VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ANTI-DISCRIMINATION LIST

No. A392/2002

BETWEEN:

ISLAMIC COUNCIL OF VICTORIA INC

Complainant

-and-

CATCH THE FIRE MINISTRIES INC.   First Respondent

-and-

DANIEL NALLIAH   Second Respondent

-and-

DANIEL SCOT   Third Respondent

WITNESS STATEMENT OF MARK JOHN DURIE

Date of Document:	3 October 2003
Filed on behalf of:	The Respondents

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I, **MARK JOHN DURIE** c/- Khor & Burr Solicitors, Level 13, 50 Market St, Melbourne in the State of Victoria, will say:

1.   I am a Senior Associate with the title of Associate Professor in the Department of Linguistics and Applied Linguistics of the University of Melbourne, Victoria.

2.   I completed a PhD in Linguistics from the Australian National University in 1984. My doctoral thesis was a grammar of the language of Aceh, Indonesia based on

fieldwork which I carried out among the Acehnese, a Muslim people of North Sumatra.

3.   From 1987 to 1997 I was employed in the linguistics program at the University of Melbourne. From 1990-1992 I was head of the Department of Linguistics and Language Studies.

4.   My academic areas of expertise include the culture and language of Aceh, and discourse analysis. My expertise in discourse analysis includes the transcription and analysis of audio recordings of speech.

5.   I was awarded a Batchelor of Theology through the Australian College of Theology in 1998.

6.   I am an ordained minister working at St Hilary's Anglican church in Kew where my duties include pastoring a family congregation, conducting training in apologetics, evangelism, and caring for converts to Christianity.

7.   My expertise as a Christian pastor includes Islam-Christian interfaith apologetics, a field in which I am an active researcher and recognized contributor, and Christian mission and differences between Christian groups.

8.   I have published many peer-reviewed articles and books in linguistics and Acehnese studies. Recognition of my research skills has included:

   (a)   Election to the Australian Academy of the Humanities in 1991. I am a member of two sections of the Academy: Linguistics and Philology, and Philosophy and Religion.

   (b)   The award of a five-year Australian Research Council Senior Research Fellowship in 1992.

   (c)   The award of an Australian Centenary Medal in 2003.

9.   My academic qualifications and experience are more fully set out in Appendix 1.

10.   I have made a careful study of a wide variety of sources on Islam relating to issues arising in these proceedings, and my qualifications and experience concerning the concept of Jihad are set out in Appendix 2.

11.   I have been requested by Khor & Burr, the solicitors for the Respondents, to undertake certain tasks and report on various questions as set out hereunder.

(i)   **Task (Transcription and annotations)**

To listen to the tapes of the seminar given by Daniel Scot on 9 March 2002, transcribe the seminar and provide relevant annotations including references to verses of the Qur'an which were cited in the seminar.

(ii)   **Questions**

Were the statements and interpretative opinions proffered during the seminar by Daniel Scot about the Qur'an and about Jihad open?

Is there a single view of Jihad which is "correct"? If so, what is that view and from what sources or texts is it to be derived?

To what extent – if any – did any and which of the statements and interpretative opinions proffered by Daniel Scot about the Qur'an correspond with any [and if so which] views concerning Jihad held by any [and if so which] Muslims globally and in Australia?

What methodology is to be employed in examining the question of what the Qur'an teaches concerning Jihad; and what does the Qur'an teach concerning Jihad?

Is there a universally accepted interpretation of the Qur'anic teaching with respect to Jihad? If so, what is it? If not, what are the various interpretations of Jihad found in Islamic teaching?

Was the methodology, including the selection and use of quotations or sections of Islamic religious literature, employed by Daniel Scot in the course of the seminar systematically sound?

Is it appropriate, and if so, why is it appropriate, that non-Muslims in Australia have the opportunity to consider and reflect on Islamic teachings and injunctions concerning –

(a)   the establishment, and the conditions for or which may bring about or attend the establishment, of an Islamic State in Australia?
(b)   the concept of jihad?
(c)   the concept of dhimmitude?
(d)   the persecution of Christians by Muslims?
(e)   dissimulation?
(f)   gender relations, marriage and divorce?

Did the seminar by Daniel Scot have any [and if so what] religious element?

What linguistic features are to be found in the seminar, and what are their probable effects on an audience?

Were the comparisons made by Daniel Scot between Christian theology and Islamic theology –
(a)   available?
(b)   sound?
(c)   correct?

12.   **Summary of Opinions**

In summary it is my opinion that:

The statements and interpretative opinions proffered during the seminar by Daniel Scot about the Qur'an and about Jihad were open. No single view of Jihad is "correct". There is no universally accepted interpretation. Broadly, Daniel Scot's teachings were consistent with the range of teachings of neo-revivalist and traditionalist Sunni Muslims who, both globally and in Australia, constitute a large and influential sub-group of the Muslim community.

The methodology to be employed in examining the question of what the Qur'an teaches concerning Jihad is that literalism, for a number of cogent systematic reasons, is not a sufficient basis for understanding the text. The exercise of interpretation and the attempt to establish "true" meaning involves an interpretative approach: opinions differ as to the best method of interpretation, the weight or importance to be assigned to features under consideration, and the reasons for the assignation of importance.

The methodology employed by Daniel Scot in the course of the seminar was systematically sound and theologically valid.

Australians – non-Muslim or Muslim – have a substantial inherent interest in knowing about Islamic teachings and injunctions concerning the establishment, and the conditions for, or which may bring about or attend the establishment of, an Islamic State in Australia, dhimmitude, the persecution of Christians by Muslims, Dissimulation, Gender relations, Marriage and Divorce.

Daniel Scot's English language delivery, his statements of purpose, and the religious genre of the seminars could have affected listener judgments made about the content and effect of what Daniel Scot was saying.

The comparisons made by Daniel Scot of Christian and Islamic theology were generally available and sound.   The basis for my opinions are set our hereafter.

13.   I have read copies of the following documents supplied to me by Khor and Burr:

    (a) Particulars of Complaint

    (b) Particulars of Defence

    (c) The Catch the Fire Newsletter

    (d) The Web article by 'Richard' which formed part of the basis of the complaint.

    (e) Witness statements by Jan Jackson, Domenyk Eades and Malcolm Thomas

    (f) Expert witness statements by Abdul Kazi, Anthony Johns and Patrick McInerney

    (g) The original complaint made to the EOC by Jackson, Eades and Thomas in 2002.

    (g) The responses made to the EOC on the basis of the original complaint by Catch the Fire and Daniel Scot.

14.   I have listened to the four tapes of the Seminar (Doc. 55) and to the best of my ability I have transcribed the contents. I confirm that the transcript appended to this witness statement and marked with the letter "A" is a fair and accurate representation of the seminar, noting however that there were some gaps on the tape which are reflected in the transcription.

15.   I have carefully examined the citations from Scot's seminar used in the particulars of complaint and in the complainants' witness statements and considered the context in which they occurred.

16.   The legal interpretations of the Qur'an and the Hadiths presented at the Seminar by Scot fall within the range of views found amongst present-day Sunni Muslims, both in Australia, in Western nations overseas, and in Islamic nations. These interpretations are also within the range of views of Sunni Muslim writers from past centuries. In making this comment, I distinguish between Scot's value judgments concerning these interpretations, and the actual interpretations themselves.

17.   I have looked up and carefully considered every Qur'anic reference made during the course of the Seminar by Daniel Scot, both in his oral presentation and those on the slides used in the morning session. I found that, in almost all cases, Scot's Qur'anic citations were relevant and clearly supported the point he was making in his seminar.

18. I have also checked a number of Scot's references to the Hadith traditions, and found them also to be relevant and to the point.

19. The Qur'an's very numerous statements on relations between Muslims and non-Muslims are not easily reconciled. They include exhortations to:

Peaceful witness
Sura 15:94-95. 'Profess openly what you have been commanded, and turn away from the idolaters, for We are sufficient for you against the scoffers.'
Sura 16:125.
Invite [all] to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best who has strayed from His Path, and who receives guidance.

Defensive fighting
Sura 22:39-40a. Permission is given to those who fight because they have been wronged — God is Most Powerful for their aid — those who have been unjustly expelled from their homes only because they say: "Our Lord is God."
Sura 2:190. Fight in the path of God those who fight you, but do not transgress limits, for God does not love transgressors.

Initiating attack within limits
Sura 2:217. They will ask you about fighting in the Sacred Months. Say: "Fighting therein is a grave [offense], but driving [people] away from the path of God, unbelief in Him, and expelling His people from the Sacred Mosque is far more grave in God's sight. Persecution is worse than killing. They will not stop fighting you until they turn you away from your religion, if they can. Those of you who are turned away from your religion and die as unbelievers, your acts will come to nothing in this world and in the world to come. You will be companions of the Fire and remain there forever.'
Sura 2:191. Kill them wherever you find them and turn them out from where they have turned you out, for persecution/trial (fitna) is worse than killing, but do not fight them at the Sacred Mosque unless they fight you there. But if they fight you, kill them. Such is the reward of the unbelievers.

Unconditional warfare
Sura 2:216 Fighting is commanded upon you even though it is disagreeable to you. But it is possible that you dislike something which is good for you and that you love something which is bad for you. God knows, but you know not.
Regarding pagans (idolators):
Sura 9:5 When the sacred months are past, kill the idolators wherever you find them, and seize them, and besiege them, and lie in wait for them in every place of ambush; but if they repent, pray regularly, and give the alms tax, [i.e. if they follow Islam] then let them go their way, for God is forgiving, merciful.
Regarding Christians and Jews (Peoples of the Book):

Sura 9:29. Fight those who do not believe in God or the Last Day, and who do not forbid what has been forbidden by God and his Messenger, nor acknowledge the religion of truth from among the People of the Book [i.e. the Christians and Jews who refuse to accept Islam], until they pay the poll tax out of hand, having been humbled.

