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# **Democracy, Human Rights and Multiculturalism – can there be a consensus?**

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An expanded version of the Inaugural Laki Jayasuriya Oration

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I would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay my respects to Elders, past, present and emerging.

It's often said - and I agree - that the Australian condition is made up of three elements - Aboriginal and Torres Strait Island Australia, British or Anglo-Celtic Australia and Migrant Australia. Each has its own history, the indigenous component experiencing that with little contact with others for thousands of years; some traders from the north<sup>1</sup> and some marooned Dutch people<sup>2</sup> being the only exception.

In 1788 it all changed. The British came with their own interests and ideas related to race, life and progress, adapting them as seen fit to produce what was aptly called “a new Britannia in another world” by William Wentworth<sup>3</sup>. As knowledge about the opportunities offered by the newly created colonies spread, others not white or British started to come; for example, the Chinese, their numbers peaking around 40,000 during the 19<sup>th</sup> century gold rushes.

For the British holders of political and military power it was a diabolical mix - primitive and uncivilised people on the one side and barbarians from Asia on the other. From the point of view of the colonial objectives of racial purity, economic development and imperial security, something had to be done and it was - White Australia and its bedfellows, Immigration Restriction and Assimilation. Not even the social and political movements in the colonies and then the Commonwealth promoting “the rights of man” and “the right to

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vote” escaped contamination by this nation-defining ideology. There were some who protested but they were lone voices. Henceforth, and to quote someone whose contribution to Australian life we are celebrating tonight, “What was generally known as the White Australia policy became the symbol of Australian nationalism and imperial settlement ... Race and Nation became indistinguishable”.<sup>4</sup>

It remained so well into the 20<sup>th</sup> century only to fall victim to new interests and ideas related to the nation and its future. The sources for these developments were many, baby-boomer radicalism being one and the prospects of new markets to the north being another. The alternative to White Australia - whatever the different versions it took, moderate or radical, we called Multiculturalism, as had been the case in Canada. Lots of elements were involved, most notably anti-racism, cultural pluralism, democratic pluralism, interculturalism and Asian engagement. Add to that perhaps, civic republicanism.

What we are talking about is an Australian approach to the issue of living with the differences generated by the co-existence of Indigenous, British and Migrant Australia. These differences take shape as a way of understanding the past, present and future and become realised as cultures and communities with different modes of living and expression. Multiculturalism involves the development of an ideology and policies that we would hope will not just manage these differences in the interests of social harmony but add the value diversity can bring to a nation, economically, socially and politically.<sup>5</sup> My view is that the achievement of a consensus policy in this area is difficult as the differing values associated with what we would call a left- or right-wing view of politics are part of the mix, nationalism versus cosmopolitanism, for example. I don't believe, however, that the achievement of a multicultural creed that can be a source for nation building and political education is beyond our reach, particularly if our guide to that end is Laksiri Jayasuriya, hereafter Laki as we all knew him.

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Let me begin then by focusing on what we might otherwise ignore, that is what was it that brought this remarkable friend and public intellectual to Sydney University in 1951. My point of reference here is the invaluable interview with Laki conducted by David Walker in 2002.<sup>6</sup>

Firstly, there's the story of Laki and his student friends in Colombo earning pocket money by acting as tourist guides for passengers on visiting ships, some of whom were going to or coming from Australia. Laki says this work led to his first encounter with Australians and he liked their friendliness and lack of condescension when compared with the British elite in Sri Lanka.

Secondly there's the insight and generosity of the distinguished Australian, Professor A P Elkin, who made the case to Laki – and successfully as it turns out – that Australia rather than the UK would be the best option for a young intellectual like him. Not only that he went on to arrange to have Laki enrolled at Sydney University with accommodation at Wesley College. He finished up in 1954 with a first- class honours degree in psychology and the University Medal, no slouch Laki when it comes to scholarship!

What all of this tells us is that the little things in life matter – friendliness, taking an interest in and engaging with others, generosity and, most importantly, an egalitarian spirit. Indeed, according to the 20<sup>th</sup> century theologian John Macmurray “Christianity is the religion of friendship...Friendship is the supreme value in life and the source of all other values. The others are only the moons that reflect the light of friendship”.<sup>7</sup> Certainly a good dose of it is needed to oil the engine of a multicultural and multifaith society.

This was a theme Laki took to Sydney University, at the time when White Australia and Assimilation were still the governing ideas but not without their critics, one of whom was Professor Elkin. Friendships really mattered to Laki, so also did a political and psychological understanding of racism and prejudice. He was a social scientist par excellence interested in both structures and individuals. This took him to the “contact hypothesis” – the relationships you have with people – that is the best we have when it

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comes to discounting racism and prejudice. He expressed regret that such contact between Asian students and Australians was not a larger part of the program and as he had experienced it in the 1950s.<sup>8</sup>

After completing his doctorate in London and taking up an academic position in Sri Lanka, the lure of Australia returned and he was back in 1971, here at the University of Western Australia. The times were changing and what had been a few cosmopolitan and globally focussed individuals critical of White Australia and Assimilation had become a social and political movement for structural change. The search was on for a policy mix that would define the alternative and Laki was ideally placed to contribute to that search – and he did. Still the friend. Still the academic. But now the advocate too, on the front-line advising those in power. There were two aspects of his background that he could – and did – bring to our discussions on multiculturalism, firstly, Sri Lankan politics and, secondly, the Buddhist religion.

