of God's existence or goodness. He saw

> . . . this Earth, a stage so gloom'd with woe
> You all but sicken at the shifting scenes.
> (*The Play*)

The one reality of life and man is mutability, change and decay. On all sides, the eloquent testimony of earth is the relentless ruin of time, the unceasing prevalence of death and decay over life and man, for all things are in perpetual flux. For Tennyson, the central problem is this ever-flowing stream of change:

> The hills are shadows, and they flow
> From form to form, and nothing stands;
> They melt like mists, the solid lands,
> Like clouds they shape themselves and go.
> (*In Memoriam,* CXXIII, 2)

"Nothing stands," Tennyson said, but something should stand. Man can

accept mutability and flux when the ceaseless flow and change has as its counterbalance a factor for permanency, eternity, and certainty, an unchanging factor as the agency of control over change. The answer of men to this problem of perpetual flux has in the main been twofold: first, either to accept the transcendental and supernatural Creator God as the agency of origin and control, or, second, denying God, to see in nature an agency, such as evolution, which man can now control and guide to create a human order as the agency of control. In terms of this, the builders of Babel declared, "Go to, let us build us a city and a tower." In terms of this, John Dewey, denying God as the answer and ridiculing the quest for certainty from God, offered certainty in and through the Great Society. The quest for certainty is inescapable, unless meaning is rejected and suicide is affirmed; the problem has been the *source* of certainty and control over change, God or man? Tennyson looked for a world state to provide that control and a world where

> . . . the war-drum throbb'd no longer, and the battle-flags were furl'd
> In the Parliament of man, the Federation of the world.
>
> There the common sense of most shall hold a fretful realm in awe,
> And the kindly earth shall slumber, lapt in universal law.
> (*Locksley Hall*)

Tennyson was not being perverse or anti-British in affirming this hope. It was simply a logical necessity. Man needs a source of certainty and an agency of control: if he denies this function to God, he will ascribe it to man and to a manmade order. This order will, like God, be man's source of salvation: it will be a *saving* order.

The Charter of the United Nations, in its Preamble, begins by declaring that "We the people of the United Nations determined to save . . . have resolved to combine our efforts to accomplish these aims." The phrase "determined to save" is expressive of the high religious resolution of the United Nations. The United Nations is, by its own Charter, clearly a humanistic organisation, dedicated, as a special report of the Unified Command on the Armistice in Korea, August 7, 1953, stated, to "humanitarian principles".

The United Nations as God

We will either fail to understand the UN or to cope with it unless we

recognise that it is religious in inspiration and a religious necessity for humanism, for the religion of humanity. *First,* man needs an agency of certainty and control in order to meet this world of change and decay and give it meaning, and, *second,* man will make of that agency a substitute god. The necessary attributes of the godhead are inescapable needs to man in order to sustain meaningful life and thought. Wherever there is no theology of God, there will be a theology of the state, or of the world super-state. The attributes of God are the inescapable substrata of human existence and thought, the necessary categories of meaning and order.

The first and basic requirement of a theology is the *unity of the godhead.* A divided or disunited god, or a schizoid god, is useless to man and to himself. The deity, in order to exercise the control which is required of him, and in order to be an assured source of certainty, must be united; he must be one god. When humanity and human order takes on the role of a god, the same basic requirement must prevail. The unity of every godhead is a theological necessity. Accordingly, for the religion of humanity, as represented in the United Nations, the unity of mankind, without discrimination or subordination, is a necessity. The central sin becomes, not rebellion against God and His law, but everything that hinders the union and peace of the new god, humanity.

The "saving" purpose of the United Nations requires the unity of man and sees disunity, and war, a product of disunity, as the greatest evil. Increasingly, in many legislative acts, discrimination with respect to race, colour, or creed is seen as evil and criminal. It divides mankind, and the godhead must be united.

The goal of all humanists, all advocates of the religion of humanity, then, is the unity and oneness of all men.

A second basic requirement of an effective theology is the *omnipotence of the godhead*. Sovereignty and creative power must reside in the source of certainty and agency of control or there will be neither certainty nor control. Accordingly, as the new faith has taken over steadily, and Christianity has been by-passed, omnipotence has been transferred from God to the state. The democracy of God was asserted by early champions of the social gospel even as they began to dream of the omnicompetence of the state. The various national states have become progressively more nearly total in their powers over their citizenry, in their claims over religion and education, and in their messianic pretensions. Meanwhile, these states, like quarrelling gods of the modern Olympus, have taken counsel together towards the creation of

a new hierarchy and a world government of gods. The United Nations is the humanistic Mount Olympus and Tower of Babel, a dream of reason whereby man becomes his own god and totally governs the earth and his destiny. The developing omnipotence of the state and of the world order of states can only be undercut as men submit to the total sovereignty of God.

