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Religious leaders seek right to believe not power to discriminate

By **PATRICK PARKINSON**

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The Wentworth by-election was not only a watershed moment for the Coalition government. It has also shaken a consensus that has formed the foundation of one of the most successful multicultural societies on Earth.

It is an accord that we should accept our different values and beliefs. We should live and let live, at least where it does not matter to be different.

In secular workplaces, universities and the like, we all come together with a shared value that discrimination, whether it be on the basis of race, gender, religion, political association or sexual orientation, is morally wrong.

However, some differences are all right. In political workplaces such as party offices, political allegiance matters; for environmental advocacy groups, views about climate change matter. In ethnic associations, ethnicity matters. And yes, in religious workplaces, religion matters.

Without acceptance of difference in our political, religious and cultural associations, we would cease to be a democratic and multicultural society.

The sensible consensus has been shattered by the recent and ill-informed debates about religious schools and organisations. For the first time, senior politicians have argued that religious schools should be forced to become indistinguishable from secular ones in terms of staffing policy.

Until now it has been widely accepted that religious organisations need to be exempted from the operation of anti-discrimination laws in relation to their own organisations, where there is a potential clash between secular and religious values.

For example, you may believe passionately that women and married men should be allowed to be priests in the Catholic Church. You may have support from 90 per cent or more of the population; but Catholic theology is not determined by secular majorities. Religious freedom means that the church is free to decide the rules of its organisation.

What if a religious organisation has beliefs about sexuality and family life that differ from the mainstream?

Until now, there has been a bipartisan acceptance that no matter how much the secular majority may disagree with a religion's beliefs and values, it is entitled to organise itself, and to run its schools and welfare organisations, in a manner that is consistent with those values — subject to recognised constraints on freedom of religion in international law.

That means, from a secular perspective, accepting the rough with the smooth.

Secular society appreciates Christian values such as loving one's neighbour, caring for refugees and looking after the poor and needy. Traditionally, the monotheistic religions have also considered sex before or outside marriage to be wrong, and have disapproved of same-sex relationships (while not condemning same-sex orientation).

We may disagree vigorously with some of those values or think they are absurd. In a democracy, we have the freedom to express our point of view.

We have other freedoms, too. No one is forced to work in a religious organisation. No parent is forced to send a child to a religious school that insists all its staff be committed believers.

This acceptance that we should “live and let live” has been the basis for our successful multicultural society and continues to be vital. The great majority of migrants and refugees who come to Australia hold religious or cultural values with which the voters of Wentworth might disagree. They tend to hold traditional beliefs on marriage, for example.

The problem is that religious freedom rests in law upon exemptions from

otherwise applicable discrimination laws. These exemptions are expressed in general terms, applying to discrimination on the basis of sex, sexual orientation, gender identity, marital or relationship status and so on.

Contrary to the sensationalist headlines, there is no provision in federal law that authorises religious schools to expel gay students. It could happen in theory only because of exemptions that are expressed in broader terms.

Senior politicians now want to repeal those exemptions without replacing them with more appropriate protections for religious freedom.

Christian leaders have for years argued strenuously that they do not want religious freedom to rest upon exemptions. They would much rather have a positive right for faith-based organisations to select staff, or prefer staff, that adhere to the beliefs and values of the faith and, to the extent necessary, to insist upon codes of conduct consistent with those values. Christians do not want the right to “discriminate”. They want the freedom to select.

They made this clear to the Ruddock committee. They continue to make this clear to all political leaders who will listen. This solution has the potential to resolve the issue and to avoid a culture war.

We understand the desire of politicians to throw caution to the wind in chasing by-election votes; but the language of some politicians and commentators in recent days has been reckless. It is time for sober reflection on what has made Australia so successful as a tolerant, multicultural society.

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