20. Achieving a resolution of such apparently contradictory injunctions is one of the significant theological challenges of Islam.

21. The classical solution to this problem relies on a doctrine of abrogation (naskh), whereby verses revealed later can cancel out or qualify verses revealed earlier. The divine mandate for the principle is laid down in the Qur'an:

> **Authorities for Abrogation**
> Sura 2:106. Such of Our revelations as We abrogate or cause to be forgotten, we bring (in place) one better or the like thereof. Knowest thou not that Allah is Able to do all things?
> Sura 17:86. If it were our will we could take away that which we have sent thee by inspiration; then wouldst thou find none to plead thy affair in that matter as against us.
> Sura 16:101 When we substitute one revelation for another - and Allah knows best - what he reveals, they say 'Thou art but a forger'. But most of them understand not.

22. In order to apply abrogation as a principle in resolving apparent contradictions within the Qur'an, it is necessary to determine the chronology of the individual acts of revelation. The Qur'an itself is not organized in chronological order, so establishing such sequencing is not without considerable difficulties. This knowledge is dealt with in a literature dealing with the 'occasions of revelation' (asbab al-nuzul) of verses of the Qur'an, linking them into the narrative of Muhammad's life.

23. The classical consensus was that the revelations regulating relations with non-Muslims evolved in accordance with the development of Muhammad's prophetic career. At the beginning, when Muhammad was weaker and his followers few, the revelations encouraged peaceful relations and avoidance of conflict. Then, after persecution and emigration to Medina in the first year of the Islamic calendar, authority was given to engage in warfare for defensive purposes only. As the Muslim community steadily grew stronger, and conflict with its neighbours did not abate, further revelations expanded the license for waging war. Finally, in Sura 9, regarded as the last to be revealed, it was concluded that war against non-Muslims could be waged, virtually at any time and in any place, to extend the dominance of Islam. This resulted in an aggressive theory of jihad which is well documented in medieval manuals of shari'ah law.

24.   This evolutionary theory was developed by Muslim exegetes in the early centuries of Islam. It is not without its problems, particularly because of the lack of consensus among scholars concerning the details of the occasions of revelation for the verses, and the precise relationships of abrogation between them.

25.   Although medieval jurists could expound this theory with confidence, because of the military success of the Islamic state, it became highly problematic in the modern world, when many Muslim states have found themselves dominated by Western powers, and many Muslims have emigrated into non-Muslim lands.

26.   There have been a number of responses to the dilemma which the classical evolutionary theory presents in the modern world. The dilemma is partly about the theology of the Qur'an and also partly about history.

        (a) One response is warfare: to embark on jihad in the path of Allah.

        (b) Another response is to find a legal permission within the Islamic shari'ah which allows a temporary cessation of hostilities.
There is a principle in the classical formulations which allows for a truce if this is in the best interests of the Muslims, for example if they suffer from an overwhelming military disadvantage. The British in India used this argument to persuade ulamas in the northern parts of the British Raj to declare acts of anti-British jihad unlawful, because they were futile. Another way is to identify legal reasons why a legitimate jihad cannot be declared in the first place. For example some present-day Muslims argue that until the Caliphate is re-established, a legitimate jihad cannot be declared, so the later exhortations found in the Qur'an to fight against the infidels are not applicable.

        (c) Some Muslims in immigrant communities countries today find a solution by identifying with the evolution of the prophetic history of Muhammad. They argue that their position is analogous to that of the early Muslim community who migrated to Medina to find relief from persecution. They themselves have found sanctuary in the West from the tyrannical regimes in their former native lands. As such they are not in the later 'jihad' phase, but in a 'pre-jihad' phase of being dependent upon the hospitality of their non-Muslim hosts and inviting their host community to embrace Islam.

        (d) Some deny the very existence of the classical evolutionary theory. One of the expert witnesses for the complainants, Abdul Kazi, seems to take this position. People who adopt this approach normally argue that jihad is fundamentally a defensive, or a spiritual concept in Islam.

        (e) Another response is to argue that the evolutionary theory outlined above has had its supporters, but only among extremists. This appears to be a

position taken by Patrick McInerny, another of the expert witnesses for the complainant.

(f) Yet another response is to give theological priority to what had been thought to be the 'earlier' verses, and de-emphasizing the 'later' more violent verses. This could be done by reversing the principle of abrogation. However abrogation is too deeply embedded in the Qur'an and Sunna and in Islamic thought for this to be an enduring solution. Another option is to treat the earlier, more peaceful principles of Islam as foundational and context-independent in their validity, and the violent exhortations as context-dependent, specific dispensations for a limited time and place only. This appears to be the approach of the third expert witness for the complainants, Anthony Johns.

(g) Some argue that Islam should be reformed in the light of modern humanistic thought. This, it is hoped, would deal with the calls to violence in the Qur'an.

(h) In our complex world with so much potential for inter-faith conflict, there is considerable moral pressure to take a non-confrontational interpretation of the Qur'an, an approach which might promise more hope for living together in peace in the one world. In essence this means that if there are alternative interpretations of a text, one should prefer the most conciliatory and peaceful approach. This moral argument is used by the expert witness, Patrick McInerny.

The lack of consistency between the expert witnesses for the complainants underscores the reality of this problem.

27. The dilemma of how to interpret the Qur'an can particularly be felt by converts, both to and from Islam. Some who abandon Islam reject it because of what they see as the immorality of the classical evolutionary theory. For such people, a careful reading of the Qur'an which exposes the evidence for the classical interpretation can be their chief reason to reject Islamic faith altogether.

28. For those who embrace Islam on the basis of a fundamental response to the message of monotheism, and the peaceful and tolerant messages in the Qur'an, the dilemma of interpreting the totality of the Qur'an can be quite acute. Those who advocate the classical evolutionary theory — whether from a pro- or anti-Islamic perspective — are sometimes accused of vilifying Islam. On the other hand, some converts to Islam go on to embrace the classical evolutionary theory and commit themselves to military jihad in the path of God.

29. There is another class of person for whom the resolution of this issue is of the utmost significance, and this is non-Muslims who live in the Islamic state. If the classical evolutionary theory was the theological norm for more than a

millennium, as some Muslim and non-Muslim scholars claim, then the present-day desperate plight of many non-Muslims in Islamic countries finds its full theological context in the classical shari'ah regulations of jihad.

30. In this context, both Daniel Scot and Danny Nalliah are Christians who have lived under the Islamic shari'ah. Coming from this perspective, the evaluation of the peaceful and violent verses of the Qur'an is of the most vital personal relevance for them.

31. Based on his seminar presentation, I conclude that Daniel Scot is a proponent of the classical evolutionary theory. Although he finds it morally questionable, he regards it as 'true Islam', the only convincing interpretation of the Qur'an and Hadith. As a Christian apologist, he apparently hopes that, for some Muslims, an exposure to this framework could result in them leaving Islam, and embracing Christianity. At the same time he also makes clear that many Muslims do not adhere to, and are not even familiar with, this interpretive approach.

32. With regard to the Catch the Fire Newsletter and the article by Richard, we can observe that Wahabbi Islam, as practiced in Saudi Arabia, follows the classical evolutionary theory. This is the form of Islam which Danny Nalliah and Richard Braidich both know from their first hand experience. The Newsletter and Richard's article appear to be reactions to this form of Islam. Framed in this context, I regard most, if not all, of what they say as true.

33. An issue in this case is the contribution of context in interpreting texts. Daniel Scot has been said to have taken verses of the Qur'an out of context. On the other hand, all the expert witnesses for the complainants claim certain Qur'anic verses have universal, context-free validity, yet I observe that they supply no criteria for this claim. It is unacceptably inconsistent to overlook context in interpreting peaceful verses, but at the same time to insist on considering the contribution of context when interpreting violent verses. A consideration of context can neutralize the impact of peaceful verses of the Qur'an just as effectively as for violent verses.

34. At the same time, there is a surprising lack of attention to context in the complaints made against Daniel Scot. Passages are quoted out of context locating them neither in Scot's overall argument where they occur, nor in the surrounding text. No reference is made to Daniel Scot's own statements of intention provided during the seminar. There is inadequate reference to the content of slides being projected in parallel to the oral presentation, to the specific content of the Qur'anic references being cited, and to such contextual effects as Scot's non-native speaker fluency and the potential for cross-cultural miscommunication that this could cause.

35. Furthermore, it appears that the Complainants' expert witnesses have been asked to comment on the particulars of complaint without apparently being given access

to the tapes or a transcript. Should this assumption be correct, it appears that they have been asked to give an opinion on several hours of an intensive teaching seminar based on a few fragmentary extracts.

36. Debates about how to interpret Islam, and what was the reality of Islamic history, are raging around the world today. Much hangs on the outcome of these debates. For many, Christians and Muslims alike, the impact of these debates have highly significant and intensely personal implications in terms of faith, identity and world view.

37. Prior to 2001 I was familiar with certain doctrines of jihad in Islam, due to my research work in Acehnese studies. The Acehnese have a history of Islamic militancy which impacts their language and literature in profound ways. Although in Aceh I had many friendships with Muslim people stretching back to 1980 when I first began work on the Acehnese language, it was not until 2001 that I engaged significantly with the Muslim community in Australia.

