

# **My Religion, Our Country:**



a Resource  
for Islamic  
Religious  
Education  
in Australia

# Acknowledgements

This is a partnership project proudly supported by the Department of Immigration and Citizenship, and the Community Relations Commission For a multicultural New South Wales, through the National Action Plan to Build on Social Cohesion, Harmony and Security.

This resource was only made possible with the input received during extensive community consultation. The author and the Community Relations Commission appreciate the generous assistance, advice and support of all involved, including the following:

Mr Jihad Dib

Mr Mazen Fahme

Ms Michelle Nemec

Ms Nada Roude

Imam Dr Muhammad Amin A. Samad

Assistance from the NSW Department of Education and Communities is also gratefully acknowledged.

## Disclaimer

The acknowledgement of those above does not constitute their endorsement of the text. This document constitutes neither Islamic scholarship, nor is it a text that attempts to teach Islam.

# Contents

<b>Information for Educators</b>	<b>5</b>
Background	5
The People of Australia	5
My Religion, Our Country	6
Intent and Objectives	6
Using this Resource	7
Teaching and Learning	7
Methodology	8
Additional Resources	9
Evaluation and Improvements	10
<b>'What does Islam teach about...?'</b>	<b>11</b>
Democracy, Equality and Mutual Respect	11
Regarding the <i>Qur'ān</i>	13
The <i>Sunnah</i>	16
Additional guidance	16
1. Freedom of the Individual	18
2. Freedom of Speech	27
3. Freedom of Religion	33
4. Freedom of Association	40
5. Parliamentary Democracy	46
6. Equality under the Law	52
7. Equality of Men and Women	57
8. Equality of Opportunity	65
9. Peacefulness	70
10. Tolerance, Respect and Empathy for Others	76
<b>Did you know...?</b>	<b>82</b>
Research and Discussion Activities	82
1. National Framework for Values Education in Australian Schools	82
2. The Australian Constitution	84
3. Australian Muslims Today	85
4. Two Poems	87
5. Other resources	90
<b>Conclusion</b>	<b>92</b>
My Religion	92
Our Country	92
<b>Bibliography</b>	<b>94</b>
<b>Table of Statutes</b>	<b>98</b>
<b>Appendices</b>	<b>99</b>

# Preface

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*

*The Commonwealth of Australia Constitution Act 1900 s116*

The Australian Constitution guarantees all Australians the freedom to follow any religion or no religion as long as their actions and practices remain within the law. While the various governments of Australia are secular, its people are not. In the 2011 census only 22% of the population identified as having no religion. For the vast majority of the population then, one of the more than 100 religions practised in Australia plays some part in their lives.

In Australia the norms of social behaviour and the civics of acceptance, mutual respect and equity are underpinned by the law. Various laws form the minimum standards for behaviour by making certain actions unlawful. Other laws mark out certain other actions as lawful but few of these are compulsory. Between the two is an ample area to be enjoyed by a diverse and robust society.

This text aims to support teachers of Islam in an Australian context by providing them with clear guidance on the potential tensions between Islam, as revealed in the *Qur'ān* and the *Sunnah*, and the relevant Australian law. It uses a set of principles based on a civics of democracy, equality and mutual respect to frame the analysis.

The text is particularly commended to all who are interested in Islamic religious education in Australia.

The acknowledgements page above lists the individuals that have cooperated in producing this text and I thank them again. I particularly thank Dr Mark Weston Wall for his expertise and knowledge in producing this resource. The guidance provided by the Commission's Director Community Relations Service, Mr Richard Acheson, has also been invaluable throughout the process. I also acknowledge funding and assistance from the Department of Immigration and Citizenship.

**Stepan Kerkyasharian AO**

Chair

Community Relations Commission For a multicultural NSW

# Information for Educators

## Background

Muslims have been coming to Australia for well over 400 years (Connah 1993 and Jones 1993). The first followers of Islam to land on these shores were seafarers from the Macassar region, and what is now known as the island of Sulawesi (formerly the Celebes), almost 1,500 kilometres to the north of Darwin. Travelling by prau — a small, sharp-ended boat usually equipped with a triangular sail and an outrigger — these intrepid souls came to collect the trepang, a type of sea slug (Marika 1999, Saeed 2003, and DFAT nd). These were dried in beachside kilns, still visible in Port Essington and Groote Eylandt, to prepare them for the Chinese market where even now Australian trepang fetch \$280 per kilogram (ABC 2005).

Since the 17th century Muslim peoples have visited Australia, but it was not until the early 1800s that they slowly began to migrate here from more than 120 countries. Today, while 40% were born in Australia, Muslim Australians can point to 60 other countries of birth (DIAC nd and see Appendix 1). Accordingly, Muslims in Australia are diverse in ethnicity, language and culture and, at nearly 2% of the Australian population, they are one of the fastest growing religions in the country (ABS 2009).

## The People of Australia

Australian society is based on a multi-culture, united in its commitment to the Australian way of life and governed by the rule of law. The People of Australia report (DIAC 2008 and ABS 2009), based on the census of 2006, gives the population of Australia as nearly 20 million, including more than 500,000 Aboriginal and Torres Strait people, and provides the following detail:

- 22% of Australians were born overseas,
- we speak more than 300 languages,
- follow more than 100 religions (see Appendix 2), and
- originate from around 230 different countries.

As a settler society, the Australian people have developed, and continue to refine, a lifestyle based on democracy, tolerance and equality. Politically, Australia is a representative parliamentary democracy and it is through the federal and state parliaments that Australians make laws, establish policies and shape their future. Citizenship, a class of political membership, is an important ideal in these arrangements (Stokes in Galligan & Roberts, Eds 2007).

'A citizen is a person who owes allegiance to a specific government and is entitled to protection from that government and to the enjoyment of certain rights' (Janowitz in Cummings, Gopinathan & Tomada, Eds 1988:60 and 59). While the citizen enjoys official, legal, political and administrative rights, these come hand in hand with certain responsibilities including adherence to the laws and regulations established by parliament.

## **My Religion, Our Country**

For some commentators the tensions between being a good Muslim, and being a good citizen in a secular state, are both manifest and unmanageable. While that view is not widely held, and is unconstitutional, there is a level of concern among Muslim and non-Muslim citizens that young Australians of the Islamic faith are not receiving sufficient support in building an understanding of how to profess, practice, and remain true to their religion, while also exercising their rights and fulfilling their responsibilities as citizens. There is simultaneously a scholarly and a community interest in preventing Islamic theology being manipulated and distorted.

*My Religion, Our Country: a Resource for Islamic Religious Education in Australia* is designed for teachers of Islam in an Australian context. The aim is to identify in broad terms, against the back-stop of Australian law, the issues that underpin life in a harmonious, multi-faith, cohesive, multicultural society and make explicit the links between those issues and the teachings of Islam in an Australian context.

## **Intent and Objectives**

This resource is written for young people and teachers and serves as a bridge between Islamic theology, instruction and practice and Australian citizenship and civics teaching and learning. It replaces neither. Instead, its focus is on Islamic teachings that relate to the rights and responsibilities of citizens living in democratic, pluralistic, multi-faith Australia. It is primarily designed to assist educators in their task of preparing young Muslims for a life of faith and citizenship. It may have further utility in general religious education, in community and youth work and in higher education.

The resource is not a curriculum, it is not a set of lesson plans and it is not a collection of session scripts. It essentially juxtaposes Islamic lore with Australian law to establish the grounds for an examination of what is compatible, what corresponds and what appears contentious. The text basically establishes the questions that need to be answered in the context of the class being taught.

The primary objectives of this resource, and the aids and materials developed from it, are:

1. to provide a guide for teaching about Islam in an Australian context;
2. to provide examples, from federal and state legislation, of the law underpinning the precepts of democracy, equality and mutual respect in Australian life;
3. to link general civics education with instruction from the *Qur'ān* and the Sunnah; and
4. to assist educators in preparing young Muslim students to live a life of faith and citizenship.

## Using this Resource

*My Religion, Our Country: a Resource for Islamic Religious Education in Australia* is a stand-alone text from which a number of education and training sessions or lessons can be delivered. Educators are encouraged to use the text to research and plan lessons from the 10 topic areas that form the backbone of the resource. Islamic scripture teachers are also encouraged to use the text when planning for lessons in their usual curriculum.

All Islamic materials contained within this text have been verified by senior Australian imams and sheikhs. All religious sources used are rigorously authenticated.

It is acknowledged that Islam is a creed, and not a set of characteristics, and that for generations Muslims have been able to reconcile the life of faith with their life as Australian citizens. It is however a matter of record that certain parties have used some of the often more allegorical verses of the *Qur'ān* for political purposes. This resource attempts to highlight these verses against the backdrop and the imperative of the Australian law. It also identifies the verses of more established meaning that relate to the law being discussed.

## Teaching and Learning

This resource is premised on the idea that a good life of faith and citizenship is possible, and that Australians, of all faiths and of no faith, must and ought live within the bounds of the law. As the current Attorney-General Robert McClelland (Karvelas 2011:5) has stated:

If there is any inconsistency between cultural values and the rule of law, then Australian law wins out. We [are] blessed to live in a stable democracy underpinned by the rule of law. People who migrate to Australia do so because of the fact we have a free, open and tolerant society where men and women are equal before the law irrespective of race, religious or cultural background.

The general themes addressed in this text are less matters of teaching and learning knowledge, than ones of attitude, affect (feelings) and conation (motivation). Educators using this text and materials are therefore encouraged to use approaches that encourage students to think, feel and do rather than listen and recite. The learning process of precept, example, enquiry and experience will assist in discovering, learning and reinforcing the message of social cohesion, harmony and tolerance.

Some of the information in each of the chapters about the principles may appear to be repetitive. This is intentional as it is assumed that the sections on each principle may be separately copied by educators for use at different times and with different audiences.

## Methodology

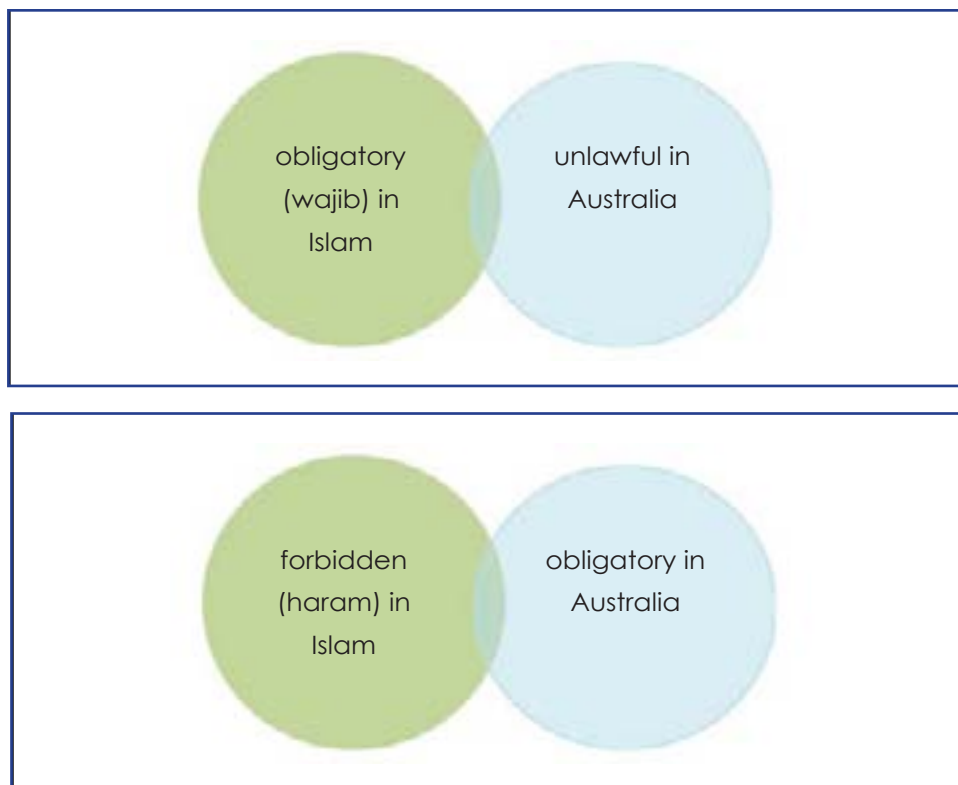
In Australia the norms of social behaviour are mostly backstopped by the law. This law usually sets a minimum standard of behaviour by making certain actions, such as assault and robbery, illegal. It also makes some actions lawful, but not compulsory, such as abortion or homosexuality. Occasionally, the law makes a certain behaviour, like voting, both lawful and compulsory. Between the sets of what can't be done, what can be done, and what must be done, a diverse, robust, and tolerant society has ample ground to live a good life. Within this ambit of freedom, individual Australians (including the followers of Islam from any and all of the 73 sects prophesied) practice more than 100 religions.

In Islam every human action is subject to one of five basic rulings. Under these five an action can be:

1. obligatory (*wajib*),
2. recommended (*sunnah* – to replicate the deeds of the Prophet),
3. permitted (*mubah*),
4. discouraged (*makruh*), and
5. forbidden (*haram*).



The potential for conflict between a life of faith and one of citizenship is limited to two small intersections of what is obligatory in the religion, but unlawful in the state; and what is forbidden in the religion and compulsory in the state. The Venn or set diagrams for these are depicted below.



It is a premise of this resource that the areas of conflict are either negligible or manageable, as is evidenced by the number of Australians of the Muslim faith who live lives of strong faith and good citizenship.

## Additional Resource

Those using this resource may also benefit from reading ***Serving in a New Land: An Orientation and Appraisal for Religious Workers Coming to Australia***. This resource is aimed at supporting religious workers new to Australia. It takes a multi-faith approach to assisting religious workers from all and any religion to serve their Australian faith communities. The intention is to foreground issues of culture, law, policy and life that are particular to Australia so that religious workers can meld these with their religious practice.

The resource may be downloaded from [www.crc.nsw.gov.au](http://www.crc.nsw.gov.au). Linked on the website to this resource is a short test designed to be undertaken by religious leaders prior to coming to Australia. This could also be used as a part of an interactive exercise with students.

## Evaluation and Improvements

Readers of this text, and educators using it, are encouraged to conduct evaluation of the materials and document instances of good practice. Comments, evaluations, lessons learnt and suggested improvements are welcome and should be forwarded to the address shown below.

### **My Religion, Our Country Community Consultation**

Community Relations Commission

Level 8, 175 Castlereagh St

Sydney NSW 2000

# ‘What does Islam teach about...?’

## Democracy, Equality and Mutual Respect

*Australia is a nation of immigrants, so much so that in Australian English the word is shortened to migrants! Most Australians are either migrants of this generation or one of the last six generations. The Australian Aboriginals are descendants of migrants who settled in this continent perhaps 40,000 years ago.*  
(Whitlam 1985:485)

The followers of Islam are one religious group among more than 100 religions in Australia. Within the group, Muslims – from nearly all of the sects prophesised – are themselves descendants and migrants from hundreds of countries, and people of numerous cultures, languages and ethnicities. This incredible diversity, a sub-set of the even more kaleidoscopic diversity of the Australian population, is a testament to the appeal of both Islam as a religion and Australia as a country.

Part of the attraction of Australia, as a destination for migration and place to bring up children and live a good life, is its society's respect for the freedom and dignity of the individual and for the ideals of democracy, equality and mutual respect. In broad terms the issues which underpin life in a harmonious, multi-faith, cohesive, multi-culture like Australia are of concern to all who live here regardless of faith, ethnicity, language or culture.

The norms of behaviour and civics of respect, acceptance and equality used in this resource are what Australians aspire to, but they can also be seen in action every day. We aspire to them, but we assume them, and rely on them, in the day to day running of society. Things go better in our life if we respect each other, tolerate our differences and help each other out. Therefore, while the finer points of value statements might be argued, and are sometimes not shared, the general tenor of a society's values are usually expressed in legislation aimed at promoting and underpinning peaceful cooperation.

In order to maintain a stable, peaceful and prosperous community, Australians of all backgrounds are expected to uphold the principles and civics of freedom and democracy that underpin Australian society. These principles and civics are variously expressed, but they can be usefully grouped around issues that concern all Australians and under which the various Australian parliaments have made laws and regulations.

In this text 10 principles and civics of freedom and democracy have been identified and these are listed below and used in subsequent chapters as a framework to develop materials for the teaching of Islam in an Australian context.

*The 10 principles and civics of freedom and democracy that underpin Australian life:*

1. *freedom of the individual;*
2. *freedom of speech;*
3. *freedom of religion;*
4. *freedom of association;*
5. *parliamentary democracy;*
6. *equality under the law;*
7. *equality of men and women;*
8. *equality of opportunity;*
9. *peacefulness; and*
10. *tolerance, respect and empathy for others.*

Each of these is examined in detail below. First, drawing from the publication *Life in Australia* (DIAC 2007:5-7), the issue in question is elaborated on; secondly, verses from the Holy *Qur'ān* and lessons from the *Sunnah*, that are relevant to the issue, bear on its importance, and address it are identified for discussion; next, federal and state laws that form the minimum standard for behaviour in accordance with the issue are listed; then excerpts from the relevant Islamic scholarship are offered for consideration; and finally, a set of questions or discussion starters on the compatibility of the teachings of Islam with the principles and civics appropriate to each issue is posed. The purpose of the scholarship section in each chapter is to provide contemporary interpretation and teaching of Islamic tradition, drawn from a number of sources.

The purpose of the discussion starter is to stimulate discussion, and canvas the various viewpoints on the issue being examined. Discussion starters are not necessarily true statements; they are often controversial, partial and even wrong in order to generate debate and broker dissent and opposing opinions; and they are pitched at various levels to suit different audiences. Discussions starters do not exhaust a topic, and the best start to a meaningful discussion will be what related and relevant topic actually concerns participants, not some hypothetical or general problem. Discussions are not scripted here other than to say that the Australian law must, and ought be, the non-negotiable bottom-line, for all expressions of religious life in Australia. Educators should leave learners in no doubt of this.

Before moving on to the examination of each of the 10 principles and civics of freedom and democracy that underpin Australian life, the English rendering of the *Qur'ān* used in this resource and the system of referencing it, and the *Sunnah*, are briefly introduced.

## Regarding the *Qur'ān*

### REFERENCING THE *QUR'ĀN*

The verses (ayat – plural, ayah – singular) and chapters (surah) of the *QUR'ĀN* are variously referenced and referred to in the literature. For example:

❧ Ayah 8 of the Surah Al-Mā'idah ((5:8) The Table [112th surah]), revealed in Medina, means:

*O you who believe! Stand out firmly for God, as witness to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice....*

In this resource the common short form of surah number: ayah number (eg '*Qur'ān* 5:8' for the above verse) will be used.

In this resource, unless otherwise indicated, the English rendering of the meaning of the *Qur'ān* used is:

Saheed International (1997) *The Qur'ān: Arabic text with Corresponding English Meanings*, Abulqasim Publishing House, Riyadh.

At Appendix 3 a list of the surah referred to in this text is provided. This list also contains a general chronology of revelation that might prove useful in discussion.

### DOCTRINE

The *Qur'ān* is the central religious text of Islam. It is the collection of 'the words of Allah revealed to the Prophet Muhammad, the recitation of which is a form of worship' (Saheed International 1997:viii). For some (such as the *Qur'ān* Alone Muslims) the text is sufficient in itself as guidance for a life of faith. For most others though, some or all of the hadiths that form the Sunnah, the recorded sayings, tradition and practices of the Prophet Muhammad, are used, where relevant and authoritative, to provide guidance, elaboration and practical examples of the lessons of the *Qur'ān*. Taken together the two form the basis of Sharia – the Islamic system of law and overall way of life.

