



# Trinity, Covenant, and the Ethics of Both/And: A Theological Reflection on Regulating the Online World

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A Christian theological response – and thus, the articulation of a Christian ethic – with respect to the issues raised by the relationship between enabling law enforcement agencies to detect and dismantle online child exploitation networks, and the expectation of citizens that their online activity will not result in unreasonable violations of their privacy, begins with the Christian understanding of God as Triune: that is, of the single Godhead whose three Persons eternally co-exist as a unity of love. The doctrine of the Trinity bears witness to the Christian understanding that God is, in God's own being, both relational and invitational; this being the case, God seeks to exist relationally with humanity and with creation, and invites humanity to make a response of faith that makes possible this relationship in meaningful form.

A significance of this theological understanding is that it emphasises *covenant* and *relationship* as the foundational realities of human life. A *covenant* is not a contract spelling out the rights and obligations of the respective parties, with penalties and benefits attached. It is neither a “social contract” nor a contract at law. Rather, God's prior commitment to covenant invites a response from humanity whose mutual effect is an intentional commitment to shared, relational co-existence – one that recognises that human life is not a series of isolated, simultaneous existences regulated by law and contract, but rather a connected network of mutual realities impacted by, and impacting upon, every other human reality.

From the perspective of Christian faith, the invitation into covenant comes from God; and the human response to this invitation, which is also made possible because of God, expresses itself both through relationship with God and with one another. In other words, the effect of this invitation and response is a covenantal state of being which declares that human life realises its essential dignity both in maintaining faithful relationship with God, and through maintenance of the relational matrix within which all humans mutually co-exist. Humans are both individual *and* social, existing both in their own personal integrity *and* in relationship with all the other individuals that make up human community. No human life exists in isolation from the rest of humanity: reflecting our creation in the likeness and image of God, our individual lives are embedded in the relational life of the whole human community.

This is not to say that human beings are prevented from acting against those conditions or realities which degrade human dignity on the grounds that such action would disrupt the relational matrix between individuals and/or communities. Rather, it is to understand that the basis of such action *must always* be to ensure that the integrity of the relational matrix is preserved. Acts or omissions which degrade the relational co-existence into which all human life is called – and which therefore undermine the human dignity for which this relational co-existence forms the foundation – are properly subject to preventative/restorative

actions, which may in part be expressed by and through the sanctions articulated by statutory instruments, and/or the interdictions enacted by governmental or societal agencies.

From the foregoing, it follows that:

- 1) Just as individual human lives are embedded within a relational matrix so that no human life exists separately or independently from the lives around it, so too the same applies to human institutions. No human institution – whether a corporation or some other commercial entity; a government or government agency; a law-enforcement body or agency; a social institution such as the courts; or a non-government institution such as a church or charitable organisation – exists outside of, or separate from, the matrix of relational life that is the cornerstone of human dignity. In just the same way that individuals are moral agents whose acts and omissions impact positively or negatively on social relations, and thus on human dignity, so also the same is true of institutional actors. All institutions, regardless of their nature, are compelled – from the standpoint of Christian ethics – to exist in such a way as upholds the collective relational framework upon which individual dignity is based, and to conduct their affairs in such a manner that is not contrary or injurious to that framework or to the dignity that descends from it.
- 2) The “online world” is not a separate reality that is somehow “out there” or which exists independently of other human realities. On the contrary, the online world – and the data that is generated by online activity – is intimately linked to human dignity and to the relational interconnectedness from which human dignity flows. This means that human individuals and institutions are responsible and accountable for the data that their online activity generates; but it also means that such data is not separable from the inviolability of the human person. Thus, any online activity which seeks to exploit or abuse other human beings has the effect of denying the reality of human inter-relatedness, and thereby violates the covenantal calling into which God summons all human life. Likewise, any invasion of privacy, or unwarranted surveillance of, or undue interference with human personhood originating within or derived from human online activity, also represents a violation of the relational matrix of human life, and assaults human dignity accordingly.