38. After the 9/11 incidents I recognized, from my studies into the Acehnese jihad tradition, certain theological perspectives which were the subject of comment in the media. I decided to investigate Islamic beliefs further. I obtained copies of the great hadith collections of Muslim and al-Bukhari (Doc. 3 & 4), and read them — thirteen volumes in all — making copious notes. In this investigation I was assisted by Muhammad Zubayr Siddiqi's study *Hadith literature: its origin, development and special features* (Doc. 98.) I also carefully studied the Qur'an.

39. I resolved to make contact with the local Islamic community as a way of learning more about Islam in Australia. Accordingly, in around October 2001, I visited the office of the Islamic Council of Victoria [ICV] in Jeffcott St, West Melbourne, to inquire what literature they might have available about Islam. I expressed an interest in learning more about Islam. I also sought to obtain an English translation of the Qur'an, as I had been using a borrowed copy. The man on duty at the office pointed out to me a list of around six books which the ICV had for sale to the public. This was attached to a bookshelf, and the books were adjacent. When he discovered I had a family, he drew my attention to a book for children with the title *What Islam is all about*. (Doc. 21).

  For adult reading there were two books in stock on the shelf, and he recommended Mawdudi's *Let us be Muslims* (Doc. 18) as a suitable introduction to the Islamic faith for inquirers. Both these books were on the list on the bookshelf.

40. I read these books carefully and made a study of their theological claims. Here is a summary of some aspects of my findings.

41. *What Islam is all about* by Yahiya Emerick. 1997 (4th printing, 2000). Long Island, New York: 397pp. International Books and Tapes supply. ISBN 1-

889720 14-3, by Yahiya Emerick. (Doc. 21). This is an easy-to-read textbook aimed at children at the junior high level. I have done some investigation on the internet and have found that it is widely available in North American Islamic bookstores, and that Emerick, whose publishing work is based in Long Island, New York, is regarded as a leading Islamic children's educationalist in the US. "What Islam is all about" has been a best seller amongst English-speaking US Muslims. It is presented in a contemporary style, with many visuals, stories, and a comprehensive index. The author describes it as being for 'students, new Muslims, non-Muslims and born Muslims who wish to renew their knowledge of Islam'.

42.   According to Emerick, Islam is a religion with a plan. This plan is to establish the 'Kingdom of God' in this world, by which he means implementing the shari'ah as the law of the land. The Muslim community must prepare for this by strengthening their faith, which will enable them to take the concrete actions needed to make this vision a reality.

43.   In **Lesson 88**, 'What is an Islamic Society?', Emerick writes:

> *Muslims dream of establishing the power of Islam in the world. Muslims of all types and backgrounds agree that the Islamic system is the best for humanity in this life. (p.377)*

What would Islamic system look like?

> *… the law of the land is the Shari'ah of Allah. (p.376)*

Despite all the plotting of Muslim groups, Emerick states that the main game plan at present must be building up the community's complete faith in God:

> *Who has the answer? Everyone has an opinion, so what should you and I do to contribute to the rebirth of the Islamic Realm? For all their talk, most political thinkers have forgotten the most important truth of all. In all their secret meetings, shouting matches and plans for sweeping Muslim glory, they failed to start from square one. That is, victory comes from Allah and not from our wishes. (p.377)*

Emerick had described the Prophet's own career in earlier chapters. He takes this as the ideal for the Muslim community to follow. Before achieving military and political dominance at Medina, the Prophet first underwent thirteen years of building a band of committed followers under conditions of inferiority and opposition at Mecca:

> *When we look at the model of the Blessed Prophet Muhammad, we find that the first thirteen years of his mission were devoted to building a core of dedicated followers who would go through fire and ice if they had to. (5:105) (p.377)*

> *We want the ideal of Medina for the next millennium. But we will never get it without the struggle of the Meccan period. (p.378)*

In order to achieve their dream of gaining control by establishing 'the power of Islam in the world' (p.377), Emerick writes Muslims must first strive to be a community who fear God above all else. Only then will they have the strength of faith to implement this program:

> *In other words, we must … surrender to Allah completely. Why shouldn't we do that? We're all going to be dead in a few short years anyway. Our lives are shorter than the blinking of an eye. We have so little time to understand why we're here. What's wrong with insuring the eternal happiness of our soul? Like Allah says "You will gain control if you are true in faith" (3:139). (p.378)*

> *Indeed, only when we produce a generation of people who actually fear the Day of Judgment and love to be closer to the Prophet's example, will we be able to make Islam dominant in the earth. (p.378)*

Emerick makes it clear that good Muslims should emulate Muhammad in order to establish an Islamic state. So supposing Muslims attain a core of disciples 'who would go through fire and ice'; What happens next? Well, Emerick has directed his readers to the example of Muhammad. What does he say about how the Medinan ideal was realized? Emerick described the Muslim victory over the Jewish tribe of Quraiza which secured Medina. At that time, Emerick explains, all the men of Quraiza, several hundred in all, were executed — except one who converted to Islam. (p.302) (Hadith traditions relate how the women and children were distributed as war booty.)

> *Finally the Banu Quraiza realized that they could never hope to win so they asked for a negotiated settlement. The Prophet refused to negotiate and demanded their surrender. The Banu Quraiza, fearing a harsh judgment, refused and sent messages to people they knew among the Auws tribe asking them to help them be punished with exile only.*

[Then Emerick describes how Sa'd ibn Mu'adth was selected for this task. He continues…]

> *First, Sa'd commanded that the Banu Quraiza surrender their weapons, leave their fortresses and let themselves be taken into the custody of the Muslims. Then he gathered the leaders of the Banu Quraiza and asked them what the judgment was for a traitor according to their own holy books. The rebel leaders all bowed their heads in shame for they knew that the punishment for betrayal in the Taurah was death. (33:26-27). Then Sa'd decreed that all the warriors should be executed and the women and children be arrested as captives of war. Thus the threat of the Banu Quraiza was eliminated by the judgment of their own book against them. (5:32-34)*

> *The Muslims rejoiced in their good fortune and now Medina was safe from enemies inside as well as outside. (p.302)*

I was curious to investigate the Qur'anic verses cited by Emerick in this passage, and looked them up.

The Allies 33:26-27

And He drove down those of the People of the Book [i.e. the Jews] who backed them from their fortresses and he cast awe into their hearts; some you killed and you took captive some. And He made you heirs to their land and their dwellings and their property, and to a land which you have not yet trodden. And Allah is ever Possessor of power over all things.

The Food 5:32-34

For this reason We prescribed for the Children of Israel that whoever kills a person, unless it be for manslaughter or for mischief in the land, it is as though he had killed all men. And whoever saves a life, it is as though he had saved the lives of all men. And certainly Our messengers came to them with clear arguments, but even after that many of them commit excesses in the land. The only punishment of those who wage war against Allah and His Messenger and strive to make mischief in the land is that they should be murdered, or crucified, or their hands and their feet should be cut off on opposite sides, or they should be imprisoned. This shall be a disgrace for them in this world, and in the Hereafter they shall have a grievous chastisement, except those who repent before you overpower them; so know that Allah is Forgiving, Merciful.

According to Emerick, this is how 'the ideal of Medina' was ushered in. It is this example of Muhammad's actions that is to inspire young Muslim children as they prepare to 'go through fire and ice' to usher in the Islamic state.

44. In **Lesson 89**, 'What is an Islamic State?', Emerick criticizes the separation of Church and State in Western countries. He claims that this happened because of the weaknesses inherent in Christianity:

> *Is it any wonder that enlightened European men saw the need to put Christianity out of political affairs? (p.381)*

Since Islam does not have the weaknesses of Christianity, such a separation would be totally wrong for the future Islamic society. He argues that there can be no separation of mosque and state:

> *… for the object of the Islamic state is the establishment of the Deen [i.e. the sovereignty] of Allah. (p.381)*

He gives an outline of the political and legal system of this future government, where:

> *The basis of the legal and political system is the Shari'ah of Allah. Its main sources are the Qur'an and Sunnah. People do not make the laws, Allah does. (p.381)*

To establish this political system is the mission of all Muslims:

> *Our examples throughout history of how this system was best implemented are many. Once we become educated in the authentic system of Islam, we must try to establish it somewhere. This is our mission. (p.382)*

Emerick explains that it is the fault of Europeans that present-day Muslims countries do not follow Islam correctly:

> *…the Christians created a group of local people in every land who would be their loyal slaves. The Christians brain-washed these so-called 'Muslims' into rejecting Islam and loving the West. Then, when the Christian countries finally were forced to leave the Muslim lands, these traitors to Islam took over the nations and continued the same political system that the Christians brought. (p.383)*

Emerick explains that the establishment of this state requires a level of Iman [i.e. faith] which enables people to act 'with their hands' — i.e. to take measures, possibly including violent means — to bring it about:

> *The Blessed Prophet once said that when we see a wrong being committed, we must try to change it with our own hands. If we can't do that then we must at least speak out against it. But if we can't do that then we should at least feel bad about it in our hearts. The Prophet then added that the third option was the weakest level of Iman. (p.383)*

> *If we want to establish a real Islamic state based on justice and quality for all people, then we must first build our Iman to the level of being so motivated that we have no choice by to take action. (p.383)*

I take Emerick to be saying here that Muslims committed to achieving an Islamic state in the West should adopt non-violent means of protest (e.g. thinking thoughts, or speaking works) if that is all that they can do. However if they can use their 'hands' — i.e. seize power in a physical way — then it is their duty to do so. The task of the Muslim community must be to build the 'Iman' to such a level of commitment that action is inevitable.