### **Sri Lanka and the Politics of Division**

For Laki, Ceylon, as Sri Lanka was then called, was a testing ground for the ideals of constitutional liberalism and social democracy, British traditions in respect of these ideas being strongly influential before and after independence in 1948. It had been working well to improve living standards up to the 1970s and on a wide front, the UN reporting achievements in school enrolment, infant mortality and life expectancy “far ahead of other low income countries and better than many middle income ones”.<sup>9</sup> There was rivalry between the Sinhalese majority and Tamil minority, but with an accommodative welfare state and health and education systems working in the interests of inclusion. Sadly, this model of democracy and the welfare state wasn’t sustained. What developed instead was the wrecking ball of Sinhalese and Tamil nationalism and civil war took centre-stage. He called it the transformation of the polity from “welfare state to militarism” with an intransigent ethnic conflict, enmeshed in two cultures and two societies.<sup>10</sup> A strongly

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centralist presidential model and pro-capitalist economics replaced the Westminster Model and social democratic-influenced approach to statecraft.

For Laki independence was one thing, freedom from the pull of nationalism and its radical and collective identities quite another. Nationalism can become ugly and so too can it lead to intellectual arrogance, often unseen and unrecognized. Laki saw this at play in accounts of the origins of enlightened thinking and practice, seen by many as just a western phenomenon.

### **Buddhist Wisdom**

So too then, did Laki seek to inform us of the rich traditions of thought associated with Buddhism, particularly those of a “worldly and rationalistic nature”. He was fascinated with Alfred Deakin’s pre-federation interest in India and saw that interest as significant when thinking of how we should engage with our Asian neighbours. Deakin recognized that “tolerance of opinion” was part of the Buddhist creed. He wrote: “The result of the meditations of Gautama led him to take the side of the doubters, and as far as doctrine went he was a positivist, or agnostic, knowing no personal God, and banishing all except human agencies from the realms of his philosophy”.<sup>11</sup> He wrote enthusiastically of Buddha’s dislike of metaphysics, his belief in tolerance, and the “spiritual democracy” he encouraged amongst his followers.

Connected to this was Laki’s lament that all too often contemporary philosophers left out of their commentaries an account of the enlightened ideas developed in the East before the same came to the West. Early Buddhism, he wrote, provided “normative” guidelines for the theory and practice of all aspects of statecraft – be they in the domains of economic and social welfare, or in matters of governance of the polity.<sup>12</sup> Between ruler and people there was a social contract. When it came to decision-making “deliberative democracy” was posited as a practice that gave reason a chance in a world where self-interest usually held sway. What he described was a “Buddhist mode of governance based on logical reasoning within a quieting spirit directed towards skilfully determining the best and

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morally defensible outcome”.<sup>13</sup> In saying this he drew our attention – as did A. K. Sen – to Emperor Ashoka (304-232BC) as a champion of public discussion and a “people first” Welfare State. Sen also takes us to the thought and practice of the great 16<sup>th</sup> Century Mughal Emperor Akbar (1542-1605) and his case for the non-denominational, secular state at the very time the Dominican priest and philosopher, Giordano Bruno, was being arrested for heresy and ultimately burnt at the stake!<sup>14</sup> I say this remembering the wonderful lectures on Moghul India by Dr Hugh Owen which I attended in 1969 as part of the History 12 course.

In saying this, scholars like Laki and A. K. Sen are reminding us that even the most intellectual of intellectuals can be as time- and context-bound as the most parochial of ordinary people. He was no post-modernist, indeed he saw it as a retrograde development, but he did believe that the “West” should be in dialogue with the “East”, not just about buying and selling but also about ideas and history.<sup>15</sup> As Deakin himself had put it: “...what can we know of Australia if we limit our inquiries within our borders, to the neglect of our relations far and near, and of those Asiatic empires which lie closest to us, with whose future our own tropical lands may yet be partially identified”.<sup>16</sup> For Laki this wasn’t just good advice but central to a positive understanding of multiculturalism. Much to the pity, he thought, that Deakin didn’t sustain such an understanding, coming under the influence as he did of Charles Henry Pearson and his book, National Life and Character- A Forecast (1894).<sup>17</sup> At least in respect of our Constitution the Founding Fathers did look beyond our borders and took into account aspects of the American and Swiss constitutions as well as the British, to create what some have called a “Washminster” system.

### **Citizen and Adviser**

But back to Australia and Laki’s contribution as a citizen and political adviser. Noting the former as well as the latter is important, Laki cared for the nation he had chosen to join

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and wished to see to it that civil society as well as government was relevant, organised and active. Just consider this list of contributions to Western Australian society:

- Founding Member of Community Aid Abroad
- Founding President of the Asian Community Centre
- Founding Member of the WA Council of Social Services
- Founding President of the Buddhist Society of WA
- Founding Member of the Fabian Society of WA.

Just add to that his various responsibilities as a student at Sydney University and his role in Commonwealth and State bodies and inquiries and see why he was awarded an Order of Australia (AM) in 1985.

From tonight's point of view his contribution to our debates about post-White Australia migration policy and multiculturalism considered more generally are of importance. He was at the centre of things in the Whitlam years in the 1970's<sup>18</sup> and then again with my own government in Western Australia in the first years of the 21<sup>st</sup> Century. In all of this he was concerned not just with intellectual purity but with the need for consensus and, hopefully, bi-partisanship; not of course always that easy to find.

