



Submission to the Attorney-General's Discussion paper on the Consolidation of
Commonwealth Anti-Discrimination Laws

Ethos –EA Centre for Christianity and Society

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About Ethos

Ethos combines the endeavours and personnel of two national Christian organisations engaged with Australian society: Zadok Institute for Christianity and Society (est. 1976) and the Evangelical Alliance's Department of Public Theology (est. 2004). Both organisations behind Ethos have pedigree: a wealth of experience and a history of commitment to exploring and promoting Christian ethical engagement with the wider world. has brought an applied spirituality and world-view into personal, professional and public life for its large national network.

Ethos is a network of Christian thinkers and activists drawn together into a series of standing think-tanks. Ethos is especially committed to empowering Christian professionals to profess their faith publicly by word and deed. In doing so we seek to demonstrate the relevance and distinctiveness of the public life of the Christian community, discerning and debating in a spirit of reconciliation. This points beyond the common party political spirit of church and world to the divine politics of God's peaceable Kingdom. To paraphrase Jacques Ellul, it is in disagreeing robustly but respectfully about penultimate things that Christians point most effectively to the ultimate.

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1. Against harassment

We support all moves that seek to curtail behaviour that *harasses* persons on the basis of any quality—whether gender, race or ethnicity, disability, sexual orientation, or religious affiliation. We support all moves to see every person treated as equal before the law. Of course ‘equality’ does not entail sameness, nor does one’s equal legal status imply moral approval of any and all practices that a person pursues.

2. For freedom, including the freedom to strongly disagree

Freedom is the capacity to flourish—to live well and for life to ‘go well’: that is, the combination of the pursuit of a life of moral integrity and service with the material and social conditions to enjoy life. Part of the ‘good life’ of a community and even a larger society is discussing, debating, and discerning the various ways this might be achieved. We are therefore in opposition to the introduction of any legislation that would stifle the kinds of robust debate, polemics and apologetics in some interreligious encounters. Australians happily accept it in social, political and even academic debates—why not moral or ‘religious’ ones? Each group must be able to express their convictions openly and be given a fair hearing out of the particularity of their tradition.

3. Upholding conscience and conviction in a permissive culture

Convictions are the strongly held beliefs that make us who we are and our communities what they are. They are at or near the very centre of identity. They are more than the kinds of ‘belief’ that we may pick up breezing through life. In the case of Christian convictions, they connect us to venerable, tested traditions and communities across time and across national borders.

These traditions and communities in most respects require a commitment to norms and practices that are often out of step with other currents in our culture, particularly those which promote the sexualisation of culture and sexual promiscuity, or weaken commitments to marriage and the raising of children, or subsume questions of human dignity to personal preference. In this regard, some Christian people may appear to be socially conservative. On the other hand, the resources that are poured into advocacy and relief for the poor and marginalised sees many Christians on the so-called progressive wing of society.

4. Seeking clarity on discrimination and working together

The reality of moral, social and political life is deliberation and discernment in preferring particular forms of life over others, perhaps even proscribing particular behaviours even though there may be a wide constituency that approves of or perhaps simply tolerates those behaviours. Moral life entails, strictly speaking, a form of discrimination, discernment, or judgement between different practices and typically a preference for association and closer cooperation with persons which have what might be called a similar moral vision.

5. *Moral conviction for Christians is often essentially but not exclusively 'religious'*

These norms and activities of Christians do not arise out of an ethical or political theory but from a vigorous engagement with our sacred texts and the history of interpretation and practice. The distinctive—some might say, necessary—contributions that Christians make to Australian society, including public life, arises from their moral formation and commitments to justice, compassion and the common good as a vocation they see coming from God.

6. *Religious moral vision is a whole way of life, not merely an exception*

Social goods cannot be adequately captured in proscriptive or prescriptive rules or law. There is a large space of freedom required for the development of the varying visions of moral life in community. Communities of substantive moral vision, vocation and mission are behind key, sacrificial work with the underprivileged, the development of education and caring institutions, and in most cases these are either Christian or another religious group or else have their origins in 'faith-based' communities. Religious reasons for affirming particular behaviours and proscribing others are not simply 'exception clauses' but often deeply held convictions that are woven into the fabric of a whole way of life. Legal coercion (or litigation with economic intimidation) is not a valid means of 'conversion' from one set of convictions to another.

7. *Religious associations and institutions embody moral vision at virtually all levels*

Institutions and organisations are frequently formed to further a mission or vocation and, where possible, maintain the vibrancy of the moral vision and practices that inform their tasks through gathering people of like faith and ethical understanding. This happens in many religious schools and hospitals. Employment in many of these situations is not considered simply a matter of efficient outcomes in work performance but, we reiterate, *a shared moral project*. Within this, there are moral practices, relationships and social institutions that are held to be of immense importance and social value. These include our sexual practices (regardless of our orientation) and covenantal views of marriage dedicated to not simply to joyous sexual expression but also to the raising of children and to hospitality in a context of difference, including gender difference. There are practices of prayer, scripture study, moral deliberation and spiritual discernment that are integral to these institutions' way of life. Employment in these 'religious' settings transcends what is written in a 'neutral', task-oriented job description and involves one in a religious and moral community where significant agreements allow the expression of the way of life the institution serves.

It is therefore problematic to restrict the validity of religious reasons to refuse affirmation of those who would endorse, for example, contentious sexual practices to religious 'professionals'. Religious associations and their employees will have a particular ethos and supporting credo to enable their particular work and the more comprehensive way of life and vision that sustains it. Creating the probability of

litigation merely because of offence over possible exclusion from participation or employment is to circumvent the necessity of free cultural and intellectual engagement over moral differences, merely building up the likelihood of resentment and hostility between groups holding different moral positions.

8. Freedom of religion is best protected by the freedom to robustly debate

While we are endorsing and affirming a move for freedom of religion, we are not convinced that those who wish to ‘protect religion’ have the best interests of religious adherents at heart. We suspect instead moves to domesticate Christians and others from living out their convictions in good conscience, to restrict them as far as possible to a ‘private sphere’ and to seek to overrule current religious exemptions—such as regarding refusing employment of persons in certain institutions based on serious lifestyle-based incompatibility with a community’s moral and theological vision—through coercive legal means.

We request that these complex questions of moral and theological conviction are not left in the hands of lawyers and bureaucrats but in the continued conversations, dialogue and debate of civil society between religious communities and with government and between citizens.