45. In **Lesson 89**, 'The Three Duties', Emerick defines *jihad* as:

> *…any action which is done to further the cause of Allah… However the word jihad is most often associated with the act of physically confronting evil and wrong-doing, hence, it can be applied to the act of fighting as well. (p.164)*

> *A physical jihad [i.e. fighting] may only be initiated for three reasons: 1) To defend the Muslim community against aggression. 2) To eliminate an evil force which is oppressing people. And 3) to remove any barrier to the free flow of Islamic da'wah [i.e. proclamation, preaching].*
> *The first two are easy to understand. The third would be necessary if, for example, there was a country which forbade the practice of Islam or its preaching. Obviously they are wrong-doers and are attempting to stop the truth from being preached.*

I took these statements to mean that any restriction upon the rights of Muslims to propagate their faith freely must trigger a response of fighting: a 'physical' jihad.

The faith which Emerick wants to propagate freely includes a call to replace secular democratic government with shari'ah rule. Any restriction to implementing such a program would be a restriction on the practice and propagation of Islam, and would thus trigger of a legitimate jihad response, according to point (3) above.

 Moreover, I noted that Emerick had argued forcefully that political systems set up by Christians are oppressive (pp.380-81):

> 'Christianity is not a unified, easy to follow religion, and therefore it cannot provide fairness and justice when governments try to use it.'

> 'Every Christian country has its own kind of Christianity and they all hate each other. ... They have been slaughtering each other for centuries over religious issues.'

> 'The masses were kept uneducated and ignorant for most of Christian history so the church could control them almost like religious slaves.'

> 'Whenever non-Christians were encountered, these masters of darkness would attack them and kill them without any reason.'

> 'More blood has been shed in the name of Christianity than in all other religions of the world combined.'

The clear implication therefore is that Christian-influenced political systems are likely to be found wanting, guilty of (2) — 'oppressing people' — and thus be candidates for becoming a target of jihad.

46.   Mawdudi's *Let us be Muslims*, is a book which Emerick recommends for further reading to his young students.

Sayyid Abul A'la Mawdudi. *Let us be Muslims.* Trans. & ed. Khurram Murad. The Islamic Foundation, Leicester England. (Printed by A.S. Noordeen, Kuala Lumpur, Malaysia.) Third Reprint 1991. First published under the title *Kutubat* in 1940. (Doc. 18).

A similar vision and program is offered by Sayyid Abul A'la Mawdudi's *Let us be Muslims.* The editor of has this to say of its author:

> *It is doubtful if any other Muslim writer of our day has so many readers. The real measure of his impact, therefore, is the emergence of whole new generations of men and women who have been inspired by him to lead lives of meaningful faith, Iman, in Allah, His Messenger, and His Book, and of dedicated struggle, Jihad, in His cause. (p.14)*

According to Mawdudi, here is what Islam is all about:

> *Islam is nothing but man's exclusive and total submission to God. (p. 94).*

> *Stated simply, the ultimate objective of Islam is to abolish the lordship of man over man and bring him under the rule of the One God. To stake*

> *everything you have — including your lives — to achieve this purpose is called Jihad. (p.287)*

Evils abound in societies because human authorities are not submitted to God's will:

> *Power, however, can do much to eradicate them. (p.288)*

> *The lordship of man over man is the root cause of all corrupt rule. (p.288)*

In the light of this principle, no laws are legitimate except God's law, and no government is legitimate except those who rule as God's deputies, implementing God's laws alone, which no-one has the power to change.

> *So I say to you: if you really want to root out corruption now so widespread on God's earth, stand up and fight against corrupt rule; take power and use it on God's behalf. It is useless to think you change things by preaching alone. (p. 288)*

> *What Islam demands from those who submit to God as the real Sovereign, their only Ruler, and who accept to abide by His laws as brought by His Prophet, blessings and peace be on him is quite obvious. They should rise to bring their King's land under His law, to destroy the power of those rebels among His subjects who have set themselves up as sovereigns, and to free His subjects from the burden of slavery to others.*

> *… wherever you are, in whichever country you live, you must strive to change the wrong basis of government, and seize all powers to rule and make laws from those who do not fear God. … The name of this striving is Jihad. (p.290)*

But first, before taking power, Muslims must purify and prepare themselves through practising their religion:

> *You have no right to start fighting for power until you have cleansed your hearts of all selfishness. You should develop such purity of heart that when you fight you do not fight for personal or national aggrandizement, but solely to secure Allah's pleasure and to improve the lot of his creation. … The Prayer, Fasting, Almsgiving and Pilgrimage at their deepest level provide preparation and training for the assumption of just power. … It first trains all those who volunteer for service to God before allowing them to undertake Jihad and establish God's rule on earth. (p.291)*

> *Only when Islam has prepared its men does it tell them: Now you are the most pious slaves of God on earth. So go forward and fight; dislodge the rebels of God from the government and take over the powers of the caliphate. (p.292).*

This the same idea was proposed by Emerick: that faith must be conditioned adequately before action can result.

Mawdudi develops the theological principle of sovereignty, or *Din*. Din would normally be translated as 'religion, but Mawdudi's use of this word is more general

and also more specific, referring not only to faith systems, but to ideologies in general, and specifically in the sense that they exert power over people and claim their allegiance. Each nation has its own sovereignty or din, but no one can serve two sovereignties at once. If you follow God, then you will acknowledge no other sovereignty:

> *And if you submit to popular sovereignty, or to the Din of Britons or Germans, or to your nation and motherland, then again Allah's Din will have no place in it. But if, in reality, you are adherents of Allah's Din, there will be no room for any other Din. (p.297)*

This implies that a true Muslim — a true submitter to God — will never acknowledge the sovereignty of any secular or non-Muslim nation.

> *A total Din, whatever its nature, wants power for itself; the prospect of sharing power is unthinkable. Whether it is popular sovereignty or monarchy, communism or Islam, or any other Din, it must govern to establish itself. (p.297)*

Mawdudi rejects the sovereignty of popular democratic governance and of a monarchy, since both are human 'Dins'.

The true response to this reality Mawdudi sums up in the Qur'anic verse:

> *"And fight them, until there is no rebellion [against God], and all submission is to* God alone" (8:39).
> *… If you believe Islam to be true, you have no alternative but to exert your utmost strength to make it prevail on earth: you either establish it or give your lives in this struggle. (p.300)*

> *…But if some people actively serve another Din and fight its wars, no words are enough to describe this abominable behaviour (p. 301).*

> *… True believers carry only one identification: all their efforts are directed to eradicating every false Din — and every Din other than Allah's is false — and establishing in its place the true Din. They live, suffer losses, and die in His cause. Whether they succeed or fail matters little. On the contrary, if they reconcile themselves to the domination of a false way of life or help make it dominant, they are liars if they claim to posses Iman ['faith']. (p.301)*

> *…Obviously, whenever you rise to establish the true Din, some false Din is already in a position of power, controlling all resources. Otherwise there would, by definition, be nothing to topple. It is therefore equally obvious that the replacement of this false Din by the true Din will always be a long and hard struggle. (p.302-3)*

> *Let us not be like those who claim to believe in Allah, but give neither time, money, nor lives for the sake of his Din. Let us come forward and fight in Allah's cause with whatever we possess. (p.303).*

47. Both these books offer a political vision to replace a national constitution and democratic sovereignty, by force when this becomes necessary, and replace it with the shari'ah. The availability of these books from a body like the Islamic Council of Victoria indicated to me that they are mainstream texts. This has also been confirmed by my investigations of the influence of these books.

48. During September of 2003 I investigated the book lists of Australian Islamic book shops which I found to be available on the internet. I found that during September 2003, *Let us be Muslims* was offered for sale by:

>   a. IFEW IQRA Books of 303 The Boulevarde, Fairfield Heights, NSW. http://www.ifew.com/iibs/index.html (Downloaded 6/09/03. Doc. 233.)

>   b. The Islamic Book Service (FAMSY) http://members.ozemail.com.au/~famsy/ibs.html (Downloaded 6/09/03. Doc.234.) This book service shares an address with the Islamic Council of Victoria (66 Jeffcott Street, West Melbourne), and also has an office at 2/108 Haldon St, Lakemba, Sydney.

49. I investigated further and found that many Islamic websites set up in Western nations appeared to promote a similar theological vision to Mawdudi and Emerick. The site of the Muslim American Society — Minnesota Chapter includes a large number of books on line, including several by Mawdudi, and others who have similar views such as Syed Qutb. I downloaded Qutb's *Milestones* from this site and studied it. (Doc. 38.)

From this site I also downloaded Mawdudi's *Human Rights in Islam* (Docs. 16), which I discerned to be a work designed to refute the Universal Declaration of Human Rights. Mawdudi defines a list of human rights which Islam promotes. He argues that enslaving civilian captives in warfare is entirely legitimate. Mawdudi argues that distributing captives to become slaves of the soldiers was 'a more humane and proper way of disposing of them' than Western approaches. It is, he argues, far preferable to the provisions of the Geneva convention, not least because of the value of this policy for fuelling the growth of Islam:

>   *"The result of this humane policy was that most of the men who were captured on foreign battlefields and brought to the Muslim countries as slaves embraced Islam and their descendants produced great scholars, imams, jurists, commentators, statesmen and generals of the army."*

This policy of enslaving captives applies, not only to men, but also to women and children, following the example of Muhammad, referred to above.

I have investigated this book also in the booklists of Islamic book stores in Australia, and found that it is for sale by the FAMSY Islamic Book Service. It is on the booklist of the Melbourne Islamic Book Service, numbers 111 and 112 on

the booklist downloaded from www.famsy.com/bookcatalogue_melb.htm, on 6/09/03. (Doc. 236.). As I noted above, this Book Service shares an address with the Islamic Council of Victoria.

