

ISLAM IN AUSTRALIA

How a religion became a matter for public policy—and what to do about it.

Over the last forty years, there has been mass migration from Muslim countries into the countries of Western Europe. This migration has been varied in its character and has led to a variety of problems of social policy. These range from the introduction of unfamiliar practises and ways of life and the need to develop policy accommodations to them to—in recent years—questions of participation in overseas armed conflict and terrorism.

The issues are complex, not only because this immigration has come from a variety of countries and social settings but also because the character of Islam is as complicated as Christianity's and the attitudes of Muslims to Islam is as varied as Christians' to Christianity. Suppose that you had a new neighbour, a Buddhist from Sri Lanka. At a certain point he asks you: are you a Christian? If you say yes, he might go on to ask you not just about your own attitudes but about the varieties of Christianity to be found in Australia and their beliefs and practices, some of which he might find bewildering.

It seems clear that unless you happen to be a sociologist of religion, you will not be of much assistance to your neighbour. Just how do Methodists differ from Baptists or Quakers? Just what do the Salvos believe? Why do Anglican bishops dress like that? How is it that, within Catholicism, there are people who differ quite radically in their beliefs? What about Hillsong, or the Greek and other Orthodox churches? If you consulted members of each group, you might get some explanations. But even then, what was told to you about the “official” views of each group might not be of much help in understanding just what a particular individual does or does not believe—not least because much religious affiliation in Australia is nominal.

There are massive differences between Muslim immigration to Western Europe and to Australia, just as there are differences between the experiences of Western European countries. Nevertheless, some recent books dealing with Europe may be helpful in illuminating issues which have arisen in Australia—for example, *Europe's Angry Muslims* by Robert S. Leiken, *The Emancipation of Europe's Muslims* by Jonathan Laurence, and *A New Anthropology of Islam* by John R. Bowen, all published in 2012.

Particularly interesting is Innes Bowen's *Medina in Birmingham, Najaf in Brent* (2014), which reports on seven years of interviews with various British Muslims from different groups to try to get a picture of their differing interpretations of Islam. Bowen's account is fascinating and full of insights—for example, that the British government spent its time consulting with a “representative” Muslim group dominated by people of similar background to Egypt's Muslim Brotherhood, which is in no way sociologically representative of the nation's Muslim population.

In the rest of this article, I will pose some questions and make some suggestions in the light of some of the issues raised by Bowen's book. My intention is to open up issues for discussion, rather than to lay down authoritative answers.

What are the issues posed by Muslim immigration into



Jeremy Shearmur is emeritus fellow at the School of Philosophy at Australian National University, Canberra. He would like to thank several scholars who have given him useful critical feedback on earlier versions of this essay.

historically non-Muslim countries such as Australia? Islam is a monotheistic religion in the same tradition as Judaism and Christianity, based on revelations to Mohammed across varying circumstances in his life. The content of Islam is based on the Quran, but also on records of the sayings and actions of the prophet and his immediate associates. It is closer to traditional Judaism than to Christianity, in that it is centred upon practises and codes of conduct that have been elaborated in codes of religious law and customary behaviour. Islam has a mystical tradition and traditions of philosophy and theology, and there has been cross-fertilisation with Christianity and Judaism in these areas. There have been divisions within Islam, the most important of which is between the majority Sunni and the minority Shiite. My concern here will be with the Sunni, for reasons of space.

With such diversity, there are few solid conclusions that can be drawn from the fact that an individual is a Muslim.

Sunni Islam is distinctive because its development has been sociologically pluralistic. There are no structures of religious authority comparable to the Shiite ayatollahs, and consequently, Sunni Muslims in different regions have interpreted Islam in different ways. Sunni Islam encompasses folk religion—including prayer at the graves of holy men—as well as more legalistic and austere practices. The Sufi mystical traditions, for example, are less formalistic, although some Sufis are scrupulous in their observance of religious law and concerned with its detailed exegesis.

Religious law is itself a complex matter. There are, in the Sunni tradition, four schools of law with different geographical distributions. The main period of their development was pre-modern, and in more recent times specialist centres and traditions for the development of religious law have been adversely affected by colonialism and by post-colonial authoritarian regimes. It is also only relatively recently that specialists in Islamic law have addressed issues of Islamic observance for those living in Western countries (Mohamad

Abdalla's "Sacred Law in Secular Land: To What extent Should Sharia Law be followed in Australia?" in *The Griffith Law Review*, 21 Issue 3 [2012], includes a useful guide to some of these developments.) Political factors and economic change have resulted in striking social change in Muslim countries. Traditional patterns of authority have been undermined, and influential reinterpretations of Islam were undertaken by people who did not have a traditional scholarly Islamic education, such as Sayyid Qutb in Egypt and Abul A'la Maududi in India. Their writings and social and political movements associated with them have been influential in Muslim and in Western countries.