There are two senses in which we might understand this idea of consensus, one more narrowly political than the other, but both relevant for those serious about good public policy. Firstly, there's the obvious political point of seeking to maximise support for desired changes. That may mean some compromises needed along the way; it's that two steps back to take one forward phenomenon first formulated, I think, by Lenin. Being political means being strategic and tactical and that's something Laki understood, for example in relation to the temptation to roam outside the developing consensus around cultural pluralism in the 1970's and embrace a potentially divisive structural pluralism.

Secondly, there's the endeavour to ensure that the wide range of good ideas are fully incorporated into our thinking, thus avoiding the dangers of too much abstraction and the

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bad policy that can follow. In thinking through on the issues related to multiculturalism this second aspect is particularly important as we are dealing with universals and particulars, individuals and groups and nations, liberty and equality, and all of civil, political and social rights at the one time; or at least we should be if we are seeking sustainable and just outcomes. So too are we faced with the tricky issue of working through the relationship between the majority and minorities, a challenge that can't be avoided if we support both democracy and human rights.

### **WA Charter of Multiculturalism**

Responding to the voices of the second and third generations of ethnic origin in the 1990's Laki was at the forefront of those seeking to bring relevance to the cause of multiculturalism which had become too focussed on culturalist traditions and celebrations, not negatives in themselves but in need of an injection of politics. A shift from a "cultural pluralism" to a "democratic pluralism" was the result. Democratic pluralism is a layered concept. It means starting with an understanding of the inevitability of difference, moving to a cultural pluralism that accepts and respects such differences and finishing up with a unity in and around those differences, rather than one that is radically separated from it. It certainly means too, the avoidance of a structural pluralism that precludes a "common sharing" and can lead to ugly forms of separatism. There's a debate on this point and I'm with Laki when he wrote: "...the acceptance of cultural diversity cannot mean the blanket endorsement of all values. We need with any doctrine of cultural pluralism to determine the boundaries of the shared values which are inherent in a particular nation-state. For surely, the promotion of shared values is the basis of the nation-state".<sup>19</sup>

Democratic pluralism is more than just liberal in that it means going beyond an understanding of citizenship as "a legal status embodying rights – civil, political and social" to one that recognises the full participation of the "different".<sup>20</sup> We are taken beyond a "conventional view of citizenship" which "is disinclined to recognise difference in matters of public policy through for example, affirmative action or differential treatment of minority groups. Australia shares with most democratic societies a reluctance to



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particularisms such as those of ethnicity in matters of public policy”. It’s the view that differential treatment “violates the principle of non-discrimination”; we hear it often.<sup>21</sup> This is why a good multiculturalist will ask questions like: Does the focus on cultural needs and interests associated with cultural pluralism “minimise or neglect the more material and instrumental needs of ethnic groups in the public domain?”<sup>22</sup> Are racial and ethnic minorities being given a fair go when it comes to appointments in government and business? When important matters are being discussed are minorities given a proper chance to contribute? It obliges us to ask hard questions about our society and the way it works, and this can hurt because it raises the question of power and influence, who has it and how do they keep it? Will a majority appreciate the power they have? No one should think the search for good answers to these questions is easy, politically or substantively, but they can’t be ignored or wished away.

Hard thinking like this was precisely what we had sought with the WA Charter of Multiculturalism which had re-framed multiculturalism around four principles (Civic Ideals, Fairness, Equality and Participation).<sup>23</sup> What binds us, as I said in the Charter “is not a traditional culture but the principles upon which this society is governed, including mutual respect, freedom from prejudice and discrimination, equality of opportunity, and full participation in society”.<sup>24</sup> Laki was a member of the Anti-Racism Steering Committee which I chaired and a was a key player in the development of the Charter which asks of us: Are there barriers to equal participation in, and enjoyment of , all aspects of society – social, political, cultural and economic? It incorporated liberal and egalitarian values but took them further, most importantly in respect two issues, firstly that concerning Indigenous Australia and, secondly, that which expands on the liberal definition of equality, what we call “Substantive Equality”.

### **A New and Just Relationship**

A significant part of our approach to living in a world of difference was a Statement of Commitment to build a “new and just relationship” between the Aboriginal people of WA

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(represented by the WA ATSIC State Council and supported by the three major Aboriginal peak bodies) and the Government of WA. It set out the principles and a process for the parties to negotiate on the agreed basis that the Aboriginal people are “the first peoples” of WA, something like what is intended for the proposed Voice but not with the constitutional recognition being sought for that Voice. Its ambit was regional as well as state-wide, providing a framework for negotiated regional agreements, again a bit like the Voice. It was forged in the knowledge that we were dealing with the intersection of two histories. The need to respect the land and cultural rights of aboriginal people followed as did the need to address their political and social rights as a disadvantaged minority.<sup>25</sup>

Incorporating the question of indigenous rights into the debates around multiculturalism isn't without its controversy but still important because it ensures that we are reminded of the range of sources for “difference” in our society, one of them in Australia being indigeneity. Whereas British and Migrant Australia brought their own histories and traditions to a new land, all too conveniently regarded by the British as unoccupied, Indigenous Australia has 60,000 years or more history and culture related to that land. It's one of those facts about difference, what John Rawls<sup>26</sup> spoke of as “the fact of reasonable pluralism” and the unavoidability of deep moral and political disagreement that we tried to extinguish with the doctrines of Terra Nullius and Assimilation. Aboriginal peoples, their languages and their culture and their history pre-white settlement can't just be extinguished as our predecessors thought possible. There're the stories, there's the art and there's the means by which a people survived in this case over thousands of years.

