

# RIGHTS, MORALS, DIGNITY

Why defending religious  
freedom matters

Peter Kurti



# **RIGHTS, MORALS, DIGNITY**

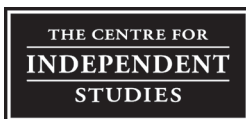
## **Why defending religious freedom matters**

Peter Kurti

This paper originated as a lecture delivered to the Christopher Dawson Centre in Hobart, Tasmania, in March 2020. I am grateful to Dr David Daintree AM for his invitation and for the hospitality he extended to me during my stay in Hobart. My thanks also go to my CIS colleagues, Monica Wilkie, Lukas Opacic, and Blaise Joseph for their insightful comments on an earlier draft.



CIS Occasional Paper 173



**2020**

Published April 2020  
by the Centre for Independent Studies Limited  
Level 1, 131 Macquarie Street, Sydney NSW 2000  
Email: [cis@cis.org.au](mailto:cis@cis.org.au)  
Website: [cis.org.au](http://cis.org.au)

Views expressed in the publications of The Centre for Independent Studies are those of the authors and do not necessarily reflect the views of the Centre's staff, advisers, directors, or officers.

---



A catalogue record for this  
book is available from the  
National Library of Australia

# RIGHTS, MORALS, DIGNITY

## Why defending religious freedom matters

### Christopher Dawson, religion, and the West

Soon after arriving in Hobart as the new Catholic Archbishop of Tasmania in 2013, Julian Porteous took steps to develop an initiative whose purpose was to deepen awareness in Australia of the intellectual, moral, and spiritual debt that Western civilisation owes to Christianity – and to Catholicism, in particular. The resulting Centre for Cultural Studies was established under the patronage of Christopher Dawson.<sup>1</sup>

We know, well enough, of the assault being waged in our own day, in the media and in our universities, against Western civilisation. One only has to look to the trials of the Ramsay Centre for Western Civilisation, and its efforts to establish courses in a number of universities, to see the extent of the determination to denounce and decry the foundations of our society.

Christopher Dawson, himself, was something of an extraordinary figure. Raised as an Anglican, he converted to Catholicism in 1914, a short time after leaving Oxford University — where he had read Modern History — before then embarking on a scholarly career as a self-styled *meta-historian*.

The focus of Dawson's subsequent research shifted to issues of European culture and religion. He developed a vehement critique of the contemporary materialism that characterised the social sciences of sociology, history, and anthropology.

Dawson was resisting the contemporary tendencies of the social sciences to see religion as a negative force in society. He would be dismayed — but probably not surprised — to find that nearly 100 years after he began his serious work, materialist hostility to religion in the West has grown increasingly fierce.

Dawson was concerned about the schism in the West between religion and culture generated by this hostility. He stood firm in his conviction. “It is the religious impulse which supplies the cohesive force which unifies a society and culture,” he wrote. “A society which has lost its religion becomes, sooner or later, a society which has lost its culture.”<sup>2</sup>

For Dawson, it was this religious impulse that provided the subtle, steadying rhythms that stabilised Western civilisation. Absence of religion can be mistaken for paganism in its various forms. But Dawson strongly rejected claims that the West had lapsed into paganism; after all, paganism is rife with religious sentiment, however misplaced we may consider it to be.

What was going on with the decline of religion in the West was something altogether different. Dawson observed that it was true many people had abandoned the practice of regular church attendance. But rather than switch their allegiance to another community of transcendent belonging, they now belonged *nowhere*.

As Catholic scholar George Weigel has noted, Dawson deemed this spiritual no-man’s land inherently unstable and ultimately self-destructive. “A secular society that has no end beyond its own satisfaction is a monstrosity,” Dawson declared. “[It is] a cancerous growth which will ultimately destroy itself.”<sup>3</sup>

## **Secular prejudice and religious freedom**

Tension between secular and religious voices in Australia has hardly abated in recent years. Indeed, it has become especially fraught. The campaign for same sex marriage brought to the fore concerns that freedom of religion was increasingly under threat, as those who held faith-based objections to changes to the *Marriage Act 1961* – especially if they were Christian – were criticised and even vilified.

