

## Religious diversity: questions about Islam

### Introduction

- 4.1 Over the last decade Australia has received more migrants than previously from India, China, the Middle East and the African continent. Contemporary Australia is thus characterised by greater cultural, linguistic and religious diversity than at any time in its history.
- 4.2 While predominately Christian and secular, we are a multi-faith community with all other major world religions represented as a growing proportion of the population. National surveys suggest that Australians are at ease with this religious diversity, but when it comes to people holding the Islamic faith attitudes are more divided: one in four Australians were uncomfortable with Islam.<sup>1</sup>
- 4.3 Of the 513 submissions received during this inquiry, 212 raised concerns about or discussed the question of Islam in Australia.<sup>2</sup> In this chapter, the Committee looks more closely at allegations that the values and tenets of the Islamic faith are not compatible with Australian life. This subject is considered within the broader proposition that the policy of multiculturalism, in advocating for respect for cultural and religious diversity, supports ethnic separatism.
- 4.4 To give balance to this debate, the Committee consulted written submissions from Islamic scholars and representative organisations who

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1 Professor A Markus, *Mapping Social Cohesion: the Scanlon Foundation Surveys National Report 2012*, Monash University, 2012, p. 3, <[www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-national-report-2012.pdf](http://www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-national-report-2012.pdf)> viewed 1 November 2012.

2 Around 80 per cent of these submissions, and 30 others, maintained that Australia is a Christian country and should not accommodate other value systems.

sought to correct misconceptions about the true nature of Islam, and the objectives of Muslims living in modern western societies. The Committee also invited Islamic leaders, organisations and service providers to appear before it, in addition to convening a day of hearings in Melbourne to gather evidence from organisations explicitly critical of Islam.<sup>3</sup>

## A multi-faith community

- 4.5 Australia is a multi-faith community. To quantify that diversity, the Australian Bureau of Statistics (ABS) has established the *Australian Standard Classification of Religious Groups*, which provides for seven major classifications with more than 100 sub-categories.<sup>4</sup>
- 4.6 The ABS advises that although religious affiliation information is given on a voluntary basis during census surveys, it provides a useful indicator of the makeup of Australia's cultural diversity. For example, it can be used to plot trends such as relative growth or reduction in religious affiliations among diverse groups.<sup>5</sup>
- 4.7 As shown in **Table 4.1**, over the census period 2001 to 2006, a majority of Australians identified as Christian (63.9 per cent).<sup>6</sup> The second largest group by population were those who claimed no faith (18.7 per cent), with Buddhism and Islam following as the largest minor religious groups.<sup>7</sup>
- 4.8 Data trends show that Hinduism and Sikhism were the fastest growing faiths (with Islam at fourth) while adherence to Christianity dropped slightly. At the same time, the relative percentage of the population identifying as secular increased by over a quarter (27 per cent).<sup>8</sup>

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3 See **Appendix C** for hearing details and organisations called.

4 Australian Bureau of Statistics (ABS), *Australian Standard Classification of Religious Groups* <[www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Chapter22902011](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Chapter22902011)> 3 September 2012.

5 ABS, *Australian Standard Classification of Religious Groups* <[www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Chapter22902011](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2901.0Chapter22902011)> 3 September 2012.

6 At the time of writing, the ABS had not yet released disaggregated data on religious affiliations recorded in the *2011 Census of Population and Housing*.

7 ABS *Table 1: 9 Religious Affiliation—Australia: 2001 and 2006 Census* <[www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table\\_1-9.pdf](http://www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table_1-9.pdf)> viewed 2 August 2012.

8 ABS *Table 1: 9 Religious Affiliation—Australia: 2001 and 2006 Census* <[www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table\\_1-9.pdf](http://www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table_1-9.pdf)> viewed 2 August 2012.

Table 4.1 Top religious affiliations in Australia Census 2001–2007

Religion	2006 Census	% of population	2001 Census	% change 2001-06
<b>Christianity (total)*</b>	<b>12 685 861</b>	63.9	12 764 341	17.0
<i>Buddhism</i>	418 758	2.1	357 813	-0.6
<i>Islam</i>	340 401	1.7	281 578	20.9
<i>Hinduism</i>	148 117	0.7	95 473	55.1
<i>Judaism</i>	88 827	0.4	83 995	5.9
<i>Nature religions (total)#</i>	29 379	0.1	24 158	21.6
<i>Sikhism</i>	26 428	1.1	17 401	51.9
<i>Baha'i</i>	12 333	0.1	11 037	11.7
<i>Spiritualism</i>	9 838	0.0	9 279	6.0
<i>Aboriginal traditional religions (total)</i>	5 337	0.0	5 224	2.9
<i>Chinese religions (total) +</i>	4 377	0.0	4369	-0.4
<b>No religion (total)</b>	<b>3 706 540</b>	18.7	<b>2 905 993</b>	27.5
<b>Other than Christian (total)</b>	<b>7 169 426</b>	36.1	<b>6 004 917</b>	17.3

\* Catholic, Protestant, Orthodox, Evangelical and others etc # Wican, Druidism, Paganism, Pantheism etc

+ Taoism, Confucianism, Ancestor Veneration etc

Source Australian Bureau of Statistics (ABS) Table 1: 9 Religious Affiliation—Australia: 2001 and 2006 Census at <[www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table\\_1-9.pdf](http://www.omi.wa.gov.au/components/statistics/wapeople2006/sect1/table_1-9.pdf)> viewed 2 August 2012.

4.9 The Scanlon Foundation review of Australians' attitudes to religious groups over June and July 2011 found that positive responses to Christianity of 59 per cent correlated to the proportion identifying as Christians, with only four per cent surveyed being negative about the faith and 37 per cent neutral. Attitudes towards the largest non-Christian group, Buddhists, were similar, with 54 per cent of responses positive and only three per cent negative. This contrasted with high negative ratings of 25 per cent recorded on attitudes to Muslims.<sup>9</sup>

4.10 As discussed in Chapter 3, Scanlon 2011 sample data also suggested that negative stereotyping of people of Islamic faith is being transferred to people of Lebanese and Iraqi descent.<sup>10</sup> Submitters noted that this stereotyping occurs despite the fact that many Lebanese and Iraqis are actually Christians.<sup>11</sup> ABS Census data, for example, confirms that 53 per cent of Australian Lebanese are Christian and 40 per cent Muslim while

9 Prof A Markus, *Mapping Social Cohesion, Scanlon Foundation Surveys Summary Report 2011*, Monash University, 2011, p. 33 <[www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-summary-report-2011.pdf](http://www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-summary-report-2011.pdf)> viewed 3 September 2012.

10 Prof A Markus, *Mapping Social Cohesion, Scanlon Foundation Surveys Summary Report 2011*, p. 33, viewed 3 September 2012.

11 The Centre for Dialogue, *Submission 386*, p. 6.

Indians, who are also targeted as Muslims, identify as Hindus (44 per cent), Christians (34 per cent) and other religions (13 per cent), including Muslims, Sikhs, Jains and Buddhists.<sup>12</sup>

- 4.11 The Scanlon national social cohesion report for 2012 confirms a continuation of this trend. While reports of discrimination are marginally down, religion and country of birth are now the main variables in reportage of discrimination. The highest proportion (31 per cent) of people experiencing religious discrimination were Muslims, while migrants from Africa and the Middle East (21 per cent) and Asia (20 per cent) felt most discriminated against.<sup>13</sup> At the same time, attitudes to Muslims varied significantly from state to state, with Victorians most positive. The most negative attitudes to Muslims were seen in Protestants and people over 65.<sup>14</sup>
- 4.12 As a general contention, a number of submissions to the inquiry maintained that religious diversity weakens social cohesion, based on the assumption that new migrants have poor identification and commitment to the host country.<sup>15</sup> Social cohesion data mapping would not appear to support this view. While Australia's cultural and religious diversity increased during the 2001–2006 census period and since, Scanlon research for 2012 has found that survey respondents almost unanimously expressed a strong sense of belonging to, and take great pride in, the Australian way of life (95 and 90 per cent respectively).<sup>16</sup>

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12 ABS 3416.0 - *Perspectives on Migrants, 2007* <[www.abs.gov.au/ausstats/abs@.nsf/Lookup/3416.0Main%20Features22007?opendocument&tabname=Summary&prodno=3416.0&issue=2007&num=&view=#Anchor3\\_0](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3416.0Main%20Features22007?opendocument&tabname=Summary&prodno=3416.0&issue=2007&num=&view=#Anchor3_0)> viewed 6 September 2012.

13 The study notes that although the anti-Islam subsample was small (65 responses) findings were consistent with Scanlon 2012 neighbourhood surveys. See Prof A Markus, *Mapping Social Cohesion: the Scanlon Foundation Surveys National Report 2012*, pp. 2, 3, viewed 1 November 2012.