With such diversity, there are few solid conclusions that can be drawn from the fact that an individual is a Muslim. Indeed, it may be as much a marker of their ethnic or cultural background as it is a real guide to their religious beliefs and observances—as may indeed be the case for people who are Jewish, or Catholic.

A Matter of Public Policy

One might then ask: why have issues to do with Islam become matters of public policy concern in the West? There would seem to be four reasons. The first—which is not really an issue for Australia given the different background of immigrants here—is that in some European countries mass migration of Muslims from peasant farming backgrounds introduced traditional practices and sensibilities which clash with "Western" ideas. Further problems have then been posed by the collapse, in France and England especially, of the kinds of industry in which these migrants initially found employment. Some issues adjusted themselves quickly—matters of traditional ritual slaughter, for example, can be accommodated easily enough once the correct procedures are understood in Western abattoirs. In other cases, such as the education of women, it can simply be made clear that there are requirements for residence in a Western country with which anyone living there must comply.

Second, there is the question of recognition for the purposes of consultation, which is needed in respect of religious issues which affect the

public realm, such as burial practices and Halal certification. On the face of it, what is needed in this context is community-wide agreement among those who are observant on a single standard which anyone interested can understand, for which public provision is made when needed, and which is protected by law. (Obviously those who wish a more exacting standard can operate their own credentialing system—compare Jewish “glatt kosher” dietary certification.)

On wider issues, consultation would need to be done on a sociologically representative basis. However, what is appropriate is not always easy to determine. Young Muslims may feel that their community should not have as its spokesmen those whom they regard as old foreigners with beards (although these may be the very people who need to be consulted on, say, issues about burial rites). Those for whom being Muslim is as much an ethnic as a religious marker may resent it if only women who wear the hijab are taken as real Muslims.

Third, there is the issue of Sharia law. The observant wish to conduct their private and communal lives in compliance with Sharia law as a matter of religious duty, just as observant Jews wish to comply with their religious laws. I would suggest that Sharia courts have a role to play, in Western countries, in the adjudication of civil and family issues—again, there is a precise parallel with rabbinical courts such as the Beth Din. (The status of these courts vis-à-vis the legal system is akin to that of people using private arbitration to settle business or family disputes.) These matters are particularly pressing in regards to divorce, where rulings made in Australia should be such as will be taken as valid in people’s country of origin. In each case—Orthodox Jewish and Muslim—there may be clashes of sensibility with the liberal and feminist attitudes of contemporary Australian society. But these issues must surely be handled with care—as, say, they need to be in relation to conservative Christian sects.

The issues of religious observance and respect for people’s religious practises on the part of the wider population, as well as proper government attitudes towards it, pose some difficult problems. At one level, the interpretation of Islam is up to the individual believer, and issues about it are a

matter between only them and God. At another level, there may be practices which are customary, but for which an authoritative religious rationale cannot be provided. Third, there may be practices which religious scholars may argue are required of the observant Muslim. At the same time, it is important to bear in mind that experts in Islamic jurisprudence—compare the account in Abdalla—have argued that in a country like Australia, Muslims are obliged to obey the established law (so that issues about punishment under Sharia law simply do not arise).

Sharia courts have a role to play, in Western countries, in the adjudication of civil and family issues.

Let us start with the first two cases. Here, it seems to me, all of us should be expected to be accommodating to behaviour which is not in conflict with existing Australian law, even if is not usual in the mainstream of Australian society. Issues about women, or, say, ideas concerning homosexuality, may give rise to problems; but these are not matters which arise only in respect of Islam. In broad terms, it would seem that the best that we can do is to stress that everyone in Australia must be educated in such a way that they understand the workings, norms, and values of Australian society, and then that everyone has a choice—which the law should protect—as to whether or not they wish to continue to comply with codes of behaviour which differ from those of the wider Australian society. Individual choice with regard to religion and in moral and ethical matters is a fundamental feature of Australian culture, and Muslims—and indeed members of any other religious group—cannot expect that their doctrines here will be given priority.

At the same time, where there are clashes with existing law, it would seem important that approaches can be made to request that the law should be changed. These would obviously be most pressing in cases in which there was scholarly authority behind the practice in question—such that a Muslim Sharia Court would look particularly

helpful. Such a body, indeed, might anyway wish to negotiate with the government concerning the recognition of food preparation and certification, burial practises, etc. They would, then, be in a particularly good position to offer arguments on other issues—e.g. as to where particular established practises are problematic for observant Muslims. And there would seem every reason that the government should accommodate such concerns—as has been the case with regard to Jewish religious observance, or most governments with regard to Sikhs where exemptions are typically made to the law for those who, for religious reasons, wear a turban, from the wearing of cycle helmets and other headgear. At the same time, there could well be points on which governments in countries such as Australia would not be willing to make concessions—as, say, they would not, in respect to the wish of Sikhs to wear a ceremonial dagger.