*[The Holy Qur'ān is] ...unique in the manner of its composition, in its theme and in its contents and arrangements. The nature of this Book is that God chose a man in Makkah to serve as His Messenger and asked him to preach His message, starting in his own city and with his own tribe.*

(Sayyid Abul A 'la Mawdudi in Abdullah Yusuf Ali 2005:vi,x,xiii and xiv)

*The Qur'ān was revealed gradually to the Blessed Prophet Muhammad, who could neither read nor write, over a period of twenty-three years [610-633CE].... It has 114 chapters called surahs comprising over 6,000 ayat or verses. The ayat, or verses, of the Qur'ān are often referred to as Meccan or Medinan revelations. [The former] deal mostly with Islamic beliefs and teachings while [the latter] mostly emphasize how to form an Islamic society and what good laws and rules are.*

*(Yahiya Emerick 2004:22)*

*The Qur'ān, the last revealed word of God, is the primary source of every Muslim's faith and practice. ...the Qur'ān was revealed to Muhammad in Arabic only.*

*(Ibrahim 1997:54)*

*The words of Allāh can never be translated literally. Therefore, it is incorrect to use the term 'translation of the Qur'ān.' What is rendered into other languages can be no more than a brief tafseer (explanation of the meanings).*

*(Saheeh International 1997:i)*

## LETTING THE QUR'ĀN EXPLAIN ITSELF

The Qur'ān is, unlike other holy books, a revealed rather than an inspired text, and without due diligence and scholarly care, study of the text can result in what has been termed a position of 'complex ignorance'. The sciences of the Qur'ān are more easily grasped given an appreciation of the circumstances of revelation as a time of tribal law and in a population of family-based tribes.

The context of revelation is also significant as is stated in Ayah 7 of Surah 3 – Āl 'Imrān which means, according to the English translation of the meaning of the Qur'ān by Saheeh International (1997):

*It is He who has sent down to you, [O Muhammad], the Book; in it are verses [that are] precise – they are the foundation of the Book – and others unspecific [open to more than one interpretation or whose meaning is known only to Allah]. As for those in whose hearts is deviation [from truth], they will follow that of it which is unspecific, seeking discord and seeking an interpretation [suitable to them]....*

'Abdullah Yūsuf 'Alī (2005) renders the same ayah (Qur'ān 3:7) as:

*He it is who sent down to you the Book; in it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are allegorical....*

Dawood (1956) differs slightly in putting it so:

*It is He who has revealed to you the Koran. Some of its verses are precise in meaning – they are the foundation of the Book – and others ambiguous....*

The verse continues:

*Those whose hearts are infected with disbelief follow the ambiguous part, so as to create dissension by seeking to explain it....*

## CHRONOLOGY

The surahs of the *Qur'ān* are not arranged in chronological order. Instead, they generally appear in order of length with the longest first (Dawood 2006). Surah 1 – *Al Fātihah* (The Opening), with seven ayat, is an exception.

Most scholars agree that a chronological rendering of the *Qur'ān* is impossible without breaking the surahs up (Dawood 2006). There is however a general consensus on the overall order (see [www.icbh.org/topics/QuranOrder](http://www.icbh.org/topics/QuranOrder)) such that the surah, with the exception of some few ayat, are divided into four periods:

- the early Meccan,
- middle Meccan,
- late Meccan, and
- the Medina.

This is a matter of some importance because of the principle of abrogation revealed in Ayah 106 of Surah 2 – *Al Baqarah* which means, according to 'Abdullah Yūsuf 'Alī (2005):

*None of Our revelations do we abrogate or cause to be forgotten, but We substitute something better or similar: Do you not know that God has power over all things.*

Surah 2, mostly revealed in the early Medina period as the 87th surah, emphasises the progressive revelation of the *Qur'ān* and makes the chronology of it important.

## **The Sunnah**

*Qur'ān* 6:44, 25:27, 33:21 and 53:2-4 underscore the importance of the Sunnah, the path or way of the Prophet, as a source of guidance for many Muslims. Reference is made here to only some of the hadiths relevant to the discussion starter and further research by teachers and students is encouraged. This is particularly important where certain hadith are considered authoritative and informative in examining the issue being considered.

In this text *An-Nawawī's Forty Hadith* and the *Forty Hadith Qudsi*, both translated by Ezzeddin Ibrahim and Denys Johnson-Davies, are mostly used. The first of these was compiled by Imam An-Nawawī in the mid-13th century and is the most popular introduction to the sayings of the Prophet. The second, a collection of sacred *hadith*, is drawn from all available books of hadith and presents some key doctrinal and devotional elements of Islam. Collections of 40 *hadith* are quite common due to a weak *hadith* stating:

*Whomsoever among you shall preserve and protect 40 hadith, God Almighty Himself shall stand between him and Hellfire.*

## **Additional guidance**

Where participants find them relevant and instructive, Ibn Hashim's edited version of Ibn Ishaq's early biography of Muhammad, and the tafseer (commentary) on the *Qur'ān* by Ibn Kathir should also be used in discussion.





A rare Chinese plate with Arabic script found by the author in Malacca

# 1. FREEDOM OF THE INDIVIDUAL

*All Australians are free and equal and are expected to treat each other with dignity and respect.*

*Commonwealth laws prohibit discrimination on the basis of race, sex, disability and age in a range of areas of public life under the:*

- *Racial Discrimination Act 1975 (Cwlth);*
- *Sex Discrimination Act 1984 (Cwlth);*
- *Disability Discrimination Act 1992 (Cwlth); and*
- *Age Discrimination Act 2004 (Cwlth).*

*There is a Human Rights and Equal Opportunity Commission which is responsible for handling complaints under these laws.*

*Australians reject the use of violence, intimidation or humiliation as ways of settling conflict in our society (DIAC 2007:5-7).*

## REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

## WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 11:118 means:

*And if your Lord had willed, He could have made mankind one community; but they will not cease to differ.*

❧ Qur'ān 17:70 means:

*And We have certainly honoured the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.*

❧ Qur'ān 17:84 means:

*Say, 'Each works according to his manner, but your Lord is most knowing of who is best guided in way.'*



*Qur'ān 22:67 means:*

*For every religion We have appointed rites which they perform. So, [O Muhammad], let them [ie the disbelievers] not contend with you over the matter but invite them to your Lord. Indeed, you are upon straight guidance.*



*Qur'ān 30:22 means:*

*And of His Signs is the creation of the heavens and the earth and the diversity of your languages and your colours. Indeed in that are signs for those of knowledge.*



*Qur'ān 60:8 means:*

*Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.*

How are these ayat to be understood in light of the following?



*Qur'ān 5:51 means:*

*O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you – then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.*



*Qur'ān 5:82 means:*

*You will surely find the most intense of the people in animosity toward the believers [to be] the Jews and those who associate others with Allah; and you will find the nearest of them in affection to the believers who say, 'We are Christians.' That is because among them are priests and monks and because they are not arrogant.*

### **Other relevant ayat**



*Qur'ān 4:16 and 7:80-81 on homosexuality (sexual intercourse).*



*Qur'ān 5:55 on your allies.*



*Qur'ān 6:146 and 16:118 on the Jews.*



*Qur'ān 10:99 on free will.*



*Qur'ān 49:13 on diversity.*



*Qur'ān 58:14 on allies.*

## FROM AL-SUNNAH

❖ On the authority of the Commander of the Faithful, Abū Hafs ‘Umar ibn al-Khattāb [the Second Caliph in Islam], who said: I heard the Messenger of Allah say:

*Actions are but by intention and every man shall have but that which he intended....*

It was related by the two Imams of the scholars of Hadith, Abū ‘Abdullah Muhammad ibn Ismā‘īl ibn Ibrāhīm ibn al-Mughīra ibn Bardizbah al-Bukhārī and Abū ‘I-Husain Muslim ibn al-Hajjāj ibn Muslim al-Qushairī an-Naisābūrī, in their two Sahīhs, which are the soundest of the compiled books

1st of An-Nawawī’s *Forty Hadith*

❖ On the authority of Abū Abdullah Jābir the son of ‘Abdullah al-Ansārī:

*A man asked the Messenger of Allah: Do you think that if I perform the obligatory prayers, fast in Ramadān, treat as lawful that which is lawful and treat as forbidden that which is forbidden, and do nothing further, I shall enter Paradise? He said: Yes.*

It was related by Muslim

22nd of An-Nawawī’s *Forty Hadith*

## WHAT THE AUSTRALIAN LAW SAYS

All Australians are entitled to the five fundamental freedoms:

- Freedom of speech.
- Freedom of association.
- Freedom of assembly.
- Freedom of religion.
- Freedom of movement.

With the exception of the right to trial by jury (s80) and the right to freedom of religion (s116) the Australian Constitution does not have many express provisions for personal rights or freedoms which may be enforced by the courts (Jordan 2001).

However, s51(xxix) of the Constitution gives the Commonwealth Parliament power to ‘make laws for the peace, order, and good government of the Commonwealth with respect to external affairs’. This power is often used to enter into and give effect within Australia to obligations under international treaties and conventions.

## Universal Declaration of Human Rights

For example, on the 10th of December 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (UDHR). The declaration was put by the President of the General Assembly Dr H.V. Evatt, an Australian, and Australia was one of the original signatories (McMullin 1991). The UDHR states:

*Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

*Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.*

*Article 3. Everyone has the right to life, liberty and security of person.*

## Racial Discrimination Act

After signing the International Convention on the Elimination of all forms of Racial Discrimination the Australian lawmakers enacted the Racial Discrimination Act 1975 (Cwlth) which states:

*s9(1). It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.*

## Sex Discrimination Act

After signing the Convention on the Elimination of All Forms of Discrimination against Women in 1980, the Australian parliament enacted the Sex Discrimination Act 1984 (Cwlth) which states:

*s5(1). For the purposes of this Act, a person discriminates against another person on the ground of the sex of the aggrieved person if, by reason of:*

*(a) the sex of the aggrieved person;*

- (b) *a characteristic that appertains generally to persons of the sex of the aggrieved person; or*
- (c) *a characteristic that is generally imputed to persons of the sex of the aggrieved person;*

*the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of the opposite sex.*

s7D(1). A person may take special measures for the purpose of achieving substantive equality between:

- (a) *men and women; or*
- (b) *people of different marital status; or*
- (c) *women who are pregnant and people who are not pregnant; or*
- (d) *women who are potentially pregnant and people who are not potentially pregnant.*

## **Disability Discrimination Act**

There is no single head of power in Constitution that is relied upon for the Disability Discrimination Act 1992 (Cwlth). The Act draws its authority from a cocktail of the corporations, banking, insurance, trade and commerce and external affairs powers of s51. In particular the Act gives effect to:

- *the (ILO) Discrimination (Employment and Occupation) Convention 1958,*
- *the International Covenant on Civil and Political Rights, and*
- *the International Covenant on Economic, Social and Cultural Rights.*

s3. The objects of the Act are:

- (a) *to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:*
  - (i) *work, accommodation, education, access to premises, clubs, and sport; and*
  - (ii) *the provision of goods, facilities, services and land; and*
  - (iii) *existing laws; and*
  - (iv) *the administration of Commonwealth laws and programs; and*
- (b) *to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and*



- (c) *to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.*

## **Age Discrimination Act**

The *Age Discrimination Act 2004* (Cwlth) protects younger and older Australians from discrimination on the basis of age by making it '...unlawful to discriminate on the ground of age' (s4).

The *Human Rights and Equal Opportunity Commission Act 1986* (Cwlth) establishes the Human Rights and Equal Opportunity Commission with a mandate to inquire into complaints of unlawful discrimination. The Act also stresses at s10A the indivisibility and universality of human rights, and the principle that every person is born free and equal in dignity and rights.

Each of the states and territories of Australia has legislation specifically relating to discrimination and equal opportunity. State and territory legislation is overridden by s109 of the Constitution where the two are inconsistent.

## **SCHOLARSHIP**

Man is free to do good or evil, or there would be nothing called 'good' or 'evil', and man would no longer remain human, as 'to err is human', and there would be no justice and injustice (wrong doing), there would be no praise and blame, no reward and punishment: everyone would be a superhuman or an angel. Allah gives man the right to choose between right and wrong, good and bad. He said:

*Have We not made for him a pair of eyes? And a tongue, and a pair of lips?  
And shown him the two highways [i.e. the difficult path of virtue and the  
easy path of vice] (Qur'ān 90:8-10)?*

*Then [in the Hereafter] shall anyone who has done an atom's weight of  
good, see it! And anyone who has done an atom's weight of evil, shall see it  
(Qur'ān 99:7-8).*

There are always tenfold merits (rewards) for doing good things, but only one demerit for doing bad things. However, there is one merit for even intending to do any good thing, and there will be no demerit for intending to do any bad thing. These merits and demerits will be collected in the Hereafter, to decide whether a person deserves blessings or punishment in the Hereafter.

Those who choose the easy path of vice will bear the consequence of it, either in this world or in the Hereafter. If you violate the law of nature, such as jumping from the high cliff into the river you would definitely hurt yourself. Nature does not forgive your fault unless you use another law of nature, in the above example, jumping with a parachute. If you violate the law of the government, such as crossing the red light, you might be safe if you are extremely lucky, but most probably you will be fined, lose your driving license, even be involved in an accident which could be fatal. If you violate the law of Islam (shariah), such as living together outside marriage, you will never escape punishment in the Hereafter unless you repent and are forgiven. Allah says:

*Whoever works righteousness benefits his own, soul; whoever works evil, it is against his own soul ... (Qur'ān 41:46 and 45:15).*

*And say: 'Work (righteousness): Soon will Allah observe your work. And His Messenger, and the Believers: soon you will be brought back to the Knower of what is hidden and what is open: then will He show you the truth of all that you did' (Qur'ān 9:105).*

Therefore, individual freedom in Islam is limited; it should not violate the rights of the community as well as the government's regulations. We have to remember that both the government and Islamic laws are not rigid, but flexible, and we should not bring them into clashing resulting with confusion and anarchy which is prohibited in Islam.

Islam prevents Muslims from harming and being unjust to themselves. We are not totally free with our own body. Our body in true Islamic sense does not belong to us. It belongs to Allah, entrusted to us to keep it in good shape. Like our passport and Medicare card, they belong to the government and Medicare respectively, and we are entrusted to use them properly. There will be penalty if we misuse them. Therefore Islam bans alcohol as it affects the brain and harms one's health. Gambling is prohibited as it is not the natural way of earning money at the expense of the loser, and an unproductive work. Adultery is prohibited as sex relations ought to be regulated within the institution of marriage. In conclusion, the freedom of an individual in Islam shall not violate the laws and rights of the community.

In Islam every human action is subject to one of five basic rulings. Under these five an action can be:

1. obligatory (*wajib*), such as performing the five-obligatory prayers, or fasting in the month of Ramadan. Failing to do it is a grave sin, and without Allah's forgiveness, there would be punishment in the Hereafter.



2. recommended (*sunnah*), to follow the way of the Prophet, such as doing any good deed, such as giving charity, even minor goodness, such as removing thorns from the pathway.
3. permitted (*mubah*), such as doing anything which is neither recommended nor discouraged, such as sitting, walking and most of our daily activities.
4. discouraged (*makruh*), such as smoking (some scholars say it is closer to haram).
5. forbidden (*haram*), such as drinking alcohol, gambling, stealing, cheating, etc.

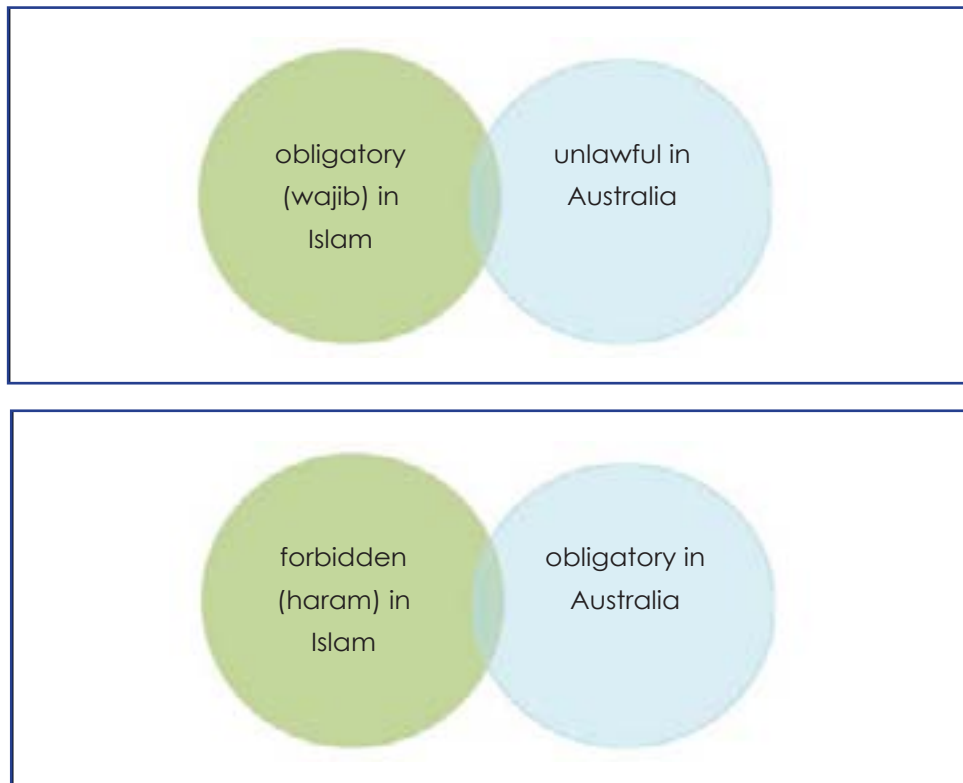
With regard to food, it is either *halal* (permitted), such as the meat of animals slaughtered in the Islamic way: chicken, beef, mutton, etc, or *haram*, such as eating pork meat, and any food containing blood.

## DISCUSSION STARTER

Under Australian law the actions of an individual can be legal or illegal but what is legal is seldom mandatory (perhaps homosexuality is an example here?). An absolute clash between an Islamic life and the Australian law is therefore mainly limited to the very few if any instances where some behaviour is obligatory in Islam and unlawful in Australian law. There may also be some tension between what is compulsory under Australian law and forbidden in Islam. Some commentators say voting is an example here.

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on freedom of the individual, are posed below.

### **Basic**

Pork meat is haram for Muslims (*Qur'ān* 2:173, 5:3 and 6:145) but it is legal in Australia.

Is this a problem for Australians who follow Islam?

### **Intermediate**

*Qur'ān* 49:13 means:

*O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another....*

This seems to imply that we should appreciate other cultures and treat each other with respect. How does this, and the Australian law, guide our relations across the more than 100 faiths practiced in Australia?

### **Advanced**

Discuss the possible clash between Islam and the Australian law related to an individual's basic freedoms. Homosexuality is perhaps one example that might be explored (see *Qur'ān* 4:16, 7:80-81, 11:77-79, 26:165-166, 27:54-55, and 29:28-29).

## 2) FREEDOM OF SPEECH

*All Australians are free within the bounds of the law, to say or write what they think about Australian governments or about any other subject or social issue as long as they do not endanger people, make false allegations or obstruct the free speech of others.*

*The same applies to Australian newspapers, radio and television and other forms of media. Australians are free to protest the actions of government and to campaign to change laws.*

*Freedom of speech allows people to express themselves and to discuss ideas. There are laws that protect an individual's good name against false information or lies. There are also laws against inciting hatred against others because of their culture, ethnicity or background (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS



*Qur'ān 2:42 means:*

*And do not mix the truth with falsehood or conceal the truth while you know [it].*



*Qur'ān 4:148 means:*

*Allah does not like the public mention of evil except by one who has been wronged. And ever is Allah Hearing and Knowing.*



*Qur'ān 6:108 means:*

*And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do.*



*Qur'ān 16:25 means:*

*That they may bear their own burdens [ie sins] in full on the Day of Resurrection and some of the burdens of those whom they misguide without [ie by lack of] knowledge. Unquestionably, evil is that which they bear.*



*Qur'ān 16:125 means:*

*Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided.*



*Qur'ān 50:18 means:*

*He [ie man] does not utter any word except that with him is an observer prepared [to record].*

### Other relevant ayat



*Qur'ān 6:61 on the guardians.*



*Qur'ān 10:99-100 on free will.*



*Qur'ān 14:24-26 on the parable of a good word.*



*Qur'ān 42:37 on forgiving.*



*Qur'ān 42:38 on the value of consultation.*

## FROM AL-SUNNAH



On the authority of Abū Sa'īd al-Khudrī, who said:

*I heard the Messenger of Allah say: Whosoever of you sees an evil action, let him change it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart – and that is the weakest of faith.*

It was related by Muslim

34th of An-Nawawī's Forty Hadith

### WHAT THE AUSTRALIAN LAW SAYS

- All Australians are free to hold opinions without interference.
- All Australians are free, within the law, to express their opinions.

