

Less than Equal: Secularism, Religious Pluralism and Privilege.
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In its preamble, The Western Australian Charter of Multiculturalism (WA) commits the state to becoming: “A society in which respect for mutual difference is accompanied by equality of opportunity within a framework of democratic citizenship”. One of the principles of multiculturalism, as enunciated in the Charter, is “equality of opportunity for all members of society to achieve their full potential in a free and democratic society where every individual is equal before and under the law”. An important element of this principle is the “equality of opportunity ... to achieve ... *full potential*”. The implication here is that those who start from a position of disadvantage when it comes to achieving that potential deserve more than ‘equal’ treatment. Implicitly, equality can be achieved only through the recognition of and response to differential needs and according to the likelihood of achieving full potential. This is encapsulated in Kymlicka’s argument that neutrality is “hopelessly inadequate once we look at the diversity of cultural membership which exists in contemporary liberal democracies” (903).

Yet such a potential commitment to differential support might seem unequal to some, where equality is constructed as the same or equal treatment regardless of differing circumstances. Until the past half-century or more, this problematic has been a hotly-contested element of the struggle for Civil Rights for African-Americans in the United States, especially as these rights related to educational opportunity during the years of racial segregation. For some, providing resources to achieve equal outcomes (rather than be committed to equal inputs) may appear to undermine the very ethos of liberal democracy. In Australia, this perspective has been the central argument of Pauline Hanson and her supporters who denounce programs designed as measures to achieve equality for specific disadvantaged groups; including Indigenous Australians and humanitarian refugees. Nevertheless, equality for all on all grounds of legally-accepted difference: gender, race, age, family status, sexual orientation, political conviction, to name a few; is often held as the hallmark of progressive liberal societies such as Australia.

In the matter of religious freedoms the situation seems much less complex. All that is required for religious equality, it seems, is to define religion as a private matter – carried out, as it were, between consenting parties away from the public sphere. This necessitates, effectively, the separation of state and religion. This separation of religious belief from the apparatus of the state is referred to as ‘secularism’ and it tends to be regarded as a cornerstone of a liberal democracy, given the general assumption that secularism is a necessary precursor to equal treatment of and respect for different religious beliefs, and the association of secularism with the Western project of the Enlightenment when liberty, equality and science replaced religion and superstition. By this token, western nations committed to equality are also committed to being liberal, democratic and secular in nature; and it is a matter of state indifference as to which religious faith a citizen embraces – Wiccan, Christian, Judaism, etc – if any. Historically, and arguably more so in the past decade, the terms ‘democratic’, ‘secular’, ‘liberal’ and ‘equal’ have all been used to inscribe characteristics of the collective ‘West’. Individuals

and states whom the West ascribe as 'other' are therefore either or all of: not democratic; not liberal; or not secular – and failing any one of these characteristics (for any country other than Britain, with its parliamentary-established Church of England, headed by the Queen as Supreme Governor) means that that country certainly does not espouse equality.

The West and the 'Other' in Popular Discourse.

The constructed polarisation between the free, secular and democratic West that values equality; and the oppressive 'other' that perpetuates theocracies, religious discrimination and – at the ultimate – human rights abuses, is a common theme in much of the West's media and popular discourse on Islam. The same themes are also applied in some measure to Muslims in Australia, in particular to constructions of the rights of Muslim women in Australia. Typically, Muslim women's dress is deemed by some secular Australians to be a symbol of religious subjugation, rather than of free choice. Arguably, this polemic has come to the fore since the terrorist attacks on the United States in September 2001. However, as Aly and Walker note, the comparisons between the West and the 'other' are historically constructed and inherited (Said) and have tended latterly to focus western attention on the role and status of Muslim women as evidence of the West's progression comparative to its antithesis, Eastern oppression.

An examination of studies of the United States media coverage of the September 11 attacks, and the ensuing 'war on terror', reveals some common media constructions around good versus evil. There is no equal status between these. Good must necessarily triumph. In the media coverage, the evil 'other' is Islamic terrorism, personified by Osama bin Laden. Part of the justification for the war on terror is a perception that the West, as a force for good in this world, must battle evil and protect freedom and democracy (Erjavec and Volcic): to do otherwise is to allow the terror of the 'other' to seep into western lives. The war on terror becomes the defence of the west, and hence the defence of equality and freedom. A commitment to equality entails a defeat of all things constructed as denying the rights of people to be equal. Hutcheson, Domke, Billeaudeau and Garland analysed the range of discourses evident in *Time* and *Newsweek* magazines in the five weeks following September 11 and found that journalists replicated themes of national identity present in the communication strategies of US leaders and elites. The political and media response to the threat of the evil 'other' is to create a monolithic appeal to liberal values which are constructed as being a monopoly of the 'free' West.

