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Abstract

"There is nothing more public than privacy." (Berlant and Warner, *Sex*)

How did it come to this? How did it happen that a one-off, two-hour event at a public swimming pool in a suburb of outer Melbourne ignited international hate mail and generated media-fanned political anguish and debate about the proper use of public spaces? In 2010, women who attend a women's only swim session on Sunday evenings at the Dandenong Oasis public swimming pool asked the pool management and the local council for permission to celebrate the end of Ramadan at the pool during the time of their regular swim session. The request was supported by the pool managers and the council and promoted by both as an opportunity for family and friends to get together in a spirit of multicultural learning and understanding. Responding to criticisms of the event as an unreasonable claim on public facilities by one group, the Mayor of the City of Greater Dandenong, Jim Memeti, rejected claims that this event discriminates against non-Muslim residents of the suburb. But here's the rub. The event, to be held after hours at the pool, requires all participants older than ten years of age to follow a dress code of knee-length shorts and T-shirts.

This is a suburban moment that is borne of but exceeds the local. It reflects and responds to a contemporary global conundrum of great political and theoretical significance—how to negotiate and govern the relations between multiculturalism, religion, gender, sexual freedom, and democracy. Specifically this event speaks to how multicultural democracy in the public sphere negotiates the public presence and expression of different cultural and religious frameworks related to gender and sexuality. This is demanding political stuff.

Situated in the messy political and theoretical terrains of the relation between *public space* and the *public sphere*, this local moment called for political judgement about how cultural differences should be allowed to manifest in and through public space, giving consideration to the potential effects of these decisions on an inclusive multicultural democracy. The local authorities in Dandenong engaged in an admirable process of democratic labour as they puzzled over how to make decisions that were responsible and equitable, in the absence of a rulebook or precedents for success. Ultimately however this mode of experimental decision-making, which will become increasingly necessary to manage such predicaments in the future, was foreclosed by unwarranted and unhelpful media outrage. "Foreclosed" here stresses the preemptive nature of the loss; a lost opportunity for trialing approaches to governing cultural diversity that may fail, but might then be modified. It was condemned in advance of either success or failure. The role of the media rather than the discomfort of the local publics has been decisive in this event.

This Multicultural Suburb

Dandenong is approximately 30 kilometres southeast of central Melbourne. Originally home to the Bunorong People of the Kulin nation, it was settled by pastoralists by the 1800s, heavily industrialised during the twentieth century, and now combines cultural diversity with significant social disadvantage. The City of Greater Dandenong is proud of its reputation as the most culturally and linguistically diverse municipality in Australia. Its population of approximately 138,000 comprises residents from 156 different language groups. More than half (56%) of its population was born overseas, with 51% from nations where English is not the main spoken language. These include Vietnam, Cambodia, Sri Lanka, India, China, Italy, Greece, Bosnia and Afghanistan. It is also a place of significant religious diversity with residents identifying as Buddhist (15 per cent) Muslim (8 per cent), Hindu (2 per cent) and Christian (52 per cent) [CGD].

Its city logo, "Great Place, Great People" evokes its twin pride in the placemaking power of its diverse population. It is also a brazen act of civic branding to counter its reputation as a derelict and dangerous suburb. In his recent book *The Bogan Delusion*, David Nichols cites a "bogan" website that names Dandenong as one of Victoria's two most bogan areas. The other was Moe. (p72). The *Sunday Age* newspaper had already depicted Dandenong as one of two excessively dangerous suburbs "where locals fear to tread" (Elder and Pierik). The other suburb of peril was identified as Footscray.

Central Dandenong is currently the site of Australia's largest ever state sponsored [Urban Revitalisation](#) program with a budget of more than \$290 million to upgrade infrastructure, that aims to attract \$1billion in private investment to provide housing and future employment.

The Cover Up

In September 2010, the Victorian and Civil and Administrative Appeals Tribunal (VCAT) granted the YMCA an exemption from the Equal Opportunity Act to allow a dress code for the Ramadan event at the Oasis swimming pool that it manages. The "Y" sees the event as "an opportunity for the broader community to learn more about Ramadan and the Muslim faith, and encourages all members of Dandenong's diverse community to participate" ([YMCA Ramadan](#)). While pool management and the municipal council refer to the event as an "opening up" of the closed swimming session, the media offer a different reading of the VCAT decision.