14 New South Wales and Queensland most negative at 28 per cent, Western Australia at 27 per cent, compared with 16 per cent in Victoria. High negativity towards Muslims among those over 65 (over 40 per cent) and Protestants (over 30 per cent). Prof A Markus, *Mapping Social Cohesion: the Scanlon Foundation Surveys National Report 2012*, p. 3, viewed 1 November 2012.

15 For example, *Submissions 302 and 380*.

16 The Australian born had the strongest sense of belonging at 82 per cent, compared with 56 per cent among the overseas born. However, of those arriving since 2000, 88 per cent of migrants from a non-English speaking background expressed a sense of belonging to a 'great' or 'moderate extent', compared with 86 per cent for those from English speaking backgrounds. Prof A Markus, *Mapping Social Cohesion: the Scanlon Foundation Surveys National Report 2012*, p. 3, viewed 1 November 2012.

## Equality within the law: concerns about Islam

- 4.13 Australia's model of multiculturalism has been conceived of as a well-integrated balance of 'rights and responsibilities' within the framework of Australian laws and values. The policy aims to provide an integrative vision, with culturally appropriate settlement services supporting newcomers' full participation in the Australian society over time.<sup>17</sup>
- 4.14 However, many submissions to this inquiry asserted that multiculturalism is laying the foundations for ethnic separatism under increased migration from Islamic countries. References were made to Muslim 'enclaves' in Sydney and Melbourne, and the riots in Cronulla in 2005, to suggest a lack of willingness on the part of Muslims to embrace the Australian lifestyle, values and behaviours.<sup>18</sup>
- 4.15 This contention was supported by the understanding that Islam is a rigid system of laws not just a religion: 'a political system, a legal system, a financial system as well as just a religion – it is a whole system'.<sup>19</sup>
- 4.16 Demands for services and facilities to conform to Islamic cultural practices, it was claimed, are but the first step towards calls for implementation of Shari'ah law, as advanced overseas. Government compliance with demands for Islamic schools, prayer rooms, segregated swimming pools, codes of dress, food preparation (Halal), and finance arrangements under the banner of respect for diversity was thus cited as a dangerous trend.<sup>20</sup>
- 4.17 There were particular concerns about the rights of migrant women and girls who may be subject to restrictions that are incompatible with Australian values. Submissions referred to cultural practices such as polygamy, honour killing, female genital mutilation and child marriage being justified on either cultural or religious grounds.<sup>21</sup> The wearing of the

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17 Multicultural Development Association (MDA), *Submission 421*, p. 8.

18 For example, *Submissions 20, 45, 46, 149, 153, 181, 196, 199, 200, 202, 236, 240, 241, 258, 285, 302, 325, 355, 360, 364, 371, 380, 386, 419, 420, 434, 462, 479, 488* and Christian Democratic Party, *Submission 256*, p. 2.

19 Mr Peter Stokes, Chief Executive Officer, Salt Shakers Inc., *Committee Hansard*, 8 June 2012, p. 31.

20 For example, *Submissions 4, 44, 50, 56, 177, 182, 196, 250, 230, 233, 249, 250, 256, 302, 317, 354, 512*.

21 *Submissions 33, 45, 63, 146, 149, 168, 187, 246, 253, 254, 317*; Mr Andrew Horwood, Media Representative, Q Society of Australia Inc., *Committee Hansard*, 8 June 2011, p. 41.

Burqa was raised as a potent symbol of the potential threat to women's rights in our society:

Australian women were one of the first to get the vote and were the first to be allowed to stand for election. As much as I respect Muslims, there is no place in Australia for the Burqa. Regardless of whether the use is political or religious, it is a repugnant reminder of the Middle Ages. I am appalled at the message this sends to our daughters. How easily we tread over our own culture and those things we fought for and hold dear, in the interest of protecting someone else's rights!<sup>22</sup>

- 4.18 Islam was also variously referred to as a 'victorious theology', emboldened by the Koran and the rise of Al-Qai'da to spread Islam in Australia.<sup>23</sup> There were reports that minority groups who had fled persecution in the Middle East were fearful about the rising influence of Islam in Australia. It was also alleged that death threats had been made against refugee converts from Islam (apostasy) in Australia, and that there were fears for family members left behind in Islamic countries.<sup>24</sup>
- 4.19 The Committee also heard that organisations such as Hezb ut-Tahrir and conservative Imams were promoting the radicalisation of second generation Muslim youth and voluntary social exclusion. This was thought to support the formation of Muslim-only enclaves, leading to long term problems such as unemployment.<sup>25</sup>
- 4.20 Salt Shakers Inc. maintained that around 15 per cent of Australia's Islamic population now hold fundamentalist views which disavow western values.<sup>26</sup> By contrast it was alleged that, under policies such as

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22 *Submission 21*, p. 2.

23 Mr Stokes and Mrs Jenny Stokes, Research Officer, Salt Shakers Inc.; Dr Bernard Power, Consultant, The Family Council of Victoria; Mr Julian de Ross, Spokesperson, Australia Defence League, in *Committee Hansard*, 8 June 2012, pp. 23, 35, 52–54.

24 For example, Mrs Stokes, Salt Shakers Inc., *Committee Hansard*, 8 June 2011, p. 23; Reverend Stefan Slucki, Church and Nation Committee, Presbyterian Church of Australia, *Committee Hansard*, 28 July 2011, p. 20 and see *Submission 4*, p. 1; Wangaratta Congregation-Presbyterian Reformed Church Australia, *Submission 321*.

25 For example, Endeavour Forum, *Submission 205*, Mr Stokes, Salt Shakers Inc., *Committee Hansard*, 8 June 2011, p. 26; Dr Bernard Power, Consultant, Family Council of Victoria Inc., *Committee Hansard*, 8 June 2011, p. 36; and references in Australia/Israel and Jewish Affairs Council (AIJAC), *Submission 357*, p. 2, and Prof Kim Rubenstein, Director, Centre for International Public Law, ANU College of Law, *Committee Hansard*, 26 October 2011, p. 20.

26 Mr Stokes, Salt Shakers Inc., *Committee Hansard*, 8 June 2012, pp. 22–23.

multiculturalism, Australia has become an 'apologist' for its own values.<sup>27</sup> Q Society of Australia declared:

... in the absence of a positive Western lead culture, with which Australians from all religious groups including young Muslims can identify, we invite extremists to fill this cultural value vacuum. If we do not halt the spread of sharia soon, we will experience the same balkanisation of communities along the religious fault lines and growing social unrest now spreading across Europe.<sup>28</sup>

## **Demands for Islamic law**

4.21 Of the total submissions received by the Committee, 113 made specific reference, or objected, to the possible introduction of legal pluralism to accommodate the requirements of Islamic Shari'ah law.<sup>29</sup>

4.22 An overriding concern was that Islam does not support the doctrine of separation of the powers, nor the distinction between church and state which is fundamental to Westminster systems of government.<sup>30</sup> Consequently, it was assumed that followers of Islam would not comply with our framework of laws, irrespective of the commitments they made under our citizenship pledge. The Endeavour Foundation stated:

Islam does not allow for separation between the state and their religion, so they have inherent difficulties in integrating into a society which separates church and state, is democratic and gives equal rights to women.<sup>31</sup>

4.23 Submissions also referred to Section 116 of the Australian Constitution which provides that:

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

27 Dr Power, Family Council of Victoria; Mr Stokes, Salt Shakers Inc., in *Committee Hansard*, 8 June 2012, pp. 35, 22–23.

28 Q Society of Australia Inc., *Supplementary submission* 335.2.

29 This figure includes submissions from academics and community representatives which discussed Islamic or Shari'ah law.

30 Mr Andrew Horward, Media Representative, Q Society of Australia Inc., *Committee Hansard*, 8 June 2012, p. 42, and see *Submission 139*, Q Society of Australia and *Submissions* 65, 323, 335, 405, 434, 476.

31 Endeavour Foundation, *Submission 205*, p. 1.

shall be required as a qualification for any office or public trust under the Commonwealth.<sup>32</sup>

- 4.24 It was argued that accommodation of Islamic codes for dress, foods and finance and compliance with requests for Islamic only facilities, schools and services is in breach of Section 116.<sup>33</sup>
- 4.25 Submitters appealed to the Committee to ensure that our constitutional values are upheld and warned that compliance with further requests to accommodate Islamic practices may lead to calls for Shari'ah courts like those operating in the United Kingdom.<sup>34</sup> References were also made to the softening of European laws to accommodate Muslim practices, such as polygamy, as a precursor to potential developments in Australia.<sup>35</sup>
- 4.26 Responding to these views in its submission, the Islamic Council of Victoria (ICV) made a plea for balance in the discussion, saying that:
- ... the overwhelming majority of Australian Muslims want nothing more than to get on with their lives and make meaningful contributions to this wonderful country.<sup>36</sup>
- 4.27 The ICV expressed concerns that fear and alarm about the Islamic community has diminished commitment to multiculturalism, shifting the focus back to integration and assimilation. The Council contended that in a 'tolerant and multicultural' society: 'one should be able to observe Halal, wear the burqa, and build places of worship without hindrance (subject to the law of the land)'. The Council also asked that the Committee directly address the question of religious intolerance as opposed to racism within its inquiry.<sup>37</sup>

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32 Commonwealth Consolidated Acts, *Australia's Constitution*, <[www.austlii.edu.au/au/legis/cth/consol\\_act/coaca430/](http://www.austlii.edu.au/au/legis/cth/consol_act/coaca430/)> viewed 14 November 2012.