That a sense of pride and spiritual connection with this history is carried forward by Aboriginal and Torres Strait Islander Australians today should be easy to understand by a British Australia that celebrates – and rightly so – its history of liberal and democratic achievements from the past, for example in relation to the Magna Carta (1215). In relation to this Duncan Ivison has reminded us that the sources of the indigenous claim to a new and just relationship come from “the legal and normative orders within which concepts of

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land and community live, despite the disruption brought about by colonialism". He goes on to say that "the assertion of the reality of these legal and normative orders by Indigenous people has been a critical point of their ongoing resistance."<sup>27</sup> Earlier attempts in our history to de-legitimise and then destroy this very idea of Aboriginality were wrong and didn't and couldn't work. Initiatives like Voice and our own Statement of Commitment are constructive and unifying; citizens of the Commonwealth Indigenous Australians remain and so too does the Constitution as the Nation's primary document. What's added is recognition of Aboriginal prior occupancy and jurisdiction and institutionalisation of a right to be heard. It's a constructive step that builds on achievements like the Race Discrimination Act (1975) and Native Title (1992).

### **Substantive Equality**

Now to an account of equality. Just to say all Australians, locally or overseas born, indigenous or non-indigenous, are equal in civil and political rights only takes us so far down the road of a genuinely democratic pluralism. Formal freedoms may lack the back up of capacity and opportunity to make them effective.<sup>28</sup> The right to vote is important but still there will be minorities as well as majorities and how the relationship between the two plays out can be as subtle as a wink and a nod unseen and unacknowledged or as obvious and hurtful as a torrent of abuse on a bus or train.

So it was that the concept of "substantive equality" became a central element in the Gallop Government's multicultural armoury; it's advocacy and transmission being given to a unit in the Equal Opportunity Commission. Formal equality prescribes "equal treatment of all people regardless of circumstances" and is "equated with fair treatment" but doesn't take into account "the accumulated disadvantage of generations of discrimination or the disadvantage faced by groups in a system that fails to recognise different needs". Substantive equality, on the other hand, "recognises that equal or the same application of rules to unequal groups can have unequal results."<sup>29</sup> It's that reminder from the pragmatists of that tension between ideas in general and ideas in practice.

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What's being recognised here is that the legislation making it unlawful to discriminate on the ground of race in certain areas of public life, including the provision of goods, services and facilities, needs to be backed up by a deeper understanding of how inequality plays out in the community and in relation to government, for example an understanding of the difference between "accessibility" and "responsiveness", both being needed if services are to play the role intended of them.<sup>30</sup>

Note, however, that on these two points there is a disagreement. Critics of a Voice talk of the splitting of the nation into two peoples, one with rights to representation not enjoyed by others and seen as a recipe for ongoing conflict; one Australia not two they preach! In relation to substantive equality critics say involvement and integration into our society and its government doesn't require special measures as much as it requires individual and group commitment, something that is lost if minorities see themselves and are seen as victims. These differences which can't be papered over, liberal conservatives on the one side and left liberals on the other. Positive or negative attitudes to migration, the numbers and the mix, are also part of the package that underpins these disagreements. Those on the centre-left like me believe it's better to actively promote and support inclusion. Yes, it brings more interests to the table of decision and that complicates matters for the existing status quo, even disrupting it to some extent. However, attempts to take historical and structural inequality out of politics eventually fail, community-wide reflections on how power and influence is distributed being at the heart of the human condition and our individual consciences.

### **Racism and Extremism**

Not being complacent about the ever-present possibility of racism is another distinguishing feature of the politics of social and political inclusion. Many in this room would remember the graffiti campaigns and fire-bombing of Chinese restaurants in Perth by radical nationalists hell-bent on threatening and intimidating citizens and residents with an Asian background. Fanaticism of this sort can find its source in religion or ideology

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and can be given enabling support within mainstream politics. It's dangerous because it doesn't seek consensus via the balancing of values like liberty and equality but rather seeks to impose a narrowly based conception of life, community and government. The ends are bad and often the means to achieve them even worse.

Laki contributed many things to this discussion of racism and the extremism it creates but of greatest importance was the clarity he brought with the distinction between "old" and "new" racism. He explained it this way:

It is the dominance of one or other of these two 'logics of racism' at any given time of history that helps us to gain a better understanding of the dynamics of Australian racial ideologies. In short, one set of racial ideologies, characteristic of 'old racism' leads to a racist ideology which practises or advocates the dogma that some 'races' are inferior/superior for biological or pseudo biological reasons. Another set of evaluations subordinates inferiority to representations of "difference" leading to criteria of inclusion/exclusion, characteristic of the 'new racism' of the last two or three decades.<sup>31</sup>

It is, he argued, "this link between national identity and exclusion which is central to 'new racism' which characterises Australian nationalism as being no longer a matter of white or racial superiority but one of its cultural uniqueness ... This was vividly expressed by the cryptic slogan presented as a conflict between those who 'flew here' and those who 'grew here'."<sup>32</sup> It becomes a case of prioritising "our culture" as against "their culture", our culture being defined much more widely than may be assumed to follow from a democracy-inspired patriotism. Underneath too lies the view that as much as they may try nations accepting and promoting multiculturalism will inevitably find themselves engulfed in serious conflict.

