

24 February 2023

**JOINT SUBMISSION TO AUSTRALIAN LAW REFORM COMMISSION (ALRC) ON LAW REFORM PROPOSALS
REGARDING COMMONWEALTH ANTI-DISCRIMINATION LAWS IN REGARDS TO RELIGIOUS SCHOOLS AND
OTHER EDUCATIONAL INSTITUTIONS**

The Hon Mark Dreyfus MP KC
Attorney-General
House of Representatives
Parliament House
CANBERRA, ACT 2600
(via online submission)

Dear Attorney General

This joint submission is made by the following bodies associated / affiliated with Islamic schooling in Australia:

- **Centre for Islamic Thought & Education**
Research concentration: Islamic education, Islamic schooling, Islamic pedagogy, Islamic school renewal; *Teaching:* Convener of Graduate Certificate in Education (Islamic Education); *Research-Consultancy:* School-University Partnerships with Islamic Schools; *Engagement:* Convenor of Annual Australian Islamic Schooling Conference, Partners in support of the Crescent Awards.
- **Islamic Schools Association of Australia**
Advocacy, Networking, Professional Representation, Professional Workshops, AGMs for member schools. Partner to the Annual Australian Islamic Schooling Conference.

As researchers, consultants, advisors, and/or leaders of centres and associations affiliated with Independent Islamic Schools in Australia we write to convey to you our deep concerns with the recommendation to amend the Commonwealth's Anti-Discrimination Laws which seeks to restrict selection of teaching roles solely to religious education teachers in faith schools. Such a recommendation would curtail the right of Islamic schools (and other faith schools) to preference people of their faith or those who are willing to commit to supporting the faith's informed beliefs and education practices of the school. This would effectively confine and restrict religion to the religious studies classroom and/or teacher, preventing Islamic schools from fulfilling the very purpose of their establishment and of education in their faith tradition, as well as from responsive education praxis for their Muslim learners and parents and families.

Islam as a faith tradition (as with other faith traditions) provides philosophical and theoretical understandings of what education means, for what purpose, and to what end¹. Islam in Islamic schools cannot, nor should it in our view, be reduced to an addendum, or the sole locus of religious education, but enacted across distinct faith-informed education praxis by all educators in an Islamic school. It is therefore an expectation in Islamic schools (as with other faith schools) that every teacher is expected to engage with the beliefs, values, and faith perspectives that inform the *why* (purpose), the *what* (curriculum), and the *how* (instruction) one teaches². We reiterate that religion is not something reductively quarantined to one space in an Islamic school, or something located solely in the praxis of religious education teachers. Islamic schools are demonstratively committed to inclusion; aside from super-diversity of their student populations (culturally, ethnically, linguistically, theologically), their teaching and leadership teams are similarly diverse, drawing from educators of shared faith, different

¹ Memon, N. (2021). Islamic pedagogy for Islamic schools. In (pp. 1-14). UK: UK Oxford University Press.

² Ajem, R., & Memon, N. (2011). "Principles of Islamic Pedagogy: A Teacher's Manual" Unpublished manuscript.

faiths, or no faith. Islamic schools' preference people, for various reasons, who either share the faith or who are willing to support the faith, but also seek to employ educators with an educational philosophy that aligns to that of their school, and who are willing to engage with faith-informed educational praxis, and promote the beliefs, values and culture of their school.

We point to the serious ramifications for such a misreading of the role and function of religion and spirituality in faith schools and in education. The presumption that is implicit with the recommended law, is that educational praxis is neutral, thereby promoting monocentric ways of knowing, and marginalising religious and spiritual knowledges that shape practice, inform reading of prescribed curriculum, and shape school culture that engenders a distinct faith ethos. We contend however, that all pedagogy is underpinned by a philosophy and 'every approach to teaching is influenced by a world view or an orientation, perspective, or philosophy of education'³. Different traditions have different conceptions of knowledge and different ways of knowing, necessarily implying different pedagogies. Meaning, not only must curriculum, or what is taught, be relevant and responsive to the lives of learners, but teachers must teach in different ways⁴. Hence, not only do we view this recommendation as a misreading of the place and function of religious and spiritual knowledges and ways of knowing, but a dismissal of their significance in the lives of faith adherents and faith schools, including Islamic schools. This signals for us not only a restrictive law but an extreme version of secularism that rather than promote respect for both religious and spiritual ways of knowing and non-religious and non-spiritual ways of knowing in a democratic, pluralistic, multicultural nation of ours, would exclude and erase religious and spiritual ways of knowing in faith schools.

The purpose of faith schools or schools with a religious orientation or affiliation, including Islamic schools, is not only to impart knowledge and prepare students for career pathways, but also to instil religious values and promote (in the case of Islamic schools) Islamic ways of knowing, being and doing. In addition to applying a philosophical and theoretical lens to prescribed curriculum, to realise culturally and religiously relevant and responsive curriculum, assessment, and teaching, Islamic schools provide religious activities that seek to demonstrate and model to students what a life lived in accordance with the faith looks and feels like in practice. Islam is a complete way of life, and Islamic schools value teachers and students mediating together religious activities and practices and promote faith as the basis for inquiring, speaking, and doing together⁵. Having teachers and other staff at the school who can participate in these activities as a faith community, whether these staff are engaged in religious teaching or not, helps to realise the school's religious purpose, and to develop an understanding by students that religion is not merely an adjunct to core activities, but an integral part of them.