A third basic aspect of the godhead is *omniscience.* Total sovereignty and total government require total knowledge. How can God govern man totally if He has no knowledge of man's every fibre and thought? Omniscience is a necessary concommitant to total government, and even to effectual government. If the mind of man is a free and separate realm and outside God's knowledge and control, outside God's determination, then man's inner life is completely free of God and is a world without any God other than man. It is impossible, therefore, for any god to be god without a control over and in man's mind.

The state seeks to gain this total knowledge of us, first, by controlling our education, second, by controlling our minds through its program of mental health, and, third, by controls invading our privacy. The United Nations' *Draft Resolution Against Discrimination in Education* is designed for the eventual control of all education, "public", private, and parochial. The mind of man must be a necessary area of control for any effective god. The choice before man is which god shall he turn himself over to, the state, a world state in its final form, or the God of Scripture?

A sovereign God is not under law; He is law, and He is the source of law. The economists of the new world order do not feel themselves bound by economic laws because, as members of the godhead, they are themselves the source of law. An economics in which man is a creature, and God is Creator, is an economics of scarcity, because man is limited to whatever God makes his portion. An economics resting on the divinity of man and his world order is an economics of abundance, because the world state, as god, is able to create *ex nihilo,* out of nothing. Its basic problem is not supply but distribution. It believes itself to be able to create wealth: it has only to gain control and proceed to the distribution of its abundance.

A necessary aspect of the godhead is its *transcendence,* whereby the deity, although knowable, is still incomprehensible since he so greatly transcends man. Wherever statism develops, the complexity and divine incomprehensibility of the king, ruler, or head of state is emphasised. To the activities of the United Nations, the same inscrutable wisdom is ascribed increasingly.

This, then, is a religious faith. Its origin is in the apostasy of Western men from Christianity, and it is the steady creation of another god, a golden calf, being steadily fashioned by covenant-breaking man. The United Nations is the product of this religious quest, and its basic source is not primarily in plotting internationalists but in men who, like Tennyson, have sought to find a certainty and an agency of control in a world where "nothing stands" and the very "hills are shadows and they flow from form to form". Man is a religious creature: he will either worship God, or he will make himself a god. And the United Nations is that new god appearing on man's questing horizon.

A New Saviour

The UN holds as its basic premise a thesis which has a long history in both religion and in politics, the doctrine of *salvation by law*. It believes that world peace can be attained through world law.<$See Grenville Clark and Louis B. Sohn: *World Peace Through World Law*. Cambridge: Harvard, 1958.> In Article I, Section 2 of Chapter I, "Purposes and Principles" of the Charter of the United Nations, it is declared that the purpose is

> To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.(3)

The Charter makes clear that this purpose, while central, is not the only one. It has, however, received central attention from many proponents.

This premise, salvation by law, is a venerable one, with extensive religious support. It is, clearly, the basic doctrine of Judaism, and it is extensively present in traditional Christianity as in Thomism and Arminianism. It is the dominant doctrine of modernistic, social gospel Protestantism. Two aspects of this premise have already become manifest: first, that the hope and salvation of man and of society is through world law, and, second, that the essence or at least the primary factor in peace is environmental rather than personal. The environment must be altered by the removal of atomic weapons and by the addition of enforceable world law. This is a faith which many hold who are politically and economically conservative.

This position, however, cannot be consistently held by one who is a conservative or orthodox Christian because of its radical conflict with basic

biblical doctrine. For the orthodox Christian, the law cannot save; it can only condemn. The law cannot create true peace and order; it cannot save man and society from the consequences of their sins. Christ alone is the prince and principle of peace and of order, man's only saviour and mediator. Neither introduction of law nor the removal of a part of man's environment are basic to the problem of peace, but rather regeneration through the saving work of Christ, His vicarious sacrifice, and sanctification in and through Him. Wars are not environmental in sources and origin but human. "From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members?" (James 4:1). Thus war is caused by sin, not by environment.

Moreover, not all who are involved in war are equally sinners. Some are unjustly attacked and must defend themselves, so that peace as such is not always a virtue and can be as evil as any war. More accurately, war in itself cannot be called evil, for sin resides in man himself rather than in things, so that to seek abolition of war is to evade the basic issue, the sin of man. And man's need is regeneration, which is not the function of the state. For the state to presume to save man is for the state to assume the prerogatives of the church. The Preamble to the Charter of the United Nations declares in part, "We the peoples of the United Nations determined to save succeeding generations from the scourge of war . . . to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest . . . have resolved to combine our efforts to accomplish these aims."

