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Holidays for all

ASK THE PHILOSOPHER: Tim Soutphommasane | September 26, 2009

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The NSW parliament recently passed a law that prohibits shops from opening on public holidays. While this is good news for Christians who want time off during Christmas or Easter, how can the government justify this to non-Christians? - P.D., Randwick, Sydney

IT is hard to deny that the new law introduced this month benefits some citizens more than others. Sure enough, the public holidays identified by the NSW government in its legislation - Christmas Day, Boxing Day, Good Friday and Easter Sunday - all coincide with Christian days of observance.

There will be some non-Christians who will feel they have been denied, well, a fair suck of the sauce bottle. Clearly, the new law does little to help the Muslim who wishes to take a few days off to mark Eid, or the Hindu who wishes to celebrate Diwali. Or, indeed, the atheist for whom public holidays involve ritual inconveniences endured for the sake of others' religious commitments.

Is it a problem that non-Christian workers in NSW do not appear to receive the same legislative protection as their Christian counterparts? The government would contend there is no such issue.

Certainly it has not resorted to reasons of religiosity in advancing its policy. Its legislation has been motivated rather by the perceived need to guarantee that workers can spend public holidays with their families. The law meets what political philosophers refer to as the test of "justificatory neutrality".

Yet there remains the question whether the new law sends the wrong cultural signal in a multi-faith society. Some would argue it has an exclusionary effect since it assumes everyone will participate in what are ultimately Christian holidays. For these reasons, some Muslim groups have argued that the NSW government should also grant Muslim festivals the status of public holidays. This raises, of course, the problem of whether the state must grant public status to the holidays of each and every religious group. If it must, there would be administrative chaos since we would have to reinvent our public calendar.

Fortunately this is not the only response available. As Australian political theorist Geoffrey Brahm Levey highlights, there is one neat solution. We could, Levey argues, simply institute a new public holiday, in addition to existing ones, in honour of all religious and cultural minorities.

Such a response may not be necessary. The case for official multicultural accommodation seems weightiest when it can be shown that religious minorities bear undue burdens or encounter unreasonable difficulties in persuading employers to grant time off to observe their holidays. It is far from clear that this is the case.

Which brings us back to the matter of NSW. That the state government has offered non-cultural justifications for its policy is pivotal. Christians and non-Christians alike will arguably benefit from having the right not to work on certain days, whatever the provenance of our public holidays.

The issue would be far less complicated, though, if we accept that all public cultures will unavoidably bear the imprint of a historical community and its traditions. No society can totally avoid some bias.

To insist that it must, even when there is no injustice, can risk making a collective identity impracticable or irrelevant. We need not turn every issue concerning diversity into a totemic test of our values.

Readers are invited to suggest subjects for future pondering. The email address:

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