

*Religious Freedom and the Right to the City:  
Local Government Planning and the Rejection of Islamic Schools in Sydney, Australia*

Dr. Laura Beth Bugg  
Department of Sociology and Social Policy  
The University of Sydney, Australia

*Abstract*

This essay argues that while multiculturalism and freedom of religion are mapped onto Australian legislation at federal, state and local level, at the practical level local government planning policy restricts or denies religious minority groups a right to the city. Local government authorities accomplish this through exclusionary land-use policies that inscribe hegemonic Anglo-Australian values onto the landscape, and that frame requirements of religious minority groups as ones of land-use rather than multiculturalism. Using a case-study analysis of Islamic schools refused by local governments in the metropolitan Sydney, Australia area, I examine the ways in which planners and local government authorities assume a posture of technical rationality and neutrality. This allows them to avoid interacting with multicultural policy, and means that they do not have to give special recognition to the particularistic claims of religious minorities. This creates spatial cleavages, and restricts religious freedom by prohibiting the full exercise of religious practice in space and place.

*Introduction*

Since the repeal of Australia's racially discriminatory immigration policy in the 1970s, the rate of Muslim migration to Australia has increased significantly. The arrival of greater numbers of Muslim migrants has led to increased planning requests to local governments, primarily in Sydney and Melbourne (Australia's two largest cities) for mosques and educational facilities. In Australia, this has frequently met resistance, with opposition to the establishment of mosques one of the most visible forms of anti-Islamic sentiment (Dunn 2002). This resistance is illustrative of the importance of place not only as a physical location, but also as a contested terrain where politics, class, power and identity interact (Soja 1989; Cresswell 2004; Massey 2004; Masuda and Garvin 2008). In Australia struggles over the meaning of place have primarily occurred at the local level, although they are clearly connected to broader struggles and discourses.

I understand the right to practice religion free from discrimination to be inseparable from the right to the city, as articulated by Lefebvre (1996). This right goes beyond access to transportation, utilities, streets and parks, and includes the “right to freedom, to individualisation and socialisation, to habitat and to inhabit. The right to *oeuvre*, to participation and *appropriation*...” (Lefebvre 1996; original emphasis). When minority religious communities are denied the right to appropriate space in the city, they are precluded from the means to carry out the day-to-day requirements of their religion, but also the right to a symbolic public presence and open practice of their faith. Based on my recent case study work on the refusal by local government authorities to locate Islamic schools in metropolitan Sydney, Australia, this essay will argue that while Australian anti-discrimination and multiculturalism legislation and frameworks make discursive space for the inclusion of religious minorities, urban planning policy at the local government level restricts or denies religious minority groups a right to the city. This is done through land-use ordinances that establish boundaries of acceptable activity, behaviour, and development, which inscribe hegemonic Anglo-Australian values onto the landscape. This double-edged move – on the one hand affirmation of multiculturalism and on the other restriction of the construction of schools and places of worship for minority religious groups – serves to exclude religious minority groups from the physical landscape. This not only creates spatial cleavages, but also restricts religious freedom by prohibiting the full exercise of religious practice.

### *Freedom of Religion and Multicultural Policy in Australia*

The free exercise of religion is guaranteed federally by the Australian Constitution; however, it is not guaranteed by most state and territory governments. Only Tasmania explicitly provides for the free exercise of religion in state legislation, and other states have varying degrees of protection for religious minorities under anti-discrimination legislation (HREOC 1998). Multiculturalism in Australia exists as a set of policy frameworks, and in some states is enacted in legislation, for example, in New South Wales. The latest iteration of Australia’s multicultural policy, *Multicultural Australia: United in Diversity* (2003), builds on earlier multicultural strategies in which equality of opportunity for all and freedom from discrimination (including religious discrimination)

are emphasised. It also focuses on the importance of social harmony and cohesion and issues of access and equity. *The Charter of Public Service in a Culturally Diverse Society* (1998) specifically addresses the issues of access and equity for culturally and religiously diverse groups. The *Charter's* goal is to ensure that all levels of government build the needs of these groups into their strategic and policy planning, and that they consider these needs in terms of both access to service and equity of service delivery (*Charter* 1998).

Within this broad rights-based and anti-discrimination legislative framework, there are few explicit guidelines as to how the freedom to practice religion should be reflected in urban spaces. This has proved increasingly problematic in Australia, where local government authorities control decisions over land use. Minority religious groups, particularly Islam, have met increasing resistance in attempts to establish schools and places of worship (Bouma, 1997; Sandercock and Kligler, 1998; Dunn, 2002). While past tensions have centred on the construction of mosques and prayer halls, recent resistance has focused on the development of Islamic schools. All religious and non-religious private schools are eligible for state funding in Australia provided they meet state and territory curriculum guidelines (Saeed 2009: 451). However, they must seek separate land-use planning approval from local government authorities before commencing construction (NSWDET 2003). In metropolitan Sydney, most Islamic schools choose to locate in the outer suburbs and urban fringe where land costs are less. These are sites of sharp population growth, with a rapidly changing, and often contested set of uses and functions: housing, agriculture, recreation and industry. Thus they may be seen as highly transitional zones with multiple and competing demands.

