

# Human rights: Freedom from Religion

David Hines © 4 December 2016

## Secular education – the battle behind the scenes

Good morning. I'd like to thank you all and Clay Nelson especially for inviting me to speak about human rights, and how it affects our state schools.

I've been campaigning for secular schools for four years, in the secular Education Network. And just six weeks ago we launched a new campaign aiming to get the law changed by a ruling in the High Court.

Previously I've given a number of updates, and lit a dozen candles for it here.

Today I'd like to give you the broad picture ....

- 1) how did I get into this mess ...
- 2) what are the law changes we are asking for and
- 3) why was a Unitarian leader in the 19th century, one of the key figures in starting secular schools.

## How I got into this mess

Last week we heard a speaker on the Treaty of Waitangi, and why everyone should care about this ... and my reaction .... was how many causes can one person effectively promote, without burnout.

Part of the answer for me was a question that John Wesley raised... he said.. don't just go to those who need you; go to those who need you most. And part of that is to go to those ;

- a) whose needs are most in your face,
- b) those whose needs match the skills you bring, and
- c) those who personally ask you to help.

And on all those counts, the campaign for secular education pushed my personal buttons.

I was in a civil rights hothouse when I was a baby. I was born a week before the start of World War 2 and my parents were pacifists. Some of their friends were sent to jail for their beliefs. My father and mother were not supported by their home congregation... So I grew up thinking I had to help save the world, and to go it alone if necessary.

The Methodist church when I grew up in it, was also involved in numerous civil rights issues. In fact, I wrote a book about, at their centenary. I called it "stir gently for 100 years" because they were stirring for human rights all those hundred years: in pacificism, the temperance movement, votes for women, trade unionism, women's lib, the campaign against nuclear warships ... Maori rights. Fighting against Springbok tours was the peak of our activism. And most recently gay rights.

I was also involved as a journalist in the last few of these. I got my toes personally trodden on by Hone Harawira at Bastion Point, had several of my journalist friends in fear of their lives during the Springbok tours, and I interviewed the head of the Catholic bishops' conference when they did a back-track on gay rights. Not many people remember that the Catholic church supported the

homosexual law reform bill back in the 1980s, then one day they turned round and opposed it, and I was the only journalist who asked them to explain themselves.

I was also a different kind of protestor over atheism, from age seven when I started thinking about the theory of evolution. It made me trim back my idea of God, because we didn't need God to explain evolution. And very gradually I threw away other things God was supposed to do until there was nothing left.

But it made me very supportive of atheists, and other people who followed their own consciences in their religion.

I was a Methodist minister for 10 years, then became a lay preacher. Applied three times to come back into the Ministry starting in the year 2000, and was accepted by the Methodist head office, but turned down by the parish they sent me to, because I was in a defacto relationship at the time. At first I was shocked, because the Methodist church never had any rule against de facto relationships ... it seemed they just invented this rule for me.

And that was the first time I realised that churches are allowed to discriminate against their own staff ... as Clay and others later found about admitting gay people into the Anglican church.

The first time I was rejected, I wrote a book, so I could be a preacher even though I didn't have a congregation. It was called Jesus was a psychologist;

The next time I was turned down, I started an atheist friendly website, and put a sermon on it every Sunday for three years.

Then in 2011, I started on a different track, which made me a minister of a different sort.

I heard an interview on Radio New Zealand Spiritual Outlook, and an atheist leader Bill Cooke was talking about atheist spirituality, and it opened a window for me, because I had always been friendly to atheists but had never met one before who was so friendly to religion. So I invited him to share a discussion with me in a service I was taking in Pitt St Methodist church. And to my surprise, Bill and I agreed on just about everything we said.

Most of the congregation liked it, too, and were very surprised what a nice guy Bill was. But several objected, and a week later I was hauled over the coals at the leaders meeting, and a series of secret meetings were held, in an effort to stop me taking any more services.

Well I won that round, and am still taking services there. But I felt limited in what I could do and say.

So for moral support, I asked if I could join the Association of Rationalists and Humanists, while I was still a lay preacher. And they said yes. Which was amazing when you think about it. But the members of that association are probably the most tolerant atheists in the world.