A brief look at just a few instances of public communication by US political leaders confirms Hutcheson et al's contention that the official construction of the 2001 attacks invoked discourses of good and evil reminiscent of the Cold War. In reference to the actions of the four teams of plane hijackers, US president George W Bush opened his Address to the Nation on the evening of September 11: "Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly terrorist acts" ("Statement by the President in His Address to the Nation"). After enjoining Americans to recite Psalm 23 in prayer for the victims and their families, President Bush ended his address with a clear message of national unity and a further

reference to the battle between good and evil: “This is a day when all Americans from every walk of life unite in our resolve for justice and peace. America has stood down enemies before, and we will do so this time. None of us will ever forget this day. Yet, we go forward to defend freedom and all that is good and just in our world” (“Statement by the President in His Address to the Nation”).

In his address to the joint houses of Congress shortly after September 11, President Bush implicated not just the United States in this fight against evil, but the entire international community stating: “This is the world’s fight. This is civilisation’s fight” (cited by Brown 295). Addressing the California Business Association a month later, in October 2001, Bush reiterated the notion of the United States as the leading nation in the moral fight against evil, and identified this as a possible reason for the attack: “This great state is known for its diversity – people of all races, all religions, and all nationalities. They’ve come here to live a better life, to find freedom, to live in peace and security, with tolerance and with justice. When the terrorists attacked America, this is what they attacked”.

While the US media framed the events of September 11 as an attack on the values of democracy and liberalism as these are embodied in US democratic traditions, work by scholars analysing the Australian media’s representation of the attacks suggested that this perspective was echoed and internationalised for an Australian audience. Green asserts that global media coverage of the attacks positioned the global audience, including Australians, as ‘American’. The localisation of the discourses of patriotism and national identity for Australian audiences has mainly been attributed to the media’s use of the good versus evil frame that constructed the West as good, virtuous and moral and invited Australian audiences to subscribe to this argument as members of a shared Western democratic identity (Osuri and Banerjee). Further, where the ‘we’ are defenders of justice, equality and the rule of law; the opposing ‘others’ are necessarily barbaric.

Secularism and the Muslim Diaspora.

Secularism is a historically laden term that has been harnessed to symbolise the emancipation of social life from the forced imposition of religious doctrine. The struggle between the essentially voluntary and private demands of religion, and the enjoyment of a public social life distinct from religious obligations, is historically entrenched in the cultural identities of many modern Western societies (Dallmayr). The concept of religious freedom in the West has evolved into a principle based on the bifurcation of life into the objective public sphere and the subjective private sphere within which individuals are free to practice their religion of choice (Yousif), or no religion at all. Secularism, then, is contingent on the maintenance of a separation between the public (religion-free) and the private or non- public (which may include religion).

The debate regarding the feasibility or lack thereof of maintaining this separation has been a matter of concern for democratic theorists for some time, and has been made

somewhat more complicated with the growing presence of religious diasporas in liberal democratic states (Charney). In fact, secularism is often cited as a precondition for the existence of religious pluralism. By removing religion from the public domain of the state, religious freedom, in so far as it constitutes the ability of an individual to freely choose which religion, if any, to practice, is deemed to be ensured. However, as Yousif notes, the Western conception of religious freedom is based on a narrow notion of religion as a personal matter, possibly a private emotional response to the idea of God, separate from the rational aspects of life which reside in the public domain. Arguably, religion is conceived of as recognising (or creating) a supernatural dimension to life that involves faith and belief, and the suspension of rational thought. This Western notion of religion as separate from the state, dividing the private from the public sphere, is constructed as a necessary basis for the liberal democratic commitment to secularism, and the notional equality of all religions, or none.

Rawls questioned how people with conflicting political views and ideologies can freely endorse a common political regime in secular nations. The answer, he posits, lies in the conception of justice as a mechanism to regulate society independently of plural (and often opposing) religious or political conceptions. Thus, secularism can be constructed as an indicator of pluralism and justice; and political reason becomes the “common currency of debate in a pluralist society” (Charney 7). A corollary of this is that religious minorities must learn to use the language of political reason to represent and articulate their views and opinions in the public context, especially when talking with non-religious others. This imposes a need for religious minorities to support their views and opinions with political reason that appeals to the community at large as citizens, and not just to members of the minority religion concerned. The common ground becomes one of secularism, in which all speakers are deemed to be indifferent as to the (private) claims of religion upon believers.