During the campaign, Prime Minister Malcolm Turnbull had insisted that religious freedom would be protected if marriage was redefined, declaring that he believed in religious freedom even more strongly than in same-sex marriage.<sup>4</sup> In response to concerns from Christians about how redefining marriage would affect their religious

freedom, Turnbull established the Religious Freedom Review in November 2017, chaired by Philip Ruddock.

The Review Panel had the task of examining whether the right to religious liberty was adequately protected in Australian law. The panel handed down its report in May 2018, although the report was not made public until the end of that year.

The Ruddock review process led to the introduction of successive exposure drafts of the *Religious Discrimination Bill* by the Morrison Government. That bill, in its latest form, is still making its way through the parliament — although, as time goes by, the chances mount of it failing altogether.

This paper will not rehash details of the recent debates about the Religious Discrimination Bill; nor will it dwell on the question of the extent to which Australian law does or does not already protect religious freedom. These are important questions; but on this occasion, attention will be directed, instead, to the kinds of claim that lie behind the concept of a right to religious freedom.

Several steps will mark the development of this argument. The first step is to establish that the concept of ‘rights’ is rooted in the emergence of the individual as a social and political entity. The status of the individual entails both a rational and a moral dimension. The second step is to establish that rights are intended both to describe and protect that moral dimension, in particular. The distinctive feature of this moral dimension is the notion of dignity.

Therefore, this paper will advance the argument that behind any rights claim lies a moral claim, and that this moral claim is essentially a claim about human dignity. From there, the paper will argue that defending religious freedom is important because it amounts to defending fundamental claims we wish to make about human identity and personhood, and about civil society.

## **Rights, responsibilities, and the individual**

One characteristic of a society that seeks only its own satisfaction is a turning inwards on the part of individuals away from the demands of what we might call ‘outer’ or ‘wider’ society to a preoccupation with

the inner self — coupled, at the same time, to a demand for public recognition and affirmation of this inner self.

Canadian philosopher Charles Taylor has described this turning inwards as “part of the massive subjective turn of modern culture in which we come to think of ourselves as beings with inner depths.”<sup>5</sup>

The interior life of the individual has thereby come to be accorded, at times, greater value than the existing, external norms of society. Some of the significant consequences that have flowed from this subjective, inward turning will be considered later in the course of a closer study of ‘dignity’.

The emergence of the modern conception of the individual has been well-described by such intellectual historians as Larry Siedentop, who has argued that its roots lie within Christianity. For Siedentop, the golden thread linking Western liberal principles of truth, faith, and freedom is the principle of individual moral agency and the assumption of the inherent equality of all human beings.

Siedentop argues that this thread can be traced right back to the Gospels, to the writings of Saint Paul, whose exposition of “the Christ” described the presence of God in the world, and ultimately to the teachings of Jesus himself which proclaim the supreme moral fact of a shared human reality – that all human beings are created in the image of God.

The genius of Christianity is that by investing every individual with the God-given capacity for individual moral agency – that capacity to think, to choose, and to will – human beings are no longer to be defined solely by their social location or status. Rather, life “in Christ” creates what Siedentop calls “a rightful domain for individual conscience and choice.”<sup>6</sup>

In the course of the Middle Ages, canon lawyers and philosophers began to work out the elements of rights which needed to protect this notion of individual identity and agency.

Siedentop thereby builds a compelling argument that a key founding principle of modern Western society is a claim – derived from Pauline Christianity – about the moral status of the individual. This moral claim developed, over time, into claims about the social identity and status concerning individual agency. This, in turn, was

coupled with the evolution of rights designed to protect and respect the free expression of that identity.

There is, in other words, a direct line connecting the notion of the equality of souls with a commitment to protecting individual liberty. It is because of this central egalitarian moral insight about individual liberty and autonomy that Christianity played such a decisive part in the development of the individual, and our conception of human identity.