And by coincidence, the very week I joined they were discussing setting up the Secular Education Network. My first reaction was – oh no – here's me trying to be friendly to two opposing organisations and now they're going to have a fight with each other, and I will have to take sides. But after listening quietly for an hour, I thought – hey this is just another civil rights issue, and many Christians **who believe in civil-rights** are going to agree with it.

And I said that to the meeting, And they believed me, so I got the job of lobbying with Christians and people from other religions. And it was an eye-opener for me. I 've been meeting supportive Jewish leaders, Buddhist leaders, Muslim leaders, ever since, not to mention this congregation.

So far from being treated like a weirdo for being a Christian atheist, I was actually well-placed to help the two groups find they have some common ground, because that's what secular education is. It's not anti-Christian, it's not anti-anybody. It's a piece of common ground, where religion is not a handicap, and a lack of religion is not a handicap. And that's exactly what we want for our schools. We want them to be places where everyone is treated equally, whatever their home background.

So that's how I came to be in the secular education network, lobbying with all kinds of groups. And being their public relations officer.

Clay was one of our first campaigners in the press, and was interviewed on TV defending the rights of children to be free from the religion of others.

## Tanya and I started a campaign within a campaign

So that's what the Secular Education Network stands for. Then in 2014, myself and Tanya Jacob set up a separate campaign within the network, to work for a change in the law.

SEN is mainly a Facebook group of 1500 people, who moan about religion in schools. A few dozen of them are parents protesting against Bible in Schools at their own children's schools. About five of them have succeeded in getting Bible in Schools cancelled ..... including Point View school only last week..

But many of them are afraid to protest openly.

Tanya and I each mentored a number of parents who were in dispute with their schools over these issues. We would read their story on the Facebook page, and contact them privately, and encourage them. But most of their protests failed, because they were each lone voices in their own schools. So we decided that changing the law was the only way we would get the whole country to change. So in July 2014 we lodged a complaint with the Human Rights Commission, as a step toward getting these laws changed, inviting these parents to give evidence in support.

Then in February 2015, we began a mediation with the Ministry of Education, as an interim measure, seeking to produce guidelines for schools to minimise the harm of religious instruction and religious observances in state schools. Clay was one of the first members of SEN to speak in public, and he was also on our legal campaign team, negotiating with the Ministry. So was a Jewish leader on the team, and a Muslim leader. Soon after a Buddhist leader, Penny Ehrhard joined. This mediation began well but there have been endless delays since July 2015 and we have almost given up.

Then Mid-2015, another SEN leader, Jeff McClintock launched a case in the High Court in Auckland complaining about Red Beach School and also about the laws that permit Bible in Schools.

Then in February this year, Tanya and I applied to join Jeff's case, hiring our own separate counsel, so we could pursue our other three legal goals. We were admitted as "interested non-parties", but with almost no right to call our extra witnesses. This made our involvement almost useless, because we had all these extra schools and extra religious witnesses, but would not be able to use them.

In October, Jeff's case fell through. Partly through a technical error .... some of his evidence was filed late, not entirely through his fault. He appealed to the court of appeal, then to the Supreme Court and lost.

Tanya and I had seen this coming, so on October 13 this year, we lodged a fresh statement of claim with the Human Rights Review Tribunal, listing the five laws we want to oppose. Jeff wanted to oppose two laws, and we agreed with what he said about **those**. but we had three more.

## The main forms of discrimination

1) The first law we are opposing is section 78 of the Education Act 1964, which says that state primary schools whenever they like can invite volunteers to take over a group of their classrooms for religious instruction sessions. The law doesn't say they have to be Christian classes, but (surprise, surprise) they all just happen to be Christian, because Christians are the only ones with the numbers to staff them nationwide.

And they are in in about 800 primary schools. The actual number is a secret. And three of us got copies of their lesson books, which were also a secret. You wuldn't believe it, but I had to travel to Australia to get some of them, because the NZ bookstore knew me, and wouldn't sell me one. And the others we got be similar sneaky moves. And we got a religious studies professor, Paul Morris, to review them all and he has confirmed they are all unsuitable for students from non-Christian backgrounds, and even unsuitable for many Christians. We also got statements from Jews, Buddhists and non-religious people saying how harmful these classes are: teaching children that gay people are evil, that people who don't believe in Jesus will go to hell, that people who don't believe in God are immoral. But even when they don't go to these extremes, they are all teaching children to be Christians, and to sing songs and prayers to Jesus, and offensive to many parents.