The Australian Constitution (1900) does not have an express provision for freedom of speech. However, Australia is a signatory to the Universal Declaration of Human Rights which states:

*Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

Australia has also ratified the International Covenant on Civil and Political Rights which states:

*Article 10(2). Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

Where a right, like freedom of speech, is not expressly mentioned in the Constitution it may be protected by the common law, sometimes called case law, built up by the decisions of the courts and tribunals rather than through legislation. It is impossible to legislate for all possible human behaviour so in deciding a particular case a judge will look at what is reasonable in the circumstances, what decisions have been made before, and what accords with long held social principles. One of these principles is freedom of speech.

Freedom of speech, like most rights, is not absolute and it may be limited by considerations such as privacy, safety, defamation, vilification, trade secrets and national security for example. The *Racial Hatred Act 1995* (Cwlth) sets limits on the freedom of speech but under s18D it:

*...does not render unlawful anything said or done reasonably and in good faith:*

- (a) in the performance, exhibition or distribution of an artistic work; or*
- (b) in the course of any statement, publication, discussion starter or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or*
- (c) in making or publishing:*
  - (i) a fair and accurate report of any event or matter of public interest; or*
  - (ii) a fair comment on any event or matter of public interest if the comment is an expression of genuine belief held by the person making the comment.*

The *Crimes Act 1914* (Cwlth) s30C limits freedom of speech by making it an offence for any person who by speech or writing advocates or encourages the overthrow of the Constitution of the Commonwealth, the overthrow by force or violence of the established government of any civilised country, or the destruction of property belonging to the Commonwealth.

The *Crimes Act 1900* (NSW) s529 makes it an offence to criminally defame another such that any person who, without lawful excuse, publishes matter defamatory of another living person: (a) knowing the matter to be false, and (b) with intent

to cause serious harm to the victim or any other person or being reckless as to whether such harm is caused, is guilty of an offence.

The *Crimes Act 1900* (NSW) s574 states:

*No person shall be liable to prosecution in respect of any publication by him or her orally, or otherwise, of words or matter charged as blasphemous, where the same is by way of argument, or statement, and not for the purpose of scoffing or reviling, nor of violating public decency, nor in any manner tending to a breach of the peace.*

## SCHOLARSHIP

Although there is freedom of speech in Islam, Muslims are not allowed to say but the truth and good things only. The Prophet prohibited Muslims from swearing and cursing even the truly cursed Satan; instead, they should ask Allah's protection from his temptation. We shall be responsible in the Hereafter for whatever we said and did in this world, as they were recorded.

Muslims are urged to say good things only, except when he is wronged, he may expose the wrong doing, although patience is preferred of him. Muslims are encouraged to say good things and not to talk about others at their back, things that they do not like to hear: if it is true, it is called backbiting, and it is a sin; if it is not true, it is called defamation, and it is also a sin.

❧ On the authority of Abū Hurayrah (may Allah be pleased with him), that the Messenger of Allah (may the blessings and peace of Allah be upon him) said:

*Let him who believes in Allah and the Last Day either speak good or keep silent, and let him who believes in Allah and the Last Day be generous to his neighbour, and let him who believes in Allah and the Last Day be generous to his guest.*

It was related by a-Bukhārī and Muslim  
15th of An-Nawawī's *Forty Hadith*

❧ On the authority of Mu'ādh ibn Jabal (may Allah be pleased with him), who said:

*O Messenger of Allah, tell me of an act which will take me into Paradise and will keep me away from Hell-fire. He said: You have asked me about a major matter, yet it is easy for him whom Allah Almighty makes it easy. You should worship Allah, associating nothing with Him; you should perform*

the prayers; you should pay the zakat; you should fast in Ramadan; and you should make the pilgrimage to the House. Then he said: Shall I not show you the gates of goodness? Fasting [which] is a shield; charity [which] extinguishes sin as water extinguishes fire and the praying of a man in the depths of night. Then he recited: 'Who forsakes their beds to cry unto their Lord in fear and hope, and spend of that We have bestowed on them. No soul knoweth what is kept hidden for them of joy, as a reward for what they used to do. [Qur'ān 32:16].' Then he said: Shall I not tell you of the peak of the matter, its pillar, and its topmost part? I said: Yes, O Messenger of Allah. He said: The peak of the matter is Islam; the pillar is prayer; and its topmost is jihad [literally 'exertion', any effort made in furtherance of the cause of Islam, including war in defending Islam]. Then he said: Shall I not tell you of the controlling of all that? I said: Yes, O Messenger of Allah, and he took hold of his tongue and said: Restrain this. I said: O Prophet of Allah, will that what we say be held against us: He said: May your mother be bereaved of you, Mu'ādh! Is there anything that topples people on their face – or he said on their noses – into Hell-fire other than the harvest of their tongues?

It was related by al-Tirmidhī

29th of An-Nawawī's Forty Hadīth



On the authority of Ab Sa'īd al-Khudrī: he heard the Messenger of Allah say: Whosoever of you sees an evil action, let him change it with his hand; and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart – and that is the weakest of faith.

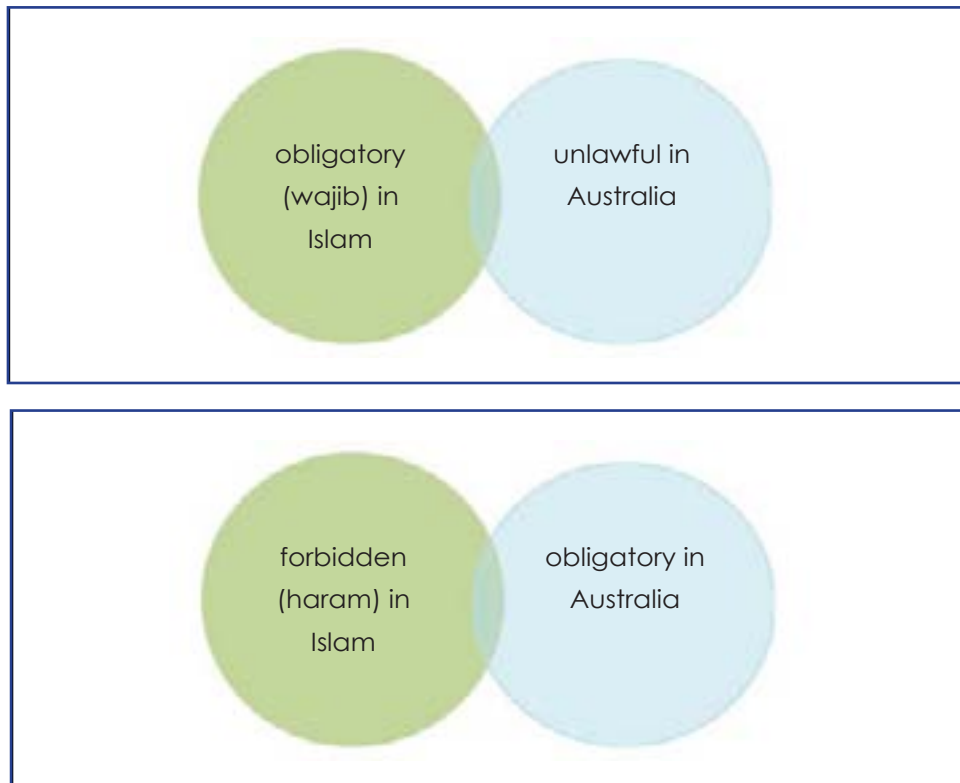
It was related by Muslim

34th of An-Nawawī's Forty Hadīth

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on freedom of speech, are posed as discussion starters below.

### Basic

Freedom of speech is not absolute. For example: no one is free to shout 'Fire, Fire, Fire' in a crowded movie theatre.

What lessons can be learnt from this?

### Intermediate

*Qur'ān* 16:125 instructs Muslims to invite disbelievers to the way of the Lord, and the Australian law says nothing to prevent this. What do you think logically follows from this?

### Advanced

Absolute freedom of speech has never been held to be a principle of any stable society. The limits on freedom of speech are usually to do with secrets (trade and defence), public safety, privacy, defamation and vilification, and incitement to violence. Without these a society is under threat. The good of freedom of speech is accordingly tempered by the greater good of social stability and safety.



### 3) FREEDOM OF RELIGION

*All Australians are free to follow any religion they choose, so long as its practices do not break any Australian law. Australians are also free to not follow a religion. Religious intolerance is not acceptable in Australian society.*

*Australia has a secular government – it does not have any official or state religion. Governments treat all citizens as equal regardless of religion.*

*Religious laws have no legal status in Australia and only those laws enacted by parliament apply, for example, in divorce matters. Some religious or cultural practices, such as bigamy (being married to more than one person at the same time) are against the law in Australia (DIAC 2007:5-7).*

#### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

#### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 2:256 means:

*There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in tāghūt [false objects of worship] and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.*

❧ Qur'ān 10:99 means:

*And had your Lord willed, those on earth would have believed – all of them entirely. Then, [O Muhammad], would you compel the people in order that they become believers.*

❧ Qur'ān 109:6 means:

*For you is your religion, and for me is my religion.*

But how is this apparent tolerance of religious and cultural diversity reconciled with the apparent intolerance of the following ayat?



*Qur'ān 8:39 means:*

*And fight them until there is no fitnah [persecution] and [until] the religion [ie worship], all of it, is for Allah. And if they cease – then indeed, Allah is Seeing of what they do.*



*Qur'ān 9:5, referred to as the 'Verse of the Sword', means:*

*And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakāh, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.*

In Dawood's (1956) translation the verse means:

*When the sacred months are over slay the idolaters wherever you find them. Arrest them, besiege them, and lie in ambush everywhere for them....*



*Qur'ān 9:73 means:*

*O Prophet, fight against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination.*

In the final analysis, does Islam allow freedom of religion?



*Qur'ān 3:85 means:*

*And whoever desires other than Islam as religion – never will it be accepted from him, and he, in the Hereafter, will be among the losers.*



*Qur'ān 4:136 means:*

*O you who have believed, believe in Allah and His Messenger and the Book that He sent down upon His Messenger and the Scripture that He sent down before. And whoever disbelieves in Allah, His angels, His books, His messengers, and the Last Day has certainly gone far astray.*

## Other relevant ayat



*Qur'ān 4:37 on apostasy.*



*Qur'ān 4:76 on fighting the unbelievers.*



*Qur'ān 4:171 on Jesus as a messenger.*



*Qur'ān 8:12, 38 and 39 on fighting the unbelievers.*



*Qur'ān 9:29 on fighting the unbelievers.*

- ❖ Qur'ān 9:33 on the religion of truth.
- ❖ Qur'ān 9:123 on fighting the unbelievers.
- ❖ Qur'ān 10:99-100 and 18:29 on religious freedom.
- ❖ Qur'ān 18:29 on religious freedom.
- ❖ Qur'ān 39:7 on rejecting God.
- ❖ Qur'ān 42:38 on the value of consultation.
- ❖ Qur'ān 47:19 on the one deity.
- ❖ Qur'ān 50:45 on religious freedom.
- ❖ Qur'ān 58:14 and 60:13 on allies.
- ❖ Qur'ān 66:9 as per 9:73 on unbelievers and hypocrites.
- ❖ Qur'ān 76:29-31 on free will.
- ❖ Qur'ān 81:28-29 on free will.
- ❖ Qur'ān 82:13-14 on judgement.

## FROM AL-SUNNAH

- ❖ On the authority of Abū 'Abd ar-Rahmān 'Abdullah, the son of 'Umar ibn al-Khattāb, who said: I heard the Messenger of Allah say:

*Islam has been built on five [pillars]: testifying that there is no god but Allah and that Muhammad is the Messenger of Allah, performing the prayers, paying the zakāt, making the pilgrimage to the House, and fasting in Ramadān.*

It was related by al-Bukhārī and Muslim  
3rd of An-Nawawī's Forty Hadith

- ❖ On the authority of Ibn Mas'ūd, who said: the Messenger of Allah said:

*The blood of a Muslim may not be legally spilt other than in one of three [instances]: the married person who commits adultery; a life for a life; and one who forsakes his religion and abandons his community.*

It was related by al-Bukhārī and Muslim  
14th of An-Nawawī's Forty Hadith

## WHAT THE AUSTRALIAN LAW SAYS

- All Australians are free, within the law, to follow any religion or no religion.
- Australians are free to change their religion or belief.
- The Australian state is secular.

The Australian Constitution expressly grants all Australians the freedom to follow any religion, or no religion, as long as their practices do not break the law.

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*

*The Commonwealth of Australia Constitution Act 1900 s116*

In 1983, the High Court of Australia defined religion as 'a complex set of beliefs and practices which point to a set of values and an understanding of the meaning of existence'. Islam, even though some commentators argue that it is not a religion because it is a complete way of life, meets this basic definition.

In Australia people with no religion make up 21% of the population and include agnostics, atheists, humanists and rationalists (DIAC 2008). These people enjoy the same rights and responsibilities as all other citizens.

Australia is also a signatory to the Universal Declaration of Human Rights (1948) states:

*Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*

## SCHOLARSHIP

It is revealed that before a child is born she or he testifies that God (Allah) is their Lord. Qur'ān 7:172 means:

*And [mention] when your Lord took from the children of Adam – from their loins – their descendants and made them testify of themselves, [saying to them], 'Am I not your Lord?' They said, 'Yes, we have testified.' [This] – lest you should say on the Day of Resurrection, 'Indeed, we were of this unaware.'*

According to Islam, every child is born with the innate ability to know and believe in his Creator. This natural instinct in believing in God is called *fitrah*. Qur'ān 91:7-10 means:

*And [by] the soul and He who proportioned it And inspired it [with discernment of] its wickedness and its righteousness, He has succeeded who purifies it, And he has failed who instils it [with corruption].*

This is emphasized by the Prophet Muhammad (reported by Bukhari and Muslim on the authority of Abū Hurayrah) when he said:

*Every child is born with the believing nature (fitrah), it is his parents who turn him into a Jew, a Christian or a Zoroastrian. Just as animals are born having full bodies, do you see any of them having a cut-off nose when they are born?*

The path of Islam is a one way path and you cannot play with Islam. Once you find Islam as the right path you cannot go back. You are at the point of no return, probably like being in a plane in midair or onboard of a ship in the midst of the ocean. Therefore, before you board a ship or plane, you should be sure where you really want to go. Similarly, you should study Islam very carefully before reverting to it. Before entering into Islam a person can choose any religion, but once he enters into it by his own choice the rules change. The term 'Islam' means 'submission (surrender) to the will of Allah', and therefore a Muslim is expected to submit himself to Allah totally and completely. *Qur'ān* 2:208 means:

*O you who have believed, enter into Islam completely [and perfectly] and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.*

Once a person becomes a Muslim, he has to submit and obey what Allah and the Messenger have decided on an issue. *Qur'ān* 33:36 means:

*It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.*

Apostasy is the outcome of misunderstanding Islam. Instead of abandoning Islam, even before entering into it, a person should question, discuss, debate, study any issue which casts doubt in his mind about Islam. However, we have to remember that not all questions could be answered satisfactorily. The question of the prohibition of the consumption of pork, for example, has no definite answer, as God did not tell us the reason behind its prohibition. One can guess that it is the food for the lions, but he may find out later that even lions do not like it. One may say that because it may contain bacteria and worms, and killing them would make it halal. It is not so, as even if we burn it into ashes it remains *haram* for Muslims.

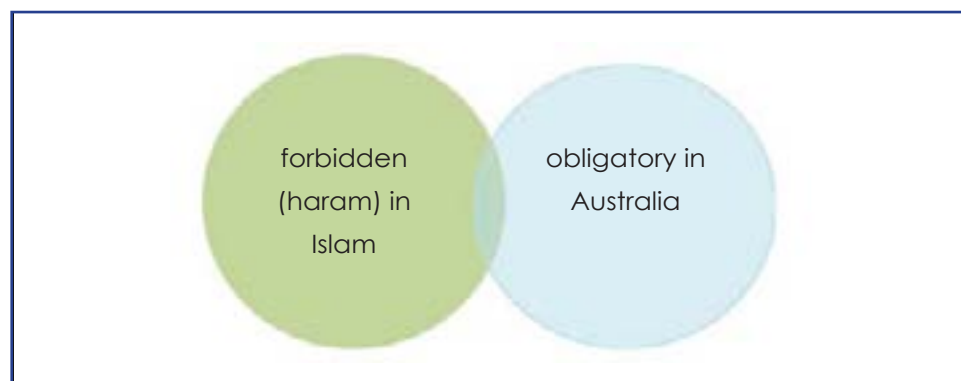
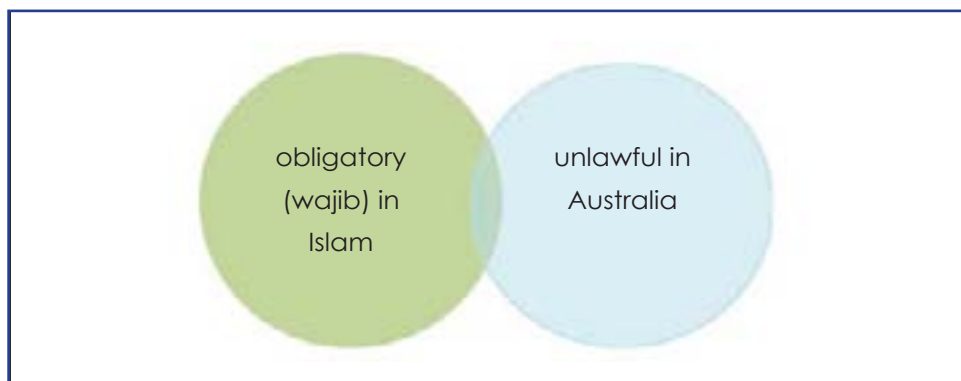
The case is the same with the obligatory prayers which have to be performed five times daily. There are many prescriptions in Islam which could not be questioned with 'why', but it is open for scholars to find out the wisdom behind these prescriptions, and the answers are based exclusively on assumption.

Treason is betrayal of one's country or ruler. Apostasy, in Islam, is considered both blasphemy and treason. Even if the apostates undertake to keep silent, as they will not be able to keep silent all their lives, they would say one day what they think is 'wrong' with Islam. Apostasy is an open rejection, without any pressure or force and a full realization of what this statement implies, such as denying the truth and honesty of the Prophet Muhammad as the Messenger of God. It has to be emphasized here that, like treason, it is the government of the Islamic country that has the authority to deal with and pass judgment on apostasy.

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on freedom of religion, are posed as discussion starters below.

## Basic

*Qur'ān* 10:99 means:

*And had your Lord willed, those on earth would have believed – all of them entirely. Then, [O Muhammad], would you compel the people in order that they become believers?*

What does this mean for multi-faith Australia?

## Intermediate

Freedom of religion in Australia is a negative right. It is a right to be left alone and not subject to coercion. In other words, it requires others to not interfere. You don't have to exercise a negative right. Positive rights on the other hand guarantee the provision of a good – a right to trial by jury, for example.

What are the problems here when a Muslim tries to leave the faith? Perhaps *Qur'ān* 3:85 will help discussion.

## Advanced

*Qur'ān* 2:256 is abrogated by some of the later Medina verses (9:5 for example). Does this mean that there should be compulsion in religion?

The Universal Islamic Declaration of Human Rights (Islamic Council 1981) contains a Right to Freedom of Religion: 'Every person has a right to freedom of conscience and worship in accordance with his religious beliefs' (XIII). This is a different right to the Universal Declaration of Human Rights (1948) one.

What does that difference mean to an Australian of the Islamic faith?