“To be human means being a rational and moral agent,” says Siedentop. “A free chooser with responsibility for one’s actions.”<sup>7</sup> And this coupling of choice with responsibility means that rights are joined with duties to others.<sup>8</sup>

## **Rights and duties**

Rights, then, can be thought of as being closely associated with the moral freedom enjoyed by every individual to make choices about how they act and behave. This equality of freedom is a distinguishing feature of modern liberal democratic societies. It means, as noted by the political scientist, Francis Fukuyama: “both an equal negative freedom from abusive government power and an equal positive freedom to participate in self-government and economic change.”<sup>9</sup>

A liberal democracy upholds these principles by means of the rule of law, which establishes limits to the power that the state can exercise over its citizens. These limits are described by the granting of certain rights to individuals which protect freedom to choose. Furthermore, these rights apply equally to all citizens. The somewhat simplified discussion of ‘rights’ in this paper notes, but does not dwell upon, the connection between ‘natural’ rights, ‘legal’ rights, and ‘human’ rights.

In the broadest terms, natural rights are said to be enjoyed by virtue of our status as human beings. The claims that natural rights make are moral claims about which, of course, there can be wide disagreement. This was the species of rights dismissed by Jeremy Bentham as “nonsense on stilts” because he considered them vacuous and unenforceable.



Legal rights – of which Bentham did approve – are those generated and determined by lawmakers, and which articulate clearly the scope of rights conferred by the legislation. To have a legal right is to have a legally enforceable claim against another.

Human rights is a specific category of rights talk that draws upon the previous two forms of rights – natural and legal – and is a category articulated, for example, in international instruments such as the *Universal Declaration of Human Rights* 1948 and the *International Covenant on Civil and Political Rights* 1966. Human rights make claims that are secured in law, but they also make claims about the moral standing of human beings.

The concept of ‘rights’, therefore, refers to the idea that individuals owe obligations to, and can make claims against, their neighbours. We do this in the realm of our socialised, common existence as we make agreements with one another and live with one another as neighbours. It is an idea expressed with concise elegance by the late Roger Scruton:

There is a ‘calculus of rights, responsibilities, and duties’ that is inherent in our search for agreement, and this calculus lays down the constraints that must be obeyed, if we are to arrive at a consensual political order.<sup>10</sup>

And what function does this rights talk perform? Scruton is surely correct in his view that rights talk performs the function of enabling people to claim a sphere of personal sovereignty from which others are excluded. “They define the boundaries behind which people can retreat and which cannot be crossed without transgression.”<sup>11</sup>

An important corollary of this idea of a sphere of personal sovereignty is that a *right* to something amounts to a *duty* to respect that right. In other words, the purpose of rights is not to redistribute rewards and privileges, as such, but to define and secure obligations and responsibilities owed to the one who bears the right.

## **Rights and our shared human existence**

Rights discussion that speaks only of responsibilities owed, and of a sphere of personal sovereignty, can, however, bear bitter fruit. There

is something of an absoluteness, a relentless individualism about it, which can tend to promote unrealistic expectations on the part of the rights-bearer asserting rights.

This, in turn, inhibits pursuit of the common ground and the common welfare that are necessary components of life in a modern liberal democratic society. It leads to neglect of what the American legal scholar Mary Ann Glendon describes as the “grammar of cooperative living” – the civic and personal virtues that each member of civil society must cultivate.<sup>12</sup>

Human sociality is one of the critical moral principles that underpins the function of rights. But Glendon warns:

Neglect of the social dimension of personhood [makes] it extremely difficult for us to develop an adequate conceptual apparatus for taking into account the sort of groups within which human character, competence, and capacity for citizenship are formed.<sup>13</sup>

It pays to be alert to Glendon’s warning when considering the place that rights talk increasingly occupies today in Australia.

It is frequently the case that when a particular human interest is declared to be a right, any further discussion or conversation about this interest comes to a halt – especially if a competing right is also asserted. This is because, as the saying coined by Ronald Dworkin goes, rights are trumps.

Rights operated as trumps in the course of the same sex marriage debate. Those on one side of the debate deployed arguments about the right not to be discriminated against whereas those on the other side used arguments about the right to the free expression of religious belief. Dialogue froze.

And rights threaten still to operate as trumps in debates such as the one about gender dysphoria and the medical treatment offered to transgender children. It has become increasingly difficult – almost impossible, even – to have an exchange of views on this vexed topic.