2) The second law we're fighting is section 79 of the same act. It gives parents the right to opt their children out of these classes and religious assemblies .... and is supposed to prevent them being discriminatory. But hundreds of parents say that this is even worse than putting their children into the classes, because it splits classes up into Christian and non-Christian groups and this leads to huge peer pressure and bullying of the children who don't attend. Their parents get even greater pressure put onto them: most of them are non-religious, and one of their main goals in life is to keep out religious controversy and liv a quiet life .... and if they opt their kids out, everybody immediately knows they are not Christians, and some give them hell. They also strongly object to their children used as religious football in their own personal beliefs; so they generally leave them in the classes as the lesser of to evils. A very few protest about this to their schools. Very few of them win. In one the parents were lesbians, and already were criticised for their "immoral" life, so didn't want to make things worse by protesing. In another the parents were afraid to protest because they are contractors in a very reigious town, and are scared they would lose business if word got out that they oppose Bible in Schools. In one south island school the parents who objected to Bible in schools had a web page, and a member of the school board got onto the page, and threatened to publish all their names in the school newsletter if they didn't stop protesting. In another school a parent won a ruling from the Ombudsman, that her children's school had denied her rights by constantly discussing her complaints in committee, but she has now left that school, and is still afraid to tell her story publicly, because her job, too would be in truble if her views were known. About six groups of parents including Tanya and her husband, and Jeff McClintock and his partner, have moved their children to different schools to avoid this kind of pressure and bullying. I myself got threatened with legal action if I didn't stop writing articles about these things.

3) The third piece of law we are fighting is section 77 of the same Education Act 1964. We actually agree with the intentention of this act, because it says all the teaching at state primary schools must be secular. But it's badly written. It's tacked on to a sentence about there being four hours' teaching in the school day. But since most schools do five hours of teaching a day, that's leaves them one hour up their sleeve, to let these volunteers in, and they can the say the school

doesn't start till an hour later. Now, this was the loophole that got Bible in Schools started, back in the 19th century. But that loophole still sits there creating all sorts of other excuses to insert religion .... such as at school camps, or lunchtimes, which can be as evangelistic as they like, and chaplains chatting up children in school corridors, because these things are not part of the school's teaching and so not required to be secular. And another loophole in section 77 is it doesn't mention secondary schools at all, so they can have religious clubs, and religious assemblies and paid Christian youth workers to talk about Jesus to vulnerable students whenever they like. One Christian youth organisation has a competition to see how many school kids can be invited to their evangelical camps, by these paid youth workers. So we want the secularity law to be re-drawn to capture all these evangelistic dodges and make schools truly secular, as the designers of secular education original intended back in 1877.

4) The fourth piece of law we're aiming at is the Education Act 1989. This law shifted the control of schools away from the Education Department to independent state school boards. These were encouraged to express culture of the majority of parents, which in many schools means endorsing Christianity, not just by inviting volunteers to come in, but in their ordinary teaching as well. Many schools are using this freedom to not to teach about religion at all. And others can use it to promote religion in a biased way. Now Section 7 of this act has a safeguard. It says the Ministry of Education can monitor these independent schools to see if they measure up to national standards.... but it doesn't include monitoring for religious bias.... so we want that changed as well, so all these multipleforms of bias are regularly checked and stopped, and it won't need parents to do the checking and fighting and campaigning, except when the monitoring is neglected.

5) The fifth law we are targeting is Section 25A of the Education Act 1989. This is another good law, that unfortunately has loopholes in it. It gives children aged 16 and over the right to opt out of classes where they have religious and cultural objections, but there is no such right for children with ethical objections, and no right for children under 16, unless they are supported by their parents.

So if you add these together, these laws create a huge endorsement of Christianity by the state, and huge pain to people of other beliefs. For children in state schools, their right to a free education is being compromised because if they are not Christians, the school treats them as second-class citizens. And even those like myself, who are not at school and don't have any of my grandchildren in these schools ... we too are put down, because thousands of young children are being taught that we and our beliefs and ethics are second-class. And it's being done in state schools, paid for with our taxes. So the whole country is being ripped off and insulted by what these evangelical Christians are doing.

