New religions, both those arriving by way of the cultural baggage of migrants and those which are part of the panoply of recent New Religious Movements and the New Age, have challenged and changed Australia's religious demography, but have been incorporated into Australian society in a comparatively peaceable way due to Australia's very tolerant religious institution. The effective management of this new religious diversity has been made possible by previously existing norms and expectations (i.e., institutions). The attempt to enact federal legislation to protect freedom of religion and belief in response to ICCPR Article 18 spearheaded by Australia's Human Rights and Equal Opportunities Commission provides an opportunity to examine a particular case of the management of religious diversity. Groups that viewed the consequences of religious difference from a social justice perspective supported the legislation, and those that essentialize religious difference opposed it.

KEY WORDS: religious diversity; social justice; religious freedom; institutional analysis; social institutions; migration; social policy; Article 18.

INTRODUCTION

The management of religious diversity has become one of the defining problems of the 20th century. From Russian pogroms and the decimation of the Armenians to the Nazi Holocaust, from Protestant vs. Catholic conflict in Ireland to "ethnic cleansing" in the Balkans, from religious strife in the Indian subcontinent to strict controls in Singapore (Hill, 1999), from cocktail parties in Westchester County to the debacle of Waco, religious diversity is seen as a problem, something potentially dangerous and to be managed carefully (Bouma, 1999). In many of these cases, religious difference is essentialized, politicized, and made a basis for social and
economic differentiation. However, not all stories of the management of religious diversity are so negative. The 20th century has also seen the recession of major religious hegemonies that were associated with various empires and in their place the emergence of religiously plural societies in which religious and cultural diversity is peacefully thriving. Australia is one such society and has counterparts in Hong Kong, New Zealand, and Canada. In these societies, promoting religious plurality has been treated as an issue of social justice, requiring the sensitive balancing of the rights and needs of various communities of equal legitimacy. The attempt to enact Federal Freedom of Religion and Belief legislation pursuant to International Covenant on Civil and Political Rights (ICCPR) Article 18 in Australia provides an opportunity to examine these issues in a particular case. An understanding of this effort requires some familiarity with the social history and social institutions of religious diversity and its management in a society—in this case, Australia.

THE RISE OF RELIGIOUS DIVERSITY IN AUSTRALIA

The history of European settlement in the antipodes can be seen as a history of religious conflict (Hogan, 1987; Carey, 1996) and the emergence of a tolerant, religiously plural society (Bouma, 1995a,b). From a penal colony in which participation in Anglican worship services was enforced by the lash to bitter sectarian conflict through the 19th century over support for the building of churches and the provision of education, these two themes of conflict and tolerance characterize Australia's history throughout the 19th and 20th centuries. Anglican absolute hegemony was undermined by the large number of Catholic (Irish) convicts who demanded Catholic chaplains. Fearing an Irish revolt, it still took nearly 30 years for Catholic chaplains to be permitted to minister to Catholics in Australia. Meanwhile, among those who had served their sentence or slipped away from penal camps, a form of secular tolerance developed, providing another abiding theme in Australia's religious life and attitude toward religious belief and practice (Breward, 1988).

From the 1840s, religion was seen as a civilizing force in the newly emerging colony. Churches were encouraged as a good influence and as evidence of a newly desired legitimacy. Thus began a long association between religion and wowserism, Sabbatarian legislation and moral purity. At the same time, as religious diversity was legitimated in the United Kingdom with the removal of restrictive legislation against Catholics and others, Catholics, Presbyterians, Methodists, and Congregationalists were permitted to practice and were given tracts of land to support their ministry to the colonists. In this way, Anglican hegemony was initially diluted to include other Protestant groups and to acknowledge grudgingly the necessity, if not the desirability, of Catholics (Breward, 1988; Carey, 1996).

The fights of the 19th century were largely over schools. This was settled in the 1870s with a commitment to secular (i.e., a Protestant British education)