The UN is thus "determined to save"; it is thus possessed with all the sense of inevitability and missionary fervour that any religious group possesses. It deserves to be regarded as a crusading missionary organisation and to be respected for its idealistic faith, but, at the same time, regarded by orthodox Christians as a false and deadly faith, all the more deceptive because its idealism is premised on an anti-Christian faith. Inescapably, the hostility between the UN, with its doctrine of the salvation of man and society by law, and orthodox Christianity is no less intense and bitter now than when the Sanhedrin felt that the future of the people and of their Temple required the death of Jesus (John 11:49-52.).

The UN believes in salvation by law, but in no historic sense does it have law. The two central definitions of law are (1) the binding custom or practice of a community, or (2) the commandments or revelations of God. The UN has no community of law, nor any revealed religious basis. As a

result, its decisions, as well as those of the World Court, are bound to be an injustice to most men. Law, however, can also be the rule of conduct and action prescribed by a supreme governing authority and enforced thereby. Such law from early times has been called tyranny. The laws of the UN thus, however well-intentioned, and the decisions of the World Court, however much informed by a zeal for humanity, are inescapably a tyranny to most men. To impose the laws of Islam upon a Jain and a Christian is surely tyranny, even as would be the imposition of Jewish law upon a Muslim. Law can be as much an instrument of invasion and tyranny as can bayonets; alien laws strike at the heart of a culture and at its vitals. In the name of defending all cultures, the UN is a new humanistic culture aimed at destroying all others by means of the imperialism of world law and a world police. It is not surprising that the UN is unpopular with many, and this distaste for the UN is no doubt a factor among others in the financial delinquency of many members with respect to dues.

Conclusion

The United Nations is a religious dream, and a very logical one. Its basic source is in the inescapably religious nature of man. Order and meaning are a necessity to man, who cannot live by bread alone. The rapid development of free economics in the 19th century gave to man, as he entered the 20th century, a life of remarkable material wealth and promise, but, by its secularism, this industrialism left man open to the command of new and demonic religious forces. We can, indeed, chart the conspiracies and the revolutionary cabals in all this, but we must remember that the alpha and the omega of man's being is his creation in the image of God and his inescapably religious nature. The majority of men are demanding more and more of the state, and their demands are religious demands, demands for salvation. The basic source of the United Nations is this apostate religious hunger of man, and it will not abate until man surrenders himself and his every hope, his every institution and order, to the sovereignty of the triune and only true God.

A one world order requires a one world religion in order to be undergirded by a living fabric of faith and law. The issue will be joined, accordingly, in the arena of Christian faith rather than in political action, for the dynamics of action are in the realm of faith. For the one world order to advance, it must wage war against religion, orthodox Christianity in particular. There is

thus no escaping the fact of religious warfare. Those who refuse to offer incense to the new caesars will face both hostility and persecution. But even more certainly, they will have from their faith the assurance of victory (I John 5:4,5).

NOTES

1. Fairfax, VA: Thoburn Press, 1970.

2. Fairfax, VA: Thoburn Press, 1978.

3. For a commentary on this, see Hans Kelsen: *The Law of the United Nations, A Critical Analysis of its Fundamental Problems* (New York: Praeger, 1950), pp. 27ff.

Is This the End of Religious Liberty?

Interpreting the Constitution: The Role of the Judge

L.J.M. Cooray

No discussion of the UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief *is complete without recognition of the Australian Constitution and its role in the affairs of the nation.*

Interpretation of the Constitution, however, is a matter of debate. Before Section 116 can be used to defend religious liberty, the interpretation issue must be resolved. In this extract, Professor Mark Cooray argues for an interpretation of the Constitution according to its original meaning or intent. The alternative, he says, is to move from fixed law to arbitrary law. Thus, the choice seems clear: either relatively stable and unchangeable law based on the wording and original intent of the Constitution or else arbitrary and changing law, based on the pronouncements of the High Court.

This essay is an extract from an article, "The Centralist Tendency: The Role of the High Court," published in Upholding the Constitution: Proceedings of the Samuel Griffith Society Inaugural Conference, Melbourne 1992, *and is reproduced by permission of the publishers.*

The traditional idea that the role of the judge is to interpret the law and the role of the legislature is to create law, has been subjected to sustained criticism. The extent of the law creating role of the judge depends on the context and circumstances. The common law in the pre-modern era during the period when the common law was being brought into existence, provided the judge a far more creative role than that which is available to the modern common law judge in England. The High Court . . . has, in

recent years, adopted a creative (or maybe destructive, depending on the perspective) approach to the inherited English common law.

The role of the judge in the interpretation of Acts of Parliament may be more limited where parliament has taken pains to spell out its intentions, aims and objectives. In such a situation, the role of the judge is limited to interpreting words and phrases and working out ambiguities arising from failures of parliament to clearly enunciate its will and purposes.