33 For s116 references see *Submissions* 37, 167, 171, 182, 197, 221, 371, 461 and see Mr de Ross, Australian Defence League, *Committee Hansard*, 8 June 2012, p. 51.

34 For example, *Submissions* 59, 93, 313, 358, 436.

In the United Kingdom the *Arbitration Act 1996* grants all British citizens the right to resolve civil disputes through arbitration. Muslim lawyers have interpreted this as meaning that Sharia courts may act as arbitration panels under the Act. For members of the Jewish faith, this is also seen as allowing a Beth Din (Jewish authority) to similarly provide civil arbitration and religious rulings (Centre for Social Cohesion, *The Beth Din: Jewish law in the UK*, 2009).

35 *Submissions* 146, 371, 374.

36 Islamic Council of Victoria (ICV), *Submission* 13, p. 1.

37 ICV, *Submission* 13, p. 1.



## Understanding Shari'ah

- 4.28 The Committee received a body of evidence from Islamic scholars and representative organisations who sought to correct perceived misconceptions about the nature of Islam, and the objectives of Muslims living in modern western societies such as Australia. In particular, these commentators argued against the view that Islam is a fixed and fundamentalist faith, impervious to change and unwilling to adapt to Australian society.
- 4.29 The Committee asked Mr Muhammad Sahu Kahn of Bluestar Intercultural Centre for an interpretation of the term 'Shari'ah'. He explained that Shari'ah means 'giving or showing the way' and presides over Islam's five core protections 'which are life, property, the human mind, belief in religion, and family and lineage' as identified in the Koran.<sup>38</sup> These laws, however, are not fixed. Instead they take into account the circumstances existing at a given time or in a given place.<sup>39</sup>
- 4.30 The Australian Federation of Islamic Councils (AFIC) advised that, as a consequence, Islam advocates for legal pluralism and accepts all customs of the land, known as the *urf*, which are valid considerations in interpreting the Koran as long as they do not contravene the principles of Shari'ah.<sup>40</sup> Bluestar's Dr Mehmet Ozalp, Director, Centre for Islamic Studies and Civilization, confirmed this as a key principle for scholars to take into account when adjudicating on custom for Muslims living in the western world.<sup>41</sup>
- 4.31 Dr Ozalp explained that when faced by an ethical or legal problem not addressed by core legal and ethical positions in the *Qur'an* (Koran) or *Sunnah*, Islamic scholars apply the *qiyas*, or analogical reasoning, to assess parallel sources. Finally *ijima*, consensus or agreement on past rulings, determines the jurists' adoption of a particular interpretation to address new and emerging issues.<sup>42</sup> This process, he advised, laid down the fundamentals of the West's 'rule of law', superior to politics or autocracy,

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38 *Committee Hansard*, 21 March 2012, p. 9.

39 Ms Diana Rahman, Member, Advisory Board, Bluestar Intercultural Centre, *Committee Hansard*, 21 March 2012, p. 9, and see the Australian Federation of Islamic Councils (AFIC), *Submission 81*, p. 2, Islamic Council of Victoria, *Submission 511*, p. 5.

40 AFIC, *Submission 81*, pp. 2-3.

41 Bluestar Intercultural Centre, *Submission 511*, p. 5.

42 Islam's core legal and ethical sources are the *Qur'an*, as the given word of God, and the *Sunnah*, practical rules based on the Prophet Muhammad's narrations (*hadith*). See Bluestar Intercultural Centre, *Submission 511*, pp. 2-3.

and ensuring safety, justice and guaranteed human rights across diverse cultures from the seventh century.<sup>43</sup>

4.32 Notwithstanding this, the Committee also heard how the forces of colonialism have contributed to Islam's contemporary reputation as an inflexible faith permeated by out-dated practices. First the Millet system, under the Ottoman Empire, led to the rigid classification of sects within Islam and the distinction of Muslims from non-Muslims.<sup>44</sup> Colonisation by Europe later ushered in dictators who ostracised Islamic scholarship, allowing the law to ossify.<sup>45</sup>

4.33 Further, pre-existing cultural or religious practices were wrongly associated with Islam as different cultures absorbed the faith alongside tribal beliefs. Such practices as female circumcision, for example, are against Islamic prohibitions on physical mutilation but are practiced by Christians, Muslims and tribal religions in Africa. These practices are not common, however, in Arab countries, the Middle East or the Asia Pacific.<sup>46</sup> The Committee also heard that Islam does not support segregation of women, but cultural or social etiquettes in certain circumstances often do.<sup>47</sup>

4.34 The AFIC maintained that while some conservative scholars see Islamic law as immutable, many scholars would reject this view.<sup>48</sup> For example, modern Islamic scholars have rejected the *dhimmi* classification of non-Muslims as an historically bound concept.<sup>49</sup> Further:

Since Islamic law involves human understanding, the social norms of this law follow the nature of human beings because they are derived from specific historical circumstances. This means that most of the regulations in Islamic law may be amended, changed, altered, and adapted to social change. Therefore...AFIC takes the position that Islamic law is changeable according to the requirements of different places and times, and therefore, suits the values shared by Australian people.<sup>50</sup>

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43 Bluestar Intercultural Centre, *Submission 511*, p. 5.

44 The Millet system. See AFIC, *Submission 81*, p. 3.

45 Bluestar Intercultural Centre, *Submission 511*, p. 7.

46 Also see forced or child marriage, honour killings, and the preference for male children in Bluestar Intercultural Centre, *Submission 511*, pp. 9-11.

47 Ms Heba Ibrahim, Assistant Secretary, Executive Committee, AFIC, *Committee Hansard*, 17 June 2012, p. 6.

48 AFIC, *Submission 81*, pp. 7-8.

49 AFIC, *Submission 81*, p. 4.

50 AFIC, *Submission 81*, pp. 7-8.

## Challenges for modern Islam

- 4.35 Given the long and complex history of Islam, and its relatively recent experience of migration to the West, two major ethical challenges for modern Islam emerge:
- to determine how to accommodate new practices and values not traditional to Islam when living as a minority culture in a non-Muslim community; and
  - to identify and separate cultural conventions and social habits from the explicit teachings of Islam.<sup>51</sup>
- 4.36 The Committee asked at hearings whether Shari'ah law would take precedence over Australian law if there should be disagreement over any particular practice. Bluestar's Mr Sahu Kahn emphasised that there would be no disagreement on such matters as life or personal safety and, while Shari'ah is a divine law on matters of faith: 'the law of the land applies' under provision of the Koran.<sup>52</sup>
- 4.37 The AFIC supported this view but asked that the pluralistic traditions of Islam be respected under a system of 'twin tolerations' in western society.<sup>53</sup> Mr Ikebal Patel, then AFIC President, clarified:
- In Islam the country that you go into to live, you embrace the laws of that country. That is the overriding, overarching premise in Islam. So there is no question that we are trying to in any way dilute the Australian legislation and the Australian way of life, no. We are saying that they can sit next to each other.<sup>54</sup>
- 4.38 Mr Patel raised three core areas for the Committee's consideration: family law, succession (inheritances) and Halal certification. He maintained that recognition of Islamic divorce and family separation precepts, as well as grandparents' inheritance, would promote social inclusion while facilitating compliance with Australia law. He saw recognition of Halal, along with accommodation of Islamic finance by Australian banks, as an

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51 AFIC, *Submission 81*, pp. 2, 8; Bluestar Intercultural Centre, *Submission 511*, p. 11.

52 *Committee Hansard*, 21 March 2012, p. 10.

53 Being the 'minimum degree of toleration that democracy needs from religion and the minimum degree of toleration that religion needs from the state for a polity to be democratic'. Ref: Alfred Stepan in AFIC, *Submission 81*, p. 8.