But are we simply to resign ourselves to the increased polarisation around rights? Is it inevitable that rights conflict? These are questions

that invite us to work back from the notion of rights to consider the moral framework in which they are situated.

### **Shared humanity: the moral basis of rights**

One way in which this framework can be described is that of our shared humanity – something that goes beyond the idea of cooperative living. In his prologue to an admirable series of essays on human rights in Australia, Michael Casey remarks:

Human rights depends absolutely on some concept of a shared humanity. Any shift towards a position which either implicitly or explicitly casts doubt on the possibility of a shared humanity would seem to be fatal to the very notion of *human* rights (as opposed to various legal, civil, or political rights which are purely within the gift of the state, or otherwise arise from custom or culture).  
[Italics in original]<sup>14</sup>

It is this ‘something’ that we have in common with one another – our shared humanity – that provides the ultimate moral rationale for our concept of rights. It is the moral claim about that shared humanity that stands behind every claim that we wish to make about both rights and duties, for it speaks of the obligations we owe to one another.

Casey invokes the concept of ‘friendship’, with its connotations of relationship, mutual respect, and the social networks of obligations in which we are enmeshed, to give fuller expression to this idea of shared humanity.

Friendship requires a practice of human rights, which holds autonomy and solidarity together in a better, more humane, balance”<sup>15</sup>

These social and cultural bonds go to the heart of the principal idea advanced by many thinkers that rights – whether natural, legal, or human – are concepts intended to protect human well-being and promote human flourishing.

An additional element, integral to the idea of human flourishing, is the notion of human dignity; which refers to the inherent value of a human person from which no one or nothing may detract.

### **Dignity: from moral choice to self-esteem**

Scholars continue to debate the relationship between flourishing, dignity, and rights and the extent to which the first two can form the grounds of the third.<sup>16</sup>

In broad terms, human flourishing can be understood as the condition of developing and living well, not just in individual terms but in social terms, too. Human dignity is connected to flourishing because it refers to the capacity we have for determining the kinds of social relationships we enjoy. It is a capacity to develop the practical dispositions (or virtues) necessary to guide our interpersonal conduct.

Human dignity is connected to flourishing in two key ways. The first is the way in which dignity refers to the inherent capacity human beings have for determining the conditions of our social relationships which contribute directly to well-being. The second way is the way in which dignity refers to the capacity we have to develop the practical dispositions (or virtues) necessary to guide our interpersonal conduct.

In other words, “flourishing is expressive of the dignity that we have as humans.”<sup>17</sup> In the Christian tradition, human beings are bearers of dignity in virtue of their moral capacity to distinguish good from evil. It is in the exercise of choice between good and evil that human beings are considered to participate in God’s capacity for goodness.

In the secular understanding of dignity – as developed and expressed by Immanuel Kant, for example – this capacity for moral choice is unconditionally good. Abstract moral rules are to be followed for their own sake and not because they may lead to outcomes that imply human well-being.

As Francis Fukuyama has observed, it was Kant’s view that “morality is not a utilitarian calculus of outcomes that maximise human happiness, but [is] about the act of choice itself.”<sup>18</sup>

Although they express it rather differently, the Christian and Kantian accounts of human dignity share much common ground.

According to each account, it is the act of choosing – the moral capacity to discern good from evil, and to act upon that discernment – that serves as the foundation of human dignity.

## Dignity and identity politics

Dignity, as an idea rooted in the moral choice made by an individual, began to change in the later years of the 20<sup>th</sup> century, however. It evolved from being about exercise of moral choice and cultivation of the virtues into recognition of the individual's authentic inner being. Increasingly, says Fukuyama:

A liberal society came to be understood not just as a political order that protected certain minimal individual rights, but rather as one that actively encouraged the full actualization of the inner self.<sup>19</sup>

And so the question of dignity became a concern about an individual's self-esteem and the realisation of that individual's inner potential. This, in turn, has been closely associated with the phenomenon we have come to know as 'identity politics'.