The role of the constitutional judge is wider than that of a judge operating in the modern common law system or interpreting an Act passed by Parliament.

The Constitution is an Act of the United Kingdom Parliament, but it is more than an Act of Parliament. In the words of Chief Justice Latham, one of the effects of the *Engineers* case was to tie the court to the crabbed rules of English statutory interpretation. This means that the court interpreted the Constitution like another statute. It placed primary emphasis on the words of the Constitution and the words of a challenged Act.

This is literalism. Legalism is not the same as literalism. Legalism involves the employment of tried and tested methods of ascertaining the meaning of a legal document as intended by the authors. In relation to a constitution, it may involve, where necessary, an examination of the totality of the document and the historical context. Literalism is quite a different proposition. It means the adherence to the literal meaning of language with no regard to extra-textual considerations or broader constitutional objects.

The following judicial dicta provide a rationale for a different and broad interpretation of the Constitution. O'Connor J. stated in the *Jumbunna Coal Mines* case:

> Where it becomes a question of construing words used in conferring a power . . . on the Commonwealth Parliament, it must always be remembered that we are interpreting a Constitution broad and general in its terms, intended to apply to the varying conditions which the development of our community must involve. For that reason, where the question is whether the Constitution has used an expression in the wider or in the narrower sense, the Court should in my opinion, always lean to the broader interpretation unless there is something in the context or in the rest of the Constitution to indicate that the narrower interpretation will best carry out its object and purpose.

Higgins J., in *Attorney-General for NSW v Brewery Employees Union of NSW* stated:

> Although we are to interpret the words of the Constitution on the same principles of interpretation as we apply to ordinary law, these very principles of interpretation compel us to take into account the nature and scope of the Act we are interpreting — to remember that it is a Constitution, a mechanism under which laws are to be made, and not a mere Act which declares what the law is to be.

These two quotations (including another by Windeyer J. referring to the Constitution as the birth certificate of a nation) have been frequently quoted by the judges of the High Court.

There are two possible methods of broadly interpreting the Constitution.

The first approach is one which articulates a need to change and adapt the Constitution in the context of changing circumstances. The alternative approach is that the totality of the Constitution must be examined and interpreted in its historical context taking account of the intentions of the founders, leaving changes to the people in accordance with the amending procedure provided by the Constitution.

I therefore identify three approaches to constitutional interpretation — the literal technique, the broad interpretation in the light of human needs and changing circumstances, and, the broad interpretation in the context of the intentions of the founders. I propose to focus on these competing views.

Professor P.H. Lane writes about one High Court decision which favoured the Commonwealth thus: “We detect a judicial concern for the ubiquity of a law-controlled community, and an unease about the escape of the individual, the interstate trader, from that uniformity.”(1)

The Mason High Court has expressed a fear of putting more and more matters outside the authority of Australian parliaments.

Senator Gareth Evans argued, “It is the judges rather than the people or politicians who have in practice borne the primary responsibility of adjusting the Constitution to the reality of social and economic change.” Regrettably, however, this has not been good jurisprudence when the result was clearly to distort the constitutional compact.

The rationale for judges to interpret the Constitution broadly in the first

sense is provided by the views of Sir Anthony Mason on the role of a judge and the High Court, in "Future Directions in Australian Law" (1987) (Monash University Law Review 149 at 157), where he states "in recent years the High Court has been less inclined to pursue formal legal reasoning so far." He cites a number of examples of his impatience with traditional legal reasoning.

Sir Anthony also argued at 158 that the courts have a responsibility "to develop the law in a way that will lead to decisions that are humane, practical and just". Such a formulation provides a slippery slope for judges. Judges will have vastly different conceptions of what is humane, practical and just.

Sir Anthony says in the same article at 158-59 that "it is unrealistic to interpret any instrument, whether it be by a constitution, a statute or a contract, by reference to words alone, without any regard to fundamental values". What are fundamental values? Fundamental values of a Marxist, a Socialist, democratic socialist, an anarchist, or objectivist, a Liberal, a Libertarian, or a traditional moralist, are different. Sir Anthony then proceeds to say that "by values I mean those that are accepted by the community rather than those personal to the judge". Sir Anthony is apparently confusing community values and fundamental values. There is, however, no indication that Sir Anthony, in his judgments on the common law and the constitution which have involved departures from existing precedent, has paid any regard to community values. How are community values to be assessed?

Sir Anthony's judgments do seem to reflect the dominant values of the academic community — are these community values? The respected and impartial organisation the Roy Morgan Value Study has found that only 4% of the Australian people favour more intervention in the lives of ordinary Australians. Yet one of the bases of Sir Anthony Mason's interpretation of the Constitution is that it must be interpreted so as to provide more room for parliaments to operate. One may ask, "Where is Sir Anthony's respect for community values?"