The challenge faced by multiculturalism isn't just to deal with these types of racism which quite often manifest themselves as connected parts of one, always ugly whole, but also to face up to the reality of religiously justified Islamic extremism, homegrown and/or internationally inspired. Ultra-nationalist and ultra-religious extremism feed off each other,

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encourage separatism and create fear. It becomes important that we uphold those democratic institutions that “help sustain and mediate just ways of accommodating and mediating between the social, cultural and normative differences we unavoidably live with”.<sup>33</sup> In other words, the very democratic pluralism that inspires many multiculturalists should be our starting point in addressing extremism.

Add to that speaking out against prejudice and racism directed at minority communities. As Tim Soutphommasane put it in relation to Muslim communities: “If we are to expect Muslim communities to repudiate extremism perpetrated in the name of Islam, our society must be prepared to repudiate extremism that targets Muslim communities”. “Not speaking out”, he cautions, “can make it easier for extremists to seduce alienated youths with their messages of violence”.<sup>34</sup> This is where political leadership also becomes important; the temptation to play to the gallery and stigmatise whole communities based on the actions of some being forever present in the body politic. For such leadership to be effective it needs to be clear and unambiguous, consistently delivered and backed up by a coalition of community leaders.<sup>35</sup>

That we recognise a law and policing aspect to dealing with all forms of extremism is also important. On the one hand there’s the security and intelligence aspect and on the other the anti-racism aspect, all of which can be complicated by our federal system. The dog-whistling messages governments can send to the community don’t help.<sup>36</sup> Racism shouldn’t be treated in a cavalier or irresponsible way, much better firmness and legal backup to the idea that it is unacceptable. In Western Australia in 2004 we introduced the Penalty Enhancement Model to the Criminal Code which imposes an additional maximum or minimum penalty on specified pre-existing offences if the conduct is motivated or aggravated by racial forms of prejudice or hostility. We also repealed existing provisions related to racial hatred and replaced them with a more expansive body of offences.<sup>37</sup> This was done in response to the spate of racist activity mentioned earlier.<sup>38</sup>

## **Australian Values**

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Recognising this takes us to the heart of the debate about multiculturalism and national values. Surely there has to be some set of over-arching principles that can allow unity and diversity to live together? Does the state need to be completely neutral on the question of values? In seeking an answer it's worth reflecting on what I've already said about indigenous rights, substantive equality and anti-racism. Implicit in that analysis is support for a range of values, including what the Buddhists would call "Right Speech" as opposed to "Hate Speech". What follows is a set of obligations on those possessing and those seeking citizenship and asking of dominant majorities that they transform the way they have treated minorities, as well "the way minority groups ought to press their claims".<sup>39</sup> It goes like this in our Citizenship Pledge: "From this time forward, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold." For those of a religious disposition the words "under God" can also be used.

How these words are interpreted and whether or not, in practice if not in theory, we add other aspects of "Australianness" to the equation becomes an important question to explore. For example along with a good summary of the sort of values that we would include in an account of what Australia claims for itself, soon to be listed in my lecture, the Commonwealth says this regarding its expectations of migrants: "People are also expected to generally observe Australian social customs, habits and practices even though they are not normally legally binding."<sup>40</sup> That's vague but provocative; on the surface perhaps understandable but when you dig deep all sorts of hostilities may be given license about ,for example, the clothes we wear, the food we eat and the events we do or do not celebrate. Indeed, it can be a code for prejudice.

This takes us too, to the debate about an Australian Republic, one of the arguments being used in favour being that the Australian values associated with the monarchical parts of our constitution were no longer meaningful. Laki contributed to this discussion, as did many from Migrant Australia, by adding pluralism to the agenda. We needed, he said, to give tangible expression to the "demographic diversity" and "social differentiation" which

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was modern Australia. Repudiating the British bit represented by a hereditary monarch made sense and would be a major step forward in forging a new national identity, along with a Multicultural Act and a Bill or Charter of Rights. The New Australia that beckoned he described as moving from “a monocultural homogeneous – often racist - British outpost, diffident, and unsure of its identity in alien surroundings, to a rich and vibrant cosmopolitan, heterogenous society, more self-assured and confident”.<sup>41</sup> Why this wasn't to be was the subject for my Reid Oration<sup>42</sup> delivered here last year.

But back to the Pledge; it's a good basis upon which to build a shared commitment – I emphasise build and shared – and I don't think we should be hesitant about their advocacy. Nor would I say we be hesitant about advocating for the values listed by the Commonwealth in their publication Life in Australia:

- Respect for equal worth, and the dignity and freedom of the individual
- Freedom of speech
- Freedom of religion and secular government
- Freedom of association
- Support for parliamentary democracy and the rule of law
- Equality under the law
- Equality of men and women
- Equality of opportunity
- Peacefulness
- A spirit of egalitarianism that embraces tolerance, mutual respect and compassion for those in need.

Of course, all of this takes shape in particular ways and in particular times. Change happens and one might ask whether marriage equality, now a legitimised practice, will be put into the next published version of “Australian values”?



