

Editorial

A student of history quickly discerns that few factors have been as important, contentious, and enduring in structuring human societies—past and present—as that of the relationship between law and religion. One can easily point to cultures where law and religion are essentially the same thing—the leaders of the faith and the leaders of the state are identical, and ascendancy in one is ascendancy in the other. We can find examples where religion is not formally part of government but in practice extremely influential in what policies and decisions are made. And of course, we can find the opposite: where secular authorities exercise political and legal powers to change or impair the beliefs and practices of religious groups. Understanding the relationship between law and religion in a given society tells us something fundamental about the nature of that society.

Australia and its neighbours are no exception. We can see it through a historical lens in the legally-sanctioned suppression of Aboriginal spirituality faced by the Stolen Generations or the colonial Dutch treatment of the cultural and religious beliefs of the indigenous inhabitants of what we today call Indonesia. We can see it in a broader theoretical lens through discussions of concepts like freedom, pluralism, multiculturalism, dignity, and tradition. We can see it in perennial political debates about whether Australia is a secular state and what 'secular' means in a culture of inherited but declining profession of traditional religion. We can see the practical importance of the relationship by looking at the controversies that continually grace the front pages of our newspapers and that occupy our parliaments: to what extent should the law suppress hateful statements made by, or against, religions; when the ability of religious organisations to govern themselves in accordance with their religion is in tension with equality norms, how do we reconcile or balance the two; are our laws adequate to protect religious freedom; and much more.

These are certainly issues worthy of scholarly attention. They should be researched, written about, and discussed. But until now, scholarship on law and religion has appeared scattered throughout generalist law journals or in an occasional special issue about a discrete controversy. Other countries may have speciality journals on law and religion, but Australian scholars have always had to make do with whatever outlets they could find.

Welcome to the inaugural issue of the *Australian Journal of Law and Religion*. The purpose of this twice-yearly publication is to provide a quality outlet for specialised scholarship on the intersection of law and religion across the South Pacific. The journal is open access, interdisciplinary, and uses double-blind peer review. These points should be emphasised. This is the first academic journal in the Antipodes specifically devoted to the scholarship of law and religion. The open access nature of the journal means no one pays to submit to, publish in, or read the *AJLR*; there are not and never will be paywalls or author fees. As an interdisciplinary journal, we welcome perspectives from a variety of academic fields: political science, history, theology, sociology, religious studies, philosophy, and, of course, law. To ensure only quality scholarship appears in its pages, every submission to the journal is vetted by two peer reviewers with expertise on the relevant topic.

Crucially, the journal is strictly non-partisan, non-sectarian, and open to all authors without regard to their faith commitments (if any). To ensure this, the journal's co-editors and the members of the Editorial Advisory Board feature a wide diversity of religious, political, and ideological perspectives. Some of us identify as progressives and others as conservatives: some

of us are strict secularists and some of us believe religion should have more influence in government policy; some of us are Christians and some of us are atheists; and some of us do not fit easily into any defined category of belief. The one thing we all share is a deep commitment to the liberal academic tradition: that the exchange of ideas, the dissemination of new research, and the (sometimes spirited!) debate of contested and controversial points are all positive steps toward the discovery of truth. If we have done our jobs well, every issue should feature something that leads you to nod your head in agreement and something that tempts you to pick up a pen to write a rejoinder. And yes, we do indeed publish rejoinders.

Australian scholars will be aware of the challenges of launching a new journal in the current research environment. The rising use of quantitative metrics (Q1 publications, citation counts, etc) to measure an individual's research performance places enormous pressure, especially on junior academics, to publish only in the most prestigious journals they possibly can. New outlets for research, including the *AJLR*, cannot hope to compete with established journals on that basis. Our pitch to you as a potential contributor is simple: this is the journal to submit to if you want your work to be read by other scholars interested in the field. Your work will not be buried behind a paywall, sandwiched between articles having absolutely nothing to do with law and religion, or reviewed by unsympathetic editors who doubt the importance of your topic. The *AJLR* will be the natural home for scholarship on law and religion in Australia.

The contents of this inaugural issue demonstrate the breadth of scholarship we aspire to publish. Muhammad Latif Fauzi provides a theoretically sophisticated historical overview of the formation of Islamic law in Indonesia. Patrick Parkinson thoughtfully engages with the fraught issue of gender identity and religious exemptions in the *Sex Discrimination Act 1984* (Cth). Andrew Hemming brings expertise in evidence and criminal law to bear on the question of whether the High Court was correct in overturning the jury verdict in the high-profile trial of Cardinal George Pell. Neil Foster writes about potential inconsistencies between religious exemptions in Commonwealth and State anti-discrimination laws which could create constitutional implications for the validity of those state laws. Renae Barker draws upon years of experience teaching law and religion to undergraduates for an article that shows not only why pedagogy on the subject is important, but also how it can be improved. Book reviews cover Greg Sheridan's *Christians: The Urgent Case for Jesus in Our World* and Md Jahid Hossain Bhuiyan and Darryn Jensen's edited collection *Law and Religion in the Liberal State*.

Every issue of the *AJLR* will feature a different Special Topic Forum that consists of short essays on a particular theme. Not everything valuable a scholar has to say need be encapsulated in a full-fledged research article, and this forum is intended to showcase as many contributors as possible. It is only fitting that the topic for the inaugural issue's forum is 'The Future of Law and Religion in Australia.' An impressive array of contributors—Luke Beck, Anthony Gray, and Joel Harrison—provide their answers to the question: where do we go from here?

When the proposal for a new journal on law and religion in Australia was first circulated, the response from the field's community of scholars was immediate and enthusiastic. Understandably, there are still some sceptical that a new endeavour like this can succeed. Our aspiration is that with every page and every issue produced, any scepticism is gradually replaced with confidence and support.

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