

Freedom of speech is critical to all other freedoms

By Janet Albrechtsen

What English philosopher Roger Scruton calls the modern culture of self-repudiation arrived last week in the Sydney beachside suburb of Bondi.

The NSW Land and Environment Court decided to block the construction of a new synagogue near Bondi Beach because of fears it might attract a terrorist attack. Waverley Council, in the Prime Minister's electorate of Wentworth, agreed that a synagogue created unacceptable risks to users and other members of the public. On that basis, we may as well shut up shop in the West, tell the Islamist terrorists they have won and start buying black Islamic State flags to signify our complete cultural capitulation.

Waverley Council, best known for police-state-style recycling, and running bushcare groups and tours through Waverley cemetery, has tried to deny any role in the decision. Freedom to practise religion? Whoa, we'll kick that one upstairs. But there's plenty of culpability to go around here. As the court's decision makes clear, the council claims the site is unsuitable for a synagogue because of the potential risk to users and other members of the general public. And the court agreed.

Jewish leaders are correct to condemn these craven decisions by the council and the court as an infringement on the ability of Jews to practise their faith. Local rabbi Yehoram Ulman, spokesman for Friends of Refugees of Eastern Europe, which sought permission to build the synagogue, says: "It implies that no Jewish organisation should be allowed to exist in residential areas. It stands to stifle Jewish existence and activity in Sydney and indeed, by creating a precedent, the whole of Australia, and by extension rewarding terrorism."

NSW Jewish Board of Deputies chief executive Vic Alhadeff is also right to be incensed, pointing out he had never heard of any other religious group being denied a place of worship on the grounds they may be targeted by extremists. "This simply shows how we're all losing our freedoms," Alhadeff said last week. "Those who want us to be afraid are winning, and this ill-conceived judgment represents a dangerous precedent."

Except that there are myriad precedents for this latest incursion into a core human right.

The starting place is the decades-long assault by many on the left to freedom of expression and the concomitant complacency by others towards these

assaults. When the human right to freedom of expression is not protected from attacks by social justice warriors, anti-discrimination divas and the political correctness police, other human rights will be imperilled.

That's the conundrum for Jewish leaders. They were public opponents of reforming section 18C of the Racial Discrimination Act, a law that strikes at the heart of freedom of expression in Australia. Their vocal opposition was enough to send then prime minister Tony Abbott into a meek retreat, ditching an election promise to defend freedom of speech. But those who walk away from freedom of expression inevitably make it easier for others to sideline freedoms, too.

In the pantheon of human rights, freedom of expression is the gem that sits at the core of Western civilisation. As former freedom commissioner Tim Wilson outlined soon after his appointment to the Australian Human Rights Commission in 2014, "free speech is the human right we exercise to defend all other human rights". It provides the foundation for a free and democratic society as the driver of other critical freedoms such as freedom of assembly, the right to vote and freedom of religion.

Freedom of expression is the mother of all human rights. Like pistons in a car, it is integral to the exercise of other human rights. And it is also the single most important piece of intellectual machinery that drives a healthy marketplace of ideas that exposes stale orthodoxies and allows the best of ideas to flourish. When we put restraints on that piece of intellectual machinery, other human rights will fall like dominoes and the contest of ideas starts grinding to a halt.

It's one thing for Jewish leaders to advocate for laws to punish speech that incites violence. But when you defend laws that protect hurt feelings, don't be surprised when other freedoms are curbed for the wrong reasons. Fine intentions don't guarantee good outcomes, whether its shutting down speech that offends a person's feelings or blocking the building of a Bondi synagogue because of the risk of Islamist terrorism.

There are far more egregious precedents of human rights hypocrisy. Not so long ago we had a president of the AHRC in Gillian Triggs who spoke in Orwellian language about a "failure" of the Australian parliament that human rights were not adequately protected through a bill of rights. Then she added that "sadly, you can say what you like around the kitchen table at home". When even the nation's human right commissioner vacates the space on freedom of expression, it's no surprise that Queensland education bureaucrats have issued a statewide edict that states children must not hand out Christmas cards or talk about Jesus. Freedom to practise religion is an expression of free speech.

Condemning something as a strike against one freedom carries more weight when you're consistent about other freedoms. That's why so many same-sex marriage activists and other social justice warriors have lost credibility on their pet cause. It's not just that they deliberately misconstrue human rights in the frenzied rights culture of the modern era. Contrary to their inflated claims, there is no human right to marry. Marriage is a civil right bestowed by government, whereas universal human rights arise at birth for every individual. Even then, the claim from activists that they should be free to marry, putting liberty as the bedrock reason for same-sex marriage, packs less of a punch because their commitment to liberty around speech is in tatters.

A Coopers beer ad where smart people disagree over marriage is shutdown as offensive. Chief executives are shamed and then ousted for failing to sign up to the same-sex marriage orthodoxy. Tennis legend and now Christian minister Margaret Court, who has devoted her life to providing support for desperate people dumped in the too-hard basket by mainstream churches and government bureaucracies, is shouted down on television for stating her belief in traditional marriage. This kind of intolerance towards freedom of expression is a poor platform from which to argue for tolerance about same-sex marriage.

If you treat core human rights as pick-and-choose accoutrements rather than symbiotic parts of a liberal democratic society, don't be surprised if your claim to liberty loses its ring of moral righteousness. While the local Jewish community is right to be concerned its freedom to practise religion was delivered a body blow last week, it also was reminded why free speech matters.

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