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What matters here is the way we integrate these values into our thinking and practice. Are they guides to living with difference, not too fixed nor too prescriptive, but open to the sort of debate and dialogue we associate with a healthy and participatory democracy? Are they, on the other hand, to be interpreted in and around a strong wariness about indeed hostility towards what is seen as “too much democracy” and “too much difference”? Are they linked to a particular account of our history and its heroes and villains? Are they linked to a particular view of God’s will for the world? Is their interpretation the sole province of Australian conservatives and no one else? Is their story the Australian story or is it in fact just one part of a multicultural whole?

What, then, of the prospect of “consensus” when it comes to unity and diversity? There is a culture war going on in which a conservative sees a once resilient status quo under attack, successful in defending our political inheritance from Britain but losing out in relation to traditional values associated with life, gender and sexuality. They plead – why interfere with a society and system that’s worked well? In relation to the politics of culture that means priority for their version of Australian values and experience. Given the views of a migrant this may or may not prove problematical but at best it allows for them a passive rather than an active tolerance.<sup>43</sup> In this frame the obligation of newcomers to integrate into that history is given emphasis. To minorities they say - opportunity is yours to grasp more than it is ours to promote.

Democratic pluralists, on the other hand, celebrate the freedoms associated with multiculturalism, seeing them as providing a dynamic base for both stability and progress. They are more aware of the power and influence of the new racism described above and the range of structural factors that affect life chances. Importantly, and to refer to active versus passive tolerance again, they understand that “mutual respect goes beyond passive tolerance in asking for styles of conduct and speech consistent with co-existing in a world of difference”.<sup>44</sup> They don’t ignore the realities of inequality and are much more open to the changes that can happen as different peoples come together, respecting each other’s uniqueness and keen to explore new ways of doing things, for example in

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relation to the Constitution as described before and to the way we ensure representativeness in governance. Nor do they sweep to one side continuing racist speech and behaviour that we see Chinese Australians and visitors experiencing at the moment and as Muslims have in the fear filled days after September 11.<sup>45</sup>

## **Multiculturalism and Religion**

Currently, however, the most significant multicultural issue attracting the attention of politicians is that of religious freedom. Issues as to whether the individual or the group should prevail when talking of rights and whether religious freedom should be limited or expanded are being hotly debated; religious communities large or small, but not all, being rattled by the marriage equality vote and feeling that they are being denied a proper space to proselytise and sufficient freedom to be true to their faith, including in religious structures they build and the schools and charities they run. And all of this despite the various exceptions in anti-discrimination laws that provide a degree of room for them to be different. Although Australia doesn't have a stand-alone religious anti-discrimination law similar to laws that address discrimination on the grounds of sex, race, age and disability, this is not to say there are no protections for religion in place. There are international treaty obligations, our Constitution and various State and Territory laws that seek to tackle religious discrimination "in a variety of ways and to differing extents".<sup>46</sup> As George Williams has put it: "...there is patchwork protection, but that is limited, but useful in particular contexts".<sup>47</sup>

It's an interesting debate because conservatives have generally been on the side of those who say Australian values should prevail when it comes to a clash between them and various cultural norms and practices. Part of that conservative set of values is what Tony Abbott describes as "the Judeo-Christian ethic against all that's been undermining it".<sup>48</sup> On this issue then, conservatives demand respect for and legislative protection of the difference they represent in a world of change that sees a majority supporting abortion rights, euthanasia, and marriage equality. However, not all who defend wider freedoms

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for religion do so on the basis of one religious tradition but rather on the right to freedom of religion as laid out in Article 18 of the International Covenant on Civil and Political Rights. It gives everyone the freedom of “thought, conscience and religion” and only allows limits to those freedoms if we need to protect public safety, order, health, or the morals and fundamental rights and freedoms of others. Certainly, the patchwork we currently have, and the gaps therein, could be improved upon.

I find it difficult to embrace a radical notion of exceptionalism and the structural pluralism it evokes but do understand the tensions that can exist when differences emerge between state and religion, it being one thing to seek their separation in the interests of a pluralistic community but quite another to take religion out of the picture altogether. As Laki observed when writing of religion; the Abrahamic faiths of Judaism, Christianity and Islam have “according to the religious tenets of each particular faith ... been predisposed to influence the mundane world including the political and social order in different ways.”<sup>49</sup> They are “in there” seeking to support what they see as “God’s Will”, not only when it comes to law and mores but also in their own lives and communities where they seek to influence through their actions rather than their words.

Generally speaking, multiculturalists have sought to resolve these tensions between state and religion by way of the “harm principle” as we’ve seen in the International Covenant. This means freedom but not if it leads to harm for others. The case for banning female genital mutilation is often presented as a classic case study that illustrates this approach.<sup>50</sup> But what are we to make of faith-based practices that discriminate, for example against gay and lesbian people? Currently some exceptions like this have been accepted in our discrimination laws but is it the case that more exceptions are warranted if religion is to be properly protected? To put it another way, is consensus on this issue possible when the religions reject their complete privatisation and secularists reject any compromise with respect to the rights of the individual in relation to not just the state but also religious bodies or religiously inspired bodies?