54 *Committee Hansard*, 17 June 2012, p. 9.

important advance for Australia, being close to major Muslim nations in the region.<sup>55</sup>

- 4.39 The Fairfield Migrant Resource Centre also identified significant economic benefits in this for Australia, noting the setting up of businesses for export of Halal foods.<sup>56</sup> However, many other submissions raised concerns about government support for Halal food certification and Islamic finance, seeing both as unwanted concessions to Islamic cultural imperialism. There was also a focus on revenue for Islamic causes being accrued under Halal certification of Australian meat production, and about cruelty.<sup>57</sup>
- 4.40 Although AFIC maintained that Halal certification is a transparent process regulated through the Australian Quarantine and Inspection Service (AQIS),<sup>58</sup> Mr Patel had some concerns. He considered that profits raised through Halal certification should be returned to local Islamic communities for their development, but saw the process as a commercial one and hence hard to regulate. Overall, he emphasised that Australian Muslims 'want to be consulted' for mutual benefit, and would like to resolve matters raised about Halal live exports, which are of deep concern to the Islamic community.<sup>59</sup>
- 4.41 As the issue of Halal certification was not central to the terms of reference for this inquiry, the Committee does not consider that sufficient evidence was received for it to make a judgement on the matter. The issue of Halal certification in Australia may warrant further investigation.
- 4.42 Another focus in submissions was the incidence of female circumcision, alleged as an Islamic practice.<sup>60</sup> Ms Joumanah El Matrah, Executive Director, Islamic Women's Welfare Council of Victoria (IWWCV), reiterated the view that this is not condoned by Islam and is a matter for the health system.<sup>61</sup>
- 4.43 Dr Sarah White, Director, Communications and Foundation, Royal Women's Hospital, confirmed that many affected women are coming to the hospital and having procedures reversed, as word of mouth spreads the knowledge that the practice is illegal and can be corrected in Australia:

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55 *Committee Hansard*, 17 June 2012, p. 4.

56 Fairfield Migrant Resource Centre, *Submission 404*, p. 5.

57 *Submissions 18, 181.1, 182, 184, 196, 197, 219, 246, 304, 310, 358, 360, 371, 374, 375, 432, 510 and Q Society, Supplementary submission 335.2.*

58 AFIC, *Submission 81*, p. 6.

59 *Committee Hansard*, 17 June 2011, pp. 4-6.

60 *Submissions 149, 187, 230, 249, 479.*

61 *Committee Hansard*, 29 March 2012, p. 50.

They are not just presenting at their antenatal clinic and they are not just presenting in childbirth with the problem; they are actually coming beforehand. It is often: 'This was done. I know it can be changed and so now that I'm in Australia I will come.' Or it is, 'I will bring my wife,' or, 'I will bring my daughter,' or, 'I will bring my sister.'<sup>62</sup>

- 4.44 In this way, some culturally based issues can be resolved through contact with Australian norms and laws. Further issues relating to the interaction of Islam with Australian law are discussed in more detail below.

### **A model for respect within the law**

- 4.45 The Australian Government has consistently stated that implementation of Shari'ah law is not being contemplated. While religious diversity is to be respected, the final arbiter is compliance with the law.<sup>63</sup> Commenting on concerns about the rights of women and girls, DIAC affirmed that:

Australians of all cultures and religions are able to express their beliefs and practice their religion without intimidation and without interference, as long as this complies with Australian law.<sup>64</sup>

- 4.46 The Committee did not hear of any suggestions from Islamic organisations that matters affecting the life or physical safety of women or other members of the community would at any time be supported under Islamic law. Although concerns about cultural practices in some Islamic communities were noted, submissions from the various Islamic community representatives indicated a high degree of stress has been generated by discussion of Shari'ah within this context.
- 4.47 Ms Ibrahim of AFIC, Ms Diana Rahman of Bluestar Intercultural Centre and the IWWCV's Ms El Matrah separately voiced concerns that the negative focus on Shari'ah in the community has both mobilised Islamic conservatism and confused understandings of the core humanistic tenets of the faith.<sup>65</sup>

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62 *Committee Hansard*, 26 October 2011, p. 25.

63 See for example, the Hon. Chris Bowen MP, Minister for Immigration and Citizenship, *The Australian*, 2 February 2012.

64 DIAC, *Supplementary Submission 450.1*, p. 27.

65 Ms Ibrahim, AFIC, *Committee Hansard*, 17 June 2011, pp. 5-6; Ms Rahman, Bluestar Intercultural Centre, *Committee Hansard*, 21 March 2012, p. 13; Ms El Matrah, IWWCV, *Committee Hansard*, 9 March 2011, p. 47.

4.48 The IWWCV told of a new practice of gender segregation at weddings as an example of the social conservatism which had recently evolved within parts of the Lebanese community in Sydney.<sup>66</sup> The Council's Ms Asha Bidal explained how external threats to a community's identity drive these ideological shifts:

...With identity comes, 'Well, we need to somehow be unified.' If there is one particular group within the Muslim community that is [more] conservative and believes in segregation, for example, and they are more powerful within the community then they sort of tend to influence other smaller communities as well that never practiced a lot of these traditions.<sup>67</sup>

4.49 Dr Olzap acknowledged that Muslims have been 'challenged deeply' by European modernity, facing a mammoth task in relating Islam to modern life, and to do so with a spirit of hope and renewal.<sup>68</sup> It was argued that room must be allowed for Islam to evolve within the Australian community.<sup>69</sup> The Committee also heard that this evolution is occurring, with Muslim women playing an active role in multicultural activities, and at conferences and consultations.<sup>70</sup>

4.50 Dr Colin Rubenstein AM, Executive Director of the Australia/Israel and Jewish Affairs Council (AIJAC), agreed with this view, seeing comparisons with the operation of Jewish cultural practice within the Australian system. He affirmed that Australian law would function to rule on cultural practices, such as face covering in certain circumstances, but counselled moderation in consideration of Shari'ah:

...If fringe individuals or groups – or even mainstream groups – are promoting values inconsistent with the core values of Australian multiculturalism, they should be criticised and marginalised. If they are engaging in illegal activity they should be prosecuted. But I do not see any reason, for example, to stigmatise or fear sharia as such, in the sense that the vast majority of

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66 Ms El Matrah, IWWCV, *Committee Hansard*, 29 March 2011, p. 47.

67 Ms Bidal, Research and Development Officer, IWWCV, *Committee Hansard*, 29 March 2011, p. 47.

68 Bluestar Intercultural Centre, *Submission 511*, p. 5.

69 Ms Ibrahim, Assistant Secretary, AFIC, *Committee Hansard*, 17 June 2011, pp. 5–6; Ms Rahman, Bluestar Intercultural Centre, *Committee Hansard*, 21 March 2012, p. 13; Ms El Matrah, IWWCV, *Committee Hansard*, 29 March 2011, p. 47.

70 Dr Jupp AM, *Committee Hansard*, 14 September 2011, p. 11.

Muslims in Australia and elsewhere appreciate it as a personal code of ethics and a guide for religious observance.<sup>71</sup>

- 4.51 The Dealing with Diversity Conference emphasised that Islam is acceptable as long as it remains a personal rather than a culturally assertive expression of faith:

... we welcome everyone, regardless of race so long as each one is willing to assimilate into a nation by sharing the values, the fate and the future of the Australian people... This means that leaders within the migrant community need to promote assimilation whilst indicating that the private religious stance and the use of another language in the home are not destroyed.<sup>72</sup>

## Social cohesion post 9/11

- 4.52 The Scanlon Social Cohesion report considers that attitudes to Muslims provide an important test of the openness of Australian society, given the level of negative reporting of issues involving those of the Muslim faith since the 9/11 attacks on the United States, the subsequent bombing of Western targets, including the Bali and London bombings, and the involvement of Australian troops in wars in Afghanistan and Iraq.<sup>73</sup>
- 4.53 While there were different value judgments made during the inquiry, it was clear that the terrorist attacks of September 2001, and the perceived rise of political Islam following, have had a transforming effect on attitudes to, and within, Islamic communities in Australia.<sup>74</sup>
- 4.54 The Committee investigated this with Mr Roger Lean, Acting Director, Multicultural South Australia. South Australia has a history of religious pluralism, with Islamic communities established there in the nineteenth century. Mr Lean advised that Islamic communities in the State have had no history of conflict and never made demands for Shari'ah law or other accommodations. However, after 9/11, these communities were suddenly

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71 *Committee Hansard*, 26 October 2011, p. 25.

72 *Dealing with Diversity Conference, Submission 45*, p. 1.

73 Professor A Markus, *Mapping Social Cohesion, Scanlon Foundation Surveys Summary Report 2011*, p. 33 <[www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-summary-report-2011.pdf](http://www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-summary-report-2011.pdf)> viewed 3 September 2012.

74 For a range of views see AFIC, *Submission 314*, p. 6; Tasmanian Government, *Submission 441*, p. 7; Bluestar Intercultural Centre, *Submission 511*, p. 1; and *submissions 142, 249, 274, 381, 433, 434*.

viewed with suspicion, and letters attacking Muslims began appearing in local newspapers.<sup>75</sup>

4.55 Developments in France, the Netherlands, Britain and Germany were also widely cited in submissions to indicate a new climate of fear, with warnings made about the failure of multiculturalism declared by the leaders of Germany, the United Kingdom and France over 2010–11.<sup>76</sup>

4.56 The development of cultural tensions in Europe, no-go zones and Shari'ah courts were also widely cited as the direct consequence of the proportional increase in Islamic populations in these regions.<sup>77</sup> *Submission 380* stated:

The immediate issue is Islamic immigration. Switzerland has banned the construction of minarets and the French have banned the head scarf. German prime minister, Angela Merkel, has come under pressure to abandon multiculturalism and has made some gestures in that direction, including her recent statement that attempts to build a multicultural society in Germany have utterly failed, that expecting people to live side by side and enjoy one another's differences does not work.<sup>78</sup>

4.57 However, other submissions petitioned the Committee to recognise that there are important distinctions to be made between multiculturalism policy in Australia and its operation in Europe.