The above words of Sir Anthony Mason demonstrate unbounded intellectual arrogance, coupled with a knowledge and understanding of democracy, constitutional law and legal processes which is myopic. This comment is equally applicable to other judges who share Sir Anthony's philosophy.

The unbounded intellectual arrogance lies in the belief of a small number of

judges in the High Court (sometimes by a majority of one) that they have the duty and the obligation to re-write the constitutional document drafted by a body elected by the people consisting of persons of diverse backgrounds and philosophies, versed in politics as well as in constitutional law. Does it not enter into the minds of the High Court judges that they are not infallible and that they may be wrong or misguided? If so, should they not desist from their belief that they should proceed with the re-writing of the Constitution?

The judges have demonstrated little understanding of democracy, the political processes in government. This is evident in the ease with which they brush aside the history and development of the Constitution, the manner in which it was drafted by a Constitutional Convention consisting of persons elected by the people and the amendment machinery in section 128. The knowledge of law demonstrated in the *Murray Islands* case would earn one out of ten from me if I was correcting an undergraduate essay.

Sir Anthony Mason (as Justice and Chief Justice) in decided cases as well as public speeches and writings, has expressed the importance of deferring to the authority of a parliament elected by the people. This overlooks the dimension that the power of the parliament is limited by the Constitution. The role of the judge is to interpret the Constitution. A judge who fails to do so is in breach of his judicial duty and has abdicated his responsibility.

As ABC broadcaster and legal commentator Richard Ackland puts it: “The founding fathers wrote the Constitution as though Australia was to be six States with one little Commonwealth government tacked on to look after customs and defence. State Rights and powers were to dominate. Instead, the High Courts over the years have virtually re-written the Constitution to hand power from the States to the Commonwealth.” Ackland says, “the Court has brought about `The Great Centralist Dream’. Since states-righters have won some rounds, it’s been a two-steps-forward, half-a-step-back process, but Canberra has been the overall winner.”

It bears emphasis that whatever law-making role the High Court has exercised in respect of the Constitution has taken place in the context of legislation enacted by the Commonwealth parliament.

The intellectual tide which demanded more power to central government and therefore adaptation of the Constitution to changing circumstances, gradually prevailed over traditional constitutionalism and the idea that the original compact could be changed only by the people. As a consequence

the Constitution has undergone a transformation which has resulted in the translocation of substantial powers from the States to the central government. This translocation was judicially executed in the context of legislative initiatives, without the approval of the people in the manner required for the alteration of the Constitution.

A less publicised fact is that almost all of the proposals submitted to the people which tended to centralise power have been rejected not only by voters in a majority of States but also by a majority of all Australian voters. If anything, the history of referenda in Australia demonstrates a popular reluctance to depart from the original constitutional settlement.

These facts point to a startling divergence between community wishes and constitutional development in Australia. The transformation took place as a consequence of the literal and "the Constitution must change in accordance with the needs and modern circumstances" approaches.

The judges who adopted a literal construction may have done so as a consequence of their common law training which provided them with no expertise to relate to written constitutions, or with a view to being apolitical and avoiding political controversy or because they saw the technique as a means of giving effect to their preferred views on centralism.

Australia has as good a Constitution as could have been drafted by imperfect human beings. Problems with the Constitution have arisen not from intrinsic drafting weaknesses, but as a consequence of its interpretation by the High Court which has, in the context of legislative initiatives, presided over a substantial relocation of power from the States to the Commonwealth. This is contrary both to the intentions of the drafters and to the wishes of the people as expressed in successive referendums.

NOTES

1. P.H. Lane, "The Present Test for Invalidity Under Section 92 of the Constitution," Australian Law Journal, 1988, vol. 62, p. 604.

Is This the End of Religious Liberty?

Religious Liberty Revisited

by Ian Hodge

The Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief has remained a part of Australia's law, despite the efforts of many Christians to turn the tide. It has also remained a part of the law of the land despite the rather peculiar claims that this Declaration is not law. If it is not law, since it's attached to the Human Rights and Equal Opportunity Commission Act 1986, then perhaps someone could explain why a document that isn't law contains enforceable penalties. A rather peculiar notion, we think, that an Act of Parliament is not law, and that Declarations attached to it somehow do not have the force of law behind them.

Defeated in the House of Representatives on September 1, (50 to 72) and the Senate on September 28 (34 to 36), the motions to disallow the Declaration were sure to be controversial. The Declaration, coming within the HREOC Act, is to be policed by the Human Rights and Equal Opportunities Commissioner. While he has little power to legally enforce the sentiments of the Declaration, it will be interesting to notice what occurs with other laws in the future. Is this Declaration mere window dressing? Or does it have as its purpose something more substantial?