The trope of the "the cover up" has framed most reports and commentaries (Murphy; Szego). The major focus of the commentaries has not been the event *per se*, but the call to dress "appropriately." Dress codes however are a cultural familiar. They exist for workplaces, schools, nightclubs, weddings, racing and sporting clubs and restaurants, to name but a few. While some of these codes or restrictions are normatively imposed rather than legally required, they are not alien to cultural life in Australia. Moreover, there are laws that prohibit people from being meagerly dressed or naked in public, including at beaches, swimming pools and so on. The dress code for this particular swimming pool event was, however, perceived to be unusual and, in a short space of time, "unusual" converted to "social threat."

Responses to media polls about the dress code reveal concerns related to the symbolic dimensions of the code. The vast majority of those who opposed the Equal Opportunity exemption saw it as the thin edge of the multicultural wedge, a privatisation of public facilities, or a denial of the public's right to choose how to dress. Tabloid newspapers reported on growing fears of Islamisation, while the more temperate opposition situated the decision as a crisis of human rights associated with tolerating illiberal cultural practices. Julie Szego reflects this view in an opinion piece in *The Age* newspaper:

the Dandenong pool episode is neither trivial nor insignificant. It is but one example of human rights laws producing outcomes that restrict rights. It raises tough questions about how far public authorities ought to go in accommodating cultural practices that sit uneasily with mainstream Western values. (Szego)

Without enquiring into the women's request and in the absence of the women's views about what meaning the event held for them, most media commentators and their electronically wired audiences treated the announcement as yet another alarming piece of evidence of multicultural failure and the potential Islamisation of Australia. The event raised specific concerns about the double intrusion of cultural difference and religion.

While the Murdoch tabloid *Herald Sun* focused on the event as "a plan to force families to cover up to avoid offending Muslims at a public event" (Murphy) the liberal *Age* newspaper took a more circumspect approach, reporting on its small *vox pop* at the Dandenong pool. Some people here referred to the need to respect religions and seemed unfazed by the exemption and the event. Those who disagreed thought it was important not to enforce these (dress) practices on other people (Carey).

It is, I believe, significant that several employees of the local council informed me that most of the opposition has come from the media, people outside of Dandenong and international groups who oppose the incursion of Islam into non-Islamic settings. Opposition to the event did not appear to derive from local concern or opposition.

The overwhelming majority of *Herald Sun* comments expressed emphatic opposition to the dress code, citing it variously as unAustralian, segregationist, arrogant, intolerant and sexist. The *Herald Sun* [polled](#) readers (in a self-selecting and of course highly unrepresentative on-line poll) asking them to vote on whether or not they agreed with the VCAT exemption. While 5.52 per cent (512 voters) agreed with the ruling, 94.48 per cent (8,760) recorded disagreement. In addition, the local council has, for the first time in memory, received a stream of hate-mail from international anti-Islam groups.

Muslim women's groups, feminists, the Equal Opportunity Commissioner and academics have also weighed in. According to local reports, Professor of Islamic Studies at

the University of Melbourne, Shahram Akbarzadeh, considered the exemption was "nonsense" and would "backfire and the people who will pay for it will be the Muslim community themselves" (Haberfield). He repudiated it as an example of inclusion and tolerance, labeling it "an effort of imposing a value system (sic)" (Haberfield). He went so far as to suggest that, "If Tony Abbott wanted to participate in his swimwear he wouldn't be allowed in. That's wrong." Tasneem Chopra, chairwoman of the Islamic Women's Welfare Council and Sherene Hassan from the Islamic Council of Victoria, both expressed sensitivity to the group's attempt to establish an inclusive event but would have preferred the dress code to be a matter of choice rather coercion (Haberfield, "[Mayor Defends Dandenong Pool Cover Up Order](#)").

Helen Szoke, the Commissioner of the Victorian Equal Opportunity and Human Rights Commission, defended the pool's exemption from the Law that she oversees. "Matters such as this are not easy to resolve and require a balance to be achieved between competing rights and obligations. Dress codes are not uncommon: e.g., singlets, jeans, thongs etc in pubs/hotels" (in Murphy). The civil liberties organisation, Liberty Victoria, supported the ban because the event was to be held after hours (Murphy).