Minority religious groups, such as fundamentalist Mormons, invoke secular language of moral tolerance and civil rights to be acknowledged by the state, and to carry out their door-to-door ‘information’ evangelisation/campaigns. Right wing fundamentalist Christian groups and Catholics opposed to abortion couch their views in terms of an extension of the secular right to life, and in terms of the human rights and civil liberties of the yet-to-be-born. In doing this, these religious groups express an acceptance of the plurality of the liberal state and engage in debates in the public sphere through the language of political values and political principles of the liberal democratic state. The same principles do not apply within their own associations and communities where the language of the private religious realm prevails, and indeed is expected.

This embracing of a political rhetoric for discussions of religion in the public sphere presents a dilemma for the Muslim diaspora in liberal democratic states. For many Muslims, religion is a complete way of life, incapable of compartmentalisation. The narrow Western concept of religious expression as a private matter is somewhat alien to Muslims who are either unable or unwilling to separate their religious needs from their needs as citizens of the nation state. Problems become apparent when religious needs challenge what seems to be publicly acceptable, and conflicts occur between what the

state perceives to be matters of rational state interest and what Muslims perceive to be matters of religious identity.

Muslim women's groups in Western Australia for example have for some years discussed the desirability of a Sharia divorce court which would enable Muslims to obtain divorces according to Islamic law. It should be noted here that not all Muslims agree with the need for such a court and many – probably a majority – are satisfied with the existing processes that allow Muslim men and women to obtain a divorce through the Australian family court. For some Muslims however, this secular process does not satisfy their religious needs and it is perceived as having an adverse impact on their ability to adhere to their faith. A similar situation pertains to divorced Catholics who, according to a strict interpretation of their doctrine, are unable to take the Eucharist if they form a subsequent relationship (even if married according to the state), unless their prior marriage has been annulled by the Catholic Church or their previous partner has died. Whereas divorce is considered by the state as a public and legal concern, for some Muslims and others it is undeniably a religious matter.

The suggestion by the Anglican Communion's Archbishop of Canterbury, Dr Rowan Williams, that the adoption of certain aspects of Sharia law regarding marital disputes or financial matters is ultimately unavoidable, sparked controversy in Britain and in Australia. Attempts by some Australian Muslim scholars to elaborate on Dr Williams' suggestions, such as an article by Anisa Buckley in *The Herald Sun* (Buckley), drew responses that, typically, called for Muslims to 'go home'. A common theme in these responses is that proponents of Sharia law (and Islam in general) do not share a commitment to the Australian values of freedom and equality. The following excerpts from the online pages of *Herald Sun Readers' Comments* (Herald Sun) demonstrate this perception:

“These people come to Australia for freedoms they have never experienced before and to escape repression which is generally brought about by such ‘laws’ as Sharia! How very dare they even think that this would be an option. Go home if you want such a regime. Such an insult to want to come over to this country on our very goodwill and our humanity and want to change our systems and ways. Simply, No!”
Posted 1:58am February 12, 2008

“Under our English derived common law statutes, the law is supposed to protect an individual's rights to life, liberty and property. That is the basis of democracy in Australia and most other western nations. Sharia law does not adequately share these philosophies and principles, thus it is incompatible with our system of law.”
Posted 12:55am February 11, 2008

“Incorporating religious laws in the secular legal system is just plain wrong. No fundamentalist religion (Islam in particular) is compatible with a liberal-democracy.”
Posted 2:23pm February 10, 2008

“It should not be allowed in Australia the Muslims come here for a better life and we give them that opportunity but they still believe in covering themselves why do they even come to Australia for when they don't follow our [our] rules but if we went to there [their] country we have to cover ourselves [sic]”

Posted 11:28am February 10, 2008

Conflicts similar to this one – over any overt or non-private religious practice in Australia – may also be observed in public debates concerning the wearing of traditional Islamic dress; the slaughter of animals for consumption; Islamic burial rites, and other religious practices which cannot be confined to the private realm. Such conflicts highlight the inability of the rational liberal approach to solve all controversies arising from religious traditions that enjoin a broader world view than merely private spirituality. In order to adhere to the liberal reduction of religion to the private sphere, Muslims in the West must negotiate some religious practices that are constructed as being at odds with the rational state and practice a form of Islam that is consistent with secularism. At the extreme, this Western-acceptable form is what the Australian government has termed ‘moderate Islam’. The implication here is that, for the state, ‘non-moderate Islam’ – Islam that pervades the public realm – is just a descriptor away from ‘extreme’.