## 4) FREEDOM OF ASSOCIATION

*Subject to the law, Australians are free to gather together and to protest against government or any other organisation as long as the protest is peaceful and does not damage or injure people or property. The freedom to associate includes the freedom to join or not to join any organisation or group, provided it is legal. Such organisations and groups include political parties, trade unions and social groups (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 49:13 means:

*O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.*

Yet if diversity is a creation of God (see 11:118, 22:67 and 30:22) and something worthy of study, what of the next three ayat?

❧ Qur'ān 4:144 means:

*O you who believe! Take not for friends unbelievers rather than believers: do you wish to offer God an open proof against yourselves?*

❧ Qur'ān 5:51 means:

*O you who have believed, do not take the disbelievers as allies instead of the believers. Do you wish to give Allah against yourselves a clear case.*

❧ Qur'ān 58:14 means:

*Have you not considered those who make allies of a people with whom Allah has become angry? They are neither of you nor of them, and they swear to untruth while they know [they are lying].*



## Other relevant ayat

- ❧ Qur'ān 2:109 on conversion.
- ❧ Qur'ān 3:104-105 on association.
- ❧ Qur'ān 4:140 and 6:68 on associating with hypocrites.
- ❧ Qur'ān 5:2 on helping each other in righteousness, not in sin.
- ❧ Qur'ān 5:82 on the Jews.
- ❧ Qur'ān 9:29 on fighting the unbelievers.
- ❧ Qur'ān 60:13 as per 58:14 on allies.

## FROM AL-SUNNAH

In An-Nawawī's *Forty Hadith* and the *Forty Hadith Qudsi*, both translated by Ezzeddin Ibrahim and Denys Johnson-Davies, no relevant *hadith* were found.

## WHAT THE AUSTRALIAN LAW SAYS

- All Australians are free, within the law, to associate, assemble and protest.

The Australian Constitution (1900) does not have an express provision for freedom of association. However, Australia is a signatory to the Universal Declaration of Human Rights which states:

*Article 20. (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.*

Australia has ratified ILO Convention 87 (Freedom of Association and Protection of the Right to Organize) and there is some state and federal legislation supporting the right to strike.

When interpreting the law it is necessary to look at what is expressly allowed or prohibited and it is sometimes necessary to look at what is lawful or unlawful by implication. For example: the *Crimes Act 1914* (Cwlth) s30A makes an association unlawful if it advocates or encourages the overthrow of the Constitution by revolution or sabotage, the overthrow by force or violence of the government of any civilised country, and the destruction of property of the Commonwealth.

Similarly the *Crimes (Criminal Organisations Control) Bill 2009* (NSW) is aimed at disrupting and restricting the activities of criminal organisations and their members (namely the so called outlaw motorcycle gangs). The implication of such laws is that most other associations, and therefore the freedom to associate, would be lawful.

But not all actions by a legal association would be found legal in themselves. The *Crimes Act 1900* (NSW) s93B defines the offence of riot as where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety.

## SCHOLARSHIP

Man is a social being and Muslims have the freedom to associate and form parties and organisations for the good (*Qur'ān* 3:104-105 and 5:2). Being different in gender, race, language and skin colour is one of the signs of Allah as the Creator, and the difference makes us curious to know each other. There is no superiority of one individual, race, or gender in the sight of Allah except through righteousness.

1,400 years ago the Prophet and his followers entered into association with the Makkan idolaters and the Jews of Madinah. When the Prophet arrived at Madinah in 623 CE, he made the constitution of Madinah (Charter of Madinah) containing 52 articles. These included the terms for the co-existence of Muslims and followers of other religions, especially Judaism and polytheism, and freedom of religious practice. In return all would defend together the city against the attack of the enemy from outside.

However, when Madinah was attacked in the battle of Uhud, the Jews did not want to take part in defending the city, except Mukhyriq of Bani Tha'labah who told them: 'O fellow Jews, you have to assist Muhammad.' They made an excuse and said: 'It is a Sabbath day.' He said, 'Assisting Muhammad does not disgrace the Sabbath day.' He said that if he died in the battlefield he would leave his wealth to Muhammad's disposal. When the Prophet heard of his death in the battlefield, he said: 'Mukhayriq is the best of the Jews.' Like the Jews of Madinah, who violated the constitution of Madinah, the Makkan idolaters expelled the Muslims from Makkah and violated the Treaty of Hudaibiyyah between them and the Prophet.

Regardless of this historic justification, the contemporary Muslim scholar Shaykh Yūsuf al-Qaradāwī's provides the following commentary on making friendship (alliance, loyalty) to non-Muslims. Quoting *Qur'ān* 3:28, 4:138-139 and 144, 9:23, 51:51-52, 58:22 and 60:9, he notes that these verses and some hadiths of the Prophet are superficially understood to indicate the fanatical attitude of Islam towards the Jews, the Christians and others. After considering carefully and investigating the history, the occasion and surrounding conditions which led to the revelation of these verses he notes:

1. The prohibition is taking as *awliyā'* (friends, allies etc) those who are different as specified groups with their own religions, beliefs, views, and characteristics, namely, characterizing them as Jews, Christians, Zoroastrians (Magians), not as neighbours, colleagues, or citizens. The loyalty of Muslims is to the Muslim ummah (community, nation) alone. Hence, the warning of taking others as allies is mentioned in several verses in the Qur'an. The verse 'other than the believers' (*Qur'ān* 3:28, 4: 138-139 and 144) indicates that loyalty to them was at the expense of the believers.
  
2. The friendship prohibited in the above verses is not friendship with those who have different religions, but friendship with those who offend the Muslims and oppose Allah and His Messenger, as Allah said:
  - (a) 'You (Muhammad) will not find any people who believe in Allah and the Last Day, making friendship with those who oppose Allah and His Messenger...' (*Qur'ān* 58:22). Opposing Allah and His Messenger is not simply denying them, but waging war on their message, standing up against it and offending the Muslims.
  
  - (b) 'O you who believe! Take not My enemies and your enemies as friends, showing affection towards them, while they have disbelieved in what has come to you of the truth, and have driven out the Messenger and yourselves (from your homeland) because you believe in Allah, your Lord!...' (*Qur'ān* 60:1). This verse indicates the prohibition of making friends with and showing affection to the idolater with two conditions together: their denial of Islam and their expelling the Messenger and the believers from their homeland without any valid justification.
  
  - (c) 'Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes. Verily, Allah loves those who deal with equity. It is only as regards those who fought against you on account of religion, and have driven you out of your homes, and helped to drive you out, that Allah forbids you to befriend them. And whosoever will befriend them, then such are the wrongdoers' (*Qur'ān* 60:8-9).

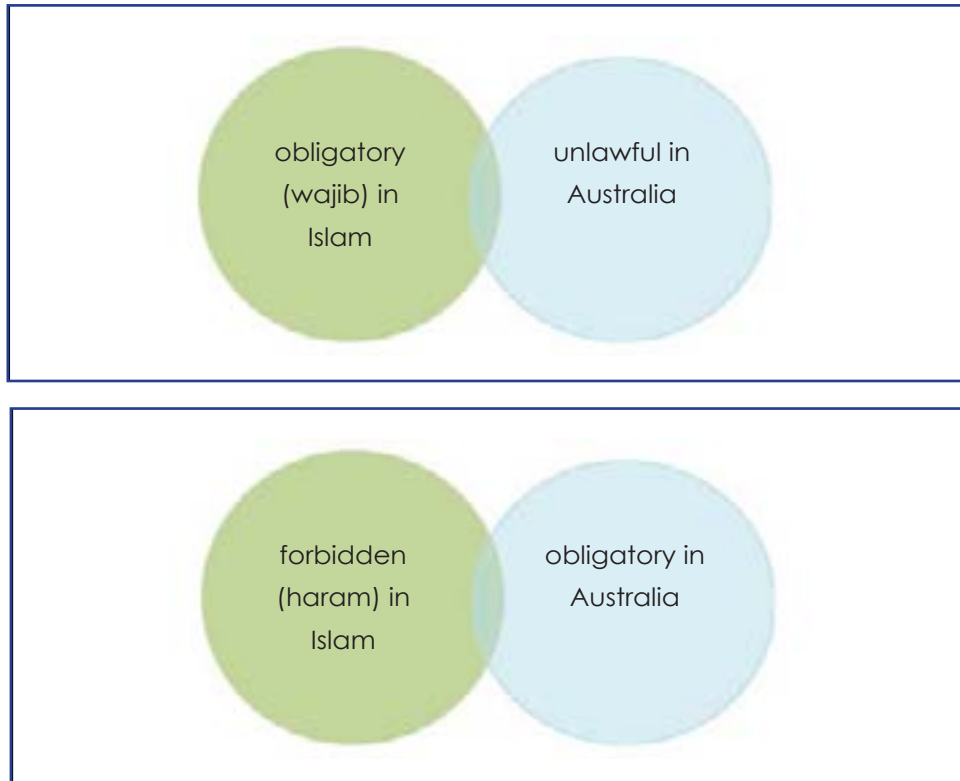
These verses mention two groups of people: a group of people who are peaceful to the Muslims, do not fight them for their religion, and do not expel them from their homes: these people deserve kindness and equity. The other group of people is those who are hostile and oppose the Muslims through fighting them or expelling them from their homes, or help in expelling them, to them Muslims are not allowed to befriend with them. The meaning of this divine text is that the Muslims are allowed to befriend to other group (which is not hostile to the Muslims).

3. The Muslims are allowed to marry the women of the People of the Book (Jewish and Christian). Married life has to be based on spiritual tranquillity, love, and mercy, as indicated in the *Qur'ān*, "And among His Signs is that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect." (*Qur'ān* 30:21). This indicates that there is no harm in showing affection (of a Muslim) towards a non-Muslim. How could it be possible that a man does not love his Jewish or Christian wife, and for a boy not to love his (maternal) grand-parents, (maternal) uncles and aunts if his mother is a Jewess or a Christian?
4. The undoubted truth is that Islam confirms the promotion of the religious bond above any bond, either blood, territorial, race, or social class. A Muslim is a brother of another Muslim; a believer is a brother of another believer. The Muslims are one ummah (nation); they quickly protect their deprived ones. A Muslim is closer to another Muslim than any non-Muslim, even if he is his own father, son or brother. This, Shaykh al-Qaradāwī asserts, is not exclusively in Islam, but it is the nature of every religion and every belief. He claims that this view is also confirmed in the Bible.

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on freedom of association, are posed as discussion starters below.

### Basic

You overhear a conversation where one person is saying to another 'Muslims won't ever make friends with non-Muslims, it's a rule in their religion'. What do you think? What do you say?

### Intermediate

*Qur'ān* 49:13 seems to encourage multi-faith cooperation and interaction. Is that right?

### Advanced

Given that Muslim loyalty seems to be directed to the *ummah* (the nation of Islam) and not the nation state (ie Australia), what might be some difficulties in this? How does this affect life as an Australian of the Islamic faith?

## 5) PARLIAMENTARY DEMOCRACY

*Australia is a parliamentary democracy, which means that Australian citizens participate in how the country is governed and how society is represented. Governments are accountable to all Australians. Elected parliaments are the only bodies able to make laws in Australia or delegate the authority to make laws.*

*Everyone in Australia must obey laws established by governments. Equally, all Australians are protected by the rule of law. This means that no-one is exempt from or 'above the law', even people who hold positions of power like politicians or the police (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS



*Qur'ān 3:159 means:*

*So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely on Allah. Indeed, Allah loves those who rely [upon Him].*



*Qur'ān 33:36 means:*

*It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.*



*Qur'ān 42:38 means:*

*And those who have responded to their Lord and established prayer and whose affair is [determined by] consultation among themselves, and from what We have provided them, they spend.*

## Other relevant ayat

- ❧ Qur'ān 4:59 on obedience to those in authority.
- ❧ Qur'ān 4:65 on enjoining Muslim's to accept the Prophet's judgement.
- ❧ Qur'ān 5:45 on retaliation.
- ❧ Qur'ān 5:48 on exercising judgement based on revelation.
- ❧ Qur'ān 21:23 on man's accountability to God.

## FROM AL-SUNNAH

In *An-Nawawī's Forty Hadith* and the *Forty Hadith Qudsi*, both translated by Ezzeddin Ibrahim and Denys Johnson-Davies, no relevant *hadith* were found. In other collections the following *hadith* reveal the value placed on consultation, a fundamental tenet of parliamentary democracy.

Al-Khatīb narrated on the authority of 'Ali who said: *'O Messenger of Allah, (what shall we do if) a case comes to us after you (have gone) and has not been revealed in the Qur'ān and we have not heard anything of it from you?' He said: 'Bring it together to the pious of my followers and decide it among you through mutual consultation and do not decide it with a single opinion'* (Reported by Malik).

On the authority of Ibn 'Umar the Prophet said: *'Whoever intends to do something, asks consultation for it, and proceeds it for the sake of Allah, he will be guided to the best things'* (Reported by Bayhaqi in *Shu'ab al-Īmān*).

## WHAT THE AUSTRALIAN LAW SAYS

- All Australians have the right to participate in the governance of Australia.
- For Australians over the age of 18, voting is compulsory.

'The Commonwealth Constitution provides and protects the framework for the Australian system of government. It is our most important founding document and a symbol of our national life' (Saunders 2000:1). s1 of the Constitution vests the legislative or lawmaking power of the Commonwealth in the Federal Parliament.

In s51 of the Constitution (1900) the Legislative powers of the parliament are listed and they include the power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- taxation;
- postal, telephone and like services;
- defence;
- quarantine;
- the census;
- currency and banking;
- citizenship;
- marriage and divorce;
- pensions and allowances including maternity and unemployment;
- immigration; and
- external affairs.

Each of the states and territories has its own constitution with a considerably wider ambit of authority than the federation. The *Constitution Act 1902* (NSW) for example states:

*s5. The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever...*

The *Crimes Act 1914* (Cwlth) s28 makes it an offence for any person who, by violence or by threats or intimidation of any kind, hinders or interferes with the free exercise or performance, by any other person, of any political right or duty.

The *Freedom of Information Act 1982* (Cwlth) extends as far as possible the right of the Australian community to access information in the possession of the government. This right strengthens the democratic process.

## SCHOLARSHIP

*Shura* ( mutual consultation) is participation with others in making a decision that concerns them. Like the injunction to pray, the injunction of *shura* was also revealed in the Makkan (Meccan) surah (chapter) as an individual duty upon Muslims. After Prophet Muhammad, revelation stopped, and there was no longer direct access to God's will. As no one has the legitimacy or authority to claim a pope (priest-like) status in the Muslim community (there is no theocracy in the Islamic political system) *shura* became the means to decision making. Therefore, every individual has to consult each other: in his family life, community and the government. It is to be applied not only in the legislative body, but also in executive and judicial bodies.



Some Muslims, including Sayyid Abul Ala Maududi and Muhammad al-Khatib, say that democracy and Islam are incompatible because of the difference in the concept of sovereignty: to God according to Islam (and human beings are merely executors of His Will), and to people according to secular Western democracy. Among their arguments:

- a) Democracy makes religion separate from the state, whereas in Islam religion is everything in the lives of Muslims.
- b) *Shura* is a part of the Islamic system of government, and has nothing to do with democracy, which is a man-made system of government.
- c) The source of Islam is divine (revelation), whereas the source of democracy is human.

Others say that Islam and democracy are not only compatible, but their association is inevitable, because Islamic political system is based on *shura*. Among the areas of compatibility between the two are:

- a) There are only about 200 verses in the *Qur'ān* dealing with laws, mostly on protecting family, women, and the community. Islam does not provide detailed practicalities as they keep changing to fit time, place and human circumstances. Therefore it leaves an open and wide space for exercising *ijtihād* (independent judgment in a legal question, based upon the interpretation and application of the *Qur'ān* and the Sunnah of the Prophet) to find out what is best for the community.
- b) Islam and democracy promote freedom and social justice and many other values.
- c) Elected members of the *Shura* Council of the Prophet consisted of seven people from the *Muhajirin* (emigrants) and seven from the *ansar* (people of Madinah) similar to the present day parliamentary democracy where members are elected representing their respective parties. Among cotemporary scholars who are the exponents of this view are Dr. Fathi Osman, Dr. Ahmad Subhi Mansur, and Shaikh Yusuf al-Qaradawi.

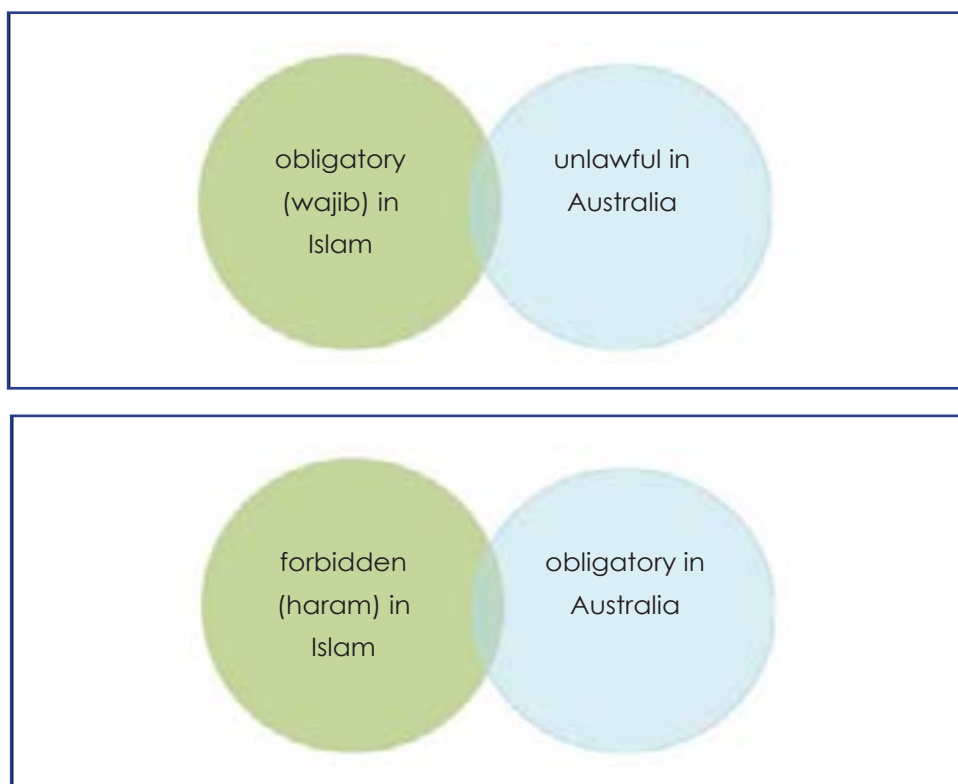
Islamic political system in general and democracy in particular has to be bound by laws, principles and spirits of the *shariah*. It has to maintain its objectives: to establish justice and to protect religion (the last resort is engaging in fighting), lives, properties, honour, progenies, and minds (by prohibiting alcohol, etc) of people.

Muslims who say that democracy is incompatible with Islam use the term *shura*; others call it 'Islamic democracy'.

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on parliamentary democracy, are posed as discussion starters below.

### Basic

*Qur'ān* 4:59 tells followers to 'obey those in authority among you'. What does this mean?

## **Intermediate**

The Muslim world is not ideologically homogeneous. Instead, it is vast and diverse. Is this a failing in the followers of Islam or is it a cultural, contextual and environmental consequence? What does this mean for Australians?

## **Advanced**

Is Islam compatible with parliamentary democracy? *Qur'ān* 33:36 is believed by some to be fatal to that idea.

## 6) EQUALITY UNDER THE LAW

*All Australians are equal under the law. This means that nobody should be treated differently from anybody else because of their race, ethnicity or country of origin; because of their age, gender, marital status or disability; or because of their political or religious beliefs. Government agencies and independent courts must treat everyone fairly.*

*Being treated fairly means getting a job or being promoted must be on the basis of a person's skills, ability and experience, not their cultural background or political beliefs. It also means that people cannot be refused service in a shop or hotel or any other service facility because of their race, colour, religion, gender or marital status (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 2:143 means in part:

*And thus We have made you a median [ie just] community that you will be witness over the people and the Messenger will be a witness over you. And We did not make the qiblah which you used to face except that We might make evident who would follow the Messenger from who would turn back on his heels. And indeed, it is difficult except for those whom Allah has guided. And never would Allah have caused you to lose your faith [ie your previous prayers]. Indeed, Allah is, to the people, King and Merciful.*

❧ Qur'ān 4:58 means:

*Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.*

❧ Qur'ān 4:135 means:

*O you who have believed, be persistently standing firm in justice, witness for Allah, even if it be against yourselves or parents and relatives. Whether*

one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted.