## Comparisons with Europe

4.58 In previous chapters, the Committee recognised that the concept of multiculturalism is not well understood by Australians and has recommended that the Government promulgate a clear articulation of its principles as part of an inclusive, whole-of-community anti-racism campaign.

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75 *Committee Hansard*, 28 July 2011; and see South Australian Government, *Submission 470*, p. 5.

76 *Submissions 1, 2, 49, 64, 146, 149, 154, 170, 163, 164, 165, 167, 170, 177, 181, 183, 184, 192, 194, 196, 203, 208, 213, 217, 218, 223, 224, 271, 286, 310, 372, 373, 376, 378, 381*. Senator Cory Bernardi, *Submission 77*, p. 1; Christian Democratic Party, *Submission 256*; Q Society of Australia Inc., *Submission 355*.

77 *Submission 197* notes that while Australia has around 1.7 per cent of its population identifying as Muslims, England has 100 Sharia law courts at 2.7 per cent, France has now over 750 no-go zones with six per cent and Germany has four per cent, and see *Submissions 55, 60, 65, 78, 181, 183, 203, 217, 233, 240, 241, 246, 270, 315, 434*.

78 *Submission 380*, p. 2.



- 4.59 The Committee was told that much debate about multiculturalism in Europe appears to be affected by similar limitations.<sup>79</sup> In particular, widely cited references to the 'failure' of multiculturalism in Germany and France proceed on the assumption that ethnic diversity is the same thing as having a multicultural policy. These countries, however, have not planned for migration as part of their long-term population or economic model. Australia's migration program and policy of multiculturalism by contrast has been predicated on nation building and integration, offering permanent migration, options for citizenship after three years, and a policy for respect of diversity.<sup>80</sup>
- 4.60 Anja Burkhardt and Markus Seigert illustrate this difference in analysis of Germany's 'Gastarbeiter' or 'guest worker' system of migration. They report that the model was conceived during post WWII reconstruction, when temporary workers were imported without expectation or planning for permanent settlement.<sup>81</sup> Family reunion was not offered to resident Gastarbeiter until the program was suspended in the 1970s, citizenship not offered until 1991, and dual citizenship only recently accorded subject to certain strict limitations.<sup>82</sup> As the foundation of social inclusion and equality, Australia by contrast offered full citizenship to all permanent settlers from 1973 and dual citizenship from 2002.<sup>83</sup>
- 4.61 Research conducted by the Berlin Institute for Population and Development in 2009 found that, having lived in Germany over decades, migrant workers from Yugoslavia, Africa and, in particular, Turkey still had extremely poor settlement outcomes, virtually living a third world existence within major cities.<sup>84</sup> Recognising its failure to plan for social

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79 Mr Carlos Encina, Manager, New South Wales Spanish and Latin American Association for Social Assistance, *Committee Hansard*, 24 October 2011, p. 18; Anja Burkhardt and Markus Seigert, 'The History of the Gastarbeiter', *Submission 504*, pp. 9, 4, and see *Submission 144*.

80 A Burkhardt and M Seigert, *Submission 504*, p. 10; Dr Olga Bursian, *Submission 389*, p. 2; *Submission 274*, and see the Hon. Chris Bowen MP, Minister for Immigration and Citizenship, 'The Genius of Australian Multiculturalism', Speech, Sydney Institute, 17 February 2011 <[www.minister.immi.gov.au/media/cb/2011/cb159251.htm](http://www.minister.immi.gov.au/media/cb/2011/cb159251.htm)> viewed 27 July 2012.

81 A Burkhardt and M Seigert, *Submission 504*, pp. 9, 4.

82 *Deutschland & Europa, Reihe für Politik, Geschichte, Geografie, Kunst: Migration*, Heft 45.3, Auflage 2004, p. 41, cited in A Burkhardt and M Seigert, *Submission 504*, p. 2; and for dual citizenship see amendments to the German *Nationality Act 1913*, subject to art. 2 of the Act to implement the EU directive on Highly Qualified Workers, 1 June 2012, s.12.

83 Centre for Dialogue, *Submission 386*, p. 2, and ANU College of Law, *Submission 353*, p. 1.

84 The study found that 10 per cent of the 15 to 64 year-old ethnic Turks born in Germany had no educational qualification, a figure seven times higher than for the native German population in the same age class. See *Unutilised Potentials: on the Current State of Immigration in Germany* <[www.berlin-institut.org/publications/studies/unutilised-potentials.html](http://www.berlin-institut.org/publications/studies/unutilised-potentials.html)> accessed 17 July 2012, and quoted in Government of Tasmania, *Submission 441*, p. 7.

inclusion, German governments have since encouraged the integration of migrants by supporting German language acquisition and aiding employment.<sup>85</sup>

- 4.62 Another issue raised was the role of asylum seeker policies in increasing Islamic migration into the West. Submissions referred to unregulated asylum seeker acceptance of Muslims, from Africa in Europe and Pakistan in the United Kingdom, as warnings for Australia.<sup>86</sup> As noted in Chapter 2, Australia receives a very small number of humanitarian entrants and refugees compared with Europe, which received over three quarters of the world's asylum seekers in 2010.<sup>87</sup>
- 4.63 Again, the distinguishing feature is that the majority of refugees stay on in Europe under subsidiary or temporary protection arrangements, with only one in four refugees being formally recognised under the Geneva Convention. This contrasts with the situation in the United States and Canada which are the two main destinations outside of Europe. Like Australia, these countries have formal humanitarian intake and settlement programs and receive a higher proportion of permanent humanitarian settlers than Europe.<sup>88</sup>
- 4.64 Recognising Australia's relatively strong multicultural and settlement history, submissions did however warn against complacency. The Tasmanian Government emphasised the importance of maintaining and developing long-term programs, projects or initiatives to ensure successful settlement, noting:

While the European experience may be differentiated from both the Canadian and Australian approaches to migration, one of the key learnings is that the principles of multiculturalism need to be underpinned by practical policies that support the full social and economic participation of new migrants into Australian society.<sup>89</sup>

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85 These include the establishment of German language requirements with provision of language lessons. Another reform is the *Charta der Vielfalt* (Charter of Diversity) in which companies commit to support employees from migrant backgrounds, see A Burkhardt and M Seigert, *Submission 504*, p. 3.

86 *Submissions 181*, 18.

87 France had the highest number of refugee requests (48 000) followed by the US (43 000), Germany (41 000, an increase of 41 per cent over 2009) and Sweden 32 000 (the main destination in per capita terms). Australia processed 13 799 humanitarian requests over 2010-11. See OECD, *International Migration Outlook: Recent Changes in Migration Movements and Policies: IV Country Notes: Australia* <[www.oecd.org/migration/imo](http://www.oecd.org/migration/imo)> viewed 6 July 2012.

88 OECD, Part 1: 'Trends in International Migration Flows and the Immigration Population', *International Migration Outlook 2012*, p. 39.

89 Tasmanian Government, *Submission 441*, p. 7.

- 4.65 Government support for increased temporary skilled migration and student migration from mainly non-English speaking countries was also considered to highlight the need for research and policy development in support of multicultural policy.<sup>90</sup> The Australian National University College of Law also advised of concerns about the operation of visa categories for temporary migrants, their parents and children.<sup>91</sup>

## Concerns about ghettoisation

- 4.66 An assertion commonly made in evidence to this inquiry was that increased Islamic migration to Australia will support cultural domination and the formation of ethnic enclaves, as described in Europe.
- 4.67 According to Burkhardt and Seigert, temporary residency arrangements for migrants remain prevalent in Germany, with 7.2 million registered 'foreigners' now residing there. Apparently, more than two-thirds of these 'temporary residents' are concentrated in particular areas of large cities in the states of North Rhine-Westphalia, Baden-Wuerttemberg, and Bavaria. For example, Kreuzberg in Berlin and Kalk in Cologne both have large Turkish communities.<sup>92</sup>
- 4.68 Submitters made comparisons with developments in parts of Sydney and Melbourne to suggest the forces of ethnic separatism are now in train and will increase given high birth rates among Islamic migrants. In particular, references were made to Muslim 'enclaves' in Victoria where local councils are accommodating demands for partitioned swimming pools and for compliance with Islamic dress codes.<sup>93</sup>
- 4.69 The Committee notes that Victoria is the most religiously diverse state in Australia and, within that, Melbourne has a higher percentage of Buddhists, Hindus, Muslims, Jews and believers from other faiths than any other area or region in Australia.<sup>94</sup>

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90 Prof Andrew Jakubowicz, Co-Director, Cosmopolitan Civil Societies Research Centre, University of Technology Sydney, *Committee Hansard*, 23 February 2012, p. 38 and see Prof Joseph Camilleri, Centre for Dialogue, *Committee Hansard*, 29 March 2011, p. 73.