The divide between Christianity and Islam has been historically played out in European Christendom as a refusal to recognise Islam as a world religion, preferring instead to classify it according to race or ethnicity: a Moorish tendency, perhaps. The secular state prefers to engage with Muslims as an ethnic, linguistic or cultural group or groups (Yousif). Thus, in order to engage with the state as political citizens, Muslims must find ways to present their needs that meet the expectations of the state – ways that do not use their religious identity as a frame of reference. They can do this by utilizing the language of political reason in the public domain or by framing their needs, views and opinions exclusively in terms of their ethnic or cultural identity with no reference to their shared faith. Neither option is ideal, or indeed even viable. This is partly because many Muslims find it difficult if not impossible to separate their religious needs from their needs as political citizens; and also because the prevailing perception of Muslims in the media and public arena is constructed on the basis of an understanding of Islam as a religion that conflicts with the values of liberal democracy.

In the media and public arena, little consideration is given to the vast differences that exist among Muslims in Australia, not only in terms of ethnicity and culture, but also in terms of practice and doctrine (Shia or Sunni). The dominant construction of Muslims in the Australian popular media is of religious purists committed to annihilating liberal, secular governments and replacing them with anti-modernist theocratic regimes (Brasted). It becomes a talking point for some, for example, to realise that there are international campaigns to recognise Gay Muslims' rights within their faith (ABC) (in the same way that there are campaigns to recognise Gay Christians as full members of their churches and denominations and equally able to hold high office, as followers of the Anglican Communion will appreciate).

Secularism, preference and equality.

Modood asserts that the extent to which a minority religious community can fully participate in the public and political life of the secular nation state is contingent on the extent to which religion is the primary marker of identity. “It may well be the case therefore that if a faith is the primary identity of any community then that community cannot fully identify with and participate in a polity to the extent that it privileges a rival faith. Or privileges secularism” (60). Modood is not saying here that Islam has to be privileged in order for Muslims to participate fully in the polity; but that no other religion, nor secularism, should be so privileged. None should be first, or last, among equals. For such a situation to occur, Islam would have to be equally acceptable both with other religions and with secularism.

Following a 2006 address by the former treasurer (and self-avowed Christian) Peter Costello to the Sydney Institute, in which Costello suggested that people who feel a dual claim from both Islamic law and Australian law should be stripped of their citizenship (Costello), the former Prime Minister, John Howard, affirmed what he considers to be Australia’s primary identity when he stated that ‘Australia’s core set of values flowed from its Anglo Saxon identity’ and that any one who did not embrace those values should not be allowed into the country (Humphries). The (then) Prime Minister’s statement is an unequivocal assertion of the privileged position of the Anglo Saxon tradition in Australia, a tradition with which many Muslims and others in Australia find it difficult to identify.

Conclusion.

Religious identity is increasingly becoming the identity of choice for Muslims in Australia, partly because it is perceived that their faith is under attack and that it needs defending (Aly). They construct the defence of their faith as a choice and an obligation; but also as a right that they have under Australian law as equal citizens in a secular state (Aly and Green). Australian Muslims who have no difficulty in reconciling their core Australianness with their deep faith take it as a responsibility to live their lives in ways that model the reconciliation of each identity – civil and religious – with the other. In this respect, the political call to Australian Muslims to embrace a ‘moderate Islam’, where this is seen as an Islam without a public or political dimension, is constructed as treating their faith as less than equal.

Religious identity is generally deemed to have no place in the liberal democratic model, particularly where that religion is constructed to be at odds with the principles and values of liberal democracy, namely tolerance and adherence to the rule of law. Indeed, it is as if the national commitment to secularism rules as out-of-bounds any identity that is grounded in religion, giving precedence instead to accepting and negotiating cultural and ethnic differences. Religion becomes a taboo topic in these terms, an affront against secularism and the values of the Enlightenment that include liberty and equality.

In these circumstances, it is not the case that all religions are equally ignored in a secular framework. What is the case is that the secular framework has been constructed as a way

of 'privatising' one religion, Christianity; leaving others – including Islam – as having nowhere to go. Islam thus becomes constructed as less than equal since it appears that, unlike Christians, Muslims are not willing to play the secular game. In fact, Muslims are puzzling over how they can play the secular game, and why they should play the secular game, given that – as is the case with Christians – they see no contradiction in performing 'good Muslim' and 'good Australian', if given an equal chance to embrace both.

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