Identity politics demands not simply recognition of the inherent worth of the individual but also acknowledgement of the sameness the individual bears to other members of the group to which she or he belongs. Hence, dignity no longer has application solely to individuals; it has come to be applied to entire groups comprising members with shared memory and experience.

A new species of rights is also asserted by members of these self-identifying groups. These rights are intended to address new categories of oppression, such as gender and sexual orientation, and to uphold an identity-based conception of 'dignity'.

These rights are increasingly asserted in the course of demanding redress. Once asserted, they impose duties on other individuals without any acknowledgement of reciprocity on the part of the rights-bearer.<sup>20</sup>

The *emotional* experiences of the inner self are preferred over those experiences examined *rationally*. And it is widely considered appropriate to delegitimise any argument held to be offensive to an

individual's sense of self-esteem.<sup>21</sup> This is just one of a number of crucial features of the “massive subjective turn of modern culture” identified by Charles Taylor (referred to earlier).<sup>22</sup>

Under the pretext of upholding a person's dignity, understood as a manifestation of identity politics, new threats are now levelled at freedoms such as freedom of speech and the open, broader public discourse so necessary for the healthy functioning of democracy. In light of the developments in the culture traced in this paper, it is a matter of pressing concern that the moral conception of human dignity be reclaimed.

Claims about dignity entail claims about the status of human beings, the bearers of rights. As the philosophers, John Kleinig and Nicholas Evans, have argued, “It is by virtue of our status as beings with dignity that we possess and should be accorded what we denominate as basic human rights.”<sup>23</sup>

Rather than permit it to be the pretext for restricting liberty, the argument that dignity possesses foundational significance for all human rights must be restated so as to counter the threats that are levelled at these rights.

Most notably, however, attention must be paid to the threats that continue to be levelled at freedom of religion – notwithstanding its status as a fundamental human right established in those key international instruments referred to earlier, and to which Australia is a signatory.

## **Why defending religious freedom matters**

In the Judeo-Christian tradition, the conviction about the status that human beings hold is derived from an understanding that human beings are made in the image of God. Created *by* God and living in relation *to* God, every human being is a subject of reverence to other people. In the Christian tradition, human dignity permits no derogation.

But in liberal democracies such as Australia's, it is now increasingly difficult to use this basic faith-based conviction about the dignity held by human beings as the foundation for arguments to counter claims

about such issues as euthanasia, or abortion, or human sexuality, or marriage.

The law relating to marriage has now changed, of course, and it was the will of the Australian people that it *should* change. There is no need to revisit the arguments deployed on either side of the debate.

But it remains the case that there is likely to be trouble for any religious person or institution who seeks to uphold what might be described as a ‘traditional’ view of marriage that accords with their religious beliefs. For a recent example, there is no need to look no further than the case of Ballarat Christian College.

In early March 2020, this small college in Victoria had to settle with a former teacher who claimed the college’s teachings on same-sex marriage discriminated against her. As college principal, Ken Nuridin, remarked:

The claim has taken an enormous cost in time and resources detracting from the ability of a small school like ours to focus on what is important, the education of our students.<sup>24</sup>

Clearly, issues such as marriage continue to be contentious when faith-based organisations, such as schools, set out the beliefs and doctrines that inform their ethos and governance. And institutions, such as schools, offer an important service that is popular with those who wish to use – and pay for – them.

When the freedom that religious institutions have to order their lives is threatened, the threat extends beyond the particular organisation to the many institutions of civil society that cultivate the very qualities of character that an open, liberal society needs in its citizens.

Few would be surprised if an environmentalist group chose not to employ a confessing advocate of coal, petroleum and other fossil fuels. Yet arms are thrown up in horror when a religious school requires its staff to stand by the creeds and doctrines of the religion in question.

Critics hostile to religion pounce on the 30 per cent of people who claimed no religious affiliation in the 2016 census; what they consistently fail to see is that religion remains an important part of

Australian society and that over 60 per cent of Australians retain a religious affiliation.

But unrelenting onslaught of progressive secularism is making it ever harder for religious Australians to practise their faith openly and in public

The Morrison government's *Religious Discrimination Bill* is intended to help secure spheres of practice and discourse within which religious citizens are able to take their place fully as members of a successful and diverse multicultural society.