### *The Refusal of Islamic Schools in Metropolitan Sydney*

During 2009 I conducted case study investigations into the refusal of two separate Islamic primary and secondary schools in local government areas in metropolitan Sydney. The first case study location is Camden, on the urban fringe of Sydney. Camden is almost exclusively Anglo-Australian, with only 8% of the population identifying as “Culturally and Linguistically Diverse” (CALD; ABS 2006). The area has been designated as a “Growth Centre” to house the burgeoning population of metropolitan

Sydney (NSWGCC 2008), and new land-release areas in Camden have attracted young, upwardly mobile families to master-planned estates and gated communities. Many of these families articulate a desire to escape an increasing migrant presence in their former places of residence in middle-ring suburbs of Sydney (Gwyther 2006). The other case study site is Bankstown, a so-called “middle-ring” suburb located between established inner suburbs of the city and the outermost suburbs such as Camden. In the 1970s, large numbers of immigrants settled in middle-ring suburbs such as Bankstown because of the availability of manufacturing and industrial work (Burnley 2006: 46). However, decline in the manufacturing sector in these suburbs has brought a host of social, cultural and economic problems. (Turner 2008: 574). The increased presence of culturally diverse groups in areas such as Bankstown, accompanied by a growth in unemployment and social problems, has caused a sense of resentment among many Anglo-Australian residents toward the immigrant population that has settled there. This may be seen in a 2007 survey in which locals expressed concern that the area had been “taken over by Lebanese” and that many people in the area were now migrants, “especially Muslims” (Bankstown Council 2007b: 28; 29).

Analysis of the two case studies reveals three important points of convergence in the reasons for the Islamic school refusals: 1) a discourse of incompatibility (proposed schools would not fit with the local environment/area/region); 2) a discourse of absence (lack of a local Muslim population); and 3) a discourse of moral panic (schools would result in increased crime).

In refusing each school, both local government authorities argued that the proposed Islamic schools were incompatible with the local environment. In the case of Camden, local government authorities noted that the “culture, identity and sense of place of Camden” were related to the “agricultural, historical and environmental significance of the area” (Camden Council 2008:13). The authorities further linked “economic prosperity”, “quality of life”, “safety”, “friendliness” and a “close knit community” with a rural lifestyle. They argued that the proposed Islamic school would promote rural/urban land conflict and remove agricultural land, thus eroding the community’s sense of rural community and identity (Camden Council 2008). In much the same way, Bankstown

authorities argued that the proposed Islamic school was unsympathetic to surrounding urban design (poor landscaping, poor built form; Bankstown Council 2007a: 4, 21) and would damage the local environment through the removal of native trees (Bankstown Council 2007a: 5). In both of these refusals, in subtle and not-so-subtle ways, local government authorities constructed a particular sense of place or local identity that was then contrasted with the proposed Islamic school. Planners emphasised the congruent relationship between the existing inhabitants and the environment (whether natural or built), while pointing to the alien or disruptive potential of the proposed school.

The second discourse that emerges from both of the Islamic school refusals is one of absence – an argument that there is an insufficient local population of students to support an Islamic school (Camden Council 2008:33; Bankstown Council 2008: 12). Both local governments asserted that because these schools draw largely from outside the local government area, local residents should not be expected to endure the increased traffic or cost factors (Camden Council 2008: 33; Bankstown Council 2008: 112). In this way, local government planners hold the Islamic schools to a different account than other area private schools (including private religious schools), which draw from a regional catchment area or even recruit internationally (Macarthur 2009; Bankstown 2009; LaSalle 2009). The discourse of absence has been frequently used in arguments against the building of Islamic places of worship (Dunn 2004; O'Rourke 2003). The argument that Muslims are absent effectively removes their rightful claim to urban space, and is based on a tightly bound notion of locality and governance. It relies on an explicit reading of “local” in the term “local government area”, since there are clearly Muslim people present in the Sydney metropolitan area. It also assumes a strict reading of census data, even though the answer to the religion question is voluntary, and it has been shown that many people choose not to answer questions about their religion or ancestry on the census form (Missingham et al 2006: 134). The discourse of absence is also closely tied to a discourse of incompatibility – that Muslims do not belong. When local religious schools are Catholic or Anglican, there is little concern about drawing students from outside the local area. However, when students are Muslim, there is often fear of a potential influx of Muslim families. This concern was explicitly articulated in public

submissions to the Camden authorities, with residents worried that the “cultural composition of the area” would change should the school be approved (Camden Council 2008: 33).