With astonishing speed this single event not only transformed the suburban swimming pool to a theatre of extra-local disputes about who and what is entitled to make claims on public space and publically funded facilities, but also fed into charged debates about the future of multiculturalism and the vulnerability of the nation to the corrosive effects of cultural and religious difference. In this sense suburbs like Dandenong are presented as sites that not only generate fear about physical safety but whose suburban sensitivities to its culturally diverse population represent a threat to the safety of the nation. Thus the event both reflects and produces an antipathy to cultural difference *and* to the place where difference resides. This aversion is triggered by and mediated in this case through the figure, rather than the (corpo)reality, of the Muslim woman.

In this imagining, the figure of the Muslim woman is assigned the curious symbolic role of "cultural creep." The debates around the pool event is not about the wellbeing or interests of the Muslim women themselves, nor are broader debates about the perceived, culturally-derived restrictions imposed on Muslim women living in Australia or other western countries. The figure of the Muslim woman is, I would argue, simply the ground on which the debates are held. The first debate relates to social and public space, access to which is considered fundamental to freedom and participatory democracy, and in current times is addressed in terms of promoting inclusion, preventing exclusion and finding opportunities for cross cultural encounters. The second relates not to public space *per se*, but to the public sphere or the "sphere of private people coming together as a public" for political deliberation (Habermas 21). The literature and discussions dealing with these two terrains have remained relatively disconnected (Low and Smith) with *public space* referring largely to activities and opportunities in the socio-cultural domain and the *public sphere* addressing issues of politics, rights and democracy.

This moment in Dandenong offers some modest leeway for situating "the suburb" as an ideal site for coalescing these disparate discussions. In this regard I consider Iveson's provocative and productive question about whether some forms of exclusions from suburban public space may actually deepen the democratic ideals of the public sphere. Exclusions may in such cases be "consistent with visions of a democratically inclusive city" (216). He makes his case in relation to a dispute about the exclusion of men exclusion from a women's only swimming pool in the Sydney suburb of Coogee. The Dandenong case is similarly exclusive with an added sense of exclusion generated by an "inclusion with restrictions."

Diversity, Difference, Public Space and the Public Sphere

As a prelude to this discussion of exclusion as democracy, I return to the question that opened this article: how did it come to this? How is it that Australia has moved from its renowned celebration and pride in its multiculturalism so much in evidence at the suburban level through what Ghassan Hage calls an "unproblematic" multiculturalism (233) and what others have termed "everyday multiculturalism" (Wise and Velayutham). Local cosmopolitanisms are often evinced through the daily rituals of people enjoying the ethnic cuisines of their co-residents' pasts, and via moments of intercultural encounter. People uneventfully rub up against and greet each other or engage in everyday acts of kindness that typify life in multicultural suburbs, generating "reservoirs of hope" for democratic and cosmopolitan cities (Thrill 147).

In today's suburbs, however, the "Imperilled Muslim women" who need protection from "dangerous Muslim men" (Razack 129) have a higher discursive profile than ethnic cuisine as the exemplar of multiculturalism. Have we moved from pleasure to hostility or was the suburban pleasure in racial difference always about a kind of "eating the other" (bell hooks 378). That is to ask whether our capacity to *experience diversity* positively has been based on consumption, consuming the other for our own enrichment, whereas *living with difference* entails a commitment not to consumption but to democracy. This democratic multicultural commitment is a form of labour rather than pleasure, and its outcome is not enrichment but transformation (although this labour can be pleasurable and transformation might be enriching). Dandenong's prized cultural precincts, "Little India" and the "Afghan bazaar" are showcases of food, artefacts and the *diversity* of the suburb. They are centres of pleasurable and exotic consumption. The pool session, however, requires one to confront *difference*. In simple terms we can think about ethnic food, festivals and handicrafts as cultural diversity, and the Muslim woman as cultural difference.