In this book it is suggested that the principles of the Declaration enthrone the State as the all-controlling law-making entity in the country. This point was not once raised in the debate over the Declaration in 1993. Why not? I can think of two reasons. First, it was not raised because those debating the issue never read the book and realized it was the central issue. Second, they knew it was an issue but decided to ignore it because they believe that ultimately the political state is not to be limited by the laws of God Almighty.

This point, perhaps more than any other, sets the modern Western world

apart from its Christian roots. A lot of errors are put forth in the name of the "dark ages," with few people understanding the period referred to or its real achievements. One thing that sets it apart from the modern world is its view of the political state. We, however, do not live in the medieval age. Change has taken place. While the process of change is often hard to detect or document, it is clear that by the end of the process a change had, in fact, taken place.

Several things might indicate this change. But a key point is the idea that the political state is the highest social good. Few medieval monarchs had the authority or the extensive legislative power exhibited in the modern world. But the "turning point" in the change from the medieval to the modern world is the recognition that final authority would no longer rest in God, the family, or the Church, but in the political state. It was the "shift in loyalty from family, local community, or religious organization to the state and the acquisition by the state of a moral authority to back up its institutional structure and its theoretical legal supremacy" that is a key indicator of the arrival of the modern state. (See Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, NJ: Princeton University Press, 1970), p. 9.)

What has not been understood by Christians in this century is the place that government taxation and government financing plays in establishing the all-powerful state. It is this taxing power that establishes the sovereignty of the state. Thus, in the formation of the modern state, "It was only when a ruler had regular and adequate revenues that he could hope to extend and intensify his authority over his vassals or turn vague rights of suzerainty into rights of sovereignty" (strayer, *Ibid.,* p. 69.) Thus, the development of the political state as we know it was not possible without, as a very early step, the ruler setting up a mechanism of taxing the people on a more comprehensive basis. (The other important ingredient in establishing an all-powerful state was for the monarch to take control over the courts. Later, Parliament was to take control from the monarch, and thus we have the state as we know it: an institution which knows no limitations to its jurisdiction.) In England, this had been achieved at least by the year 1300 A.D. It was the beginnings of the bureaucracy, men who would fulfil the wishes of the king. Bureaucrats often appeared to be less interested in the morality of their actions than they were in achieving their state-ordained duties. Things haven't changed much in 800 years of bureaucratic tradition.

No monarch had the taxing power of a modern state, and in Australia we pay some of the highest tax rates in the world. This is arguable, but it is certainly true that at almost no time in history have tax rates been as high as

they are in various countries throughout the world. With this increase in taxing power came an increase in control over the lives of people. Perhaps not since the ancient Egyptian civilization has state power been so pervasive; the Pharaohs attempted to tax all production. But the modern world allows no leniency for the delinquent tax payer, unlike the Egyptians. Not even bankruptcy can be used to escape the demands of the modern state, whereas in Egypt the "policy of remitting taxes during hard times was a common practice. . . ." (Charles W. Adams, *Fight, Flight and Fraud: The Story of Taxation* (Curacao: Euro-Dutch Publishers), p. 15.)

The attitude to taxes by the modern state is understandable, for the power to tax is a mark of sovereignty of the taxing power over the taxpayer. This explains why the modern state is so rigorous and comprehensive in its taxing powers. To permit the citizen to get away with paying taxes is to deny its own ultimate authority. The modern state, while ever it holds to the mistaken notion of its own sovereignty, cannot permit the citizen the privileges he would have enjoyed under Egyptian rule. (See Edward A. Powell & R.J. Rushdoony, *Tithing and Dominion* (Vallecito, CA: Ross House Books, 1976).)

The age-long struggle over supremacy between Church and State, even though it is an important issue, is not the critical topic of concern. The real debate is not over which institution shall have ultimate power, but who is to be the source of law in the nation. To permit that issue to be ignored is to lose the debate — and most probably surrender all the conquered territory to the enemy. The issue surfaced for a short while in the period of the Reformation, but Christians, apparently tired of the battle, capitulated to the idea that the political state would henceforth be the source of all power and authority, law and morals.

Expectations

It was to be expected that sides would be taken in the debate in 1993. There are those who through ignorance or deliberate mischief misrepresented our case before the public. Still others attempted to argue the silliest of all: that a law of the land has no legal standing. This, mind you, from legal experts within the hallowed walls of Federal Parliament. According to correspondence from the Attorney-General's Department, "The Declaration will not in any way . . . have the force of law in Australia."

What can this mean? The HREOC Act certainly contains penalties, to be

applied in law, against certain offences. For example, a person who refuses to give information to the Human Rights Commission in its conducting of an investigation can be fined $1,000. Since this Declaration provides new areas for the Commissioner to investigate, it appears that this Declaration does have the force of law in Australia.