The Muhajiroun Movement

50. The Muhajiroun movement in the UK is notorious for promoting such ideas as these. From their site I downloaded such articles as 'How does Islam Classify Lands' (Doc. 43), an essay which explains that once an Islamic State is established, no-one living in infidel nations ('Dar al-Harb) will have –

> *"… sanctity for his life or wealth, hence a Muslim in such circumstances can then go into Dar Al Harb and take the wealth from the people unless there is a treaty with that state. If there is no treaty individual Muslims can even go to Dar Al Harb and taken women to keep as slaves."*

51. The Jihad ideology that is supposed to establish the Islamic state I also found described in similar terms to Mawdudi by the Muhajiroun leader Sheikh Omar Bakri Muhammad, principal lecturer of the London School of Shari'ah. (Docs. 42, 43). He makes a distinction between the everyday Arabic sense of jihad as 'struggle', and its technical Shari'ah sense of fighting infidels to make Islam dominant in the earth. He supports this interpretation with numerous quotations from Islamic scholars. This, he argues, is a requirement for all Muslims. Another article by Omar Bakri Muhammad is 'If the Khilafah is established tomorrow: the first 24 hours' (Doc. 44) in which he describes a blueprint for setting up an Islamic state.

Studies on Radicals in the West

52. During my investigations I discovered that many researchers had explored the influence of Islamist thinking in the West. Books which address this subject include:

> Trifkovic's *The Sword of the Prophet* (Doc. 11)
> Stuart Robinson's *Mosques and Miracles* (Doc. 9)
> Mark A. Gabriel's *Islam and Terrorism* (Doc. 144. Gabriel is a former professor of Islamic history at Al-Azhar University who converted to Christianity)
> Ibn Warraq's *Why I am not a Muslim* (Doc. 15)

Peter G. Riddell and Peter Cotterell's *Islam in context* (Doc. 157)
Steven Emmerson's *American Jihad* (Doc 138)
Bat Ye'or's *Islam and Dhimmitude* (Doc.14)
Robert Spencer's *Onward Muslim Soliders* (Doc. 156)

Reuven Paz has written a study of Islamist incursions into Europe (Doc. 26). Well before September 11, 2001 Farrukh Dhondy had written about the challenge of radical Islamism in the West in City Journal 11.4 (Doc. 39).

53. Yahya Emerick lays out a strategy in his 'How to make America an Islamic Nation' (Doc. 23), published on the Web by the Young Muslims of Canada. But Emerick reports some difficulties for turning the US into a shari'ah state:

> *'The only reason Islam is still growing here, by and large, is because of a steady stream of immigration. But when that dries up, the assimilation will dwindle our community down to nothing. It's like we have a bucket with a hole in the bottom. We keep pouring new immigrants in, but so many are leaking out are lost forever.'* (sic)

Saudi ideology of Jihad

54. The very fact of Saudi influence amongst the Australian Muslim community is a potential cause for concern, and it is an actual cause of concern for many people. The Wahabbi agenda for jihad is laid out very clearly in an essay 'The Call to Jihad (Fighting for Allah's Cause) in the Holy Qur'an.' This is written by former Chief Justice of Saudi Arabia, Sheikh Abdullah bin Muhammad bin Hamid. I first encountered this essay in the introduction to a widely used collection of Hadiths, Dr Muhammad Muhsin Khan's translation of the Sahih Bukhari (Doc. 4). It has also been published in book form (Doc. 132). I investigated the internet and found that it is published on numerous web sites. This essay was also found included in an edition of the Noble Qur'an (an edition produced with Saudi funding) which was distributed to enquirers on a Melbourne tertiary campus in 2002. I have found Muhsin Khan's edition of the Sahih Bukhari is advertised on the lists of the EFEW IQRA book service (Doc. 233), as well as the FAMSY Islamic book service (Doc. 234).

This essay on jihad, by the foremost legal authority in Saudi Arabia, lays out the classical evolutionary theory of jihad — much as Daniel Scot did. His summary of the history of the development of the jihad is:

> *"So at first 'the fighting' was forbidden, then it was permitted and after that it was made obligatory — (1) against those who start 'the fighting' against you (Muslims)... (2) And against all those who worship others along with Allah."*

The Chief Justice is saying that it is obligatory to fight against non-believers, until they submit. He specifically discusses the position of Christians, arguing from the Qur'an (Sura 9:29), that Muslims are 'not permitted to abandon "the fighting" against them … and to reconcile with them and to suspend hostilities against them for an

unlimited period while they are strong and have the possibility of fighting against them". In other words, if the Muslims are strong enough, they must fight for victory.

These are essentially conclusions that Daniel Scot argued for in his seminar.

55. On May 20, 2003, IISNA, a Melbourne-based Islamic group distributed through its mailing list a 'Statement of the Committee of Major Scholars on the Bombings in Riyadh'. The original has also been discovered from www.salafipublications.com with the title 'The Major Scholars on the Salafee Position the Suicide Bombings in Riyaadh (May 2003).' (Docs. 173, 174).

This was a ruling by the leading Muslim scholars of Saudi Arabia on the subject of terrorism. They found against 'killing the soul that has been protected without any due right', that is, against killing someone you have no right to kill. This statement argues that in Islam certain people's lives are protected from killing. First, and most importantly, Muslim lives are sacrosanct and may not be taken. Then, among non-Muslims, those whose lives are protected in Islam are:

> *"1) those (non-Muslims) who are given agreements (guarantees);*
>
> *2) the dhimmees, and*
>
> *3) those who seek protection (from the Muslims)."*

Excluded from these protections are non-Muslims living under non-Islamic rule, who lack the promise of protection from Muslims. These are, in classical Islamic terms, the 'harbis', or inhabitants of the Dar al-Harb, the lands outside the Islamic state. Such as these have no protection for their lives in Islam.

So, according to these scholars, the crime of the terrorist attack in Riyadh, apart from the taking of Muslim lives, lay in the fact that the non-Muslim foreigners who were killed had been extended rights of protection by Muslims, so their lives were protected.

56. This argument, which to Non-Muslims seems quite convoluted, proceeds on the basis that non-Muslims have no inalienable right for their lives to be protected. They only have such conceded rights to life as are granted by the Muslim community. This reflects the laws of the classical evoluationary model of jihad, which proclaims that the Muslim community must fight against non-Muslims who have not yet submitted to the Islamic state. So this finding of the senior Islamic Scholars of Saudi Arabia comes out of the same theology as Chief Justice Abdullah's essay on Jihad.

57. Bernard Lewis has described this world view succinctly in his book *The Crisis of Islam: Holy War and Unholy Terror*, p. 30-31. (Doc. 251)

> *Some modern Muslims, particularly when addressing the outside world, explain the duty of jihad in a spiritual and moral sense. The overwhelming majority of early authorities, citing the relevant passages in*

the Qur'an, the commentaries, and the traditions of the Prophet, discuss jihad in military terms...

For most of the fourteen centuries of recorded Muslim history, jihad was most commonly interpreted to mean armed struggle for the defense or advancement of Muslim power. In Muslim tradition, the world is divided into two houses: the House of Islam (Dar al-Islam), in which Muslim governments rule and Muslim law prevails, and the House of War (Dar al-Harb), the rest of the world, still inhabited, and more important, ruled by infidels. The presumption is that the duty of jihad will continue, interrupted only by truces, until all the world either adopts the Muslim faith or submits to Muslim rule. Those who fight in the jihad qualify for rewards in both worlds — booty in this one, paradise in the next.

Lewis goes on to discuss the hadith traditions, saying "Many of these deal with the holy war. The following are a few samples:

"Jihad is your duty under any ruler, be he godly or wicked.
A day and a night of fighting on the frontier is better than a month of fasting and prayer.

The nip of an ant hurts a martyr more than the thrust of a weapon, for these are more welcome to him than sweet, cold water on a hot summer day.

He who dies without having taken part in a campaign dies in a kind of unbelief.

God marvels at people [those to whom Islam is brought by conquest] who are dragged to Paradise in chains.

Learn to shoot, for the space between the mark and the archer is one of the gardens of Paradise.

Paradise is in the shadow of swords." (p.32)

This apparently remains a common understanding of jihad in Saudi Arabia, whose flag consists of the Muslim confession of faith and a sword.

58. In their teaching of these doctrines the Saudis are not adopting extreme positions: they gain support from classical sources on Islam. For example, the famous Muslim historian al-Tabiri in his history *Ta'rikh al-rusul wa'l-muluk* describes a series of pronouncements by the Caliph Umar at the time of the conquest of Syria and Palestine. These related to the division of booty, and the treatment of the conquered peoples. Umar's instructions concerning the conquered peoples were:

'Summon the people to God; those who respond unto your call, accept it from them, but those who refuse must pay the poll tax out of humiliation and lowliness. If they refuse this, it is the sword without leniency.' (Vol

XII, p.167 of the History of al-Tabiri, Bibliotheca Persica. State
University of New York Press.) (Doc. 171)

59. There are Muslim writers today who claim that jihad is essentially defensive. In one
sense this is true. Umar, according to al-Tabari's history cited above, repeatedly
refers to the capture of booty and land as an act of liberation. The conquered
territories of Syria and Palestine were *'property which God has restored to you.'* (Vol
XII p.154). Thus some Muslims regard the military expansion of Islam, including the
conquest of Constantinople, as a series of acts of liberation.

