

Transcript

Sacred and secular

Iain Benson

Iain Benson:

My name's Iain Benson. I'm a constitutional lawyer and professor of law. And I consult with governments, and I have argued cases before the courts in different countries. And I teach courses on comparative constitutional law.

Interviewer:

How are you involved with religious freedom issues?

Iain Benson:

I'm involved with religious freedom issues on various fronts, in the court arguing on behalf of different religious groups, whether they're Hindu, Sikhs, Muslims, Catholic, bishops, or what have you, usually in cases involving religious liberty questions or where there's conflicts between different equality seeking groups, including religions.

Interviewer:

So could you just explain why freedom of religion is important?

Iain Benson:

Freedom of religion is one of those things like race or like gender or like any of these identity aspects of our being that matter to us both as persons and as communities. And therefore, because they're so central to how we understand ourselves and our communities in the world, the law sometimes has to step in and protect that if it's challenged unfairly by either the state or by some kind of conflict.

Interviewer:

Could you just explain how you've experienced religious diversity or religious diversity issues?

Iain Benson:

Well, religious diversity is one of the great challenges of our contemporary period, not just in this country, Britain, but all around the world. It calls us to really assess how we're going to live together with disagreement and not fall into the trap of thinking that the laws and politics can force us towards agreement.

Because in fact, what defines us as different and what in a sense grounds our freedoms is the ability to disagree. And the question is how we teach people to understand that disagreement isn't

necessarily rejection. So diversity, for me, is a celebration of difference but more importantly, it's a recognition of continuing difference and the principles we need to protect that.

The pressure at the moment on religious communities and on belief generally-- because the freedom of religion isn't just for religion. It's also tends to be bracketed with belief or opinion, expression, those kind of things. That applies to atheists and agnostics as well. And we have to understand that everybody's a believer. The question is not whether they believe but what they believe in.

So it's too easy to fall into these simplistic divisions between believers and unbelievers. And in fact, everyone's a believer. Therefore, our task in the future is to properly understand how to deal with belief conflicts generally, not simply religion. And I think with respect to religious diversity that calls us - particularly in light of recent immigration patterns around the world-- it calls us to figure out how we're going to live in close proximity with those who look different than us, speak a different language than us, may have a different race than us, and certainly different religious beliefs than us.

And that often can be a flash point for disagreement, but it can, through cooperation, be a marvellous way to have a greater appreciation of the other. And if we do it the right way, we don't threaten each other and therefore, we can live together in peace, even though we don't agree and don't worship the same way.

Interviewer:

And are there any practical tools that you would put forward as useful for that purpose?

Iain Benson:

Yeah. The practicality of this, I think, has been borne out in some countries in a really marked way. Recently, I was privileged to be one of the drafters of the South African Charter of Religious Rights and Freedoms. That involved all the religions in South Africa, right through from the traditional Christian groups, Protestant or Catholic, right through to Rastafarians, Mormons, African customary religions themselves.

And this broke down a lot of the barriers that would be normally perceived to exist between religions. And what it showed to a remarkable degree was the capacity of these different groups to work together and come to an agreement on a quite complicated six page document that set out their key beliefs in common about things like the protection of conscience in a medical care setting, the role of parents in relation to public education. These kind of things. And so that South African Charter is a remarkable contemporary example of religious cooperation.