The third overarching discourse that emerges from the planning documentation in both refusals is that of a moral panic over anti-social or violent behaviour by Muslim students. Both proposed schools are either nearby or located next to public high schools. In both refusals, authorities expressed significant concern about the potential for anti-social and territorial behaviour by students. The proposed Camden Islamic school was deemed a “medium to high safety risk” based on concerns over “potential malicious damage and anti-social behaviour” including “rival gangs” from the Islamic school and the nearby public high school (Camden Council 2008: 32). Bankstown authorities, similarly, expressed apprehension about locating an Islamic school next to a public high school, “particularly where one or both cater specifically to a particular sector of the community” (Bankstown Council 2007: 19). They noted, “Students tend to be territorial and ... disputes over territorial issues do arise” (Bankstown Council 2008: 109).

The concern over potential crime and anti-social behaviour reflected in both local government refusals is tied to a larger “moral panic” around Muslims in Australia in which Islam is linked to “criminality, terrorism, lack of civilisation and lack of humanity” (Poynting et al 2004a: 50). In particular, it mobilises the discourse of the ethnic youth gang, and of ethnic youth criminality, in which “ethnic”, “Lebanese” and “Muslim” become equated with “criminal” (Collins et al 2000; see also Poynting et al 2004b). The discourse surrounding the notion of “ethnic youth gangs” and in particular “Lebanese crime” has been especially pronounced in southwestern Sydney, the area in which the proposed schools are located. Both of these case studies explicitly construct scenarios in which there is the potential for gang behaviour is associated with a particular ethno-religious group.

### *Religious Freedom and the Right to the City*

One of the most significant issues of cultural pluralism facing Australia is the social inclusion of Muslims (Ling and Bouma 2009: 683). This is being worked out most urgently and concretely not at the federal or state level but at the local level. Cities are “dense and heterogeneous lived spaces” (Holston and Appadurai 1999: 9) and are sites in which global flows of people and ideas come together. They thus must be understood as prime sites for the negotiation of religious, social and cultural identity (Secor 2003: 148; Fincher and Jacobs 1998). Cities must also be understood as sites where claims to rights of particularistic identity, practice and inclusion are being played out.

The deployment of discourses such as those used to reject the Sydney Islamic schools – incompatibility, absence, and moral panic – is part of the dialectical relationship of the production of space as outlined by Lefebvre. His work provides a conceptual framework for understanding the importance of the “representations of space” generated by urban planners and local government authorities (Lefebvre 1991). This term refers to the way in which planners, urbanists and other bureaucrats construct abstract, not lived space, through discourse, plans, zoning, designs and models. Because this space is determined by “experts” and officially communicated, it may be viewed as the “true” understanding of space.

In the case of Islamic schools in metropolitan Sydney, planners and local government authorities denied Muslim communities a place in the physical fabric of the community through a hegemonic reading of land-use zoning ordinances that privileged a particular reading of the landscape. In both cases, planners and local government authorities judged the Islamic schools as incompatible with the rural environment and agricultural land uses (in the case of Camden), or incompatible with residential urban forms and natural landscapes (in the case of Bankstown). Zoning ordinances, designed and authorised by the local governments and thus reproducing the dominant ideologies of their communities, have set out very particular set of prescriptions about what does and does not belong. These ordinances do this not only for the physical environment, but the social and cultural environment as well, by linking particular physical characteristics of the

environment (such as rural landscape) with characteristics such as friendliness or safety (see Trudeau 2006). By framing the conflict over Islamic schools largely as one of land use, and not one of multiculturalism or of a legitimate claim by a minority religious group for space in the city, planners and local government authorities are allowed to appear disinterested and neutral (Morley and Shachar 1986; Qadeer 1997; Trudeau 2006). This allowed planners to act only on issues of land use, while avoiding the question of whether there was value to recognising the particular claim of a religious minority group to stake its claim to city space.

### *Conclusion*

The ability to appropriate space in the city represents a type of symbolic monumentalism (Peach and Gale 2003), in which claims for the recognition of a particularistic identity are acknowledged, and the permanent presence of a minority religious group in a community is visible in the landscape. The refusal to locate Islamic schools in metropolitan Sydney reveals that the right to religious freedom – in the articulation of Douglas and Friedmann (1998:3), the right to voice, to difference and to human flourishing – have been denied. Despite legislative and policy frameworks that guarantee the right to the free exercise of religion, and that affirm the diverse religious traditions of Australia's citizens, local planning discourse and policy still have the power to exclude minority religious groups from both the symbolic and physical landscapes. In order for minority religious groups to participate as full citizens, Australia must acknowledge that the right to practice religion fully and freely is inextricably linked with the ability to appropriate urban space.

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