60. According to this world view, all the earth belongs to Allah and therefore to the
Muslim Umma, his caliphs, or representatives on this earth. Muhammad informed
the Jews of Arabia: 'The land belongs to Allah and to his Messenger.' This is a
secure hadith found in Bukhari and Muslim:

> *"… the Messenger of Allah … came to us and said: (Let us) go to the Jews.…
> The Messenger of Allah … stood up and called out to them (saying): O ye
> assembly of Jews, accept Islam (and) you will be safe. [And after repeating this
> another two times, he said]:   You should know that the earth belongs to Allah and
> His Apostle, and I wish that I should expel you from this land. Those of you who
> have any property with them should sell it, otherwise they should know that the
> earth belongs to Allah and His Apostle (and they may have to go away leaving
> everything behind)."* Sahih Muslim 4363 (Doc. 3)

If all earthly authority not submitted to Islam is usurped authority, then all warfare
which seeks to wrest control from un-godly authorities is defensive in nature, taking
property which rightfully belongs to Islam. Taking booty in jihad is also an act of
liberation. It is this world view which allows Muslim writers to refer to the Islamic
expansion in the Middle Ages as a series of liberations. Abdullah Saeed, in his *Islam
in Australia* (Doc. 155) describes all Muhammad's conquests as a series of acts of
self-defence, and when speaking of the Islamic military expansion, he places the
word 'conquered' in quotation marks.

61. A confirmation of these reflections is found in the 'London Islamic Declaration of
Co-existence and Peace within a Multi-Group Community' (Doc. 170). This
statement from London Muslim leaders was distributed to the FAMSY mailing list
based here in Australia on Sunday, December 8, 2002. This, like the Saudi statement,
was against terrorism. The declaration argues that non-Muslims in Western nations
have a right to protection because they come under a 'pledge' whereby the 'the souls,
property, and honor of non-Muslims are inviolable by virtue of the pledge that has
allowed them to enjoy residence.' In other words, because Western nations have an
implicit covenant of good will with Muslim immigrants, the non-Muslims lives are
protected under Islamic law. The reasoning employed proceeds thus: The non-
Muslims do not have inalienable human rights to their life and property, but only
conditional rights due to their being in a nurturing, supportive relationship with the
Muslims in their midst.

This statement, it must be stressed, represents a position which must be classified as a moderate one in the sense that it opposes terrorism.

62. The Saudi ideology of Jihad certainly has the potential to influence Islam in Australia. We know this from the investment of Saudi millions into the Australian Islamic community. Not only organizations such as FAMSY, but also schools and mosques have received very significant Saudi financial support (see e.g. 'Islam Enlightens Australia — Doc. 8). Around the world tertiary institutions have also received significant grants from the Saudis. This money does not come without influence.

Australian Islam on the Web

63. I have conducted an investigation of a number of Islamic web sites and articles on the internet associated with Australian Muslims.

64. The Website of the Islamic Council of Australia

I have already described the worldview of Mawdudi, whose book 'Human Rights in Islam' is very widely read. The ICV has a link to an article on 'Human Rights in Islam' (Doc. 32), most of which is taken virtually word-for-word from Mawdudi's book.

65. Bilal Cleland on the Islamic State

I therefore investigated the writings of Bilal Cleland, Human Rights Coordinator for the Islamic Council of Victoria. I discovered his article Islamic Government at http://www.islamfortoday.com/cleland04.htm (Doc. 24).

In this essay Bilal Cleland outlines his vision of establishing the Islamic state, governed by shari'ah law according to the precedents of the Qur'an and the example of Muhammad (the Sunna):

> *'Islamic government is a system of government which follows the laws and principles of the Qur'an and the Sunna of Muhammad.'*

Cleland states it is the duty of all Muslims to work to the establishment of the Islamic shari'ah system of government.

More than this, he claims, it is the responsibility of 'all humanity' to establish Qur'anic law. For –

> *"... only when this system is established can there be justice and harmony in society".*

As to how laws are made in the Islamic state:

- The government 'must make decisions on the basis of what God has revealed;

- Therefore it is the duty of the Muslims to take responsibility for government;

- The details of how a nation is governed are 'for the Muslims of a particular time of place to decide';

- Legislative process will be in the hands of Islamic experts on legal interpretation, the 'Mujtahids';

- The head of the state must be a Muslim, because this person 'must implement the Qur'an and the Sunna'.

66. Cleland reports that although non-Muslims were not consulted in the early period of the first Islamic state, 'there is nothing to indicate they cannot be included in consultation'. However, as he also explains, the fundamental function of government is to make decisions in accordance with Islamic teachings, so the capacity of non-Muslims to have a voice in determining public policy must be restricted to non-fundamental matters which fall outside Islamic (shari'ah) law:

> *"Legislation contained in the Qur'an becomes the basic law of the state. This puts the fundamental law of the society beyond the lobbying power of particular interest groups and ensures that legislation is just and equitable."*

According to this statement, the fundamental laws of the nation will not be subject to democratic processes. 'Particular interest groups, for example ethnic minorities, would have no opportunity to influence the fundamental laws of the nation.

67. Our secular democratic Australian society would be overturned if this Islamic utopian vision were implemented here, for it requires a complete change of our whole system of government, and abrogation of the fundamental constitutional and other principles by which our society organizes itself.

Yet, according to Bilal Cleland, establishing an Islamic state must be the duty of all Muslims.

68. Furthermore, noting that the statements in ICV's link to 'Human Rights in Islam' were taken directly from Mawdudi, I discovered that the EOC has produced a 'Fact Sheet' on Human Rights in Islam. This document, which sets out selected opinions, in fact further promotes Mawdudi's ideas. (Doc. 2). Through the Equal Opportunity Commission, Government funding is being used to promote a set of ideas about Islam which were designed in radical opposition to the Universal Declaration of Human Rights. Mawdudi's program is designed – in his words – to 'topple' secular democratic societies like our own.

69. ICV's link to CAIR

The Islamic Council of Victoria is linked on its website to CAIR, the Council on American-Islamic relations. The link is at: http://www.icv.org.au/resources.shtml

CAIR is well-known as a extremist organization, which has defended terrorist activity, attacked moderate Muslim views, and made anti-Semitic statements. Its Chairman Omar M. Ahmad, as reported by the *San Ramon Valley Herald*, told a crowd of California Muslims in July 1998,

> *"Islam isn't in America to be equal to any other faith, but to become dominant. The Koran . . . should be the highest authority in America, and Islam the only accepted religion on earth."*

See http://www.danielpipes.org/article/394 (Doc. 175);
 http://www.geocities.com/CollegePark/6453/emerson.html (Doc. 160);
 Emmerson's *American Jihad* (Doc. 138) and Spencer's *Onward Muslim soliders* (Doc.156) which have provide discussions of CAIR's activities.

On September 10, 2003, one of CAIR's own officials pleaded guilty to terrorist-related crimes in US Federal court. Front Page Magazine reported that on the same day the US Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security 'heard compelling evidence that Saudi Arabia financially and ideologically supports a network of American organizations that act as the defenders, financiers, and front groups of international terrorists. CAIR has been a major player in this network since its creation in 1994…' . ('A bad day for CAIR'. Doc. 259).

70.   In summary, my research indicates that Islamic Council of Victoria:
   - ?? has recommended books which promote the Islamist cause,
   - ?? is linked with an extremist American Islamic group,
   - ?? shares premises with a book shop which continues to promote Islamist literature,
   - ?? promotes Mawdudi's Islamist human rights agenda on its web site,
   - ?? through its officer Billal Cleland advocates the disestablishment of constitutional democracy and in its place the establishment of an Islamic state in which non-Muslims may not be treated on an equal footing with Muslim citizens.

Furthermore, as the section below on Ahlus Sunnah Sal Jama'ah (IISCA) shows, its leaders have professed to ignorance about one of the most active Islamist Wahabbist organizations in Melbourne, an organization which has been linked in the media to Al-Qa'ida, and whose values are displayed publicly on its web site.

71. IISNA (Islamic Information and Services Network of Australasia), is an organization based at 995 Sydney Road, North Coburg. It includes a large bookshop.

I first became aware of IISNA when in early October 2002 I picked up an anti-Semitic tract that was being handed out in a Lebanese cake shop in Sydney Road. I consequently investigated articles on the web site of IISNA. One article in particular 'Democracy is a religion' attracted my attention.

This was downloaded from www.iisna.com/articles/democracy.htm on October 10, 2002. (Doc. 27).

72. At the time of downloading this document, I found that there was a link to the IISNA website on the website of the Australian Muslim Public Affairs Committee (AMPAC), with a commendation in the following terms:

> *"We recommend the following websites for information on Islam and the Muslims'*. (http://www.muslimaffairs.com.au/Links/Links.htm)

On October 3, 2003 I found the AMPAC website continues to commend its link to IISNA, as follows:

> *IISNA is a non profit organization which operates independent of any organization, society or government, dedicated to sharing sound Islamic information and services that will benefit the Muslims of Australasia*. (Doc. 265)

73.   The article 'Democracy is a Religion' develops its argument based upon quotations from the Qur'an, the Hadith and other Islamic authorities. It argues that the only legitimate legal authority on this earth can be Allah's law, and a true Muslim can only submit to Islamic legislation (i.e. to the Islamic shari'ah), never to a democratic government. Specific points include the following. Quotations are indented. Material in brackets […] is supplied as explanation.