## Connections with the Unitarian Church

I joined the Unitarian Church for similar reasons that I joined the humanists and rationalists .... I really feel at home here. It's the only church that openly welcome atheists. I'd be scared to preach a sermon like this in the Methodist church..

But I haven't left the Methodist church ... I still have friends and allies there, and an avenue into their decision-making. I have been invited to speak at the Methodist conference about religion in schools, and to write articles for their magazine, and to take services. But Most Methodists are afraid to come out in the open on this issue.

## Spool back to the 19th Century

Researching the history of secular education, I was delighted to discover that Unitarian leader Robert Stout was a leading advocate for secular schooling in New Zealand in the 19th century and saw secularity of a way of ensuring that the new state schools were suitable for children from all religious backgrounds and none.

He anticipated many of the concerns we are now struggling for:

- That schools needed to reject the sectarianism of the church schools that preceded the state schooling act of 1877,
- that there should be no access for religious leaders in the new schools.
- that they should only teach subjects that were not religiously contentious ... if one denomination was allowed to teach its views to children, all denominations would want to be there and children would be confused.
- that the state should not subsidise church schools, since only a few religions could afford to run their own schools, and all others would be disadvantaged.
- that even if the education in church schools was satisfactory, children in them would learn religious prejudice by not having met children of other backgrounds.

And he gave one of his speeches about this at the Unitarian church in Wellington. He was a rationalist, as well as a Unitarian, but he was friendly to religion, as Unitarians are still.

So Stout was one of the most articulate promoters of secular education.

But the legislation was supported by a large majority, including support from religious leaders, especially from smaller churches. The Presbyterian church, for instance was in favour of secular... because they could not afford to build their own churches throughout the country, so it suited them to be able to send them to state schools that were open to all.

It also suited Jews. Jewish premier Julius Vogel was another advocate, and worked in partnership with Stout when their careers crossed.

However, almost from the start Christian groups were seeking footholds in it. Catholics appealed unsuccessfully for state funding of their schools, and evangelical Christians exploited the loophole to run religious instruction classes in the fifth hour of the school day.

In 1975, when the Catholic church faced a funding crisis over its schools, the government agreed to pay the salaries of their teachers, and to extend this to other religious schools.

The present government is further eroding the secularity of schools by encouraging charter schools, with no obligation to be secular.

So Robert Stout's dream is being undermined in a dozen ways.

## Which brings us back to the present day. Who are our supporters in the fight for secular schools today.

- 1) Well, in 2013 the census found that 42% of Kiwis have no religion. That's almost two million people, and most of the people on our secular education network are non-religious. But that doesn't mean they are active atheists; most are not.
- 2) Responding to the census, the research group UMR did a survey of what people thought about religion in schools and 47 percent of them opposed Bible in school classes, but only 27% supported it. So it looks likely that many of these opponents would be part of the 42% with no religion.
- 3) However UMR noted that there were much **more** than 42% opposing Bible in Schools so they must include a proportion of religious people as well. And that has been our experience

- as well. There's a very high proportion of Jews and Buddhists support us, and some Muslims, plus a number of Christians. Together they outnumber the evangelical Christians.
- 4) But UMR asked a second question ... how many people favoured schools teaching about all religions, without saying which one is right. And this suggestion was supported by a massive 74 percent and only 12% disagreed. So this is huge support for our third goal, of preserving the equal rights of all children in our schools.
  - 5) And this too, is supported by many the religious people I spoke to .... It's supported even more supported this than the support for cancelling Bible in Schools.
  - 6) However, many of these people are supporting us in secret, the Christians especially, because though they support human rights, they don't want to get offside with their evangelistic Christian friends.
  - 7) So when you ask, who of these two to three million people support us **openly** .... you are down to a few small slices of society. I can only think of three such groups ... the Secular Education Network, and the Rationalists and Humanists, and you – that's only maybe 4000 people out of four million.
  - 8) But that's enough! Enough to take a case to court and win it. A few people who care about religious freedom and are united, and open about it, can take a lead that the silent majority will consent to.