Of course, it is unpopular with many. Indeed, a steady campaign to derail the bill, involving celebrities, sports stars, the media, major law firms, and even retailers, is gaining momentum. As lawyer, Mark Fowler, observed recently:

It is hard to avoid the fatalistic acknowledgement that what the debate engendered by this bill really indicates is this: our inability to seek a mutual and civil exchange of views has consigned us to a society whose common denominator is the right of recourse to the courtroom.<sup>25</sup>

Fowler is correct. The bill would have been unnecessary in the first place had it not been for the virulent and intolerant actions of the secular left determined to silence and shame religious believers who dared to voice their beliefs in public. The so-called 'tyrants of tolerance' have only themselves to blame for having so harried their religious neighbours that a government came to office and pledged to act.

Not that the right to religious freedom is absolute; it must always be balanced against the rights of other citizens. Nor can religious practice ever be justified simply because it is motivated by faith.

Australian law, for example, prohibits female genital mutilation and child marriage. No matter what pieties are preached by proponents of such practices, they will always be illegal and those who practise them stand to be convicted. But defending religious freedom matters because the integrity, health, and vitality of our civil society depends upon it.



Writing about threats to religious freedom in the United States, the political scientist, Yuval Levin, remarked that in defending religious freedom:

We are defending the very idea that our government exists to protect the space in which various institutions of civil society do the work that enables American to thrive, *and* we are defending the proposition that this work involves moral formation and not just liberation from constraint. That is an entire conception of the meaning of a free society that goes well beyond toleration and freedom of religion. [Italics in original]<sup>26</sup>

If we are serious about defending the fundamental principles of liberty and diversity, we need to be serious about defending the fundamental human right to religious freedom. Our country is all the richer for the cultural and religious diversity that has helped to make us one of the most successful multicultural societies on earth.

Respect for the freedoms enjoyed by all Australians demands that, unless with a very good reason for doing so, the state should not force its citizens to violate those beliefs and principles to which they have committed themselves most deeply, and by which they feel compelled to act.

## Endnotes

- 1 Christopher Dawson (1889 – 1970) was an independent British scholar who wrote widely about culture, Christianity, and Western civilization.
- 2 Christopher Dawson, *Progress and Religion: An Historical Inquiry*, (London: Sheed & Ward, 1931), 180.
- 3 Quoted in George Weigel, *The Cube and the Cathedral: Europe, America, and Politics without God*, (New York: Basic Books, 2005), 55.
- 4 Louise Yaxley, “SSM survey: Malcolm Turnbull says churches free to marry who they want, despite John Howard criticism”, ABC News (15 Sept 2017) <https://www.abc.net.au/news/2017-09-15/malcolm-turnbull-rejects-john-howard-same-sex-marriage-criticism/8949494>