> (i)   Democracy is a false and satanic religion.
> *"Be careful not to limit the word religion, just to Christianity, or Judaism and so on, because you may follow the other false religions and go astray. It includes every religion, method, judgment system, and law, that the creatures follow and adhere to. All of these false religions must be left, and avoided, we must disbelieve in them avoid their helpers, and supporters, all except the monotheistic religion, the religion of Islam. This may include Communism, Socialism, Secularism, and the other innovated methods, and principles, which the creatures invented with their minds or ideas, and then satisfied these ideas to be their religions. One of these is the democracy which is considered a religion that is contradictory to Allah's religion."* [Emphasis supplied]
> *"... and Satan stands at every door of these ways, calling to the Hell fire. So democracy is on one side a polytheism and on the other side a disbelief in Allah that contradicts with monotheism ...*

There is no consideration in the democracy religion to the verses of the Qur'an, or the traditions, or talks of the Prophet (pbuh).
Allah ordered his Prophet (pbuh) to judge by what Allah revealed unto him, and asked him not to be swayed by people's desires ...
Therefore, democracy is a religion that is different from Allah's religion. It is the judgment of their Satanic deity, but not of Allah. It is a law of different, separate gods, but not the law of Allah, the One, the Subduer."

(ii)   Islam is incompatible with democracy.
"So, you must choose the religion of Allah and His pure legislation, His brilliant light, His straight road. Or the democracy religion, and its polytheism, unbelief, its closed, curved road. You must choose the judgment of Allah, the One, the Subduer, of the judgment of the man made deity."

(iii)   Democracy is based upon the false doctrine of secularism.
"The democracy is the evil result of secularism and its illegitimate daughter, because secularism is a fake doctrine that aims at separating the religion from the government."

(iv)   The legislators in a democratic system are the deities and idols of this false religion of democracy.
"... the word 'deity' includes any one who makes himself a legislator [in competition] *with Allah, ruler or ruled, a representative in the parliament (the legislative authority), or the persons who select him, because he exceeded his limits. Man was created to be a servant of Allah and Allah ordered him to accept His legislation, but man rejected and exceeded the limits. He wanted to equate himself with Allah, and to participate in the legislation of Allah, which is not allowed to anyone except Allah. If any one exceeds the limits and does that, he makes himself a legislator god, and he will be one of the deity heads. ..."*

"Mojahid said 'The deity is a Satan in the shape of a human whom people turn to for judgment, and they follow him'"
"Sheikh of Islam Ibn Taimyyah said 'for this reason the one who judges without referring to the Holy Book (Qur'an) is a deity'"
"These representatives, in fact, are erected, craven images and worshipped idols, and claimed gods that are set up and fixed in their temples, at their heathen sanctuaries (the parliaments)."

(v)   Anyone who accepts democracy — including any elected government or legislation — is an infidel, and not a Muslim.
"... [any one's] agreement with the polytheists about the democracy religion, and his agreement to make the legislation, and the judgment to be his, and to make his authority more important than Allah's authority,

and His Book, and His legislation, will then be a disbeliever himself. Therefore this is an obvious, clear error, it is the polytheism itself."

"... and whoever seeks a way other than submission to Allah, it will not be accepted from him, and he will be a loser in the world to come." (Qur'an, Sura Family of Imran verse 85).

(vi) No one can be saved from hell fire without renouncing democracy. So every Muslim must oppose democratic systems or be damned.

"One of the worshipped deities nowadays, that every monotheist [i.e. Muslim] must disbelieve in it and its followers, in order to follow the firmest handhold and to be saved from the Hell fire, are the transitory man made gods and goddesses of the so called legislature.
Allah said **Have they other associates who have prescribed another law for them which has not been dispensed by Allah? But for the decision word (of Allah) a sentence would have been passed amongst them.** *(The Qur'an, Sura Consultation verse 21)"*

"If any one does not avoid the deity in this world by refusing to worship him now, he will be one of the losers in the hereafter. Nothing of the religion will be useful or advantageous to him ... Allah said "... **never shall they find release from the Fire**" *(The Qur'an, Sura The Heifer, verse 167)."*

(vii) True Muslims must hate those who support democracy, and must make them their enemies, fighting against them so that Islamic rule can be established.

[In the case of a Muslim who has been a legislator...] *"***His Islam and his monotheism will not be accepted, unless and until, he disbelieves in what he did and avoids it, and fights to get rid of its slaves and helpers"** [i.e. so that the supporters of democracy are eliminated].*

"It was for this reason Allah ... ordained the Jihad and martyrdom. Because of this, there is enmity between Al-Rahman's [Allah's] followers and those of Satan [i.e. supporters of democracies], and because of this the Islamic nation and the right caliphate will be established."

(viii) Hating adherents of democracy is more important than hating democracy itself:

"He [Allah] said **'You have an excellent model in Abraham and those who were with him when he said to his people: "We are through with you and, those you worship other than Allah. We reject you. Enmity and hatred have come between you and us for ever, unless you believe in Allah the One."'** *(The Qur'an, Sura the Examined Woman, verse 4).*

Consider how Allah started with the enmity before the hate. Enmity is more important because a human may hate the deity's followers [i.e. citizens in a democratic nation], but may not consider them enemies. So a human will not be doing his duty or obligation unless he hates them, and takes them as enemies. Consider how Allah mentioned their disavowal of the polytheist people, before the disavowal of what they worshipped, because the first [enmity] is more important than the second [hatred]."

(ix)   The greatest part of Islam is jihad against democratic systems, including against democratic representatives, to try to damage and overthrow them.

"If you come to understand this, you should know that the greatest step of adherence to this firmest handhold and the highest step of disbelief in this man-made deity [the democratic legislator] is the peak of Islam. By this I mean The Jihad. The Jihad against the deity, his followers, and helpers, to try to damage this man made system, and to try to get the people to turn away from worshipping it and to return to the worship of Allah alone."

74. The article 'Democracy is a Religion' claims that the Islamic shari'ah is the only lawful legislative authority on earth. This is a devout religious belief firmly held by radical Islamic organizations. The authority for these beliefs is solely based on the Qur'an and the Sunna of Muhammad, according to the article itself.

This article, amongst other things, incites contempt and hatred for all supporters of democracy and democratically elected leaders — see paragraphs (vii) and (viii) above. It also incites Muslims to wage jihad against supporters of democracy — see paragraph (ix).

75. This religious doctrine incites hatred towards all non-Muslims, as well as hatred towards peace-loving Muslims who support democracy. It is incompatible with and inimical to the democratic values of our Australian society. Both believing and non-believing members of the public have a legitimate interest in knowing about these doctrines.

76. Islamic objections against Christianity for separating religion and politics

The distinction between 'church' and 'state' is so alien to classical Islamic thought that there was no terminology for it. Muslim theologians and scholars who have been aware of this distinction in Christianity have regarded it as a sign of weakness. Here are two opinions, one contemporary, and one from the Middle Ages, which both regard the integration of religion and politics in Islam as essential to the doctrine of jihad:

If we look closely, we see that in Christianity there is no jihad because it has nothing at all. By which I mean that there is no Christian structure of society, no

Christian legal system, and no Christian rules as to how a society is to be formed, for these to contain the laws of jihad. There is no substance in Christianity; it contains no more than a few moral teachings ... Islam however is a religion that sees its duty and commitment to form an Islamic state. Islam came to reform society and to form a nation and government. Its mandate is the reform of the whole world. Such a religion cannot be indifferent. It cannot be without a law of jihad. It came to organize a state, to organize a government. Once this is done, how can it remain without an army? How can it be without a law of jihad?
(Ayatullah Morteza Mutahhari, JIHAD: the Holy War of Islam and its legitimacy in the Qur'an. Translated by Mohammad Slaman Tawhidi (Tehran: Islamic Propagation Organization, 1985. http:/www.al-islam.org./jihad/short (Nov 2001). (Cited in Doc. 47a)

In the Muslim community, the holy war [jihad] is a religious duty, because of the universalism of the [Muslim] mission and the [obligation to] convert everybody to Islam either by persuasion or by force. Therefore caliphate and royal authority are united [in Islam], so that the person in charge can devote the available strength to both of them [religion and politics] at the same time. The other religious groups did not have a universal mission, and the holy war was not a religious duty to them, save only for purposes of defence. It has thus come about that the person in charge of religious affairs [in other religions] is not concerned with power politics at all. ...[Political authority is assigned among peoples of other religions] not because they are under obligation to gain power over other nations, as is the case with Islam. (Ibn Kaldun, The Muqaddimah, I, 480. 14th century). (Cited in Doc. 13)

77. I found another article on the IISNA website promoted anti-Semitic views: "They will not be given victory over us" (Doc. 190). It was downloaded on 21 October 2002, from www.iisna.com/articles/victoryoverus.htm

Key points in the article were:

?? The Jews have always opposed Islam since it began.

?? The Jews tried to kill Muhammad and to block his message. Because of this they deserve God's curse and are condemned to hell. God will oppose the Jews until judgment day, with a 'humiliating torment'.

?? The Jews deserve God's judgment that 'they would be exiled, unsettled, and scattered all over the Earth'.

?? The Jews cause harm throughout the world by their lies and political machinations.

?? The Jews will always be people of hatred and enmity.

?? War against the 'Jews and their allies' is a world-wide one, and it will continue until Judgment Day.

?? The Jews, according to the Qur'an, desire life more than any other people. This makes them unwilling to make sacrifices in defense of themselves.

?? Such arguments as these should be pursued by Muslims by every possible means, such as 'talks', 'sermons', 'lessons', 'poetry', 'stories', 'charity dinners and events', 'demonstrations', 'marches', 'the media', 'television broadcasts', and 'the internet'.

78. I reported this material, including 'Democracy is a religion', to Bnai Brith in October 2002. Shortly afterwards, some time in November 2002, IISNA shut down the articles section of its website. Bnai Brith informed me they had referred the matter to the police.

79. IISCA (Ahlus Sunnah Wal Jama'ah)
The Australian leader of Ahlus Sunnah Wal Jama'ah, Sheikh Omran, was linked in September 2003 by Spanish court documents with al-Qa'ida.