❧ Qur'ān 5:8 means:

*O you who have believed, be persistently standing firm for Allah, witness in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is acquainted with what you do.*

The following ayat do not appear to support equality under the law.

❧ Qur'ān 2:178 means:

*O you who have believed, prescribed for you is legal retribution for those murdered – the free for the free, the slave for the slave, and the female for the female. But whoever overlooks for his brother [ie the killer] anything, then there should be a suitable follow-up and payment to him [ie the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment.*

❧ Qur'ān Qur'ān 3:28 means:

*Let not believers take disbelievers as allies [ie supporters or protectors] rather than believers. And whoever [of you] does that has nothing [ie no association] with Allah, except when taking precaution against them in prudence. And Allah warns you of Himself, and to Allah is the [final] destination.*

## Other relevant ayat

❧ Qur'ān 2:228 on divorce.

❧ Qur'ān 4:11 on inequality in inheritance based on sex.

❧ Qur'ān 4:19 on immorality by women.

❧ Qur'ān 28:4 on discrimination.

❧ Qur'ān 49:10 on settlement.

❧ Qur'ān 103:1-3 on justice.

More ayat on equality between men and women are explored in the next section.

## FROM AL-SUNNAH

❧ On the authority of Abū Hurayrah from the Prophet, who said that Allah the Almighty said:

*There are three whose adversary I shall be on the Day of Resurrection... [one is] a man who has hired a workman, has extracted his due in full from him and has not given him his wage.*

It was related by al-Bukhārī (also by Ibn Mājah and Ahmad ibn Hanbal)

21st of the *Forty Hadith Qudsi*

## WHAT THE AUSTRALIAN LAW SAYS

- All Australians are equal under the law.

The *Commonwealth of Australia Constitution Act 1900 (Imp)* s80 says:

*The trial on indictment of any offence against any law of the Commonwealth shall be by jury...*

Australia is a signatory to the Universal Declaration of Human Rights which states:

*Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*

The various acts listed below, and examined earlier, also make discrimination illegal.

- Racial Discrimination Act 1975 (Cwlth);
- Sex Discrimination Act 1984 (Cwlth);
- Disability Discrimination Act 1992 (Cwlth); and
- Age Discrimination Act 2004 (Cwlth).

## SCHOLARSHIP

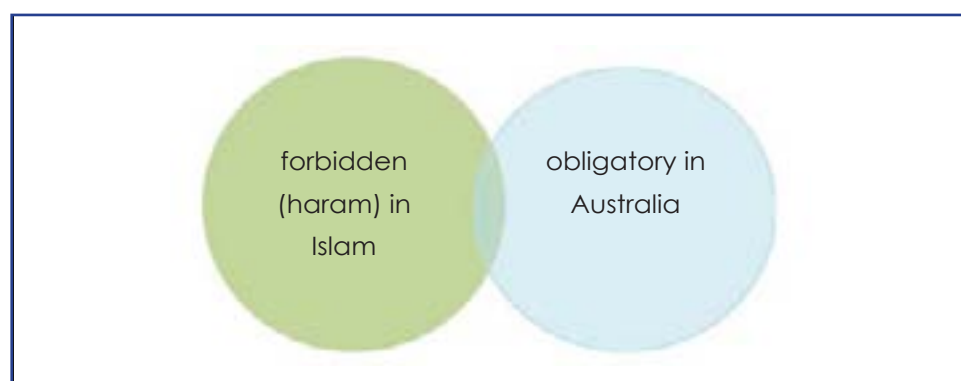
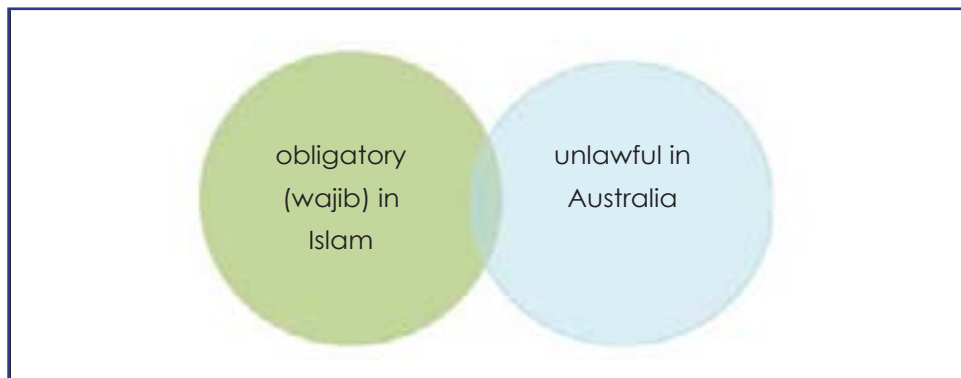
The Prophet in his Farewell Pilgrimage delivered his last sermon on the top of Mt. Rahmah attended by about 100,000 Muslims. As he sensed that he would not live long enough to see them in the next pilgrimage season for he had accomplished his mission, this sermon is extremely important for Muslims. Among its contents are:

*O People! Listen, every Muslim is a brother unto the other Muslim and all Muslims are brethren unto one another.... O People, your God is one, your ancestor is also one and you are all progeny of Adam, who was created from clay. The most respected before God amongst you is one who is most God-fearing. An Arab has no superiority over a non-Arab nor a non-Arab over an Arab – neither does a white man possess any superiority over the black man, nor a black man over a white one, except by virtue of piety.*

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- *Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.*
- *Australians are also free not to have a religion.*
- *Religious freedom is safeguarded by sect 116 of the Australian Constitution.*
- *Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).*



Basic, intermediate and advanced questions, on equality under the law, are posed as discussion starters below.

### **Basic**

Your aunty owns and operates a small shop selling groceries. She wants to hire a part-time assistant and tells you she only wants to hire someone from her religion and her sect. What do you say to her?

### **Intermediate**

*Under Islamic law a man can declare divorce (talaq) and the wife must accept this. Under the Australian law, the only ground for divorce is an irretrievable breakdown of the marriage with 12 months separation establishing this (AIFS nd:1).*

What seems to be the intent of the Australian law as compared to the Islamic?

### **Advanced**

The *Qur'ān* seems to mandate moral equality but not legal equality. Different legal treatment is prescribed for people depending on their sex, their sexual preference, their age and their religion – men over women, heterosexual men over homosexual men, adults over children, People of the Book (sometimes called Abrahamic people) over pagans, and Muslims over Christians and Jews.

According to some international aid agencies, in a court of law in Pakistan a woman's testimony is worth only half that of a man. Where could this idea come from and what are the implications?



## 7) EQUALITY OF MEN AND WOMEN

*Men and women have equal rights in Australia. Jobs and professions are equally open to women and men. Men and women can serve in the military and both can also hold positions in government (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 5:38 means:

*[As for] the thief, the male and the female, amputate their hands in recompense for what they earned [ie committed] as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise.*

❧ Qur'ān 9:71 means:

*The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakāh and obey Allah and his Messenger. Those – Allah will have mercy upon them. Indeed, Allah is exalted in Might and Wise.*

❧ Qur'ān 51:56 means:

*And I did not create the jinn and mankind except to worship me.*

Equality is not apparent in the following ayat though.

❧ Qur'ān 2:223 means:

*Your wives are a place of cultivation [ie sowing of seed] for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves. And fear Allah and know that you will meet him. And give good tidings to the believers.*

Dawood (1956) renders the verse as:

*Women are your fields; go, then, into your fields as you please....*

❧ Qur'ān 4:15 means:

*Those who commit immorality [ie unlawful sexual intercourse] of your women – bring against them four [witnesses] from among you. And if they testify, confine them [ie the guilty women] to houses until death takes them or Allah ordains for them [another] way.*



*Qur'ān 4:34 means:*

*Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance – [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.*

In Dawood's (1956) English language version the verse means:

*Men have authority over women because God has made the one superior over to the other, and because they spend their wealth to maintain them. Good women are obedient. They guard their unseen parts because God has guarded them. As for those from whom you fear disobedience, admonish them, forsake them in beds apart, then beat them. Then if they obey you, take no further action against them,*

The next three verses can have special relevance in the Australian context.



*Qur'ān 24:30 means:*

*Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allah is Acquainted with what they do.*



*Qur'ān 24:31 means:*

*And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headcovers over their chests and not expose their adornment [ie beauty] except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess [ie slaves], or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornments. And turn to Allah in repentance, all of you, O believers, that you might succeed.*



*Qur'ān 33:59 means:*

*O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not abused. And ever is Allah Forgiving and Merciful.*

## Other relevant ayat

- ❧ Qur'ān 2:187 on wives and their husband.
- ❧ Qur'ān 2:228 and 229 on divorce.
- ❧ Qur'ān 2:240 and 241 on maintenance.
- ❧ Qur'ān 3:195 and 16:97 on equality.
- ❧ Qur'ān 4:7-11 on inheritance.
- ❧ Qur'ān 4:16, 7:80-81, 11:78, 26:165-166, 27:54-55, 29:28-29 on homosexuality.
- ❧ Qur'ān 4:19-20 on the treatment of women.
- ❧ Qur'ān 4:32 on earnings.
- ❧ Qur'ān 4:34 on the right of a husband to beat his wife.
- ❧ Qur'ān 4:124 on equality.
- ❧ Qur'ān 9:71 on the alliance between male and female believers.
- ❧ Qur'ān 16:97 on equality between men and women of faith.
- ❧ Qur'ān 33:35 on equality between Muslim men and women.
- ❧ Qur'ān 40:40 on equal reward and punishment for men and women.
- ❧ Qur'ān 55:56-58 & 70-76 on maidens in heaven.

## FROM AL-SUNNAH

In *An-Nawawī's Forty Hadith* and the *Forty Hadith Qudsi*, both translated by Ezzeddin Ibrahim and Denys Johnson-Davies, no relevant hadith were found. Perhaps hadith from other sources might contain a relevant example or lesson. Students could be encouraged to research these.

- ❧ Qur'ān 2:223 on women as a place of cultivation is elaborated on in a number of hadith particularly by Muslim and Bukhari.

## WHAT THE AUSTRALIAN LAW SAYS

- Men and women have equal rights and equal responsibilities under Australian law.
- Religious doctrine is not a defence in criminal matters.

The *Sex Discrimination Act 1984* (Cwlth) protects individuals across Australia from discrimination on the basis of sex, marital status or pregnancy and, in relation to employment, family responsibilities. The Act also makes sexual harassment against the law. A Sex Discrimination Commissioner is appointed to the Australian Human Rights and Equal Opportunity Commission.

The *Equal Opportunity for Women in the Workplace Act 1999* (Cwlth) has as its principle objects the principle that employment for women should be dealt with on the basis of merit, to eliminate discrimination in employment based on sex, and to foster workplace consultation on equal opportunity.

The *Anti-Discrimination Act 1977* (NSW) makes it illegal to discriminate or treat less favourably a person based on their sex, marital or domestic status (see s24 and s39).

The *Crimes Act 1900* (NSW) makes it a crime for a person to have sexual intercourse with a person without their consent (see s61I, 61J, 61JA and 61K). Under s61T marriage is no defence to these offences.

On a historical note, the *Franchise Act 1902* (Cwlth) s3, reflecting s41 of the Constitution, states:

*Subject to the disqualifications hereafter set out, all persons not under twenty-one years of age whether male or female married or unmarried... shall be entitled to vote at the election of Members of the Senate and the House of Representatives.*

Under the *Commonwealth of Australia Constitution Act 1900* (Imp) s51 (xxi) the Federal Parliament has the authority to make laws relating to marriage. Under that head of power, the *Marriage Act 1961* (Cwlth) was enacted and at s94 states:

(1) *A person who is married shall not go through a form or ceremony of marriage with any person....*

(4) *A person shall not go through a form or ceremony of marriage with a person who is married, knowing, or having reasonable grounds to believe, that the latter person is married.*

Under the *Crimes Act 1900* (NSW) s92 the offence of bigamy (the act of marrying a person while still being married to another) is also laid out and offenders are liable to imprisonment for seven years.

## SCHOLARSHIP

The status of women in Islam today is often generalised negatively. This generalisation is sometimes based on the practice of women wearing the hijab.

However hijabs , veils, scarves and other head coverings are not only worn by Muslim women. Men and women of a number of different faiths are required or choose to cover their heads/hair. Covering the head and wearing modest clothing do not indicate a sign of subjugation to men, but rather of modesty, chastity, and piety. Men who deal with a woman so attired would do so with respect. Slave girls in the early period of Islam were not allowed to wear the hijab, as they were only for free women to wear. (Slavery in Islam was abolished slowly and peacefully: a great reward for freeing a slave, the penalty of some wrong-doings, and a portion in the zakat-tax goes to free slaves, until all of them are freed). The Qur'ān indicates this with '... that is closer to their being recognized so that they shall not be abused, and Allah is ever Forgiving, Merciful' (Qur'ān 33:59).

The generalisation about the status of women is similarly not justified from a simple reading of the literature of any religion. For example:

- a) it was Eve who was deceived, not Adam (Genesis 3: 12 and 1 Timothy 2:14); both Adam and Eve were deceived by eating the forbidden fruit, both repented and were forgiven (Qur'ān 2:26-27 and 7:20);
- b) the woman was created for man, not vice-versa (1 Corinthians 11:9); man and woman are created 'a garment for each other' (Qur'ān 2:187);
- c) woman is a snare, and an upright man could be found among a thousand, but not a woman (Ecclesiastes 7:26 and 28); men and women are equal as brothers and sisters (tradition of the Prophet on the authority of 'Ā'ishah, reported by Ahmad, al-Tirmidhī, and Abū Dā'ūd); and
- d) widows and sisters do not inherit; daughters can inherit only if their deceased father had no sons (Numbers 27:1-11); widows, sisters, and daughters have their share in inheritance (Qur'ān 4:7 and 11); a childless widow must marry her deceased husband's brother, regardless of her consent, even if he is already married, so that she might bear a child from him (Genesis 38:1-10); the Prophet prohibited people from marrying a widow until her counsel is taken, and a virgin until her permission is given (a hadith on the authority of Abū Hurayrah, reported by Ahmad).

Men and women are equal in being humans, and none is more human than the other. God treats them differently and unequally in some cases, but with justice. Some examples are:

- a) as a wife she does not have to work; it is her husband who has to provide her with food and shelter; he is the breadwinner, the one who has to go out and 'fight the dragon';
- b) they are exempted from performing the five-daily prayers during their period without making them up;
- c) gold and silk are for women only, not for men (a h.adīth on the authority of 'Ali, Ibn 'Umar and Abū Mūsā al-Ash'arī, reported by Ibn Mājah, Sunan, vol. 11, p. 100); and
- d) the dowry she receives in marriage, such as cash, a piece of land or a property, totally belongs to her; it includes her own private belongings before and after marriage. She could also work to assist and share the cost of family spending with her husband's permission, and without neglecting her duty in the house.

That the daughter's share in inheritance is half of her brother seems to be unfair. The Islamic law of inheritance gives unequal shares of inheritance but the more you get the more responsibility you have in the family. A man is responsible for his family, as well as his sisters if they are not married and have no income. Grand-children do not have a share in the inheritance if their parents are still alive, for they are responsible for their infant children. Grand-parents also do not have a share if the parents are still alive, for they are responsible for their aging parents.

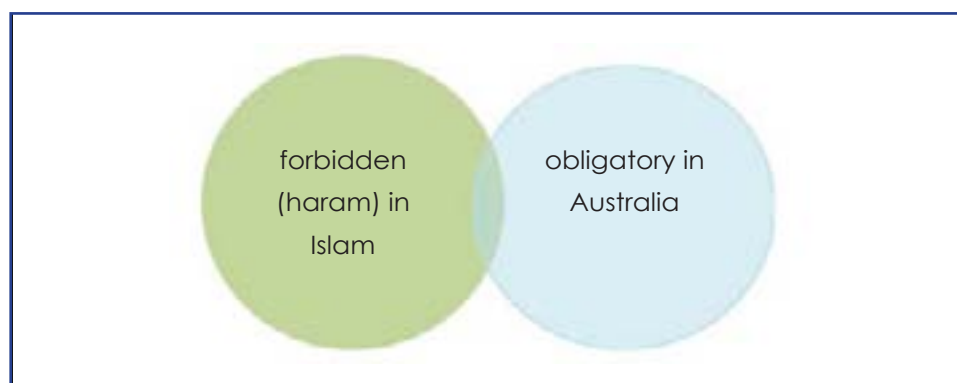
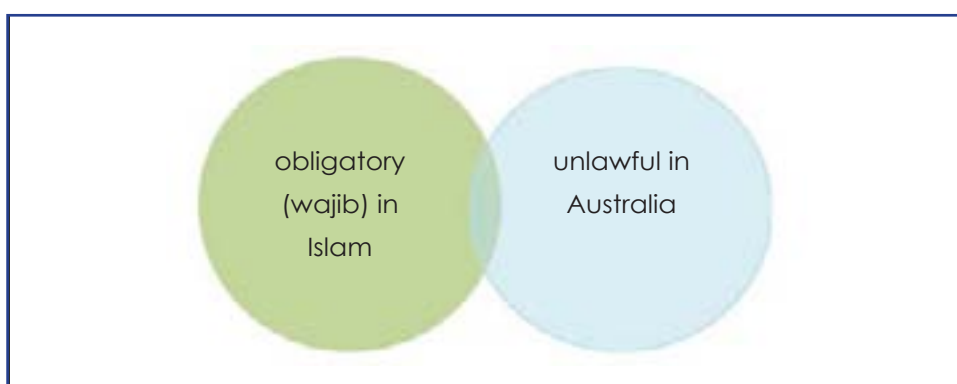
Gender or age discrimination here is to maintain justice and to keep the family and relatives intact. Giving them equal share would make them feel less responsibility towards one another's welfare. Grand-children and grand-parents are too young and too old respectively, in the beginning and the end of their life journeys respectively, to deal with a share in inheritance.

Man and woman have their pluses and minuses, and should be happy for what they are. Like right and left hand, each has its own function, and together makes them stronger and work

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.
- Australians are also free not to have a religion.
- Religious freedom is safeguarded by sect 116 of the Australian Constitution.
- Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).



Basic, intermediate and advanced questions, on the equality of men and women, are posed as discussion starters below.

### Basic







Someone tells you that it is a waste for a woman to go to university, as eventually they will get married, have children and stay at home. What do you think?

## Intermediate

What does the statement 'Men are in charge of women', drawn from *Qur'ān* 4:34 mean?

## Advanced

The following *ayat* all have some bearing on the place of polygamy (in the form of polygyny) in Islam.

-  *Qur'ān* 2:187 on wives and their husband.
-  *Qur'ān* 4:3 on the fact that four wives are permitted.
-  *Qur'ān* 4:24 on the prohibition of polyandry.
-  *Qur'ān* 4:34 on men being in charge of women.
-  *Qur'ān* 4:129 on the impossibility of fairness and justice to women.
-  *Qur'ān* 30:21 on the creation of mates.

The combined effect of these seems to be to permit polygyny (the practice of a man having more than one wife), to make forbidden polyandry (the practice of a woman having more than one husband), and to support the view that women are either inferior to men or at least dependant on them. The Australian law takes a very different view. Is this a problem for Australian followers of Islam?