At the same time, there could well be points on which governments in countries such as Australia would not be willing to make concessions.

There will doubtless be those in Australia who would be concerned about the development of Sharia courts, even understood as operating in a private capacity, as does a Beth Din in Australia. This, however, does not amount to the introduction of a pluralistic legal system: its authority would be voluntary. It would seem to me to have four specific benefits. First, it would make it clear what is and what is not a requirement of religious observance (as opposed to a matter of individual choice, or customary practise), which I have suggested is significant, in terms of what makes a strong claim for public recognition. Second, it would serve as a vehicle for the development of Islamic jurisprudence in a manner that relates to conditions of life in Australia (paralleling developments in Europe). This is important in clarifying just what the obligations of observance are—and are not—for Muslims in a non-Muslim country.

Third, it would serve to address what seems to me the crucial issue of making available scholarly, authoritative, yet practical interpretations of

Islamic jurisprudence. (Clearly, discussion and disagreement will continue; but such a body would seek to clarify what can be agreed on, to date.) These can play an important role in providing guidance to Muslims as to what is required of them in Australia if they wish to be properly observant (which is important for people whose practises are traditional, but where they are now living in a new country.) Such courts can also play a vital role in making clear that what some bloodthirsty radicals are claiming are the requirements of Islam, are simply incorrect.

Fourth, it could play an important role in discussing with legal scholars and with government where there are points of tension with Australian law and practises, and what might be done about them, something which would allow for communication and learning in both directions. Given that, in all this, we are dealing with issues of public recognition, it would seem to me important to make use of a scholarly body aiming at consensus on key issues, rather than relying on the judgements of individual scholars.

Lastly, there is the question of warfare and current issues about the so-called “Islamic State.”

The Camel in the Room

The traditions of Islam and Christianity differ with regard to issues about warfare. Marmaduke Pickthall, an early twentieth century convert to Islam and the son of an Anglican clergyman, argued that Muslim approaches were to be preferred as giving a clearer justification for legitimate force. There is within Islam a well-developed tradition treating the circumstances in which it is and is not legitimate to go to war and how war should be conducted, which is comparable to but also differs in significant ways from modern Western ideas. However, one hears from some contemporary Muslims some views that are radically different from current Western standards and which have been used to justify some horrific actions.

The explanation of this would seem to be as follows. There have been two relatively recent movements in Islam, which have rejected both traditional folk practises and in many cases formal Islamic jurisprudence: “Salafis,” who seek to return to the Islam of the Prophet and his

immediate associates, and “Islamists” such as Qutb and Maududi. The concerns of both groups are primarily with personal piety (and in the case of the Islamists, with the creation of social welfare and political movements). There are certain parallels, here, with Protestantism, not least its iconoclasm and emphasis on doctrinal purity. But one consequence of these developments, has been to open the Quran and hadiths to direct interpretation, without the kinds of finesse, reconciliation of contrasting passages, and making of allowances for circumstances, which have been part of the scholarly tradition of Islamic jurisprudence.

The problem is that such approaches—not least with the more general growth of literacy—have led in some cases to “do it yourself” interpretation, and the reading from some texts of radical messages that the scholarly tradition would not have countenanced. For this, there has been an audience among Muslims across the world in areas undergoing dramatic social change. While in Western countries, such views—which are typically presented using rational argument, with scholarly textual support (compare, here, Abdullah Yusuf Azzam’s *Join the Caravan*)—have had some appeal to Muslims in Western countries growing up in traditionalist settings, or to converts.

Some radical ideas have struck a chord among some British Muslims. The practices of their parents—often drawn from their traditional life in the subcontinent—did not seem to fit the circumstances in which these young people were growing up. The older generation typically offered no theoretical justification for what they were doing and teaching, nor any instruction beyond mechanical recitation of the Quran. This led the younger generation, and converts as well, to be very open to a redefinition of Islam along more radical and rationalistic lines. This in some cases has included hatred directed at other religious groups—including Shiite Muslims—and appeals to get involved in actions such as those of the so-called “Islamic State.”

There is a parallel in this, too, with aspects of the history of Protestantism. This has emphasised that each individual can interpret the Bible for himself, without needing to be guided by a

scholarly tradition. (This has at times led to some alarming political views among Protestants, too—for example, those that led up to the execution of King Charles I in England.) When confronted with the problem that different texts say contrasting things, those who reject their faith’s scholarly tradition are at a disadvantage, since reconciling conflicting passages is one of religious scholarship’s purposes.

