

# 'No religion' is Australia's second-largest religious group—and it's having a profound effect on our laws

June 28 2022, by Renae Barker

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The latest census results are out and the number of Australians who selected "no religion" has risen again to 38.9%, up from 30.1% in 2016.

This makes them the second-largest "[religious group](#)" after Christians, who make up 43.9% of the population, down from 52.1% in 2016.

Australia is often described as a secular country and this ongoing movement from [religion](#) to "no religion" is one way this manifests.

The numbers are interesting but, as a legal academic, I am more interested in what they mean in practice and how this ongoing shift in Australia's religious demographics plays out in our laws.

## **Marriage equality, euthanasia and abortion**

Perhaps the most obvious example is marriage equality.

I began teaching law and religion at the University of Western Australia just over a decade ago. At the time, we were teaching students about the arguments for and against same-sex marriage. However, this was a purely theoretical concept.

True, the campaign for same-sex marriage was advanced even then. But repeated refusals at the time by [political leaders](#) such as John Howard, Julia Gillard and Kevin Rudd to even *consider* legalising same sex marriage made it seem like marriage equality was still decades away. At the time of the 2016 census, marriage equality was still theoretical.

How quickly things change.

In the five years between the 2016 census and 2021 census, Australia saw a monumental shift in what might broadly be considered moral laws.

In December 2017 the definition of marriage was officially changed to being the union of two persons voluntarily entered into for life, regardless of gender.

But [marriage](#) equality is just the tip of the iceberg. Euthanasia and abortion laws have also been reformed in the five years between the censuses.

Victoria, WA and Tasmania all passed laws to legalise euthanasia. Queensland and New South Wales have also passed similar laws since the 2021 [census](#).

Abortion has been decriminalised in all states, with South Australia, NSW, the Northern Territory and Queensland all making reforms to their laws.

## **An ongoing debate about freedom of religion**

Given this legal shift away from what are sometimes referred to as "traditional moral laws", it may seem strange that, concurrently, there has also been an ongoing debate about freedom of religion.

The debate has been the fiercest, and most painful, in relation to discrimination by [religious schools](#).

On one hand, some religious schools claim they need to be able to maintain their unique faith identity, especially where this is out of step with mainstream beliefs.

On the other, LGBTQ+ groups in particular argue discrimination is harmful and no longer acceptable in modern Australia.

It is tempting to argue that, given the number of Australians who don't have a religion, [religious belief](#) should give way to the secular.

However, it is important to remember that a large portion of the population still identify with a religion.

It is also important to note that Australia's religious diversity is increasing.

As I noted back in [2017](#): "In the battle for supremacy between the "nones" and Christianity, we must also be conscious of minority faiths which in 2016 made up 8.2% of the Australian population. For small and emerging faith groups, whose beliefs and practices may not be well understood in Australia, there is always a real risk of policy decisions affecting their [religious beliefs](#) and practices unintentionally or as the result of misunderstanding."

It is therefore more important than ever to have a robust and respectful debate about freedom of religion and the place of religion in secular Australia.

Part of the answer may lie in a balanced Religious Discrimination Act. It will also lie in respectful conversations about law reform. This must include those of minority faiths, those of the majority Christian faith, and those of no [faith](#).

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