In sum, therefore, the Christian understanding of God as relational and invitational, from which flows the Christian understanding of human life as a web of mutual relationships upholding the essential dignity of each individual, calls for an ethic that responds to the issue of regulating the online world from a *both/and* perspective rather than an *either/or* perspective. In other words, it is not a matter of prioritising one set of claims over the other. It is, rather, a matter of ensuring that human dignity – and the network of relationships upon which such depends – is preserved in *all* circumstances. *Thus, the need for law-enforcement agencies to have the capacity to detect and dismantle online networks of child sexual abuse and exploitation is axiomatic; but so too is the need of individuals not engaged in such activities (or other forms of criminal enterprise) to have an assurance of privacy and data security in relation to their online activities.*

It follows from this analysis that “rights” language may become problematic in this context, because such language can have the effect of establishing an oppositional dynamic in which any discussion of an issue devolves to a series of competing claims and the attempts by the proponents of those claims to establish their priority at the expense of all other perspectives. Neither is this difficulty necessarily resolved by the language of “balance”; in part, because such language again implies an oppositional dynamic, but also because it can be used to argue that one set of claims “outweighs” another set of claims, and that the right “balance” would be to give priority to the set of claims that “outweighs” other sets of claims.

This isn’t to say that talking about “rights” and “balance” may not have some use in discussing this issue, especially if such language enables us to envisage the harm that is done to individuals and communities. But it is important to note that such harm occurs both through the sexual exploitation of children online and in those violations of privacy that are not warranted by, or related to, the need to preserve human dignity and the integrity of human relational networks. In other words, both the capacity to interdict and dismantle online child exploitation networks, and the preservation of privacy from unwarranted intrusion,

are necessary precisely because both reflect the structures of human social relations – and whether or not those structures operate in accordance with the call from God to relational co-existence.

Thus, instead of the potentially conflicted language of “rights” and “balance”, a Christian ethic to regulating the online world must take seriously the legitimacy of both law-enforcement and privacy needs as realities that speak to the manner in which we structure our social relations through and within the online world, and which either uphold or degrade human dignity accordingly. In this context, the concern of Christian ethics must be to advocate for the structuring of human life along lines which reflect the invitational and relational reality of God, from and through whom true human dignity flows.

Within this understanding, there can be no argument that child sexual exploitation is an egregious form of harm, precisely because it stems from the deliberate intention to abuse an especially vulnerable section of human society, thereby robbing them both of their dignity as human beings as well as violating the relational structures between people that foster human dignity. The consequences for the victims of child sexual abuse are severe, ranging from an inability to form intimate relationships in adulthood, through to experience of psychological and emotion distress exacerbated by various forms of addiction, to self-harm, and suicidal ideation/action. There can be no question that law-enforcement agencies should be resourced and authorised to effectively detect and dismantle online child abuse networks – or that corporations who control online technologies must co-operate with law enforcement agencies to achieve this end.

However, it also follows that the invasion of privacy, whether by government or by corporations, is also an egregious form of harm, precisely because it subordinates human dignity to the prerogatives of commercial advantage or political control. In this context, “privacy” is not merely “keeping secret” or making something “not public”, it refers to the dignity that stems from our knowledge of the inviolability of our personhood, and of our capacity to have interactions – even intimacy – with others on terms that facilitate genuine consent and which foster human dignity. Indeed, given that human online activity and the data it generates are not separable from the dignity of the human person, certain forms of privacy invasion – identity theft, for example, or the sale of personal data for advertising purposes – arguably constitute a species of human trafficking. Likewise, the unwarranted surveillance and targeting of individuals and sections of society for the purpose of political advantage – indeed, for any purpose other than the law-enforcement end for which such surveillance was created – violates the relational matrix between the state and the citizenry, a matrix upon which far more than “social cohesion” depends.

On the basis of the foregoing understanding of Christian ethics, and embracing a both/and perspective rather than an either/or approach, the regulation of the online world must facilitate both the capacity of law-enforcement agencies to detect and dismantle online child abuse networks and ensure that the privacy of citizens not engaged in such activities is protected from both government and corporate invasion. This is not necessarily a question of “balance” or of competing “rights”; rather, it stems from a recognition of human dignity that is located in the preservation of a relational matrix that itself reflects the loving relationality of the Trinity. This relational matrix extends to and includes both corporate/commercial and government institutions and the impact which they have on the social relations that underpin human dignity. Ultimately, it is not a question about the rights of child abuse victims over against the rights of law-abiding citizens to privacy; rather, it is a recognition that the dignity of both groups take precedence over all other considerations – and it is this recognition that must be the basis upon which the online world is regulated.