## 8) EQUALITY OF OPPORTUNITY

*Australians value equality of opportunity and what is called a 'fair go'. This means that what someone achieves in life should be a product of their talents, work and effort rather than their birth or favouritism (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 9 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 6:160 means:

*Whoever comes [on the Day of Judgement] with a good deed will have ten times the like thereof [to his credit], and whoever comes with an evil deed will not be recompensed except the like thereof; and they will not be wronged.*

❧ Qur'ān 6:164 means:

*Say, 'Is it other than Allah I should desire as lord while he is the Lord of all things? And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.'*

❧ Qur'ān 52:21 on retaining the fruits of your own labour:

*...and We will not deprive them of anything of their deeds. Every person, for what he earned, is retained.*

❧ Qur'ān 92:4 means:

*Indeed, your efforts are diverse.*

### Other relevant ayat

❧ Qur'ān 2:282 on two women or one man as witnesses.

❧ Qur'ān 4:1 on equality.

❧ Qur'ān 41:46 and 45:15 on the consequence of one's own actions.

❧ Qur'ān 49:13 on equality.

❧ Qur'ān 74:38 on personal responsibility for your deeds.

## FROM AL-SUNNAH

❧ On the authority of Abū Hurayrah, who said: I heard the Messenger of Allah say: The first of people against whom judgement will be pronounced on the Day of Resurrection will be a man who has died a martyr....

[Another] will be a man whom Allah had made rich and to whom He had given all kinds of wealth. He will be brought and Allah will make known to him his favours and he will recognise them. [The Almighty] will say: And what did you do about them? He will say: I left no path [untrodden] in which You like money to be spent without spending in it for Your sake. He will say: You have lied – you did but do so that it might be said [of you]: He is open-handed. And so it was said. Then he will be ordered to be dragged along on his face until he is cast into Hell-fire.

It was related by Muslim (also by at-Tirmidhī and an-Nasā'ī)  
6th of the *Forty Hadith Qudsi*

## WHAT THE AUSTRALIAN LAW SAYS

A foundation principle of the Australian way of life, based on the philosophy of liberal humanism, is that all Australians are free and equal.

Equality of opportunity is a corollary (it follows logically) of equality before the law. The merits of the case in equality of opportunity are talent, drive and determination not race, age, sex, religion or sexual preference. Individuals are free to attempt or not attempt, compete or not compete for employment, position, prestige, election, goods, services or contracts without arbitrary criteria, based on irrelevant characteristics, excluding or hampering their efforts.

The Australian law on equal opportunity includes:

- the Racial Discrimination Act 1975 (Cwlth),
- the Sex Discrimination Act 1984 (Cwlth),
- the Human Rights and Equal Opportunity Commission Act 1986 (Cwlth),
- the Disability Discrimination Act 1992 (Cwlth), and
- the Age Discrimination Act 2004 (Cwlth).

As these laws have been discussed earlier the applicable NSW legislation is examined here. The *Anti Discrimination Act 1977 (NSW)* identifies discrimination in paid or voluntary employment and in the delivery of goods and services as illegal if it is based on:

- race,
- sex,
- transgender status,
- marital or domestic status,
- disability,
- responsibilities as a carer,
- homosexuality, and
- age.

The Act is silent on discrimination based on religion and political opinion. However, for the purposes of alleging discrimination, some religious groups can rely on race.

At s56 the Act allows discrimination on the basis of the listed differences for the purposes of religion. Nothing in the Act affects the education, ordination and appointment of religious workers or any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion. Other exceptions are also possible in specific circumstances. For example, discrimination on the basis of sex is permissible in:

- sport, where strength, stamina and physique are relevant,
- religious bodies in relation to the appointment of members of a religious order,
- employment for which a person must be of a particular sex,
- employment in single-sex schools, colleges and boarding houses, and
- accommodation in one's own home.

## SCHOLARSHIP

Equal opportunity is given to everybody, believers as well as non-believers. They will equally receive the material reward and compensation for their works in this world, but the final and spiritual reward for good deeds will be given to believers only.

 *Qur'ān* 5:5 means:

*...And whoever denies the faith – his work has become worthless, and he, in the Hereafter, will be among the losers.*

 *Qur'ān* 33:19 means:

*...Those who have not believed, so Allah has rendered their deeds worthless, and ever is that, for Allah, easy.*



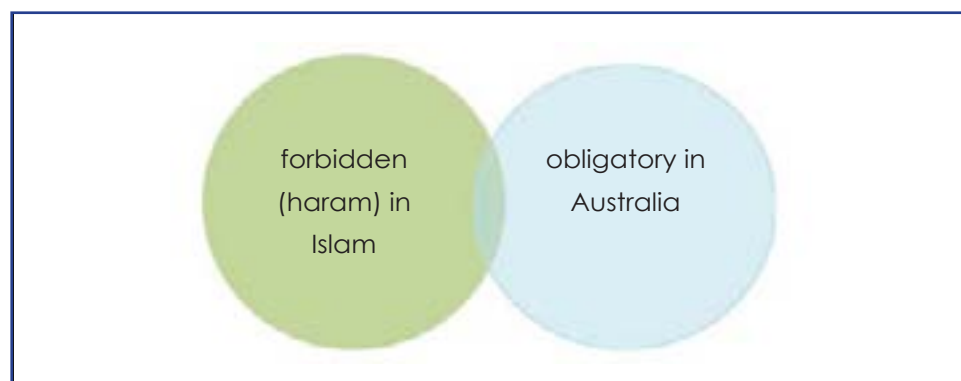
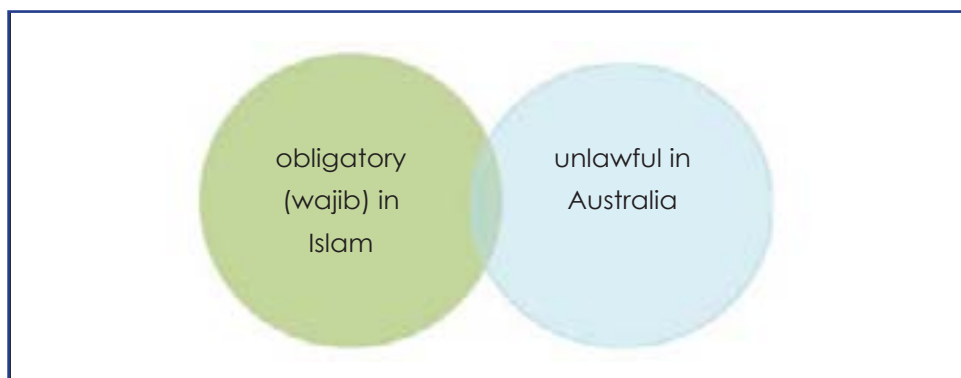
*Qur'ān 39:65 means:*

*O you who have believed, enter into Islam [peace] completely [and perfectly] and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.*

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.
- Australians are also free not to have a religion.
- Religious freedom is safeguarded by sect 116 of the Australian Constitution.
- Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).



Basic, intermediate and advanced questions, on the equality of opportunity, are posed as discussion starters below.

## **Basic**

Your sister has decided she wants to join the bush fire service as a volunteer. What is your advice to her?

## **Intermediate**

*Qur'ān* 4:1 makes it clear that all mankind was created from one soul. Is there a better justification in Islam for the secular concept of equality of opportunity?

## **Advanced**

A Muslim employer is only hiring Muslims in his abattoir packaging meat products. He is justifying his discrimination on the basis of religion and his decision to produce halal product. What is your advice to him? (See *Qur'ān* 5:3-5, and 6:118-119, 121, and 145).

## 9) PEACEFULNESS

*Australians are proud of their peaceful society. They believe that change should occur by discussion starter, peaceful persuasion and the democratic process. They reject violence as a way of changing peoples' minds or the law (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS

❧ Qur'ān 2:208 means:

*O you who have believed, enter into Islam [peace] completely [and perfectly] and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy.*

❧ Qur'ān 2:216 means:

*Fighting has been enjoined upon you while it is hateful to you. But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allah knows, while you know not.*

❧ Qur'ān 2:217 means in part:

*...And fitnah is greater [evil] than killing....*

❧ Qur'ān 6:54 means:

*And when those come to you who believe in Our verses, say, 'Peace be upon you. Your Lord has decreed upon himself mercy: that any of you who does wrong out of ignorance and then repents after that and corrects himself – indeed, He is Forgiving and Merciful.'*

The next ayat seem to go beyond self defence.

❧ Qur'ān 5:33 means:

*Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a greater punishment.*



*Qur'ān 9:5, referred to as the 'Verse of the Sword', means:*

*And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakāh, let them [go] on their way. Indeed, Allah is Forgiving and Merciful..*



*Qur'ān 9:29 means:*

*Fight those who believe not in God or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth [ie Islam] from those who were given the Scripture – [fight] until they give the jizyah willingly while they are humbled.*



*Qur'ān 66:9 means:*

*O Prophet, strive against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination.*

## Other relevant ayat



*Qur'ān 5:2 & 5:8 on hatred.*



*Qur'ān 8:39 on Jihad.*



*Qur'ān 8:61 on the inclination to peacefulness.*



*Qur'ān 9:38-39 on going to war.*



*Qur'ān 9:73 as per 66:9 on unbelievers.*



*Qur'ān 9:111 on Jihad.*



*Qur'ān 16:106 on kitman.*



*Qur'ān 17:33 on the sacredness of life.*



*Qur'ān 42:39 on self defence.*

## FROM AL-SUNNAH



*On the authority of Abū Hurayrah, who said: I heard the Messenger of Allah say:*

*The first of people against whom judgement will be pronounced on the Day of Resurrection will be a man who has died a martyr. He will be brought and Allah will make known to him His favours and he will recognise them. [The Almighty] will say: And what did you do about them? He will say: I fought for You until I died a martyr. He will say: You have lied – you did but fight that it might be said [of you]: He is courageous. And so it was said. Then he will be ordered to be dragged along on his face until he is cast into Hell-fire....*

It was related by Muslim (also by at-Tirmidhī and an-Nasā'ī)  
6th of the *Forty Hadith Qudsi*

❧ On the authority of Abū Dharr al-Ghifārī from the Prophet is that among the sayings he relates from his Lord is that he said:

*O My servants, I have forbidden oppression for Myself and have made it forbidden amongst you, so do not oppress one another....*

It was related by Muslim (also by at-Tirmidhī and Ibn Mājah)  
17th of the *Forty Hadith Qudsi*  
24th of An-Nawawī's *Forty Hadith*

❧ On the authority of the son of 'Umar the Messenger of Allah said:

*I have ordered been ordered to fight against people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah and until they perform the prayers and pay zakāt, and if they do so they will have gained protection from me for their lives and their property, unless [they do acts that are punishable] in accordance with Islam, and their reckoning will be with Allah the Almighty.*

It was related by al-Bukhārī and Muslim  
8th of An-Nawawī's *Forty Hadith*

❧ On the authority of the Abū Huraira, who said:

*A man said to the Prophet: Counsel me. He said: Do not become angry. The man repeated [his request] several times, and he said: Do not become angry.*

It was related by al-Bukhārī  
16th of An-Nawawī's *Forty Hadith*

## WHAT THE AUSTRALIAN LAW SAYS

- Threatening, assaulting and killing another are all crimes under Australian law.

The *Crimes Act 1914* (Cwlth), the *Criminal Code Act 1995* (Cwlth) and the *Crimes Act 1900* (NSW) variously make the following behaviour illegal:

- destroying or damaging property
- sabotage of a public facility
- intimidating behaviour,
- predatory driving,
- robbery and stealing,
- embezzlement and fraud,



- perverting the course of justice,
- blackmail and kidnapping,
- people smuggling,
- piracy,
- domestic violence,
- assault,
- rape,
- manslaughter,
- murder,
- affray,
- terrorism,
- war crimes,
- unlawful assembly, and
- riot.

The criminal law is developed to deter certain behaviour and to punish those who are found guilty of it. Not all prohibited behaviour is a crime – littering for example, or smoking on a railway station – but an action is deemed criminal because of the harm it does to others and to society.

## SCHOLARSHIP

Islam is a religion of peace. The root term 'Islam' itself is based on the letters SLM from SiLM meaning 'peace', SaLāM meaning 'soundness, wellbeing, peace, peacefulness, safety and security', and iSLāM meaning 'surrendering oneself (to the will of Allah, the Almighty)'. It means total obedience to Him. Since the whole of creation is obeying God's law of nature, then they are also surrendering to Him, and therefore, literally Muslims.

Muslims greet each other by praying for each other's safety and peace. They say "Assalamu 'alaykum" meaning 'peace be upon you', and the answer is 'Wa 'alaikum salām' meaning 'upon you too be peace'.

The place of fighting, warfare and even killing in Islam can be misunderstood. Killing a fellow human being is never holy in Islam. Killing on the battlefield is a last resort when peace cannot be preserved any longer. It is only justified as self-defence – the right of every living thing. The Prophet himself avoided bloodshed

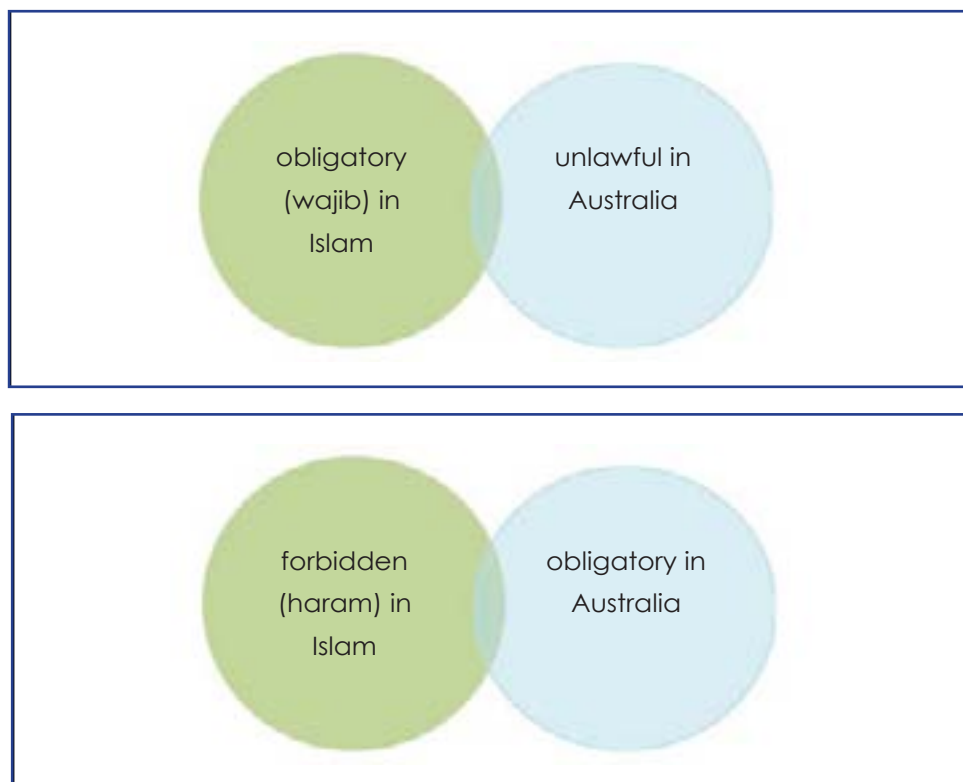
with the Makkan pagans, who prevented him and his followers from entering Makkah for pilgrimage, when he signed the one-sided Treaty of Hudaibiyyah. This was despite the protests of some of His followers a number of who even started to doubt his status.

Similarly, the term 'jihad' can be misunderstood. Jihad is mentioned over 50 times in the *Qur'ān* and while some entries mention fighting, others talk specifically about striving in the cause of Allah. Nevertheless, the martyr in Islam has a special status: 'they are alive with their Lord' (*Qur'ān* 3:169-171).

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.
- Australians are also free not to have a religion.
- Religious freedom is safeguarded by sect 116 of the Australian Constitution.
- Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).



Basic, intermediate and advanced questions, on peacefulness, are posed as discussion starters below.

## Basic

Islam is sometimes called the religion of peace. What does that mean?

## Intermediate

There are some who take literally the ayah that appears to allow a man to beat his wife under certain circumstances (*Qur'ān* 4:34). This they might argue is a matter of freedom of religion. However, the Australian law only allows a range of defences to the charge of assault. These are easily recalled using the mnemonic CAMELS:

- consent,
- amicable contest,
- misadventure,
- enforcement of the law,
- legal chastisement, and
- self defence.

Is religious doctrine a legal defence to an allegation of assault?

## Advanced

An assumption implied in the common law of Australia is that 'your rights leave off at my face'. That is, your right to freedom of action ends when it starts to impinge on my freedom of action. The clash between one person's freedom of assembly and another's freedom of movement is a prime example. A lawful assembly on a city street, say a protest against kangaroo culling, might hamper your efforts to make your way home for example. How are such clashes resolved?

## 10) TOLERANCE, RESPECT AND EMPATHY FOR OTHERS

*Australians have a spirit of egalitarianism that embraces mutual respect, tolerance and fair play. This does not mean that everyone is the same or that everybody has equal wealth or property. The aim is to ensure there are no formal class distinctions in Australian society.*

*There is a strong community spirit in Australia and Australians seek to enhance and improve the society in which they live.*

*Many Australians contribute to the community in their daily lives. They demonstrate this through caring for the environment, lending a hand and working together in times of need in pursuit of the public good (DIAC 2007:5-7).*

### REGARDING THE QUR'ĀN

It would assist the understanding of those readers not familiar with the Qur'ān to review the section commencing Regarding the Qur'ān on page 13 before proceeding.

### WHAT THE HOLY QUR'ĀN REVEALS



*Qur'ān 3:159 means:*

*So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely [upon him].*



*Qur'ān 5:2 means:*

*...And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty.*



*Qur'ān 7:199 means:*

*Take what is given freely, enjoy what is good, and turn away from the ignorant.*



*Qur'ān 22:67-69 means:*

*For every religion We have appointed rites which they perform. So, [O Muhammad], let them [ie the disbelievers] not contend with you over the matter but invite them to your Lord. Indeed, you are upon straight guidance. And if they dispute with you, then say, 'Allah is most knowing of what you do.*

Allah will judge between you on the Day of Resurrection concerning that over which you used to differ.'



*Qur'ān 49:12 means:*

*O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other. Would one of you eat the flesh of his brother when dead? You would detest it. And fear Allah; indeed, Allah is Accepting of repentance and Merciful.*



*Qur'ān 58:14 means:*

*Have you not considered those who make allies of a people with whom Allah has become angry? They are neither of you nor of them, and they swear to untruth while they know [they are lying].*

## Other relevant ayat



*Qur'ān 2:110 on charity.*



*Qur'ān 2:220 on orphans.*



*Qur'ān 4:86 on courtesy.*



*Qur'ān 49:11 on respect for fellow Muslims.*



*Qur'ān 49:13 on tolerance.*



*Qur'ān 60:13 as per 58:14 on inappropriate allies.*



*Qur'ān 89:17-24 on greed.*



*Qur'ān 102:1 on piling up things.*

## FROM AL-SUNNAH



On the authority of Abū Hurayrah, who said that the Messenger of Allah said:

*When Allah decreed the Creation He pledged Himself by writing in His Book which is laid down with Him: My Mercy prevails over My wrath.*

It was related by Muslim (also by al-Bukhārī, an-Nasā'ī and Ibn Mājah)  
1st of the *Forty Hadith Qudsi*



On the authority of Abū Hurayrah, who said that the Messenger of Allah said: Allah said:

*Spend, O son of Adam, and I shall spend on you.*

It was related by al-Bukhārī (also by Muslim)  
11th of the *Forty Hadith Qudsi*



On the authority of Abū Hurayrah, who said that the Messenger of Allah said: Allah will say on the Day of Resurrection:

*O son of Adam, I fell ill and you visited Me not. He will say: O Lord, and how shall I visit you when you are the Lord of the worlds? He will say: Did you not know that My servant So-and-so had fallen ill and you visited him not? Did you not know that had you visited him you would have found Me with him?...*

It was related by Muslim

18th of the *Forty Hadith Qudsi*



On the authority of Abū Huraira who said: the Messenger of Allah said:

*Part of someone's being a good Muslim is his leaving alone that which does not concern him.*

A good *hadith* which was related by al-Tirmidhī and others in this form

12th of An-Nawawī's *Forty Hadith*

Perhaps this *hadith* represents a guarantee to privacy as part of respecting others?