This distinction between *diversity* and *difference* is useful for thinking through the relation between multiculturalism *in* public space and multicultural democracy *of* the public sphere. According to the anthropologist Thomas Hylland Eriksen, while a neoliberal sensibility supports cultural diversity in the public space, cultural difference is seen as a major cause of social problems associated with immigrants, and has a diminishing effect on the public sphere (14). According to Eriksen, diversity is understood as aesthetic, or politically and morally neutral expressions of culture that are enriching (Hage 118) or digestible. Difference, however, refers to morally objectionable cultural practices. In short, diversity is enriching. Difference is corrosive. Eriksen argues that differences that emerge from distinct cultural ideas and practices are deemed to create conflicts with majority cultures, weaken social solidarity and lead to unacceptable violations of human rights in minority groups. The suburban swimming pool exists here at the boundary of diversity and difference, where the "presence" of diverse bodies may enrich, but their different practices deplete and damage existing culture.

The imperilled Muslim woman of the suburbs carries a heavy symbolic load. She stands for major global contests at the border of difference and diversity in three significant domains, multiculturalism, religion and feminism. These three areas are positioned simultaneously *in* public space and *of* the public sphere and she embodies a specific version of each in this suburban setting. First, there a global retreat from multiculturalism evidenced in contemporary narratives that describe multiculturalism (both as official policy and unofficial sensibility) as failed and increasingly ineffective at accommodating or otherwise dealing with religious, cultural and ethnic differences (Cantle; Goodhart; Joppke; Poynting and Mason). In the UK, Europe, the US and Australia, popular media sources and political discourses speak of "parallel lives," immigrant enclaves, ghettos, a lack of integration, the clash of values, and illiberal cultural practices. The covered body of the Muslim woman, and more particularly the Muslim veil, are now read as visual signs of this clash of values and of the refusal to integrate.

Second, religion has re-emerged in the public domain, with religious groups and individuals making particular claims on public space both on the basis of their religious identity and in accord with secular society's respect for religious freedom. This is most evident in controversies in France, Belgium and Netherlands associated with banning *niqab* in public and other religious symbols in schools, and in Australia in court. In this sense the *covered* Muslim woman raises concerns and indignation about the rightful place of religion in the public sphere and in social space.

Third, feminism is increasingly invoked as the ground from which claims about the imperilled Muslim woman are made, particularly those about protecting women from their dangerous men. The infiltration of the Muslim presence into public space is seen as a threat to the hard won gains of women's freedom enjoyed by the majority population. This newfound feminism of the public sphere, posited by those who might otherwise disavow feminism, requires some serious consideration. This public discourse rarely addresses the discrimination, violation and lack of freedom experienced systematically on an everyday basis by women of majority cultural backgrounds in western societies (such as Australia). However, the sexism of racially and religiously different men is readily identified and decried. This represents a significant shift to a dubious feminist register of the public sphere such that: "[w]omen of foreign origin, ...more specifically Muslim women...have replaced the traditional housewife as the symbol of female subservience" (Tissot 41-42).

The three issues—multiculturalism, religion and feminism—are, in the Dandenong pool context, contests about human rights, democracy and the proper use of public space. Szego's opinion piece sees the Dandenong pool "cover up" as an example of the conundrum of how human rights for some may curtail the human rights of others and lead us into a problematic entanglement of universal "rights," with claims of difference. In her view the combination of human rights and multiculturalism in the case of the Dandenong Pool accommodates illiberal practices that put the rights of "the general public" at risk, or as she puts it, on a "slippery slope" that results in a "watering down of our human rights." Ideas that entail women making a claim for private time in public space are ultimately not good for "us."

Such ideas run counter to the West's more than 500-year struggle for individual freedom—including both freedom of religion and freedom from religion—and for gender equality. Our public authorities ought to be pushing back hardest when these values are under threat. Yet this is precisely where they've been buckling under pressure (Szego)

But a different reading of the relation between public and private space, human rights, democracy and gender freedom is readily identifiable in the Dandenong event—if

one looks for it. *Living with difference*, I have already suggested, is a problem of democracy and the public sphere and does not so easily correspond to consuming *diversity*, as it demands engagement with cultural *difference*. In what remains, I explore how multicultural democracy in the public sphere and women's rights in public and private realms relate, firstly, to the burgeoning promise of democracy and civility that might emerge in public space through encounter and exchange. I also point out how this moment in Dandenong might be read as a singular contribution to dealing with this global problematic of living with difference; of democracy in the public sphere.