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Currently the task of answering these questions lies in the hands of the House of Representatives and the Senate where agreement over the current proposals appears impossible, as indeed does agreement over what should be the prevailing principles used to examine the matter. It's become a nightmare of an issue with one person's religion being another's blasphemy and one person's freedom another's agony. Even the Ruddock Religious Freedom Review's constructive and valiant attempt at balance wasn't enough to find consensus.<sup>51</sup> If legislative change is to be considered we should give the task to a Citizens' Assembly composed of randomly selected citizens deliberating on the matter as the ancient Greeks, renaissance Italians or indeed as the Buddha may have recommended. Of the Buddha's approach to the conduct of his own communities Laki has written: "...the Buddha gave pride of place to communal deliberation, face to face negotiation, regular meetings of the community, and encouragement to engage in free and frank discussion." He sought "reasoned choice" rather than "blind belief in a prescriptive code" as the basis for governance.<sup>52</sup> I say this too, noting the conclusion of the Ruddock and his panel that there's a "low level of awareness and understanding in the community" around religion, religious bodies and and the laws surrounding them.<sup>53</sup> What better way to address that than through a "mini-public" deliberating and recommending in a truly public way on where the balance should lie, as other jurisdictions have done when confronted with complex and controversial issues.<sup>54</sup> There's already too much "vested interest" and "ideological fundamentalism" in our Parliament to expect anything but a mangled and unsustainable response to the issue. Sad but true!

### **Concluding Remarks**

The multicultural creed I've supported for this evening is a challenging one, both for the majority as well as indigenous and ethnic minorities. It asks of minorities that they respect and work within our system of democracy and the constraints it brings, as frustrating as they can be given what can be an ugly "tyranny of the majority". It makes a strong case against any ideological or religious inspired separatism, urging governments for their part to support a democratic pluralist approach which requires them to dig deeper when

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investigating the sources for inequality and to facilitate and encourage the inclusion of “difference” to their work, for example by way of an Indigenous Voice to Parliament, and programs to tackle minority-based disadvantage and bring about fairness in appointments whether public or private sector.<sup>55</sup> It argues strongly that stigma and prejudice and their links to power and influence in our society are factors that can overwhelm the formal freedoms associated with our system. The bringing together of unity and diversity, liberty and equality and indeed “you” and “me” in this way needs to be seen as a work-in-progress rather than a fixed destination, requiring concern for the day-to-day experiences of minorities and laws and procedures to allow them to be heard.

There are those most uncomfortable with all of this and who want a broader and more prescriptive definition of Australian Values than those associated with democracy, citizenship and human rights. They don't like the way our history has been re-examined and, in many cases, re-written, the way social relationships have been freed from religious and ideological strait-jackets, the potential for a re-distribution of power inherent within democratic pluralism and the way our British inheritance is being threatened by republicanism. It's a renewed and revitalised plea for the past which we all thought was behind us following the renewed thinking from the 1960s and 1970s. It all comes down to what we think a good society should look like and how much hierarchy of values it will tolerate. Do we see a degree of mutual respect across the boundaries that can divide as a good thing or as the beginnings of civilisational decay? Is democracy little more than a procedure to determine the numbers or an invitation to seek fairness for all? Isn't it the case that diversity humanised by democratic pluralism produces a better life for all, and in contemporary times is more important than ever? What supporters of multiculturalism have achieved so far has been hard won – getting the issue on the agenda, the first steps to find a definition and develop policy, and followed by refinement and renewal as new issues emerge - and we owe it to the pioneers like Laki to stay the course.



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## Footnotes:

- <sup>1</sup> See Lucy Marks, “Did Aboriginal and Asian people trade before European Settlement in Darwin?” [ABC News](#), 16 January 2018.
- <sup>2</sup> See Rupert Gerritsen, [And Their Ghosts May Be Heard](#), 1994 and 2<sup>nd</sup> edition 2002.
- <sup>3</sup> William Charles Wentworth, [Australasia](#) (1823). See also Humphrey Mc Queen, [A new Britannia](#) (1970).
- <sup>4</sup> Laksiri Jayasuriya, [Transforming a ‘White Australia’ Issues of Racism and Immigration](#) (2012), p.3.
- <sup>5</sup> On that value add see Esther Rajadurai, [Success in Diversity: The Strength of Australia’s multiculturalism](#), The Mckell Institute, December 2018.
- <sup>6</sup> National Library of Australia, Recorded Interview with Laksiri Jayasuriya, 12 November 2002: [laksirijayasuriya.files.wordpress.com](#)
- <sup>7</sup> John Macmurray, ‘[Ye are my Friends](#)’, Address to Student Christian Movement, Liverpool, 1929.
- <sup>8</sup> [Interview](#), pp.8-10 (tourist guide), pp.5-6, 10-11 (Elkin), p.26 (overseas students)
- <sup>9</sup> Philip Bean’s Review of Laki’s [Taking Social Development Seriously: The Experience of Sri Lanka](#) (2011) in [Contemporary South Asia](#), Vol.21:1 (2013), p.78.
- <sup>10</sup> See Bean’s Review and also Luke Slattery, “Asian Engagement comes up short”, [The Australian](#), 16 March 2011
- <sup>11</sup> Alfred Deakin, [Temple and Tomb in India](#) (1893, p.78. Deakin’s account of Buddhism sounds very much like the agnostic Buddhism outlined and supported by Stephen Batchelor in His [Buddhism Without Beliefs](#) (1997).
- <sup>12</sup> Laksiri Jayasuriya, “Buddhism, Politics and Statecraft”, [International Journal of Buddhist Thought and Culture](#), Vol.11, 2008 p.65
- <sup>13</sup> [Ibid](#), p.67
- <sup>14</sup> See Sunil Sethi; “Ashoka, Akbar and Amartya”, [Business Standard](#), 14 June 2013. See also A.K.Sen, [The Argumentative Indian](#) (2005)
- <sup>15</sup> [Transforming White Australia](#), pp.100-104 and 121-122.
- <sup>16</sup> [Temple and Tomb](#), p.151
- <sup>17</sup> On Pearson’s views and today see Marilyn Lake, ‘Yellow peril’ racism rears its ugly head, [Sydney Morning Herald](#), 3 April 2010.
- <sup>18</sup> On Laki’s contribution in the 1970s see Mark Lopez, [The Origins of Multiculturalism](#), (2000), pp.422-428.