91 Noting the increase in the number of offshore aged parents, 'anchor' babies born to temporary visa holders, and care of transnational children travelling with temporary visa holder parents. ANU College of Law, *Submission 396*, pp. 4-8, and see Migration Institute of Australia, *Submission 91*, p. 3.

92 A Burkhardt and M Seigert, *Submission 504*, pp. 4-5.

93 *Submissions 4, 44, 177, 182, 196, 250, 230, 249, 256, 302, 317, 354*.

94 *Exhibit 16*, P Lentini, A Halafoff and E Ogru, *Perceptions of Multiculturalism and Security in Victoria*, Global Terrorism Research Centre, Monash University, Melbourne, Report to the Department of Premier and Cabinet, State Government of Victoria, January 2009, p. 16.

- 4.70 Research conducted by the Global Terrorism Research Centre in 2009 provided a breakdown of faith populations in Melbourne which shows that while Muslims tend to live in certain suburbs to the North (such as Broadmeadows and Coburg/Moreland) and the south-east (for example, Greater Dandenong), these areas are also home to large numbers of Buddhists and Hindus.<sup>95</sup> According to the data cited, the areas do not therefore constitute a 'ghetto' in population terms as the inhabitants are not members of minority populations possessing a level of ethnic, racial, religious or cultural homogeneity of two-thirds or more.<sup>96</sup>
- 4.71 The motivations of new arrivals to co-locate in communities were widely discussed during the inquiry. These included access to culturally and language appropriate services, access to preferred foods, proximity to places of worship, advice from others who have successfully settled and support from local ethnic or religious organisations.<sup>97</sup>
- 4.72 The Committee also heard that migrant settlement is subject to phases: new arrivals move into areas and migrants from previous waves move out. Economic and cultural drivers can assist or delay that process. The Department of Education, Employment and Workplace Relations has noted that unemployment rates for people born in Lebanon and Vietnam are relatively high (7.1 per cent and 6.9 per cent respectively), and these populations tend to remain localised in certain suburbs in Sydney and Melbourne.<sup>98</sup>
- 4.73 Commenting on this, the ICV urged the Committee to consider factors such as unemployment, housing affordability, access to multicultural services and a fear of racism as the reasons why certain Muslim communities congregate in specific suburbs, over and above any desire for cultural segregation.<sup>99</sup> The AFIC maintained that respect for religious diversity will be an important component in helping Muslims take their place in the wider community:

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Faith needs to be recognised as a decisive factor which prompts people to make decisions to live closer to services such as halal

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95 Muslims: North-Broadmeadows (13 038), Keilor (4 627), Sunshine (3 269) and Coburg/Moreland (7 772) and south-east in Greater Dandenong (8 667) and Casey (2 959). Buddhists - Broadmeadows and Coburg (2 772); Keilor and Sunshine (14 905); and Greater Dandenong (16 678). Hindus in these areas, or adjoining Kingston (1 298), Monash (2 518) and Whittlesea (1 057). See *Exhibit 16*, p. 16.

96 *Exhibit 16*, p. 16.

97 Australian Greek Welfare Society (AGWS), *Submission 468*, p. 3; Ms Vivi Germanos-Koutsounadis, Chair, AIRWA, *Committee Hansard*, 12 October, 2011, pp. 2, 4.

98 The Department of Education, Employment and Workplace Relations, *Submission 474*, p. 13.

99 ICV, *Submission 123*, p. 2.

food, Islamic schools and Mosques necessary for worship. Many Australian Muslims also make work choices that are friendly to catering for their worship practices such as prayer spaces in the workplace and educational institutions as well as making arrangements for extending lunch hour on Fridays for Friday prayer. Housing location can also be attributed to affordability as often newly arrived migrants and refugees who may work in blue collar jobs cannot afford to live in a wide range of areas.<sup>100</sup>

4.74 Mr Andrew Howard of Q Society of Australia Inc., however, maintained that given Koranic precepts providing for compliance with local customs, demands for any accommodation of Islamic cultural practices should be firmly resisted, as this promotes segregation not integration.<sup>101</sup>

4.75 The Centre for Dialogue called for objectivity in reviewing discussion of multiculturalism, Muslim migration and population trends, noting:

Ill-informed comment has periodically been made drawing attention to this trend, in ways that has fuelled undesirable levels of Islamophobia. This is deeply regrettable. The fact remains that Muslims make no less good citizens of this country than any other religious community. It should also be noted that Muslims still make up less than 2% of Australia's total population, and that the Muslim community is rather fragmented, being the most ethnically, culturally and linguistically diverse religious grouping in Australia.<sup>102</sup>

## The importance of intercultural dialogue

4.76 In the aftermath of September 2001, Australia has been one of the countries involved in the establishment and convening of Interfaith Dialogues to reduce the likelihood of intercommunity conflict and build social cohesion. These developments have occurred at a Federal, State, and regional level with Victoria leading in interfaith initiatives and Australia acting as co-sponsor of the Asia/Pacific Regional Interfaith Dialogues

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100 AFIC, *Submission 341*, p. 4.

101 *Committee Hansard*, 8 June 2012, p. 42.

102 The Centre for Dialogue, *Submission 386*, p. 6.

since 2004, and participating in the Asia/Pacific-European Youth Interfaith Forum held in 2007.<sup>103</sup>

4.77 The Government was urged to show leadership and address the challenges of religious diversity through these fora.<sup>104</sup> A priority was to clarify the objective of these meetings: how should they address the differences of culture as opposed to faith, and whether they can be effective for education and community development over and above interfaith consultation.

4.78 Christian organisations generally supported interfaith dialogues, and took part in them, but there was caution that concessions on matters of faith would be required. Convenor of the Presbyterian Church of Australia's Church and Nation Committee, Reverend Slucki, clarified his church's position, stating:

We are not involved in multifaith in the sense of seeking to present some sort of united voice to say that each of the monotheistic faiths presents one God, as though there were no distinctions in our understanding and so on. But in terms of understanding what one another believes and in seeking civic tolerance and in seeking to have dialogue and promote social harmony, yes of course.<sup>105</sup>

4.79 A more stridently expressed view was that Islamic leaders would use these events to push for cultural domination, under the guise of participating in a democratic activity:

By examining the doctrines and basic teachings of Islam it is obvious that there is an unbridgeable divide between democracy and Islam. No amount of interfaith or government funding or appeasements will affect the outcome because the root problem is within Islam itself.<sup>106</sup>

4.80 There was, however, convincing evidence that interfaith groups can be effective tools to build social cohesion. For example, Professor Joseph Camilleri, Director, Centre for Dialogue, considered the 'interfaith movement' to be one of the more exciting social cohesion initiatives to be introduced over the last 10 years, and notable in having bipartisan support from all levels of government.<sup>107</sup>

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103 The Centre for Dialogue, *Submission 386*, p. 11, Dr Colin Rubenstein AM, *Committee Hansard*, Melbourne, 26 October 2011, p. 21, and AIJAC, *Submission 357*, p. 5.

104 The Yarra Settlement Forum (YSF), *Submission 437*, p. 3.

105 *Committee Hansard*, 28 July 2012, p. 23.

106 *Submission 249*.

107 *Committee Hansard*, 29 March 2011, p. 76.

- 4.81 Dr Rubenstein AM of the AIJAC saw potential for Australia to play a leading role in interfaith dialogue beyond the Asia–Pacific region, referring to the very strong tradition of interfaith activity between Christians, Muslims and Jews and, more recently, involving Buddhists, Sikhs and Hindus within Australia.<sup>108</sup>
- 4.82 The Anglican Church of Australia Public Affairs Commission observed that the belief in ‘the one, benevolent God’ upheld by Christians, Jews and Muslims provides a shared ethical dimension.<sup>109</sup> The Federation of Australian Buddhist Councils of Australia saw that Buddhism could play an important role in mediating any conflicting points of faith.<sup>110</sup> The Australian Ba’hai Community was strongly supportive of interfaith activity to reduce religious extremism.<sup>111</sup>
- 4.83 A consistent position across the range of viewpoints was that interfaith relations must focus on *intercultural awareness*, and not support tokenistic engagement. Professor Camilleri cited the Northern Interfaith Intercultural Network or NIIN, the first regional interfaith network as a model tool for cross-cultural community education. See **Case study 4.1**.

#### Case study 4.1 Northern Interfaith Intercultural Network

The Northern Interfaith Intercultural Network (NIIN) is the first regional interfaith network in Australia. It brings together five municipalities, Banyule, Darebin, Hume, Moreland, and Whittlesea, as opposed to the individual municipal networks. The project was launched on 29 March 2011, and was the product of a four-year program.