## WHAT THE AUSTRALIAN LAW SAYS

In Australian society the law forms a back-stop to how we choose to live our lives. It seldom compels us to act but it does proscribe certain behaviours and actions. Our constitutional right to freedom of religion for example allows us the right to follow a religion or no religion by placing a responsibility on others not to interfere in the exercising of that right. The law effectively compels others to leave you alone in the matter of faith.

Islam, like some other religions, takes a different approach. The tenets of the religion actively compel believers to positively act. The Five Pillars of Islam, and to some degree the seven beliefs, support the entire religion and each calls the follower to action. If these fundamentals are in conflict with Australian law then there is an intractable problem. Islam is also different to other religions in that it is considered a way of life and its tenets contain a prescription for a nation state and its laws.

Students should be encouraged to identify the laws already mentioned above, and any others they can discover, that have a bearing on the ideas of mutual respect and empathy for others. They should also be encouraged to research how these attitudes are strengthened in society and what behaviours are encouraged as a result of them.

Students should be aware that governments use a number of means to maintain a peaceful society and that the law is only one of these.

## SCHOLARSHIP

Abū Hurayrah narrated that the Prophet said:

*The Muslim who mingles with people and is patient of their wrong-doings is better than the Muslim who does not mingle with people and is not patient with their offence [annoyance].*

*Sunan of al-Tirmidhī vol9, p47.*

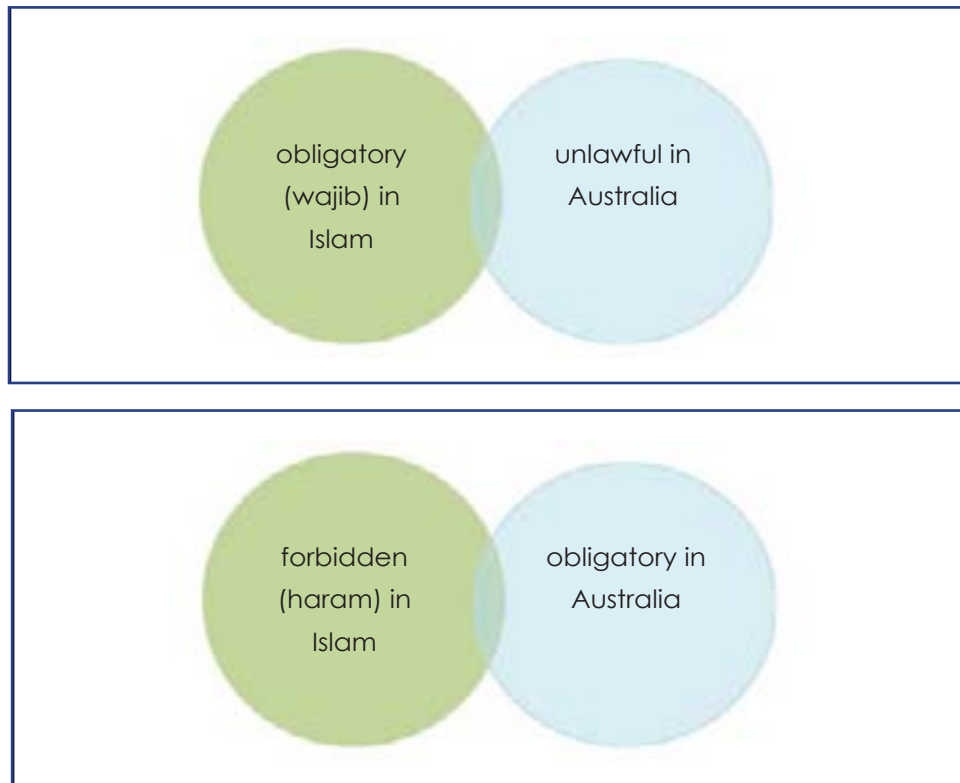
There are many words used in the *Qur'ān* and the *Sunnah* indicating tolerance, such as *tasāmuḥ* (indulgence, forbearance, leniency, tolerance), *hilm* (gentleness, forbearance, patience), *'afw* (forgiveness), *safh* (forgiveness, overlooking, disregarding), and *tajāwuz* (toleration). Tolerance which is 'respect, acceptance and appreciation of the rich diversity of the world's cultures, forms of expression and ways of being human' is a religious moral duty and one of the basic principles of Islam. *Qur'ān* 49:13 states that Allah created human beings with different genders, races, and tribes but superiority in His sight is only through righteousness.

Tolerance is recognising the dignity and equality of human beings, the universality of human rights, and the fundamental freedom of thought, conscience and belief. Tolerance in Islam does not mean tolerating injustice and wrong-doing. The Prophet said that whenever we see an evil action we should change it with our hand, and if we are unable to do so, then with our tongue, and yet if we are unable to do so, disapproving it with our heart, and this is the weakest of faith. Tolerance is the acceptance, recognition and respect of our differences in family, nation, belief and affiliation. By sticking to the principle, at all levels, we shall be able to live in harmony and peace.

## DISCUSSION STARTER

With the following diagrams in mind, educators should explore the topic in question. Throughout the discussion facilitators and learners should be aware of the following:

- Australia has no official state religion and people are free to practice any religion they choose, as long as they obey the law.
- Australians are also free not to have a religion.
- Religious freedom is safeguarded by sect 116 of the Australian Constitution.
- Individuals are free to express a diversity of views, as long as they do not incite religious hatred (DIAC nd:1).



Basic, intermediate and advanced questions, on tolerance, respect and empathy for others, are posed as discussion starters below.

### **Basic**

Does mixing with other people – from different families, communities, cultures and religions – and being patient with them makes you a better person?

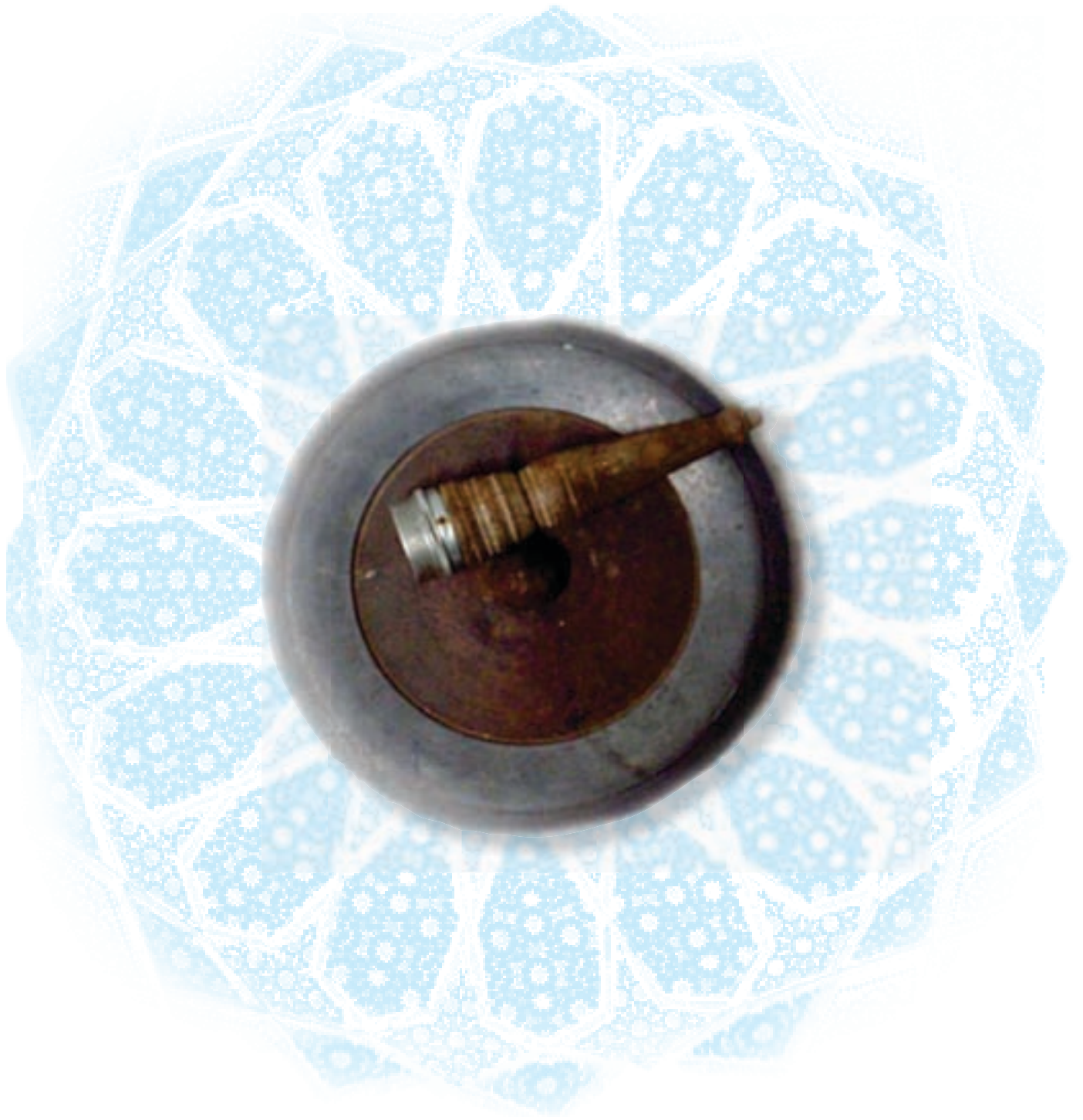
### **Intermediate**

What do you think of the statement: 'Moderate Muslims are not rare, but they are rarely important'?

### **Advanced**

In recent months, a property owner in a Sydney suburb has painted a mural on his property wall depicting a universal no sign (a red circle with a diagonal red line), and a woman in a burka inside the circle. The text message reads: BAN THE BURKA. Police have apparently said that there is no offence being committed. The property owner says he is not against Islam just against the burka and niqab.





# ‘Did you know...?’

## Research and Discussion Activities

This next short section entitled ‘Did you know...?’ covers a number of topics that provide scope for research and discussion starter activities in line with the learning objectives of this resource. The first picks up on the values education syllabus currently in use in schools. Students could use these values in a comparative analysis exercise. The second topic explored is the Australian Constitution and students could research this founding document and discuss it in class. The third topic is a short list of some prominent Australians of the Islamic faith. Students could discuss these and even research other examples. The final topic consists of two short poems that can be read and discussed in class and at home.

### 1) **National Framework for Values Education in Australian Schools**

#### BACKGROUND

In mid-2002 an Australian-wide values education study, designed to investigate and improve current school-based values education practice, was commissioned by the Australian Government (APAPDC nd). The study report was released the next year and by 2004 a framework for values education, and a set of proposed values, had been drafted and distributed to schools for feedback and consultation (DEEWR nd). In early 2005 the National Framework for Values Education in Australian Schools, endorsed by all state and territory ministers for education, was released and federal funding was made available (DEST 2005).

The idea of values education (and values-based education) in schools is not new. Indeed the existence of schools in a society is a statement of implied value and the curriculum itself is similarly value laden (Ferres & Meredyth 2001, Hill 1991 and Cummings, Gopinathan & Tomada, Eds 1988). Humans place great value in education and they expend considerable resources in educating their children and themselves. What is taught and how, what isn't taught and why, who teaches and who learns are all based on value judgements. This was recognised by the ancients and it was one of their ranks who stated that 'what is taught is based on values and not on epistemology'.

In 1999 and again in 2008 all education ministers have declared a strong commitment to values education (DEEWR 1999 and Curriculum Corporation 2008:4-5). In 2008 they went as far as to say:

*Schools play a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians, and in ensuring the nation's ongoing economic prosperity and social cohesion.... As well as knowledge and skills, a school's legacy to young people should include national values of democracy, equity and justice, and personal values and attributes such as honesty, resilience and respect for others.*

The ministers in council also proposed two educational goals for young Australians:

Goal 1 – Australian schooling promotes excellence.

Goal 2 – All young Australians become successful learners, confident and creative individuals, and active and informed citizens.

In order to achieve those goals, the nine values identified in the National Framework for Values Education in Australian Schools (DEST 2005) are required to be taught, modelled and practiced in schools throughout the land.

## NINE VALUES FOR AUSTRALIAN SCHOOLING

The nine values for Australian schooling, in alphabetical order, are:

1. care and compassion;
2. doing your best;
3. fairness;
4. freedom;
5. honesty and trustworthiness;
6. integrity;
7. respect;
8. responsibility; and
9. understanding, tolerance and inclusion.

## 2) The Australian Constitution

### GENERAL

In July 1900 Western Australia became the final colony to approve by referendum the federation of Australia. The six British colonies, including New South Wales, Victoria, South Australia, Tasmania and Queensland, now joined together to submit their draft national constitution to the House of Commons of the British Parliament (Moore in Crotty & Roberts, Eds 2006). By nightfall on the 1st of January 1901 the inauguration of the Federal Commonwealth of Australia under the Crown of the United Kingdom of Great Britain and Ireland was complete (Cathcart 1993). Months later Edmund Barton was the first prime minister.

The Commonwealth of Australia Constitution Act 1900 (Imp) gives the legislative or law making power of the Commonwealth of Australia to the Federal Parliament consisting of the Governor-General, the Senate and the House of Representatives (Sawer 1988:35-37). 'The Commonwealth Constitution provides and protects the framework for the Australian system of government. It is our most important founding document and a symbol of our national life' (Saunders 2001:1). The Constitution gives the Parliament authority to make laws in relation to things like defence and marriage but it also limits their authority in other areas.

#### COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

An Act to constitute the Commonwealth of Australia

[9th July 1900]

#### CHAPTER I

#### THE PARLIAMENT

s1 The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament", or "The Parliament of the Commonwealth."

(Sawer 1988:35-37)

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*

*The Commonwealth of Australia Constitution Act 1900 (Imp) s116*

## MARRIAGE

*The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*

*...(xxi) marriage;*

*(xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;*

*The Commonwealth of Australia Constitution Act 1900 (Imp) s51*

## REFERENDUM

The Constitution of Australia can only be changed by referendum. s128 of the Constitution states that a proposed amendment must first be passed by an absolute majority of both houses of parliament. Once this hurdle is cleared, voters across Australia must decide and the amendment will only be passed if a majority of voters across the land, and a majority of voters in a majority of states (4 out of 6) approve.

Amendments aimed at giving more power to the federal government have invariably failed.

### 3) Australian Muslims Today

#### A GROWING INFLUENCE

Of the world's six billion people, 1.5 billion are followers of Islam. Muslims live in every region, and most countries, with the largest populations living in Indonesia, Pakistan, India, Bangladesh, Turkey, Egypt, Iran, Nigeria, China and Ethiopia.

In Australia's near north, the far east of the old colonial order, lies the largest Muslim populated country in the world – Indonesia: 230 million people, 200 million of them Muslim, in a country of 17,000 islands spread across 5,000 kilometres (Parnohadiningrat 2007). Islam came to Indonesia peacefully in the 16th century and from there the religion soon came to Australia.

In Australia today nearly 2% of the population identify as followers of Islam – one of the fastest growing religions in the country (ABS 2009). Roughly half the number of Australian Muslims were born here, while the others arrived from over 60 different countries. Given this degree of diversity, it is difficult to accurately paint a picture of Australian Muslims today. Perhaps Hazem el Masri is a good example? At least one young man seems to think so:

*I am overwhelmed with the achievement of Hazem El Masri who broke the NRL Premiership record. We are proud of you. Congratulations.*

Mohammed 11, Al Faisal College

Letters to the Editor, *Daily Telegraph*, Monday 30 March 2009.

## IN YOUR COMMUNITY

*In Australia, even the most traditionalist Muslims function perfectly well within Australian society. They participate in the election of government (and do not have a moral objection to voting for a non-Muslim), interact with various institutions within society, live next door to people who are not Muslims, shop at supermarkets or in stores that are run by non-Muslims, work for non-Muslims, employ non-Muslims in their businesses and earn their livelihood just like other Australians do.*

(Saeed 2003:200)

Most of us go through life without attracting the attention of the media. We live good and useful lives in our communities and families and never become known to wider society. Good Australians of the Islamic faith live in the suburbs of our cities and in the towns and villages of our rural areas. Their life as a Muslim, a citizen, a parent or daughter, an uncle or brother, sets a standard that is worthy of our respect. Each version of the good life is unique but everyone is centred on a set of values that make it good in the sense that it represents a conscious and reflective striving for virtue, balance, dignity and freedom.

As an exercise students might be encouraged to conduct some research into what it is to be a good Australian of the Islamic faith. The table below is provided for that purpose. Working from their 'checklist' they could also identify an individual and discuss that person in class.

#	Characteristic	Notes
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

#### 4) Two Poems

The following two poems are provided for discussion starter. Perhaps they could be read aloud in class and provide the basis of a research project to be discussed among the students and their families and carers.

## THE DUTY OF AUSTRALIANS

*'Tis the duty of Australians, in the bush and in the town,  
To forever praise their country, but to run no other down;  
Not to start at every nothing with the boast that bluffs and halts,  
But to love their young Australia and explain away her faults.*

*Not to lose their heads in triumph, nor be bitter in defeat,  
Not to rave about the coming of a fighting man – or fleet.  
When a man or nation visits, in the key-day of its pride,  
'Tis the duty of Australians to be kind but dignified.*

*We can worship foreign talent – give our money, hearts and hands,  
While we send our own, embittered, to win bread in foreign lands.  
We are great to men who pedal, men who kick or bat the ball,  
While our duty to the stranger is Australia's overall.*

*'Tis our place, when asked directions by a stranger in the land,  
Not to jerk our thumb and mutter, for he may not understand.  
We are free and we're enlightened, but at times we may forget  
That the grand old-world politeness hasn't ruined anyone\* yet.*

*'Tis our duty to the stranger – landed maybe an hour –  
To give all the information and assistance in our power.  
To give audience to the new chum and to let the old chum wait,  
Lest his memory be embittered by his first day in the State.*

*'Tis our duty, when he's foreign, and his English very young,  
To find out and take him somewhere where he'll hear his native tongue.  
To give him our last spare moment, and our pleasure to defer –  
He'll be father of Australians, as our foreign fathers were!*

The Duty of Australians  
by Henry Lawson 1909  
in Haynes 2002:84

\*Changed from the original England



## DOST MAHOMET

*He walks the dreary desert way  
beside his dromedary team –  
a player in a grander scheme  
where only heroes get to play.*

*The brutes obey his cool command –  
with: Hooshta Rajah! Golah Sindh!  
a pilgrim in the Cooper wind ...  
a stranger in a stranger land ...  
an ancient land of gidgee stones ...  
and distance dancing in the air ...  
and mirage oceans of despair ...  
and fierce black men with pointed bones ...*

*a Mecca: those who worship seek  
the answers which so long deceive –  
the searchers ... who in time will leave  
their bones along the hallowed creek.*

*And so he walks the desert ways  
and guides the burdened desert ships  
that Men's ambition may eclipse  
the deeds of former glory days.*

*A pawn of greater men that he –  
but deeds are weighed by higher lot;  
he tends the beasts and questions not –  
his greatest strength: predestiny.*

*He prays to Allah in the gloam;  
he sees the earth and stars collide –  
the darkling silence magnified  
through temples where the strongest roam.*

*He lays his blanket on the sand,  
and ghost gums whisper to the night;  
and – he, a drifting satellite –  
he dreams perhaps another land.*

Dost Mahomet  
(Afghan cameleer to the Burke and Wills expedition 1860-61)  
by Graham Fredriksen (nd)  
in Haynes 2002:158-159

## 5) Other resources

Other resources that will assist teachers are listed below.

[www.australianmade.org.au](http://www.australianmade.org.au) hosts the Australian Muslim Adolescent Development & Education organisation.

BIRR Initiative Research Team (2008) *The Way Forward: An Islamic Mentoring Guide to Building Identity and Resisting Radicalisation*, Al Amanah College, Sydney.

[www.cordobainitiative.org](http://www.cordobainitiative.org) hosts a community promoting better understanding among people of all faiths and cultures.