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- <sup>19</sup> Laksiri Jayasuriya, “Whither Multiculturalism?” 10<sup>th</sup> Lalor Address on Community Relations, 1983, p. 24.
- <sup>20</sup> Transforming White Australia, p.151
- <sup>21</sup> Laksiri Jayasuriya, “The Political Foundations of Australia’s Pluralist Society”, Australian Journal of Social Issues, Vol. 29, No. 4, 1994, p.327.
- <sup>22</sup> *Ibid.* p. 322.
- <sup>23</sup> On the ideas behind the Charter see Geoff Gallop, “Living with Difference: Does Multiculturalism have a Future?” Walter Murdoch Lecture, Murdoch University, 17 September 2003 and Laksiri Jayasuriya, “Australian Multiculturalism Reframed”, Australian Quarterly, Vol.80, Issue 3, May-June 2008.
- <sup>24</sup> Geoff Gallop, Introduction, WA Charter of Multiculturalism, 2004.
- <sup>25</sup> Statement of Commitment to a New and just relationship between the Government of Western Australia and Aboriginal Western Australians, October 2001.
- <sup>26</sup> Quoted in Duncan Ivison, Can Liberal States Accommodate Indigenous Peoples (2020) p.12
- <sup>27</sup> *Ibid* p.43
- <sup>28</sup> See Geoff Gallop, Politics, Society, Self (2012), p.72: “What we have learnt is that human welfare requires rights, capacities and responsibilities. Rights need capacities, and capacities need to be exercised. Both context and commitment are required, as are individual and collective responsibilities.”
- <sup>29</sup> WA Equal Opportunity Commission, The Policy Framework for Substantive Equality (2005), p.6
- <sup>30</sup> *Ibid*, pp.5-6
- <sup>31</sup> Transforming White Australia, p.26
- <sup>32</sup> *Ibid*, p.116
- <sup>33</sup> Can Liberal States Accommodate Indigenous Peoples? p.115.
- <sup>34</sup> Tim Soutphommasane, “The success of Australia’s multiculturalism, Speech to the Sydney Institute, 9 March 2006.
- <sup>35</sup> See Anne Pedersen, Iain Walker, Mark Rapley and Mike Wise, Anti-Racism- what works, A Paper prepared for the Office of Multicultural Interests, Western Australia, March 2003.
- <sup>36</sup> See Tim Soutphomassane, “Confronting the Return of Race Politics”, Lecture to the Whitlam Institute, Western Sydney University, 6 August 2018, especially the section “Public debates and everyday lives”.
- <sup>37</sup> Geoff Gallop, Second Reading Speech, Legislative Assembly, Criminal Code Amendment (Racial Vilification) Bill, 18 August 2004.
- <sup>38</sup> For an overview see Gail Mason, Hate Crime Laws in Australia: Are They Achieving Their Goals? Legal Studies Research Paper, Sydney University Law School, No 10/46 (2009).

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- 39 Can Liberal States Accommodate Indigenous Peoples? p. 28.
- 40 Australian Government, Life in Australia: Australian: Values and Principles (2016)
- 41 “The Political Foundations of Australia’s Pluralist Society”, p.319.
- 42 Geoff Gallop, “Whatever happened to political reform?” Reid Oration, UWA, 27 August 2019.
- 43 I discuss this distinction in “Living with difference”, pp.13-14
- 44 “Living with Difference’, p.13.
- 45 On Sinophobia past and present see Andrew Jakubowicz, “How Sinophobia goes viral...” ABC Opinion, 20 February 2020.
- 46 See ABC Fact Check, Do Australians lack protection against religious discrimination? 27 September 2019.
- 47 ABC Fact Check.
- 48 Tony Abbott, Address to the Alliance Defending Freedom, New York, 1 November 2017.
- 49 “Buddhism, Politics and Statecraft”, p.42.
- 50 Politics, Society, Self, pp.276-277.
- 51 See Karen Middleton, “Ruddock religious freedom report backfires”, The Saturday Paper, 15-21 December, 2018.
- 52 “Buddhism, Politics and Statecraft”, pp.51-55.
- 53 Religious Freedom Review: Report of the Expert Panel, 18 May 2018, p.107
- 54 On one participant’s account of how such an assembly can deal with controversial issues see Louise Caldwell “I took part in a Citizens’ assembly”, Guardian, 16 January 2019. On evidence as to their overall effectiveness see Nicole Curato et al, “Twelve key findings in deliberative democracy research”, Daedalus, 146:3 (2017).
- 55 See, for example, David Donaldson, “Improving cultural diversity in the public service”, The Mandarin, Insights and Analysis which reports on initiatives to “empower culturally diverse staff and push back on resistance”. See also the report of the Human Rights Commission, Leading for Change, 2018.