Direct recourse to one’s own interpretation of the Quran and hadiths, without benefit of training in traditional scholarship, opened up the possibility for some politically radical interpretations. Such ideas, supported by direct appeal to textual material, can have an obvious appeal to the young, especially when accompanied by appeals to emotion and to recent traumas for Muslims across the world. It must be stressed, however, that these interpretations of Muslim texts and traditions are highly controversial and would standardly be repudiated by Muslim scholars.

When confronted with the problem that different texts say contrasting things, those who reject their faith’s scholarly tradition are at a disadvantage.

They are also not the *kind* of thing which appeals to ordinary Muslims. If, say, your neighbour is a Muslim—even someone who is a reader of Qutb—he would be no more likely to sympathize with such radical views than your evangelical Christian neighbour would be to sympathise with calls for the execution of Queen Elizabeth. Most Australian Muslims not only have no sympathy with their radical co-religionists’ headline-catching behaviour, but also have no more ability to debate the pros and cons of the arguments that are offered for it, than an ordinary Australian Christians would have concerning arcane interpretations of the *Book of Revelation*.

Going Forward

In light of these problems, what might be done? I offer five suggestions. The first is that, for the sake of the protection of their own young people and also the good name of Islam, it is important that the

Muslim community set up a program of education, including appropriate religious scholarship. Young people are idealistic, and this makes them open to radical ideas. Those from traditional backgrounds but growing up in Australia may be particularly vulnerable, for reasons already discussed in connection with England. It is ineffectual, in the face of rationalistic radicalism, simply to reaffirm tradition. (Equally ineffectual, it seems to me, is to ban the publication of such radical material, as the Australian government has done, not least considering that it is often freely available on the Internet.)

Second, Muslims ought to inform the rest of us about Islam and *explain* the sensitivities of Muslims. Non-Muslims face a range of behaviour, dress, and concerns that are foreign to them—what, they might ask, was the precise nature of Muslim concerns about the Danish cartoons or Salman Rushdie’s novel? What is the rationale behind certain observant Muslims’ ways of eating, or dressing? The answers to these questions are not obvious to a non-Muslim, and non-Muslims can hardly respect Muslim concerns if they are not made clear and intelligible. This requires Muslims’ being willing to educate and to inform, which involves some hard work. There will, however, surely be other informed parties who will be happy to assist. There is also an obligation on the part of the rest of the Australian population to take seriously such issues when they are raised by our fellow citizens.

Third, there is a wider issue for observant Muslims as to how Sharia law is to be interpreted in ways which are authentic but which also make sense under modern conditions. There are many difficult issues here, including the idea that the “doors of interpretation” are now closed and the question of the reestablishment of scholarly authority. In addition, there may be some aspects of modern life to which the observant are legitimately reluctant to accommodate themselves. Still, on the face of it, something missing in Australia is a tradition of orthodox scholarship concerned with conditions of life in current circumstances—perhaps a Muslim equivalent of Modern Orthodoxy or the conservative wing of Conservative Judaism

in the U.S. Here, Abdalla’s work points towards important developments in Europe which might serve as a model.

I will conclude with two suggestions directed towards the government. First, Western governments, in my view, should not get involved in attempts to interpret Islam, or to support “moderates.” It is not only offensive but also counter-productive if non-believers try to get involved in such issues. Offensive, because it is obviously problematic if they try to tell people what they should believe; counter-productive, as it would surely serve to undermine the appeal of “moderate” scholars if they were seen to be in the pay of the Australian government. What governments can—and in my view should—do here, is to make use of the law against incitements to racial or religious hatred (including of fellow Muslims), or against those who try to entice others to take part in illegal activities, fighting for overseas governments or other military groups. The offences, here, can be defined in purely secular terms, and to pursue them, and to inform everyone that they are offences which will be taken seriously, does not involve issues of a religious character at all.

Second, Innes Bowen’s book has been heralded as invaluable in early reviews by both Muslims and non-Muslims. At the same time, it has obvious limitations—for example, its concern with the “official” positions of various groups to the exclusion of the views, ideas, and aspirations of groups’ ordinary members. But Bowen is a BBC journalist and the work for this book was undertaken in her spare time. Important research underlying her book was done by an English convert to Islam, Mehmood Naqshbandi, who works full-time in IT and spends his own time documenting the distribution and affiliation of mosques in Britain. Given that Bowen was able to show in passing that on several occasions government advisors did not know what they were talking about when dealing with issues related to Islam, it seems a scandal that such work is not being undertaken—and properly funded—within departments of sociology, anthropology, and Islamic Studies. There is surely a lesson here, and not just for the UK.