

**Submission  
No 383**

**INQUIRY INTO EDUCATION AMENDMENT (ETHICS  
CLASSES REPEAL) BILL 2011**

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The Director  
General Purpose Standing Committee No. 2  
Parliament House  
Macquarie Street  
Sydney NSW 2000

RE: Inquiry into Special Education in Ethics (SEE)

Dear Committee Members

Please accept the following submission in regards to your inquiry into the teaching of Special Education in Ethics (SEE) as an alternative to non-scripture during the Special Religious Education (SRE) period in NSW public schools.

This submission includes 4 sections:

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Thank you for your consideration.

Warren Gregory

Sydney NSW

Friday 27 January, 2012

## **SECTION 1: My families experience with the curriculum and staff of Primary Ethics and why it matters.**

If, in a discussion about religion and belief you were to ask me what I believe in, I would answer that I am an Atheist. This however would be to give you the short answer. Given time, comfort and agreeable company, the answer would take a great deal more time and ultimately might never be resolved. For the sake of pith however and for this committee, I am an Atheist. It is important to make this point about a short and long answer to the question of beliefs. When the members of this committee consider what constitutes a set of deeply held beliefs, they will need to remember that the issue is complicated.

My family is of mixed faith, my wife is Catholic and my children are receiving a secular education in the NSW public School system and a secular upbringing at home. This means that neither my own beliefs nor my wife's are given preference and our children have respectful exposure to both worldviews. My oldest son who is almost eleven has attended Catholic scripture up until the end of year 4 in 2010. I personally attended scripture throughout my childhood (enjoyed it to be honest) and until recently SRE in schools had my unqualified support. In 2011 when SEE classes were offered I volunteered to teach them in our school and my son decided to join these classes as well.

I chose to volunteer for SEE in part because I was looking for a way to contribute to our school community, partly because Primary Ethics won my support with their proposed program, partly because SRE lost my support due to falling standards and partly because during the public discussion about ethics classes I felt that a number of public figures made it clear that they place their own faiths privilege as more important than the children of NSW and did so in a sectarian, ugly fashion (I'm looking at you Peter Jensen, George Pell and Fred Nile). I found myself in substantial agreement with the views of the Uniting Church on the issue in the context of social justice and fairness. I still feel these principles are important.

My son chose to join SEE in part (I think) because I was teaching it and in part because he had become very unsatisfied with Catholic scripture but did not wish to attend non-scripture which he found to be boring. His dissatisfaction with Catholic scripture was due to the behaviour of the volunteer who was teaching it.

I am writing to you as a parent, not as a volunteer for Primary Ethics, I am sure they will represent themselves in a far more informed way than I can, but I would like to share my experiences of the program with you.

**Training:** Training for being an ethics teacher volunteer was quite explicit in teaching us to avoid the pitfalls of editorialising or putting personal values into the topics we teach about. Sensitivity to other groups in the SRE context was emphasised.

**Teaching and support:** After my classes had begun I found Primary Ethics to be very supportive. We have an active forum where we can discuss how well our classes are going, get advice and support, as well as a lot of learning support material. The kids understand the aim of each class and they go pretty smoothly. I have been visited personally in my classroom and given feedback about my performance. All in all, the support has been wonderful.

### **The benefits to my family**

As I mentioned earlier I am raising my kids in a secular environment. When I decided to eschew religion it became important to me that they be given the intellectual tools to help support them in developing their own values and beliefs. SEE does this. Without a religion or some other specific authority to appeal to, my children have to do their ethical "heavy lifting" for themselves and the spirit of free enquiry and the Socratic Method are exactly the kinds of tools I need to help my children develop an ethical framework with which to live their lives. I did not go to university and have certainly never studied philosophy. Without SEE I simply would not have had exposure to these methods of free inquiry and logic and would not be able to share them with my kids.

There is a new and important dimension in my family now. Discussions with our kids that have come about directly from SEE topics, teach us how to examine and test our values and to make sure that our ethical conclusions are consistent. SEE has been an amazing influence on my children and I have learnt a lot myself.

Philosophical Ethics is so important to secularists like me. The traditions of classical western civilisation go all the way back to Athens and Socrates himself. His story and his method, as well as those of his society's experiments with democracy, the birth of skepticism, free enquiry and the scientific method are analogous in my worldview to the foundation stories of Abraham and Moses to people in the Judeo-Christian faith. This is stuff that I have the right to share with my children. If you remove the right to SEE classes from NSW public schools you are denying NSW citizens freedom of thought, conscience and belief. You could be forgiven for thinking that such an idea would not apply to agnostics, non-theists and atheists who raise their families in a secular context but you would be wrong.