From the outset, the network has been an interfaith and intercultural network. The NIIN is distinctive in focusing on cross-cultural as well as cross-faith communication, aiming to account for cultural variation even within the one religion. The network will promote the understanding between Indonesians, Somalis or Sudanese that faith and culture can come together, even while religious practices are not exactly the same.

108 *Committee Hansard*, 26 October 2011, p. 21, and see *Submission 357*, p. 5.

109 Anglican Church of Australia, Public Affairs Commission *Submission 112*.

110 The Federation of Australian Buddhist Councils of Australia, *Submission 125*, p. 2.

111 Australian Ba’hai Community, *Submission 61*, p. 5.

The NIIN is also new in including people with no specific religious affiliation to engage in joint collaborative activity based on community needs. This breaks down possible antagonism of the secular versus the religious and creates fruitful dialogue for improving understanding and removing barriers to social inclusion.

Source Professor Camilleri, *Centre for Dialogue*, Committee Hansard, 29 March 2011, pp. 79-80, *Centre for Dialogue*, Submission 386, p. 12.

- 4.84 It was also contended that interfaith groups must have proactive agendas to address community disadvantage and promote opportunities for integration. The IWWCV supported interfaith dialogues, but feared they may redirect funds from basic needs such as employment, housing and education. There were also concerns about a lack of legitimate leadership in interfaith groups, to bring these issues into focus.<sup>112</sup>
- 4.85 The Committee received evidence indicating positive developments in this regard in Victoria. Darebin City Council reported that its Interfaith Dialogue is part of the City Council's social inclusion framework which explicitly addresses racism under the guidance of the Victorian Charter of Human Rights and Responsibilities. The Council formed its Interfaith Council in 2005 as a peak body of faith leaders to advise Council on faith related matters.<sup>113</sup>
- 4.86 The Geelong Interfaith Network considered its partnership with the City of Greater Geelong to be one of the best examples of collaboration at the local level. The Network has an ambitious three year strategy to improve interfaith understanding via community radio and in schools and colleges in tandem with the development of programs to welcome and re-settle newly-arrived migrants, refugees, asylum seekers and skilled workers. The Network asked government to give priority recognition and long term funding to develop these initiatives.<sup>114</sup>
- 4.87 The Committee was advised that the first interfaith group, the Dandenong Interfaith Network, was formed in 1989, and there are now 40 locally based networks, mainly located in Melbourne.<sup>115</sup> Noting some poor outcomes under previous initiatives, the Centre for Dialogue also requested a long-term commitment to intercultural dialogue to ensure effectiveness and sustainability. Each project should also be based on a

112 Ms El Matrah, *Committee Hansard*, 29 March 2012, p. 50.

113 City of Darebin, *Submission 394*, pp. 3, 8.

114 Geelong Interfaith Group, *Submission 400*, pp. 1-2.

115 Prof Camilleri, *Committee Hansard*, 29 March 2011, p. 79.



good understanding of dialogue principles, and have a clearly articulated educational and training component to sustain the dialogical process over the longer term.<sup>116</sup>

## Addressing extremism

4.88 A common view expressed by critics of multiculturalism during the inquiry is that the policy increases Australia's vulnerability to terrorism. The Attorney-General Department's Ms Jamie Lowe, National Security Policy and Programs Branch, took a different position:

One of the perspectives we have about how we are addressing this issue is that a terrorist attack in Australia has the potential to threaten multiculturalism and promote intercommunal violence, and bring to the surface some of those examples of discrimination and racism that you have been hearing about from other people who have appeared before this committee. So we are very keen to use multiculturalism as a strength that we have in society to achieve a range of outcomes.<sup>117</sup>

4.89 The Committee was advised that the Attorney-General's Countering Violent Extremism Unit (CVEU) was established in 2010 to address the risk of home grown terrorism and increase resilience to radicalisation by assisting individuals to disengage from violent or extremist beliefs.<sup>118</sup>

4.90 The CVEU reported that while it does not focus on any particular ethnic, religious or cultural group, the poor and marginalised are the most susceptible to radicalisation. High risk communities have been identified in geographical regions, two being within the Government's Social Inclusion Agenda's ten priority disadvantage locations. All 22 people convicted of terrorism offences in Australia have resided in these areas or neighbouring areas at the time of their arrest.<sup>119</sup>

4.91 In 2010 the Government allocated \$2.8 million to 29 community organisations to promote a range of interfaith fora and community support programs, such as the Youth Mentoring and Building Community Resilience programs, to assist at-risk youth and communities to disengage from intolerant and radical ideologies. The grants program sets specific

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116 The Centre for Dialogue, *Submission 386*, p. 12.

117 Ms Lowe, Assistant Secretary, National Security Policy and Programs Branch, National Security Law and Policy Division, Attorney-General's Department, *Committee Hansard*, 14 March 2012, p. 13.

118 Attorney-General's Department, Countering Violent Extremism Unit, *Submission 501*, pp. 1-2.

119 Attorney-General's Department, Countering Violent Extremism Unit, *Submission 501*, p. 4.

eligibility criteria to ensure grants are awarded to organisations committed to, and capable of, delivering projects that build community resilience to violent extremism.<sup>120</sup> **Case study 4.2** provides three examples of these programs.

4.92 While the threat of terrorism is real in Australia, the Committee held some concerns that programs like these may unintentionally misrepresent the extent of extremist views held by individuals within identified communities.

4.93 As previously noted, a number of submitters referred to the risks posed by radicalised second generation youth.<sup>121</sup> A Christian organisation also maintained that 15 per cent of Australia's Islamic population hold fundamentalist views,<sup>122</sup> but an Islamic position was this misrepresents the situation and that the proportion would be only one or two per cent.<sup>123</sup>

#### **Case study 4.2 Youth Mentoring and Building Community Resilience programs**

**Southern Crescent Online Peace Initiative** – *Forum for Australian and Islamic Relations NSW*

The project creates an interactive website/portal for youth. The portal includes live chat sessions and commonly asked questions answered by international Islamic scholars to educate youth about the positive and moderate calling of Islam and expands on various meanings and interpretations. As part of the project a short video documentary (15 minutes) will be created, exploring intercultural and/or interfaith issues. It will focus on three themes; initiating peace, building cohesion, and working towards action. This is a youth-led project supported by experienced film-makers as mentors.

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120 Attorney-General's Department, Countering Violent Extremism Unit, *Submission 501*, pp. 1-2, 6, and see *Supplementary Submission 501.1*, p. 5.

121 Endeavour Forum, *Submission 205*, Mr Stokes, Salt Shakers Inc.; Dr Power, Family Council of Victoria Inc., *Committee Hansard*, 8 June 2011, pp. 26, 36. Prof. K Rubenstein, Centre for International Public Law, *Committee Hansard*, 26 October 2011, p. 20.

122 Dr Power, Family Council of Victoria; Mr Stokes, Salt Shakers Inc., in *Committee Hansard*, 8 June 2012, pp. 22-23, 35.

123 Ms Rahman, Bluestar Intercultural Centre, *Committee Hansard*, 21 March 2012, p. 13.

**Somali Youth Outreach Project** – *Horn of Africa Relief and Development Agency NSW*

This project aims to enable CALD youth between the ages of 16-24 to identify difficulties their peers face and encourage them to seek appropriate help. The project also aims to increase understanding among young Somalis and CALD youth of violent extremism and the negative impacts of extremist views and actions on society and individuals. Youth are encouraged to attend a leadership youth camp in Melbourne to engage with like-minded individuals and to share experiences on how to positively participate and become a responsible citizen in the wider community.

**Salam Alaykum–Darebin’s Muslims Reaching Out** – *Darebin Council, Vic.*

This youth-led project builds community connections and engagement between Darebin’s Muslim community and the broader Darebin community, and also supports the Omar bin Al-Kattab Mosque’s capacity to develop and implement strategies to manage community relations and contain the fostering of extremist views. The project involves youth from the Muslim community running team building activities with a focus on encouraging them to be more trusting of one another and encourage a positive connection with the wider community.

*Source* Attorney-General’s Department, Countering Violent Extremism Unit, Submission 501, Appendix B.