We are also concerned about the impact on the rights of parent supporters of Islamic schools. Across the Australian schooling landscape, parent choice is a key factor in school choice, and studies on Muslim parents reveal key reasons for selecting an Islamic school for their children. Some of these include, for the religious and cultural values, a space for religious practice and expression⁶, and to ensure the religious and moral education of their children in conformity with their own convictions⁷. Other factors include as protection from racism and Islamophobia⁸, something studies reveal public schools have found difficult to protect Muslim learners from⁹. Muslim parents also value Islamic schools for the role they play in supporting their Muslim children to negotiate a strong sense of identity and belonging,¹⁰ as Muslims, and as Australians. They also highlight curriculum-related challenges including the hegemony of Eurocentric perspectives, of the privileging of secular ways of knowing, all of which they trust Islamic schools will offset with a culturally and religiously relevant and responsive curriculum that every Muslim

³ Ajem, R., & Memon, N. (2011). "Principles of Islamic Pedagogy: A Teacher's Manual" Unpublished manuscript.

⁴ Ogunnaiké, O. (2018). "Of Cannons and Canons: The Promise and Perils of Postcolonial Education." *Renovatio*.

⁵ Alkoutli, C. (2018). "Pedagogies in Becoming Muslim: Contemporary Insights from Islamic Traditions on Teaching, Learning, and Developing." *Religions* 9 (11): 1–18. doi:10.3390/rel9110367.

⁶ Ghamra-Oui, N. (2023). Constructing the Informal Curriculum of Islamic Schools in Australia: Contribution of Contextual Factors and Stakeholder Experiences, *Journal of Muslim Minority Affairs*, DOI: 10.1080/13602004.2023.2176068.

⁷ Iner, D. (2021). Faith-Inspired Muslim Parents' School Choices and Attitudes in the Cultural West and Australia *Religions*, 12(746), 1-23. doi: <https://doi.org/10.3390/rel12090746>.

⁸ Iner, D. (2021). Faith-Inspired Muslim Parents' School Choices and Attitudes in the Cultural West and Australia *Religions*, 12(746), 1-23. doi: <https://doi.org/10.3390/rel12090746>.

⁹ Preger, M., & Kostogriz, A. (2014). Multiculturalism, schooling and Muslims in Australia: from orientation to a possibility of hospitable education. *Education integration challenges: the case of Muslims in Australia*, 157-166.

¹⁰ Ghamra-Oui, N. (2023). Constructing the Informal Curriculum of Islamic Schools in Australia: Contribution of Contextual Factors and Stakeholder Experiences, *Journal of Muslim Minority Affairs*, DOI: 10.1080/13602004.2023.2176068.

learner can see themselves in,¹¹ and faith-informed educational praxis (Islamic pedagogy).¹² These are among the reasons why many Muslim parents choose to send their children to an Islamic school. This inalienable right of parents is enshrined in international law. The recommended changes to the Commonwealth Anti-Discrimination laws would place unnecessary and unreasonable restrictions on the freedom of religious schools to give effect to the international human right of parents and guardians.

Faith-based schools in Australia, including Islamic schools, have long been free to give preference to employing teachers who share or who are willing to support the faith and beliefs according to which the school is founded. Islamic schools seek to be able to employ teachers (across the school) who share or are willing to engage in faith-informed practice and uphold the religious beliefs of the school. The recommendation to the Anti-Discrimination Law would serve to greatly restrict this freedom by requiring religious schools to employ teachers who may not share or support the religious beliefs of the organisation, and who may not be willing to engage in whole-school faith-informed educational praxis. This compromises the purpose of education in Islamic schools, captured in their individual vision, mission, and educational philosophies and precludes 'whole-school approaches' to practice, which are critical for school communities to reach shared aims and aspirations, and to provide the most responsive high-quality education for their diverse communities. This would seem at odds also with the Alice Springs (Mparntwe) Declaration¹³ that calls for 'Excellence' and 'Equity' for all young Australians. For the erasure of religious and spiritual ways of knowing that shape practice and ethos in Islamic schools would amount to thin equity for religious schools and their communities, including Islamic school communities.

We call on the Attorney-General to ensure that what emerges from the ALRC consultation process demonstrates a genuine process of consultation and dialogue with input from faith-based schools, including Islamic and other faith-based schools, and religious leaders, religious education experts, parents and other experts in the field. We would be happy to nominate suitably qualified people to assist in this task to represent Islamic schools.

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¹¹ Memon, N.A., Alhashmi, M., & Abdalla, M. (2021). Curriculum renewal for Islamic education: critical perspectives on teaching Islam in primary and secondary schools, Taylor and Francis, US.

¹² Abdalla, M., Chown, D., & Abdullah, M. (2018). Islamic Schooling in the West: Pathways to Renewal. Switzerland: Palgrave Macmillan.

¹³ Department of Education, Skills and Employment. (2019). Alice Springs (Mparntwe) Education Declaration. <https://www.dese.gov.au/alice-springs-mparntwe-education-declaration>.