- 5 Charles Taylor, *The Ethics of Authenticity*, (Cambridge, MA: Harvard University Press, 1992), 26.
- 6 Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism*, (Penguin: London, 2014), 305.
- 7 Larry Siedentop, as above, 361.
- 8 See further, Peter Kurti, “Secular Prejudice and Religious Freedom”, *Quadrant* (November 2014).
- 9 Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment*, (New York: Picador, 2018), 47.
- 10 Roger Scruton, *The Soul of the World*, (Princeton, NJ: Princeton University Press, 2014), 81.
- 11 Roger Scruton, as above, 86.
- 12 Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*, (New York: The Free Press, 1991), 14.
- 13 Mary Ann Glendon, as above, 109.
- 14 Michael Casey, “Prologue”, in Damien Freeman and Catherine Renshaw (eds.), *Nonsense on Stilts: Rescuing Human Rights in Australia*, (Redland Bay, QLD: Kapunda Press, 2019), xi-xii.
- 15 Casey, as above, xviii.
- 16 See, for example, John Kleinig and Nicholas Evans, “Human flourishing, human dignity, and human rights”, *Law and Philosophy*, Vol. 32 No.5 (September 2013, 539-564; and, Charles Beitz, “Human dignity in the theory of human rights: nothing but a phrase?”, *Philosophy & Public Affairs*, Vol. 41 No. 3 (Summer 2013), 259-290 which traces the emergence of “dignity” in human rights discourse.
- 17 John Kleinig and Nicholas Evans, as above, 556.
- 18 Francis Fukuyama, as above, 39.
- 19 Francis Fukuyama, as above, 92.
- 20 See Peter Kurti, *The Tyranny of Tolerance: Threats to Religious Liberty in Australia*, (Redland Bay, QLD: Connor Court, 2017), 33.
- 21 See Francis Fukuyama, as above, 117.
- 22 See above, note 3.
- 23 John Kleinig and Nicholas Evans, as above, 559.
- 24 Richard Ferguson, “Ballarat Christian College settles case with former teacher Rachel Colvin over same-sex beliefs”, *The Australian*, (5 March 2020) <https://www.theaustralian.com.au/nation/ballarat-christian-college-settles-case-with-former-teacher-rachel-colvin-over-samesex-beliefs/news-story/e258d0b6fdf50b51a0ebaf8e4f8c09a6>
- 25 Mark Fowler, “Religious bill debate shows we’re off to court”, *The Weekend Australian*, (7 March 2020), <https://www.theaustralian.com.au/inquirer/religious-bill-debate-shows-were-off-to-court/news-story/fd9875cb41f14d29e9c6aca4f27b38c7>
- 26 Yuval Levin, “The Perils of Religious Liberty”, *First Things*, (February 2016).



**The Centre for Independent Studies** is a non-profit, public policy research institute. Its major concern is with the principles and conditions underlying a free and open society. The Centre's activities cover a wide variety of areas dealing broadly with social, economic and foreign policy.

The Centre meets the need for informed debate on issues of importance to a free and democratic society in which individuals and business flourish, unhindered by government intervention. In encouraging competition in ideas, The Centre for Independent Studies carries out an activities programme which includes:

- research
- holding lectures, seminars and policy forums
- publishing books and papers

For more information about CIS or to become a member, please contact:

Level 1/131 Macquarie Street,  
Sydney NSW 2000 Australia  
Ph: 02 9438 4377  
Email: [cis@cis.org.au](mailto:cis@cis.org.au)

**[cis.org.au](http://cis.org.au)**

#### **Council of Academic Advisers**

Professor James Allan  
Professor Ray Ball  
Professor Jeff Bennett  
Professor Geoffrey Brennan  
Professor Lauchlan Chipman  
Professor Kenneth Clements  
Professor Sinclair Davidson  
Professor David Emanuel  
Professor Ian Harper  
Professor Wolfgang Kasper

Professor Chandran Kukathas  
Professor Tony Makin  
Professor R. R. Officer  
Professor Suri Ratnapala  
Professor David Robertson  
Professor Steven Schwartz  
Professor Judith Sloan  
Professor Peter Swan AM  
Professor Geoffrey de Q. Walker

# RIGHTS, MORALS, DIGNITY

## Why defending religious freedom matters

Calls for protections of rights are often made without much reflection on what it is, exactly, that needs protecting. In this Occasional Paper, Peter Kurti argues that behind any claim about rights lies a moral claim, and that this claim is essentially about human dignity.

Rights describe a sphere of personal sovereignty from which others are excluded and which also imposes on others a duty to respect that right. There is, therefore, a social dimension to rights because of the network of obligations and responsibilities they generate.

This social dimension is emphasised by the link between rights, morals, and dignity. The link is important because each of the three elements plays a role in establishing the foundations upon which all talk about rights needs to take place.

Protecting rights, such as the right to religious freedom, is important because it amounts to defending some of the most fundamental claims we wish to make about human identity and personhood, and about civil society.

Cultural and religious diversity has helped to make Australia a highly successful multicultural society. If we are serious about defending that diversity, and the principle of liberty, we need to be serious about defending the fundamental right to religious freedom.

**Peter Kurti** is Director of the Culture Prosperity & Civil Society program at the Centre for Independent Studies. He is also Adjunct Associate Professor of Law at the University of Notre Dame Australia.