Now it is true that the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief carries few penalties. Under the HREOC, any infringements of the Act are investigated by the Human Rights Commissioner and reported to the Parliament through the Attorney-General. But what happens with the Commissioner's report? What will the Parliament do when reported incidents of religious intolerance occur? Either they ignore the issue or else they introduce other legislation to prohibit religious discrimination. Thus, as we have argued, the Declaration is a step in a journey that, at the moment, has an uncertain end. It is a journey that some of us are reluctant to make.

Unfortunately, we were under the mistaken opinion that the Declaration was the first step on what would be a long journey. But it is not the first step. It is several steps down the road to preventing religious ministries from exercising their faith. For example, religious institutions, such as welfare homes run by the denominations, are being told that they may no longer apply religious tests to potential employees if they take government funding. Thus, the Declaration is just another legal weapon in the armory of those who seek to abolish every religion except the religion of humanism: the all-controlling state.

Friends & Enemies

Strangely, it is always the Christians who provide the most vehement attack on their fellow-Christians. This phenomenon is something that is difficult to handle, for it comes from within the camp, not from outside. Just as a General in the field finds it most difficult to deal with traitors among his troops, so it is trying to find misrepresentation, ridicule and uncharitableness from those who say they believe in the same God.

We've mistaken a Declaration for a Treaty, we were told in one instance. This Declaration was not law; it was simply an "ideal." In another instance it was bemusingly stated that we claimed that the Declaration would abolish all religious belief. Naturally, it was omitted that this was only half a sentence. (When you have a Ph.D. it apparently becomes difficult to understand sentence structure.) The original sentence stated: "Thus, the UN

Declaration has as its purpose the abolition of all religious belief — except for the religious beliefs underlying the UN Declaration itself: the belief in the all-powerful, all-knowledgeable, all-wise, all-controlling political state." Perhaps our critic had a vested interest in not stating the full sentence. We can only believe that in this case he was a believer in the religion of the political state that underlies the UN Declaration.

We live in an age when truth is not considered important. After all, in an age of relativism, where everything is simply a matter of opinion, there can be no truth, just as there can be no lies. So we must suffer the nonsense that passes for great learning from those who neither know nor understand their own philosophical predilections.

Ridicule is easier to indulge in than argument. Argument leaves a person exposed. It makes him vulnerable. It puts him in a position where his opponent can find the errors in his judgment. Ultimately, of course, all argument rests on the truth of the propositions. So, in a truthless age, ridicule replaces argument and civil discourse.

Curiously, as stated previously, the point of the book was the issue of absolute sovereignty: should it reside in God or man? This is the fundamental religious question of our age. It is also the central point of any theological system. Yet one critic claimed that the book was "almost totally lacking" in any "theology or Christian values." Well, we tried our best, and for some this was insufficient. On the other hand, however, if we have indeed grasped the central point of any theological system, then it is our critic who lacks understanding.

One of the most interesting comments made in the parliamentary debate was that attributed to Senator Boswell. "No-one," he said, "rang me or asked me to allow this declaration to go through. All my colleagues on all sides of the chamber including the Democrats, were deluged by a string of letters and phone calls from people proposing the opposite." That tells us something very fascinating about those who voted in favour of the Declaration: they were doing so despite the fact that most of the correspondence to members of parliament was in favour of abandoning the Declaration. In short, they were going to vote in favour of the Declaration irrespective of the wishes of the people.

This should not surprise us, given the idea that the political state is our new god. It is a function of the god-head to determine what is good for people. This is the self-proclaimed position of a majority of the politicians in

Canberra. Gods do not ask their subjects what laws they want. It is the nature of a god to know what is best, and therefore impose upon his subjects the laws he thinks they need. This is now the role of the Federal Parliament and those who control the agenda within it.

Unfortunately, the opponents of the Declaration did not base their opposition on the biblical evidence that it would violate the law of God. Instead, they argued on pragmatic grounds. They believed it was unnecessary that the Declaration become a part of Australian law, or they were concerned about its vague definitions, or they thought there should be more public debate on the issue.

But these arguments beg the question: on what authority do they rest? If they do not rest on the authority of the Word of God Almighty then they rest on the authority of another god.

Conclusion

Were we successful in our bid to halt the Declaration? While it is true that our ultimate goal was not achieved, I think something else very important has been gained. It is this. It was the number of Christians who voiced their concern to the members of Parliament on the issue. I cannot think of many issues that have attracted such widespread concern among the Christian community. Perhaps not since the abortive Australia Card in 1986, or the failed attempt by the Labor Party in New South Wales in 1987 to change the face of education for the worse, have concerned citizens been so active on any issue. And it was most encouraging to see that this concern crossed theological and denominational differences.