Let's consider the human rights instrument; the International Covenant on Civil and Political Rights (ICCPR) which Australia signed and ratified in the 1980's. Article 18 that protects our religious freedoms is the important bit, 18.4 to be precise:

*18.4 The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.* (my emphasis)

<http://www2.ohchr.org/english/law/ccpr.htm#art18>

If you think this human rights instrument does not protect a non-believer like me then you should consider the further general comments made by the authors in respect of this article:

*The principles relating to freedom of religion or belief are to be given a wide application. Article 18 of the ICCPR and article 1.1 of the Religion Declaration both use the expression 'freedom of thought, conscience and religion'. The phrase 'or belief' is also used in these instruments... **The Committee stated that 'religion or belief' includes minority and non-mainstream religions and theistic, non-theistic and atheistic beliefs. Article 18 also protects the freedom not to believe.*** (my emphasis)

[http://www.hreoc.gov.au/human\\_rights/briefs/brief\\_3.html#2](http://www.hreoc.gov.au/human_rights/briefs/brief_3.html#2)

The message here is that we as Australians have collectively committed to upholding these values for everyone, not just those from mainstream religions. I think I have demonstrated well enough the connection between Philosophical Ethics as taught by SEE and my personal values and beliefs. I believe this committee's job is to protect me and people like me from those who would seek to remove the legislation that guarantees us the same rights as those parents from mainstream religion.

## **SECTION 2, first term of reference: a. the stated objectives, curriculum, implementation, effectiveness and other related matters pertaining to the current operation of 'special education in ethics' being conducted in State schools**

As I have stated earlier, I think that Primary Ethics themselves will answer this term of reference better than I can and in more detail. I would however like to make some comments about the decision to have a term of reference like this one and offer some thoughts of how it might be improved.

I think this term is quite unjust and it looks really bad that the government or this committee should accept something like this. Let's be clear about what exactly we are seeing here:

A committee charged with the examination of SEE and SEE alone on the basis of a demand by a political party with an explicitly religious platform (Christian Democrats) who have an explicitly religious motivation for trying to prevent SEE being taught in NSW public schools. Fred Nile has stated this publicly, there can be no doubt and I quote:

*I agree with the teaching of ethics in NSW schools, colleges and universities, provided it is based on history's greatest teacher of ethics, the Lord Jesus Christ.*

<http://www.smh.com.au/opinion/politics/ethics-lesson-two-tell-the-truth-20110804-1iddo.html>

The question I would like the committee to consider is this; If the proposal to investigate SEE under these terms was taken to the AHRC or the High Court, would this even be considered legal?

Given that Fred Nile has gone on record to say that he only supports the teaching of ethics in our school if it is based on the teachings of Jesus Christ I am a little surprised (but relieved) to see that Judean SRE, Hindu SRE and any other that does not accept Christ are not mentioned on this private members bill. Perhaps these heresies will be hunted down one at a time and this private members bill attacking SEE is just the start of a golden era. I won't apologise for the sarcasm, you can see the absurdity of trying to enforce Jesus or bust on our society when you're invited to follow the logic.

Let me put it another way: In Australia, in the 21st century, a religiously motivated group has forced a government committee to consider shutting down a secular program so that it won't compete with a religious program.

This is, in my opinion, an embarrassment to the state government. In agreeing to have this investigation, the government preferences religion. In agreeing to investigate SEE alone in the manner outlined above is a public display of intolerance and discrimination regardless of the outcome.

However, these criticisms provide some clues the possible answers.

1. Throw this investigation out on the determination that it is discriminatory and therefore flawed or;
2. Admit that if the welfare of children is a real concern then the most appropriate way for the committee to address that issue is to expand the terms of reference to include all SRE service providers. SEE is the newest and at this stage, smallest provider of curriculum for the SRE period and investigating them accomplishes nothing but oversight of SRE provision for the fewest number of children. Let me repeat that – the fewest number of children.

Of the two answers above, I would recommend the first, close the matter and advise the government that it would be morally wrong and probably illegal to discriminate against secular families. I have a couple of reasons for this. Firstly, I think you would find a lot more problems with an old and entrenched program (SRE) than you would with a new program (SEE) that has in fact had a recent, independent review. If you follow the logic that any review should be all encompassing, then the logic of the second term of reference says that any religious based providers found wanting should be thrown out of our schools. This committee cannot say in any mature sense of the words that it is either fair or impartial if it does not consider the first term of reference across all providers (the logic of the second term necessarily follows).

