



The Secular Party of Australia
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7 June 2007

Mr Geoff Howard
Chair, Education and Training Committee
Parliament House,
Spring Street, Melbourne 3002

Dear Mr Howard

Re Inquiry into Dress Codes and School Uniforms in Victorian Schools

I offer the following submission, in which I address the issues of anti-discrimination policies, exemption criteria and national and international trends in these regards.

The National Goals for Schooling state, in part, that schooling should develop the capacity of students “to make rational and informed decisions about their own lives”, and that outcomes should be “free from the negative forms of discrimination based on sex, language, culture, ethnicity and religion.”¹ Contrary to popular perceptions, the allowing of exemptions from uniform dress codes on the basis of culture or religion runs counter to these stated goals. Such exemptions:

- (i) limit rational and informed decision making
- (ii) encourage and condone discrimination on the basis of culture and religion.

It is imperative that for the future harmony of our society that the education system not be used to reinforce divisive cultural practices, particularly those that have no basis in reason or rationality. It is important to clearly distinguish what is relevant with regard to freedom of religion in adults from what is necessary for the beneficial education of children.

I refer first to international trends. There can be little doubt that most violent conflicts, in the Middle East and elsewhere, are now associated with or motivated by religious beliefs. Since September 11, 2001, the so-called “clash of civilisations” has become a frightening reality. This has led to an apparent global resurgence in religious belief and expression.

Recently, in response to these developments, there has been a spate of new books highlighting the dangers of such conflicts and the nature of religion. These books explain the almost total lack of reason and evidence that underpin religious beliefs. They further criticise the insidious nature of the religious indoctrination of children that perpetuate such beliefs. The fact that these books are now at the top of best-seller lists world-wide illustrates the degree of community concern regarding these unfortunate religious trends.

In past decades it had been thought that fostering and encouraging freedom of religion, without limitation, is the best way to create tolerance and harmony. It must be recognised now however that this policy can be counterproductive. Further, regarding the education of children, it can contravene basic aims. It was for this reason that in France, items of religious attire, such as the Muslim headscarf, were banned from schools. It should be noted that this policy has been highly popular in France and very successful. Only a negligible number of students were withdrawn from French schools as a result.

I turn now to issues of anti-discrimination. To provide exemptions from school dress codes on the basis of culture or religion is itself discrimination and is therefore against the stated purpose of the *Equal Opportunity Act* 1995. Such discrimination is presumably allowable due to the exemptions provided for religions under the Act. The Act does not however mandate that exemptions must be provided, only that they can be,

presumably at the discretion of the educational institution. Therefore it is incorrect, in my view, to assert that the prohibition of religious items of attire would contravene the Act.

It has been further asserted by community organisations that the prohibition of religious items of attire in schools would contravene the *Victorian Charter of Rights and Responsibilities* 2006. It is my view that a correct reading of this Charter reveals that the opposite is the case. The confusion arises due to an apparent neglect of the fact that education in schools is provided for children, not adults. The designation that a young child belongs to a particular religion is surely an assertion made by the child's parents. It is not a decision freely taken by the child. If it is, then at what age is a child deemed to be capable of such a decision?

Section 17 of the Charter clearly mandates that "Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child". Section 14 defines freedom of thought, freedom to adopt a religion of choice, and mandates that a person shall not be coerced in the adoption of a religion. It surely follows therefore, that in preserving a child's right to choose a religion, that they not be coerced or indoctrinated in any way, until they are old enough to make such rational choice. Children have the right to protection from having a religion imposed upon them.

It is difficult enough, even for adults, to choose rationally between the competing truth claims of the various religions. Since the stated purpose of education is to develop the capacity of students to make rational and informed decisions without discrimination based on religion, it is therefore imperative that the capacity of children to freely choose a religion be preserved and developed. The divisive labelling of children according to the religion of their parents is not only anti-social, but it may be argued, immoral, in that it is detrimental to the child's fullest development. The imposition of religiously designated attire on children is wrong and, I would suggest, in contravention of the Charter, when properly read. There is no "right to indoctrinate".

The argument that designation of religious identity is necessary for the moral, cultural or intellectual development of a child is not one that can seriously be entertained. Faith based beliefs are distinct from factual knowledge and should not be taught as such. The teaching of moral values based on universal principles is preferable to ones based on sectarian doctrines. Therefore it cannot be argued that it is beneficial, for these reasons, for a child to overtly express a religious identity via a dress code. Conversely, it cannot be accepted that the prohibition of religious forms of attire in schools unreasonably restrict religious belief. It would merely assert that uniforms be uniform across all students, which is presumably the purpose in having a uniform.

The wearing of crosses, hijabs, yarmulkas, or turbans, by *adults*, are necessary expressions of religious freedom. However allowing such deviations to the school uniforms of *children* to accommodate the vagaries of ancient faiths is unnecessary and undesirable. To extend this license even to extent of allowing children to carry swords, to accommodate the sensibilities of Sikhs, would be bizarre and absurd.

I strongly urge that for the sake of the future harmony of our society, and in the cause of reason, that the sanctioning of culturally divisive modes of attire in schools not be entrenched as a result of your inquiry. That secularism is the key to social cohesion is a lesson we forget at our peril. If the banning of these practices is not to be considered, then I suggest that at the very least, it be left to the educational institution itself to determine policy on school uniforms.

Yours sincerely,



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ⁱ Goals 1.3 and 3.1, *The Adelaide Declaration on National Goals for Schooling in the Twenty First Century*, Ministerial Council on Education, Employment, Training and Youth Affairs, April 1999