Public urban space has become a focus for speculation among geographers and sociologists in particular, about the prospects for an enhanced civic appreciation of living with difference through encountering strangers. Random and repetitious encounters with people from all cultures typify contemporary urban life. It remains an open question however as to whether these encounters open up or close down possibilities for conviviality and understanding, and whether they undo or harden peoples' fears and prejudices. There is, however, at least in some academic and urban planning circles, some hope that the "throwntogetherness" (Massey) and the "doing" of togetherness (Laurier and Philo) found in the multicultural city may generate some lessons and opportunities for developing a civic culture and political commitment to living with difference.

Alongside the optimism of those who celebrate the city, the suburb, and public spaces as forging new ways of living with difference, there are those such as Gill Valentine who wonder how this might be achieved in practice (324). Ash Amin similarly notes that city or suburban public spaces are not necessarily "the natural servants of multicultural engagement" (*Ethnicity* 967). Amin and Valentine point to the limited or fleeting opportunities for real engagement in these spaces. Moreover Valentine's research in the UK revealed that the spatial proximity found in multicultural spaces did not so much give rise to greater mutual respect and engagement, but to a frustrated "white self-segregation in the suburbs." She suggests therefore that civility and polite exchange should not be mistaken for respect (324). Amin contends that it is the "micro-publics" of social encounters found in workplaces, schools, gardens, sports clubs [and perhaps swimming pools] rather than the fleeting encounters of the street or park, that offer better opportunities for meaningful intercultural exchange. The Ramadan celebration at the pool, with its dress code and all, might be seen more fruitfully as a purposeful event engaging a micro-public in which people are able to "break out of fixed relations and fixed notions" and "learn to become different" (Amin, *Ethnicity* 970) without that generating discord and resentment.

Micropublics, Subaltern Publics and a Democracy of (Temporary) Exclusions

Is this as an opportunity to bring the global and local together in an experiment of forging new democratic spaces for gender, sexuality, culture and for living with difference? More provocatively, can we see exclusion and an invitation to share in this exclusion as a precursor to and measure of, actually existing democracy? Painter and Philo have argued that democratic citizenship is questionable if "people cannot be present in public spaces (streets, squares, parks, cinemas, churches, town halls) without feeling uncomfortable, victimized and basically 'out of place'..." (Iveson 216).

Feminists have long argued that distinctions between public and private space are neither straightforward nor gender neutral. For Nancy Fraser the terms are "cultural classifications and rhetorical labels" that are powerful because they are "frequently deployed to delegitimize some interests, views and topics and to valorize others" (73). In relation to women and other subordinated minorities, the "rhetoric of privacy" has been historically used to restrict the domain of legitimate public contestation. In fact the notion of what is public and particularly notions of the "public interest" and the "public good" solidify forms of subordination. Fraser suggests the concept of "subaltern counterpublics" as an alternative to notions of "the public." These are discursive spaces where groups articulate their needs, and demands are circulated formulating their own public sphere. This challenges the very meaning and foundational premises of 'the public' rather than simply positing strategies of inclusion or exclusion.

The twinning of Amin's notion of "micro-publics" and Fraser's "counterpublics" is, I suggest, a fruitful approach to interpreting the Dandenong pool issue. It invites a reading of this singular suburban moment as an experiment, a trial of sorts, in newly imaginable ways of living democratically with difference. It enables us to imagine moments when a limited democratic right to exclude might create the sorts of cultural exchanges that give rise to a more authentic and workable recognition of cultural difference. I am drawn to think that this is precisely the kind of democratic experimentation that the YMCA and Dandenong Council embarked upon when they applied for the Equal Opportunity exemption. I suggest that by trialing, rather than fixing forever a "critically exclusive" access to the suburban swimming pool for two hours per year, they were in fact working on the practical problem of how to contribute in small but meaningful ways to a more profoundly free democracy and a reworked public sphere.

In relation to the similar but distinct example of the McIver pool for women and children in Coogee, New South Wales, Kurt Iveson makes the point that such spaces of exclusion or withdrawal, "do not necessarily serve simply as spaces where people 'can be themselves', or as sites through which reified identities are recognised—in existing conditions of inequality, they can also serve as protected spaces where people can take the risk of exploring who they might *become* with relative safety from attack and abuse" (226). These are necessary risks to take if we are to avoid entrenching fear of difference in a world where difference is itself deeply, and permanently, entrenched.

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