Secondly, I have some confidence in the ability of SEE to not only provide time and space for people not reached by SRE to reflect on their family's values, I think that SEE has the potential to pull SRE along with it and revitalise and refresh it. I have already alluded to my own dissatisfaction with the falling standards of Catholic SRE in our school, for volunteer behaviour and for curriculum content. Families whose children attend Islamic SRE have also expressed a lot of criticisms. In the public discussion about SEE over the last year or so, online, in print, the TV and the radio I have heard SRE volunteers and organisers espouse the idea that SEE has forced them to tighten up and lift their game. Everyone would agree that this is a good thing right? Certainly those motivated by what is best for the students of NSW public schools would agree I'm sure.

### **SECTION 3, second term of reference: b. whether the Education Amendment (Ethics) Act 2010 should be repealed**

If you have made it this far then there is no prize for guessing my views on this term of reference. It is my emphatic belief the Education Amendment (Ethics) Act 2010 should not be repealed. In the previous two sections I have already made arguments to that effect and won't re-hash them in detail here; however a summary may be useful:

1. The terms of reference for this committee are obviously discriminatory. If this committee feels there is any merit to the idea that programs offered during SRE times are detrimental to our children, they should institute a broad review of all SRE providers, particularly those most likely to have problems (i.e. older, more entrenched programs that have had no recent, independent review). Examining SEE alone does the least amount of good as it affects the least amount of children and is the most recently and rigorously reviewed program.

2. There is a clear relationship between Philosophical Ethics and the beliefs and values of the section of the NSW population who hold secular, agnostic, non-theist or atheist views and therefore;
3. Removing SEE as a non-scripture alternative would be an infringement of the International Covenant on Civil and Political Rights (ICCPR)<sup>3</sup>, specifically Article 18 which is in respect of freedom of religion, thought and conscience.

In addressing the second term of reference I am going to add the following premises to my argument:

- i. Contrary to press releases and public statements made by the sponsor of this investigation, the values of secularists and others who support the teaching of philosophical ethics are substantially the same as of those who do not and pose no threat to our children.
- ii. Removing philosophical ethics classes is contrary to the values and principles of NSW Public Schools as outlined by the Department of Education and Training.

**Contrary to concerns raised by the Christian Democrats the values of secularists and others who support the teaching of philosophical ethics are substantially the same as of those who do not and pose no threat to our children (and it doesn't lead to Relativism).**

*Many points of affinity between Christian ethics and moral philosophy rest on humanistic rather than theistic grounds.*

- *Much of Aristotle's ethics, in pursuit of well-being is evident in the scholastic ethics of St. Thomas Aquinas.*
- *The ethics of Immanuel Kant, who based his norm of the categorical imperative on the authority of reason rather than revelation, nonetheless is closely akin to the norm of the universal love of neighbour, which is central to Christian ethics.*
- *The sacred and equal right and worth of all persons, basic to The Humanist Manifesto, is again akin to the norms of biblical ethics as voiced by the prophets.*

**Christian Ethics in the Protestant Tradition. Westminster John Knox Press (1988)  
Waldo Beach, Professor of Christian Ethics, Duke University Divinity School.**

Professor Beach is not the only person to come to this conclusion. Some celebrated divines consider ethics to have no basis in religion, rather the other way around:

*"The difference between ethics and religion is like the difference between water and tea... But however the tea is prepared, the primary ingredient is always water... While we can live without tea, we can't live without water... when combined with reflection on our personal experiences and coupled with simple common sense, can, I believe, offer a strong case for the benefits of cultivating basic human values that does not rely on religious principles or faith at all. And I welcome this."*

**Beyond Religion, Houghton Mifflin Harcourt (2011)**  
**H.H. Dalai Lama**

Others feel they are interconnected but defend our right to free enquiry without interference from authority:

*The search for truth, however, must be carried out in a manner that is appropriate to the dignity of the human person and his social nature, namely by free enquiry with the help of teaching or instruction, communication and dialogue.*

**Declaration on Religious Liberty**  
**Second Vatican Council**

I could of course go on ad nauseum, so could SEE detractors, throwing quotes up against each other all day, religion and ethics are subjects that have been debated endlessly already, that's not about to end. What we can safely say is that the view of secular ethics as dangerous has no consensus in Christianity or in the broader faith community. In fact Fred Nile's claim that secular ethics leads to Moral Relativism rather makes the point that his views are extreme and marginal. Moral Relativism itself is a queer concept. Here is what the Stanford Encyclopedia of Philosophy has to say:

*Moral relativism has the unusual distinction—both within philosophy and outside it—of being attributed to others, almost always as a criticism, far more often than it is explicitly professed by anyone.*

<http://plato.stanford.edu/entries/moral-relativism/>

It seems to be a bit of a straw man accusation against anyone whose values are not the same as your own. In the hands of Fred Nile and the Christian Democrats this is a stalking horse for fundamentalism. We could charitably assume that Fred Nile has got the philosophical, meta-ethical meaning of Relativism mixed up with its normative definition, also from Stanford:

*Sometimes 'moral relativism' is connected with a normative position about how we ought to think about or act towards those with whom we morally disagree, most commonly that we should tolerate them.*

<http://plato.stanford.edu/entries/moral-relativism/>

Tolerance is not an accusation I am going to make towards the sponsors of this private members bill.