We thank our Lord and Saviour for all of you who participated in the struggle for religious liberty. But the war is not over. We may have lost this battle, but we live to fight another day. Your help thus far has been invaluable. Our thanks, also, to the Members of Parliament who debated in our favour to disallow the Religion Declaration in 1993.

In 2004, we need a new breed of politician who will stand up for religious liberty in Australia. So far, they are not appearing. And this is becasue the Christian community largely is not aware of the issue, nor does it see that this is an issue that should concern them. So it does not vote for politicians who will turn the tide.

We must, however, remain vigilant, for though there is a temporary halt in

the attempts to maintain liberty, we remain ready to defend our faith as circumstances demand. We are reminded of the words of another great Christian statesman, Abraham Kuyper, who wrote: "When principles that run against your deepest convictions begin to win the day, then battle is your calling and peace has become sin; you must at price of dearest peace, lay your convictions bare before friend and enemy, with all the fire of your faith."

Is This the End of Religious Liberty?

Further Reading

It is not always possible to convince people of a particular viewpoint in the space of one modest book. Therefore, the books listed below will provide the interested reader with further information.

DeMar, Gary, *Ruler of the Nations: Biblical Principles for Government,* Fort Worth, TX: Dominion Press, 1987. Outlines specific answers for the complex problems of modern civil government.

Eidsmoe, John, *God and Caesar: Christian Faith and Political Action,* Westchester, IL: Crossway Books, 1984. How to apply the Bible to modern government.

Ely, Richard, *Unto God and Caesar: Religious Issues in the Emerging Commonwealth 1891-1906,* Melbourne: Melbourne University Press, 1976. Discussion on the debate over the religious clauses in the Australian Constitution by the founding fathers.

Gregory, J.S., *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation,* North Melbourne, VIC: Cassell Australia, 1973.

McLennan, Graham, *Understanding our Christian Heritage,* Orange, NSW: Christian History Research Institute, 81 Woodward Street, Orange, NSW 2800. See especially the two chapters by solicitor Greg Booth: "Our English Heritage" and "The Australian Constitution".

Rushdoony, Rousas J., *Politics of Guilt and Pity,* Fairfax: VA: Thoburn Press, 1970. A valuable analysis of modern politics and its propensity to take the place of God.

Upholding the Constitution: Proceedings of The Samuel Griffith Society Inaugural Conference 1992, East Melbourne, VIC: The Samuel Griffith Society, 70 Gipps Street, East Melbourne, VIC 3002. A collection of articles by some of the leading political and legal thinkers in Australia.

Is This the End of Religious Liberty?

CONTRIBUTORS

PROFESSOR L.J.M. COORAY was Associate Professor at Macquarie University for many years teaching Australian government and politics. He has written 12 books and more than 60 articles on law and politics in Australia. His books include: *Conventions, the Australian Constitution and the Future*; *Human Rights in Australia*; and *Socialism in Australia.* Professor Cooray was also President of Australians for Commonsense Freedom and Responsibility, Director of the Democratic Tradition Education Project, and Editor of Public Affairs Media Probe.

DR IAN HODGE. His book, Baptized Inflation: An Analysis of "Christian" Keynesianism (Tyler: TX: Institute for Christian Economics, 1986), offers a biblical alternative to the economics that has brought the country to the verge of bankruptcy. He has written over 100 essays on applied Christianity in areas such as theology, economics, politics, education and law. Ian is author of a forthcoming book on money and wealth from a Christian perspective. His later book, Making Sense of Your Dollars: A Biblical Approach to Wealth (Vallecito, CA: Ross House Books, 1995) offers a biblical approach to wealth, how to get it, how to use it. Ian's Ph.D. in Christian economic thought was earned through Whitefield Seminary.

REV DR DAVID MITCHELL was Moderator and Procurator of the Presbyterian Church of Tasmania, as well as Procurator of the Presbyterian Church of Victoria. At one time he was a senior legal officer in the Federal Attorney-General's department, and Attorney-General in the Kingdom of Lesotho. David Mitchell holds a Ph.D in law, is a barrister of the High Court of Australia, and has successfully defended Christian schools in the law courts.

DR R.J. RUSHDOONY (1916-2000) was founder and President of the Chalcedon Foundation in California. Author of over 30 books, Dr Rushdoony, an ordained minister, specialised in applying biblical

Christianity to all the affairs of life. His books include Institutes of Biblical Law, two volumes; Revolt Against Maturity; The Politics of Guilt and Pity; and Salvation and Godly Rule. His monthly journal, The Chalcedon Report (P.O. Box 158, Vallecito CA 95257 USA), has a worldwide influence. Among other activities, the Chalcedon Foundation sponsors work among Romanian orphans, organising medical treatment and foster