- 4.94 Other submitters made the distinction between the risk of terrorism and the generalised view that all Islamic people are a threat. Dr James Jupp AM argued that it is a matter for the Federal police and intelligence services to address and contain any threat, and for migration processes to exclude at risk individuals, but this is not a matter to drive migration or social policy.<sup>124</sup>
- 4.95 The importance of having sound and balanced leadership, at all levels of government and the community, to address perceived threats was however roundly endorsed. Professor Kim Rubenstein, ANU College of Law, observed that negative political discourse in the mainstream and within the Islamic community can be mutually reinforcing, and may promote extremist views. She encouraged vigilance within and outside the Islamic community to identify and denounce these forces:

We are talking about the political ideology and the misuse of a religion to pursue that political ideology, which is not a minor problem. We have to strengthen those many far-sighted,

<sup>124</sup> *Committee Hansard*, 4 September 2012, p. 13.

mainstream and often brave Muslim leaders who are doing everything they can to fight that extremism within their own community.<sup>125</sup>

- 4.96 The Kfarsaroun Charity Association affirmed the need for strong leadership at the community level as well as by government, particularly targeting the young.<sup>126</sup> The IWWCV emphasised the importance of selecting the right voices for leadership roles, citing mistakes made by mainstream organisations unaware of sexual and community politics.<sup>127</sup>
- 4.97 The Committee took seriously concerns set out in the evidence that political expediency on the part of government would preclude frank and fearless discussion of these risks. A strong stance is required to uphold the very principles which multiculturalism as a policy desires to protect.<sup>128</sup>
- 4.98 However, neither does the Committee support the vilification of all Muslims in the community because of a small number of individuals who may hold extremist views. In this regard, the Committee believes that the Government's focus should also be on promoting intercultural and interfaith understanding and addressing disadvantage to improve social inclusion.

### **Building cross-cultural awareness**

- 4.99 Our cultural, linguistic and religious diversity presents challenges but also a myriad of social, cultural and economic opportunities.<sup>129</sup> Many submissions advised of the importance of education about religious diversity as a part of intercultural understanding.<sup>130</sup>
- 4.100 The Religions, Ethics and Education Network of Australia (REENA) called for a review of religious education in all government schools nationally to counter religious prejudice and advance respect for religious and non-religious diversity.<sup>131</sup> Migration consultants Gershevitch, Galla and Dimopolous referred to this in the context of commitments made under

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125 *Committee Hansard*, 26 October, p. 22.

126 Mr Elias Nassif, President, *Committee Hansard*, 24 October 2011, pp. 34–35.

127 Ms El Matrah, IWWCV, *Committee Hansard*, 29 March 2011, p. 44.

128 Conrad Gershevitch, Amareswar Galla and Maria Dimopolous, *Submission 455*, p. 6 and see AIJAC, *Submission 357*, p. 4.

129 Victorian Government, *Submission 482*, p. 9.

130 Refugee Council of Australia (RCOA), *Submission 416*, p. 2.

131 The Religions, Ethics and Education Network of Australia (REENA), *Submission 79*, p. 1.

the Melbourne Declaration on Education Goals for Young Australians (December 2008).<sup>132</sup>

- 4.101 The AFIC's Mr Patel and Ms Ibrahim identified a need for cross-cultural training in the workplace to increase understanding of Muslim culture and practices.<sup>133</sup> In addition, the ICV considered targeted training would help young Islamic men better understand the requirements of Australian cultural norms and improve their chances of employment.<sup>134</sup>
- 4.102 Cultural Diversity Services (CDS) of South Australia provided detailed documentation of the social, cultural, economic and efficiency benefits of competence development and cross-cultural training in the workplace.<sup>135</sup> The CDS and the Centre for Dialogue identified a need for the Government to adopt a whole-of-system implementation of this training across government and non-government agencies, and for teachers and chaplains as well as professionals such as doctors and lawyers.<sup>136</sup>
- 4.103 Dr Jupp AM maintained that the prevailing lack of respect and understanding of cultural diversity is indicated by the demise of Asia-Pacific regional and economic studies, insular policy making on languages other than English (LOTE) in colleges and schools, and the significant underutilisation of existing language skills. He urged the need for national leadership on multiculturalism to turn this trend around:

...to educate the public about the diversity of modern Australia and the ways in which this makes it different from the Australia of the recent past. This is not done by isolating any small section of the population as unassimilable or a threat to cohesion. Nor is it done by playing the 'race card' in politics. This has led in Europe to quite serious strains on rich and democratic societies, which Australia does not need. Strong, bipartisan leadership using policy instruments which have prestige, resources and commitment, has been lost sight of in recent years, when multiculturalism (under whatever name you choose) has been pushed to the edge of public policy.<sup>137</sup>

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132 In providing guidelines for ethical integrity; the appreciation of cultural, linguistic and religious diversity; valuing democracy, justice and equity; cross-cultural competence; contributing to social and cultural environments, and acting as responsible local and global citizens. See C Gershevitch, A Galla and M Dimopolous, *Submission 455*, p. 6.

133 *Committee Hansard*, 17 June 2012, pp. 3, 6.

134 ICV, *Submission 13*, p. 2.

135 Cultural Diversity Services (CDS) Pty Ltd, for data *Supplementary Submission 101.1*.

136 The Centre for Dialogue, *Submission 386*, p. 9 and CDS Pty Ltd, *Submission 10*, pp. 1-2.

137 Dr J Jupp AM, *Submission 100*, pp. 6-7.

## Concluding comments

- 4.104 The Committee's analysis has revealed that the perception of Islam as a threat has led to serious concerns within the community, which in turn is sometimes used as a justification for aggressive racist attacks and intensifying the marginalisation of Muslims. This results in and springs from a consolidation of conservative attitudes both within Islamic communities and across the mainstream, with public discussion entrenching fear and alarmist views.
- 4.105 The Committee does not believe that viewing Muslims or the policy of multiculturalism through this prism of distrust will make Australia a stronger, richer or safer community. An article of faith within our democracy is that all Australians have the opportunity to make the best of their lives within the framework of the law. The principles of equity and support for the vulnerable underpin social inclusion objectives, just as human rights frameworks ensure protections against prejudice to empower people to build on their strengths to give and get the most back in the community.
- 4.106 Australia is not an insular community, but an island community. This requires us to build on our relationships with neighbouring nations, to manage challenges such as the global increase in refugees and to compete for the most skilled professionals along with other developed countries. There are enormous benefits to be gained from this for Australia culturally, socially and economically. By contrast, failure to engage with and facilitate understanding between all faiths and cultures invites social disintegration and disengagement from our region.
- 4.107 The Committee believes that it is in our interests to adopt a supportive and flexible approach by respecting other cultures, languages and practices. The Committee supports measures to foster understanding and liberal debate on Islam and cultures holding the Islamic faith. One approach to this would be to raise the profile of studies to promote intercultural and interfaith understanding and to foster joint initiatives across academic institutions between Australia and the region.

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### Recommendation 4

- 4.108 **The Committee recommends that the Australian Government continue to support initiatives that promote programs in Australian universities, institutions and the community sector, and jointly within the region, to promote intercultural and interfaith understanding.**

- 4.109 The Committee also considers that there is a palpable need to develop interfaith understanding at the community level, and supports the long term funding of intercultural dialogue initiatives, with the involvement of a broader spectrum of community representatives and service providers to improve settlement outcomes, inter-community understanding and social cohesion.

### **Recommendation 5**

- 4.110 **The Committee recommends the Australian Government develop a strategic plan to support the regular convening of interfaith and intercultural dialogues. Objectives, subject to appropriate measurement of outcomes, are to involve the broader community leadership, to better target settlement services, and to foster wider inter-community understanding.**
- 4.111 The Committee notes that the great weight of evidence to the inquiry, including from sectors of the Islamic community, did not call for legal pluralism. The Committee does not consider legal recognition of Islamic practices is necessary or desirable. Promoting open debate and community engagement in that debate will serve, in the Committee's view, to support cross-cultural understanding about cultural expectations and norms.
- 4.112 Strong leadership must also be exhibited by governments to promote mutual honour and respect. The framework of Australian law has been sufficient to accommodate the social practices of migrants; but the best method to avoid conflict is social inclusion not exclusion, as proven by history.

### **Recommendation 6**

- 4.113 **The Committee does not support legal pluralism and recommends that the Government promote the message that multiculturalism entails both a respect for cultural diversity and a commitment to the framework of Australian laws and values which underpin social cohesion.**

- 4.114 In relation to the accommodation of Islamic finance and Halal food certification and production, the Committee notes that while concerns were expressed, it took only limited evidence and so consequently, it makes no formal recommendation on this matter. Whether Australian businesses choose to capitalise on these arrangements is a commercial decision.
- 4.115 Finally, the Committee concludes that clear-sightedness and fearless debate about the causes and risks of terrorism is essential to balance public discourse about the potential harms. In this regard, the Committee rejects the view expressed in a number of submissions that support for the policy of multiculturalism impedes debate on these matters, or covertly supports religious separatism under the cover of rights-based claims for cultural respect.
- 4.116 Factors such as economic, social and cultural marginalisation can make some members of the community vulnerable to extremist views. Exclusion and isolation among many other factors may provide fertile ground for terrorism and the Committee therefore commends Government support for interfaith and community strengthening programs.
- 4.117 The Government's anti-terrorism strategy should not detract from the important agenda of settling new arrivals well and making sure that all Australian Muslims feel part of the wider community. Factors such as economic, social and cultural marginalisation can make some youth vulnerable to extremist views. These factors should be addressed under progression of the Government's Social Inclusion Agenda as discussed in Chapter 5.