DIAC (2007) *Life in Australia*, Department of Immigration and Citizenship, Commonwealth of Australia, Canberra.

[www.muslimsdownunder.com.au](http://www.muslimsdownunder.com.au) hosts a documentary on Muslim contributions to Australian life.

[www.mwa.org.au](http://www.mwa.org.au) hosts the Muslim Women's Association.

[www.un.org/Overview/rights](http://www.un.org/Overview/rights) has the Universal Declaration of Human Rights available.

A number of state and territory education departments have developed ethics education materials and courses for schools. Special Religious Education teachers could access these materials through their school principals.

The Australian Federation of Islamic Councils (AFIC) has a mission to provide service to the community in a manner that is in accordance with the teachings of Islam and within the framework of Australian law. AFIC has offices in Sydney and Melbourne and AFIC schools and state council offices in all states and territories. They can be contacted through their website at: [www.afic.com.au](http://www.afic.com.au)



# Conclusion

*There is a valid case for arguing that Australia is the oldest continuous democracy in the world, for in 1903 it became the first nation to permit women both to vote and to stand for election.*

Blainey 1993:273-274

## My Religion

The followers of Islam in Australia are one religious group among more than 100. Within the group, Australian Muslims are themselves descendants and migrants from hundreds of countries, and people of numerous cultures, languages and ethnicities. This incredible diversity, a sub-set of the even more kaleidoscopic diversity of the Australian population, is a testament to the appeal of both Islam as a religion and Australia as a country.

Part of the appeal of Australia, as a destination for migration and place to bring up children and live a good life, is its society's respect for the freedom and dignity of the individual. This principle describes how most Australians are most of the time. More importantly, it also sets a standard that all Australians should aspire to, and a benchmark against which the behaviour of all, regardless of culture, religion, ethnicity or gender, will be judged. The laws and constitution of Australia, based on this liberal tradition, form the back-stop to the myriad ways in which individual Australians can choose to live a good life.

## Our Country

*Australia has managed to be a migrant country for most of its history without even thinking about it. In the gold rush decade of the 1850s the population trebled, mainly because of migration, and even by the end of the century only 77 per cent of Australians were native born. Even now only 83 per cent of Australians were born in Australia (and of these, 5 per cent have migrant parents). Yet, unlike Americans, Australians have not taken pride in projecting an image of their country as a haven for the oppressed or as a market for the talents of the world. Yet they might do so. After the Second World War Australia absorbed a big proportion of the "displaced persons" of Europe and throughout its history has been a society open to the ambition of immigrant talent.*

(Horne 1964:80-81)

Living well together, making the most of our opportunities, respecting our common humanity, and working to make Australia and the world a better place for future generations offends no tenet or principle of Islam and offending Islam makes no contribution to any of these aspirations. When Australians generalise about themselves the comments most often heard are that we believe in the idea of a 'fair go', appreciate a robust sense of humour, love our mates, and have a 'can do' attitude. As a stereotype that's not a bad prototype.

This resource is designed primarily to assist Islamic religious education providers in preparing young Muslims for a life of faith and citizenship in Australia. Throughout the revelations of the *QUR'ĀN* and lessons of the Sunnah have been compared and contrasted to the principles and laws of Australian citizenship. The premise and conclusion of this work is that young Muslims can profess, practice and remain true to their religion while also exercising their rights and meeting their responsibilities as Australian citizens.

# Bibliography

- ABC Radio (2005) *Trepang Aquaculture*, *Bush Telegraph*, Friday 3 June.
- Abdullah Yusuf Ali (2005) *The Meaning of the Holy QUR'ĀN*, SHURA, Subang Jaya.
- ABS (2009) *A Picture of the Nation: the Statistician's Report of the 2006 Census*, Australian Bureau of Statistics, [www.abs.gov.au/ausstats/abs](http://www.abs.gov.au/ausstats/abs), accessed 2 February 2009.
- AIFS (nd) *Family Relationships Quarterly*, No 16, Australian Institute of Family Studies, [www.aifs.gov.au/afrc](http://www.aifs.gov.au/afrc), accessed 14 June 2011.
- APAPDC (nd) *Principals and Values Education Strategy*, Australian Principals' Associations' Professional Development Council, [www.apapdc.edu.au](http://www.apapdc.edu.au), accessed 10 February 2009.
- APH (2009) *Parliament of Australia, House of Representatives*, Australian Parliament House, [www.aph.gov.au/house/members](http://www.aph.gov.au/house/members), accessed 3 February 2009.
- Blainey G. (1993) *The John Latham Memorial Lecture*, Sydney, in Warhaft S. Ed (2004) *Well May We Say... The Speeches That Made Australia*, Black, Melbourne.
- Blainey G. (2003) *Black Kettle and Full Moon: Daily Life in a Vanished Australia*, Penguin, Melbourne.
- Cathcart M. (1993) *Manning Clark's History of Australia*, Penguin, Melbourne.
- Connah G. (1993) *The Archaeology of Australia's History*, Cambridge University Press, New York.
- Costello P. (2006) *Worth Promoting, Worth Defending: Australian Citizenship, What it Means and How to Nurture it*, Address to the Sydney Institute, 23 February, [www.treasurer.gov.au](http://www.treasurer.gov.au), accessed 9 February 2009.
- Crotty M. & Roberts D.A. Eds (2006) *The Great Mistakes of Australian History*, University of New South Wales, Sydney.
- Cummings W.K. Gopinathan S. & Tomada Y. Eds (1988) *The Revival of Values Education in Asia and the West*, Pergamon, New York.
- Curriculum Council (2008) *Melbourne Declaration on Educational Goals for Young Australians*, Ministerial Council on Education, Employment, Training and Youth Affairs, Melbourne.

Dawood N.J. (1956) *The Koran*, Penguin, London.

DEST (2005) *National Framework for Values Education in Australian Schools*, Department of Education, Science and Training, Canberra.

DEEWR (1999) *The Adelaide Declaration on the National Goals for Schooling in the Twenty-First Century*, Department of Education, Employment and Workplace Relations, Adelaide.

DEEWR (nd) *Values Education for Australian Schooling*, Department of Education, Employment and Workplace Relations, [www.valueseducation.edu.au](http://www.valueseducation.edu.au), accessed 10 February 2009.

DEEWR (nd) *Edith Cowan*, Department of Education, Employment and Workplace Relations, [www.civicsandcitizenship.edu.au/cce/cowan](http://www.civicsandcitizenship.edu.au/cce/cowan), accessed 18 February 2009.

DFAT (nd) About Australia: Muslims in Australian History, Department of Foreign Affairs and Trade, [www.dfat.gov.au/facts/muslims](http://www.dfat.gov.au/facts/muslims), accessed 4 February 2009.

DFAT (nd) *A Diverse People*, Department of Foreign Affairs and Trade, [www.dfat.gov.au/aib/society](http://www.dfat.gov.au/aib/society), accessed 15 February 2009.

DFAT (nd) About Australia: Religious Freedom, Department of Foreign Affairs and Trade, [www.dfat.gov.au/facts/muslims](http://www.dfat.gov.au/facts/muslims), 20 June 2011.

DIAC (nd) Muslims in Australia: A Snap Shot, Department of Immigration and Citizenship, [www.immi.gov.au](http://www.immi.gov.au), accessed 12 May 2009.

DIAC (nd) *Living in Australia*, Department of Immigration and Citizenship, [www.immi.gov.au/values/background](http://www.immi.gov.au/values/background), accessed 29 January 2009.

DIAC (nd) *Living in Australia: Five Fundamental Freedoms*, Department of Immigration and Citizenship, [www.immi.gov.au/living-in-australia](http://www.immi.gov.au/living-in-australia), accessed 5 May 2009.

DIAC (2007) *Australian Values Statement*, Form 1281, Department of Immigration and Citizenship, Commonwealth of Australia, Canberra.

DIAC (2007) *Life in Australia*, Department of Immigration and Citizenship, Commonwealth of Australia, Canberra.

DIAC (2008) *The People of Australia: Statistics from the 2006 Census*, Department of Immigration and Citizenship, Canberra.

Dozier R.W. (2002) *Why We Hate: Understanding, Curbing, and Eliminating Hate in Ourselves and Our World*, Contemporary Books, New York.

- Emerick Y. (2004) *What Islam is all About*, A.S. Noordeen, Kuala Lumpur.
- Ferres K. & Meredyth D. (2001) *An Articulate Country: Re-inventing Citizenship in Australia*, University of Queensland Press, Brisbane.
- Galligan B. & Roberts W. Eds (2007) *The Oxford Companion to Australian Politics*, Oxford University Press, Oxford.
- Hassan R. (2011) *Life as a Weapon: the Global Rise of Suicide Bombings*, Rutledge, London.
- Haynes J. (2002) *An Australian Treasury of Popular Verse*, ABC Books, Sydney.
- Hill B.V. (1991) *Values Education in Australian Schools*, Australian Council for Education Research, Melbourne.
- Horne D. (1964) *The Lucky Country*, Penguin, Melbourne.
- Howe B. (2007) *Weighing Up Australian Values*, UNSW Press, Sydney.
- Hughes O.E. (1998) *Australian Politics*, 3rd ed, Macmillan, Melbourne.
- Hughes R. (1986) *The Fatal Shore: A History of Transportation of Convicts to Australia, 1787-1868*, Collins Harvil, London.
- Ibrahim I.A. (1997) *A Brief Illustrated Guide to Understanding Islam*, Darussalam, Houston.
- Islamic Council of Europe (1981) *Universal Islamic Declaration of Human Rights*, Paris, [www.alhewar.com/ISLAMICDECL](http://www.alhewar.com/ISLAMICDECL) accessed 25 June 2010.
- Jones M.L. (1993) *An Australian Pilgrimage: Muslims in Australia from the 17th Century to the Present*, The Law Printer, Melbourne.
- Jordan R. (2001) *Free Speech and the Constitution*, Parliament of Australia, [www.aph.gov.au/LIBRARY](http://www.aph.gov.au/LIBRARY), accessed 21 April 2009.
- Jupp J. Ed (2009) *The Encyclopaedia of Religion in Australia*, Cambridge University Press, Melbourne.
- Karvelas P. (2011) Imam backs sharia law here, but A-G says no way, *The Australian*, Wednesday 18 May 2011.
- Kerkyasharian S. (nd) *Multiculturalism and Citizenship in the New Millennium*, speech by the chair of the Community Relations Commission For a multicultural NSW, [www.multicultural.qld.gov.au/media](http://www.multicultural.qld.gov.au/media), accessed 3 March 2009.



- McMullin R. (1991) *The Light on the Hill: The Australian Labor Party 1891-1991*, Oxford University Press, Melbourne.
- Marika R. (1999) The 1998 Wentworth Lecture, Australian Aboriginal Studies, *Journal of the Australian Institute of Aboriginal and Torres Strait Islander Studies*, No 1.
- Moorehead A. (1963) *Cooper's Creek*, Hamish Hamilton, London.
- na (nd) *Chronological Order of the Quran*, [www.icbh.org/topics/QuranOrder](http://www.icbh.org/topics/QuranOrder) accessed 27 March 2009.
- Reynolds H. (1999) *Why Weren't We Told? A Personal Search for the Truth about our History*, Penguin, Melbourne.
- Saeed A. (2003) *Islam in Australia*, Allen & Unwin, Sydney.
- Saeed A. (2004) *Muslims in Australia: Their Beliefs, Practices and Institutions*, Department of Immigration and Multicultural and Indigenous Affairs.
- Saheed International (1997) *The QUR'ĀN: Arabic text with Corresponding English Meanings*, Abulqasim Publishing House, Riyadh.
- Saunders C. (2000) *The Australian Constitution (Annotated)*, 3rd ed, Constitutional Centenary Foundation, Melbourne.
- Sawer G. (1988) *The Australian Constitution*, Australian Government Printing Service, Canberra.
- Sharp I. (2001) *Culture Shock Australia: A Guide to Customs and Etiquette*, Kuperard, London.
- Swan W. (2005) *Postcode: The Splintering of a Nation*, Pluto Press, Melbourne.
- Welsh F. (2005) *Great Southern Land: A New History of Australia*, Penguin, Melbourne.
- Whitlam G. (1985) *The Whitlam Government 1972-1975*, Viking, Melbourne.
- Wilkinson P. (2008) *Religions: Beliefs, Ceremonies, Festivals, Gods, Sects, Sacred Texts*, Dorling Kindersley, London.
- Yūsuf 'Alī A. (2005) *The Meaning of the Holy QUR'ĀN*, SHURA, Subang Jaya.

# Table of Statutes

*Acts Interpretations Act 1901 (Cwlth).*  
*Age Discrimination Act 2004 (Cwlth).*  
*Anti Discrimination Act 1977 (NSW).*  
*Commonwealth of Australia Constitution Act 1900 (Imp).*  
*Constitution Act 1902 (NSW).*  
*Copyright Act 1968 (Cwlth).*  
*Crimes Act 1900 (NSW).*  
*Crimes Act 1914 (Cwlth).*  
*Crimes (Criminal Organisations Control) Act 2009 (NSW).*  
*Criminal Code Act 1995 (Cwlth).*  
*Disability Discrimination Act 1984 (Cwlth).*  
*Domicile Act 1982 (Cwlth).*  
*Equal Opportunity for Women in the Workplace Act 1999 (Cwlth).*  
*Family Law Act 1975 (Cwlth).*  
*Franchise Act 1902 (Cwlth).*  
*Freedom of Information Act 1982 (Cwlth).*  
*Human Rights and Equal Opportunity Commission Act 1986 (Cwlth).*  
*Marriage Act 1961 (Cwlth).*  
*Migration Act 1958 (Cwlth).*  
*Migration Regulations 1994 (Cwlth).*  
*Racial Discrimination Act 1975 (Cwlth).*  
*Sex Discrimination Act 1984 (Cwlth).*  
*Telecommunications Act 1997 (Cwlth)*

# Appendices

**Appendix 1 Birthplaces of Australian Muslims**

**Appendix 2 Religious Affiliation of Australians**

**Appendix 3 Surahs Referred to in the Text**



## Appendix 1

### Birthplaces of Australians of the Islamic Faith

Afghanistan	Lebanon
Argentina	Malaysia
Australia	Malta
Austria	Mauritius
Bangladesh	Netherlands
Bosnia and Herzegovina	New Zealand
Burma (Myanmar)	Pakistan
Cambodia	Papua New Guinea
Canada	Philippines
Chile	Poland
China (excludes SARS and Taiwan Province)	Portugal
Croatia	Romania
Cyprus	Russian Federation
Egypt	Samoa
Fiji	Serbia
Former Yugoslav Republic of Macedonia (FYROM)	Singapore
France	South Africa
Germany	South Eastern Europe, Nfd
Greece	Spain
Hong Kong (SAR of China)	Sri Lanka
Hungary	Sudan
India	Switzerland
Indonesia	Taiwan
Iran	Thailand
Iraq	Turkey
Ireland	Ukraine
Italy	United Kingdom
Japan	United States of America
Kenya	Viet Nam
Korea, Republic of (South)	Zimbabwe
	(National Census 2006)

## Appendix 2

### Religious Affiliation of Australians

Apostolic Church	Serbian Orthodox
Church of God	Ukrainian Orthodox
Australian Christian Churches	Eastern Orthodox
Anglican Church of Australia	Presbyterian
Anglican Catholic Church	Reformed
Baptist	Free Reformed
Brethren	Salvation Army
Western Catholic	Seventh-Day Adventist
Maronite Catholic	Uniting Church
Melkite Catholic	Pentecostal
Ukrainian Catholic	Apostolic Church (Australia)
Catholic	Assemblies of God
Churches of Christ (Conference)	Bethesda Churches
Churches of Christ (Nondenominational)	Christian City Church
International Church of Christ	Christian Life Churches International
Jehovah's Witnesses	Christian Outreach Centres
Latter Day Saints	Christian Revival Crusade
Church of Jesus Christ of LDS (Mormons)	Faith Churches
Community of Christ	Foursquare Gospel Church
Lutheran	Full Gospel Church
Oriental Orthodox	Revival Centres
Armenian Apostolic	Rhema Family Church
Coptic Orthodox Church	United Pentecostal
Syrian Orthodox Church	Pentecostal
Ethiopian Orthodox Church	Other Protestant
Assyrian Church of the East	Aboriginal Evangelical Missions
Ancient Church of the East	Born Again Christian
Assyrian Apostolic	Christian and Missionary Alliance
Eastern Orthodox	Church of the Nazarene
Albanian Orthodox	Congregational
Antiochian Orthodox	Ethnic Evangelical Churches
Greek Orthodox	Independent Evangelical Churches
Macedonian Orthodox	Wesleyan Methodist Church
Romanian Orthodox	Other Protestant Religions
Russian Orthodox	Apostolic Church of Queensland
	Christadelphians
	Christian Science

Gnostic Christians	Animism
Liberal Catholic Church	Druidism
New Apostolic Church	Paganism
New Churches (Swedenborgian)	Pantheism
Ratana (Maori)	Wiccan/Witchcraft
Religious Science	Other Nature Religions
Religious Society of Friends (Quakers)	Sikhism
Temple Society	Spiritualism
Unitarian	Caodaism
Worldwide Church of God	Church of Scientology
Other Christian	Eckankar
Hinduism	Rastafarianism
Islam	Satanism
Judaism	Theosophy
Australian Aboriginal Traditional Religions	Jainism
Baha'i	Zoroastrianism
Ancestor Veneration	Other Religious Groups
Confucianism	Agnostics
Taoism	Atheism
Other Chinese Religions	Humanism
Druse	Rationalism
Shinto	New Age
Sukyo Mahikari	Theism
Tenrikyo	
Other Japanese Religions	(DIAC 2008)

## Appendix 3

### Surahs Referred to in the Text

*QUR'ĀN* 5:3 contains the last words of the *QUR'ĀN*: 'This day I have perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion'. However, *QUR'ĀN* 110 The Table (also referred to as The Table Spread, The Repast, The Food, or The Spread) is the last surah to be revealed as a whole. While debate continues about the exact chronology of revelation a widely agreed general sequence is used here for discussion starter purposes (see [www.icbh.org/topics/QuranOrder](http://www.icbh.org/topics/QuranOrder)).

Surah	Title	Chronology
1	The Opening	96
2	The Cow	87 (Madani*)
3	The Family of 'Imrān	89 (Madani)
4	The Women	92 (Madani)
5	The Table Spread	112 (Madani)
6	The Cattle	55
7	The Heights	81
8	The Spoils of War	88 (Madani)
9	The Repentance	113 (Madani)
10	Jonah	51
11	The Prophet Hūd	52
14	Abraham	100
16	The Bee	70
17	The Journey by Night	50
18	The Cave	69
21	The Prophets	114
22	The Pilgrimage	103 (Madani)
24	The Light	102 (Madani)
25	The Criterion	42
28	The Narration	95
30	The Romans	84 (Madani)
32	The Prostration	104

33	The Confederates	90 (Madani)
39	The Groups	59
40	The Forgiver	72
41	The Detailed Explanation	36
42	Consultation	62
43	The Gold Adornments	63
45	The Kneeling	20
47	Muhammad – The Prophet	95 (Madani)
49	The Dwellings	106 (Madani)
50	Qāf	34
51	The Winds that Scatter	67
52	The Mount	76 (Madani)
53	The Star	23
55	The Most Beneficent	97 (Madani)
58	The Disputation	105 (Madani)
60	The Examined One	91 (Madani)
66	The Banning	107 (Madani)
74	The One Enveloped	4
76	Man	98 (Madani)
81	The Folding Up	7
82	The Cleaving	82
89	The Dawn	10
90	The City	33
91	The Sun	60
92	The Night	9
99	The Earthquake	65 (Madani)
102	The Piling Up	16
103	The Time	13
109	The Disbelievers	18

Note

\* It is generally agreed that 28 or 29 of the 114 surahs were revealed, in the main, in Medina or Madani. These are identified in the table to provide context to any discussion (for further information see [www.muslimummah.net/.../EnglishMeaningofQuranSurah.doc](http://www.muslimummah.net/.../EnglishMeaningofQuranSurah.doc)).