All in all, I think we can say that some serious and well credentialed thinkers on the intersection of ethics and religion disagree with the views of Fred Nile and his Christian Democrats on the threat of philosophical ethics and its principle of free enquiry (which Fred Nile alarmingly and wrongly refers to as teaching children there is no such thing as right or wrong). I think we can say that the charge of Moral Relativism is in this instance, at best an honest but wilful mistake by Fred Nile or at worst a red herring and a cheap shot to boot.

**Removing philosophical ethics classes is contrary to the values and principles of NSW Public Schools as outlined by the Department of Education and Training.**

If, on the NSW Department of Education and Communities website, you type 'primary school values' into the search engine, you will get as your number one returned result a statement titled 'Values in NSW Public Schools'

([https://www.det.nsw.edu.au/detresources/Values in NSW public schools JtjmMSkTmL.pdf](https://www.det.nsw.edu.au/detresources/Values%20in%20NSW%20public%20schools%20JtjmMSkTmL.pdf)).

Although I had never seen this document before, its contents are well known to me. The values this document seeks to express are in one form or another expressed in every public school in NSW. For example these values are known as the 'High Five' values and four School Rules at my children's school. Let's see what this document has to say that might be relevant in the context of deciding whether to prevent people from using SEE to reflect on their own values. We can stick to just the core statements in 'Values in NSW Public Schools' and there is plenty to be troubled by in this investigation.

▪ **Core Values**

- *Respect: Having regard for yourself and others, lawful and just authority and diversity within Australian society and accepting the right of others to hold different or opposing views.*
- *Fairness: Being committed to the principles of social justice and opposing prejudice, dishonesty and injustice.*
- *Democracy: Accepting and promoting the rights, freedoms and responsibilities of being an Australian citizen.*

As I have previously discussed many secularists view SEE and its principles as foundational and important in supporting the education of our children. To the committee, I pose the following questions; Would removing SEE suggest that the government or bill sponsors:

- Respect the right of others to hold opposing views?
- Respect a commitment to the principles of social justice?
- Respect the rights and freedoms of Australians?

Repealing the Education Amendment (Ethics) Act 2010 would be a strong message that the NSW government supports the privileging of religious groups in State schools and is prepared to explicitly discriminate against what is in fact the largest minority in NSW (those who marked 'no religion' on the 2006 census) to that end.

### **In conclusion**

My submission has covered my belief that SEE should not be removed from NSW public schools and SEE should not have its stated objectives, curriculum, implementation, effectiveness and "other related matters" investigated anymore than the other providers of SRE curriculum in NSW. This is on the basis of equitable treatment for all and quite frankly the real likelihood that if problems in these areas really do exist, they are more likely to exist in entrenched programs which have not been independently reviewed and have quite frankly already attracted a lot of complaints (genuine complaints, from participants). I have also remarked that I think irrespective of the outcome of this committee's investigation that the fact it is being held at all with these specific, partisan terms is embarrassing to NSW. I think that the assertions I have made about the motivations of the investigation sponsors (Fred Nile and the Christian Democrats) is uncontroversial. Their party platform is an explicit intersection between politics and religion. This has been proved time and again to be a bad position to making decisions from, when those decisions are in respect of a diverse and pluralist population.

It is easy to understand the angst of 'public' Christians like Fred Nile. Census data keeps revealing more and more people who identify with no religion, of those who do identify as Christian, less and less of them are attending church. A large minority of children do not attend scripture in public schools (70% in our school where the census data reveals just 12% of people marked 'no religion' – that is 6% lower than the national average) and as I can attest from firsthand experience, Christian SRE has hardly got a volunteer under the age of 65. These are indeed ominous signs for people like Fred Nile who want to characterise us as a Christian nation (<http://www.cdp.org.au/federal-media-release/1158-fred-nile-urges-australians-to-answer-question-19-on-religion-on-the-2011-census.html>).

However, the churches and political parties like the Christian Democrats have got to frame a more positive and

mature response to the challenges they face in promoting their own worldview. They will not improve their position by trying to push other people's exercise of beliefs and values out of the public system.

I don't really care if Fred Nile and the Christian Democrats don't respect my beliefs but I expect them, and my government to protect my right to my beliefs and my right to have my children educated in accordance with my conscience and convictions, and to be accorded the same rights as religious families – just like Australia's ratification of human rights says they should.