80. In an interview on Channel Nine's 'Sunday' program, Yasser Soliman, president of the Islamic Council of Victoria, was asked what he thought of the Ahlus Sunnah Wal Jama'ah. Soliman replied –

"*I really don't know enough about them, that's the problem.*", and "*I think they need to state what they stand for. I would like to find out the answers myself.*" (Doc. 228)

Yasser Soliman has also said of Sheikh Omran that he had heard rumours about Sheikh Omran but the council would not shun him:

"*We really shouldn't be in a democratic society shunning people because of suspicions*," Soliman told ABC radio.

"*These suspicions need to be followed up and verified one way or another. We've heard rumours, we've also heard reports in the past but they've really not been backed up with anything concrete that we've seen.*" (Doc. 226)

81. Bilal Cleland, Human Rights Coordinator for the Islamic Council of Victoria was reported in the Herald Sun (Sept 5, 2003) as saying that Ahlus Sunnah Wal Jama'ah was known to have an *extreme position* on most things, but "*it doesn't mean they want to hurt others*". (Doc. 224)

ABC radio has reported Cleland as saying that Muslims associated with the group should not automatically be assumed guilty:

"*Members who take a fairly strong position on particular issues aren't necessarily people who advocate violence towards others*". (Doc. 217)

Even if Cleland is correct, it must be observed that the absence of a "necessary" inference is material, but the apparent inability to deny that there is a permissible inference is far more significant. The drawing or non-drawing of inferences about things which ordinary members of the public are entitled to form their own opinions [within a democratic system] is a process which requires the protection which is provided by the application of Australian concepts of free speech.

82. What follows is a summary of some of the teachings promoted by Sheikh Omran's organisation on their website, www.iisca.org. References in italics are to titles of essays on the website. These essays were all downloaded between July and September 2003.

Within Islamic groups in Australia, the Ahlus Sunna Wal Jama'ah are representative of what Abdullah Saeed has called neo-revivalists (p. 74 of *Islam in Australia*. Doc. 155). This group might also be referred to as Salafis, or Wahabbis.

83. IISCA ESSAYS RELATING TO ISLAM AND DEMOCRACY

1. The perfection of the Shari'ah (Doc. 206)
http://iisca.org/knowledge/misc/perfect.shariah.htm

This essay argues for the incompatibility of Islam and democracy
The Islamic Shari'ah is perfect, and fully complete when it was established through Muhammad. It cannot be improved upon in any way as a total system of life for human beings. No human philosophy can add anything to Islam.

Specifically, Islam is incompatible with democracy. Anyone who claims otherwise is an infidel, not a Muslim. To try to add democracy to Islam is "shirk" 'association', counted the worst and most unforgivable of sins in Islam.

2. The Caliphate (Doc.209)
http://iisca.org/knowledge/jihad/caliphate.htm

An essay presented at an Ahlus-Sunnah organization conference, June 2, 2002.

The Caliphate is a political entity, established under the rule of a caliph 'representative' who governs on behalf of God, to establish his laws for humanity.
It is obligatory upon Muslims to establish the caliphate. This is a religious and a logical necessity. It is a collective duty upon all Muslims. Everyone must do they best they can to re-establish the caliphate. This will re-establish the dominance and supremacy of Islam.
The purposes of the caliphate are to establish Islam by whatever means we can, including the sword.
No other form of governance is acceptable under Islam. Any other form of governance, including the 'man made laws' of democracy, is a kind of transgression. It is the duty of

Muslims to hate, point out, reject, fight and disbelieve in all alternative forms of governance.

3. *Believe in Allah and disbelieve in Taaghoot* (Doc. 213)
   http://iisca.org/knowledge/tawheed/taaghoot.htm

An exhortation to keep religion pure from non-Islam systems of governance.

Muslims must reject all false deities. This includes anything that human beings might worship, and submission to any authority apart from God. Obeying legislation is also an act of worship.
'Tyranny' is defined as 'exceeding the limits' set by God for humanity through Islam. I.e. all non-Muslim religion, and non-Islamic legislation is by definition 'tyranny'.
A (false) 'deity' is any one who set themselves up as a legislator apart from God. Such false gods include democratic representatives, and people who vote for them. Adherents of democracy are setting themselves up as equals to god: if anyone does that 'he makes himself a legislator god'.

True Muslims must fight to get rid of the 'slaves and helpers' of democracy.

To be saved from hell fire, Muslims must reject all 'gods and goddesses of the so called legislature'.

The rejection of democracy is the 'apex of Islam'.

4. *Six points on the fatwa of Ibn Katheer concerning ruling by other than what Allah revealed* (Doc.214)
   http://iisca.org/knowledge/tawheed/six.points.htm

This is a ruling which revives an old fatwa of Ibn Katheer against Genghis Khan! The ruling extends the old fatwa to apply to all contemporary leaders of nations which do not rule according to pure Islam, but which take principles from different sources such as Judaism and Christianity or even from Islam. It seems this would include the governments of almost every nation on earth. What is the ruling of this fatwa?

> *"So whoever does that, then he is a disbeliever (Kaafir), whose fighting (sic) is obligatory (Waajib) until he returns to the ruling (Hukm) of Allaah and His Messenger such that he does not rule by other than it neither a little nor a lot."*

An available implication is that every Muslim person is obliged to fight against (and even seek to kill) every government leader who does not rule by strict shari'ah principles. This could be read by a pious person who submitted to this teaching as a license – or even an obligation – to assassinate any and every politician in Australia who is not dedicated to implementing the Islamic state.

IISCA ESSAYS DEALING WITH JIHAD

5. Jihad for Allah's sake (Doc.207)
http://iisca.org/knowledge/jihad/jihad_for_allah.htm

Although in Arabic the word *jihad* means 'struggle' or 'hardship', as a term of Islam, it means '*to struggle against the disbelievers*'. Other implications of jihad include struggling against Satan, ignorance and doubt.

The struggle against disbelievers must be conducted with all that a Muslim possesses: with body, soul, wealth, words and heart.

The world is divided into the powers of Satan and the forces of God. These are in competition for dominance. The one way to dispel power of Satan is to establish the Shari'ah in its totality over all the earth.

Fighting against unbelievers (jihad) became normative for Muslims after the migration to Medina. This is a sign of its importance.

Against whom should Muslims fight?

    a) Anyone who stands against the message of Islam and rejects it must become the object of jihad fighting.

    b) If non-Muslims do not accept the truth of Islam, Muslims are obliged to fight them.

    c) Whenever the freedom of Muslims to proselytize is inhibited, then the governing authorities must be overthrown.

What about the Qur'anic verse: 'There is no compulsion in religion'? The application of this verse is that a Muslim ruler should not compel his subjects to accept Islam. They are only to be compelled to accept his political authority.

Non-Muslims therefore have three choices:
        a) become Muslims and enjoy the rights of other Muslims,
        b) keep their ancestral religion and pay the jizyah, or
        c) be in a state of war (jihad) from the Muslims.

The aims of jihad are:

        a) Fight non-Muslims to assure everyone's right to choose Islam freely.
        b) Fight non-Muslims to assure the right of Muslims to call others to Islam.
        c) Fight non-Muslims to establish the rule and authority of Islam on earth. This is the supreme liberation of humanity.

Jihad is the highest expression of Islam. Fighting against unbelievers is an act of worship, one of the most supreme forms of devotion to God. Nothing compares with it in merit or reward. It brings material benefit (i.e. through booty), and spiritual merit.

Anyone who takes the path of jihad is guaranteed to be successful: either victory or paradise.

Muslim armies in the past spread across the world spreading knowledge of Islam, instilling faith, and crushing the power of evil, so everyone was free to enter Islam. Jihad is essential for the spread of Islam. Fighting against non-Muslims is THE way to call others to God. It was not a contextual response to the needs of the first period of Islam, but is an inseparable part of the invitation to Islam. Jihad is so deeply rooted in the Qur'an and the life and example of Muhammad, that it could not be merely a response to the times in which Muhammad lived.

Any position which sets itself up against Islam will, by definition, be violently opposed to Islam, and must be fought against. Evil — defined as opposition to Islam — is inherently militant. Furthermore, the only response to militant evil is an equally militant good: 'Falsehood fortified must be met with truth ironclad.'

When Muslims today define jihad in ways other than described above, this is deception. They are diluting the Qur'an and the Sunnah. They are humiliated by their cowardice. Muslims must realize the true meaning of jihad, and 'feel superior' about their faith.

6. The Meaning of Jihad: Both Linguistically, and from the Shari'ah (Doc. 208)
http://iisca.org/knowledge/jihad/meaning_of_jihad.htm

Arguments against false understanding of jihad, current among Muslims today

Many Muslims today think that *jihad* means any kind of struggle for God. This is a false understanding. *Jihad* as an Islamic, legal term means fighting (al-qitaal). The word *jihad* can be used in a non-technical, everyday sense meaning 'to struggle', but this is a different sense of the word, not to be confused with the Islamic meaning.

Key points of the introductory section are:

> Other Islamic words have two meanings. For example *salaah* has 'prayer' (du'a) as it basic meaning. But it has a technical religious sense meaning the obligatory daily ritual worship. Similar observations apply to terms like *zakah*, *saum*, and *hajj*.

> No-one can satisfy Shari'ah requirements by applying everyday meanings to such words. For example you cannot satisfy the requirement of *zakah* 'purification' by taking a bath. As a legal term *zakah* can only be performed by giving 2.5% of annual savings to charity. Likewise, the obligation to perform *jihad* can only be satisfied by fighting.

> This distinction is well-known to the classical scholars of the four schools (madhaahib) of Sunni Islam.

> In both the Qur'an and the Sunnah, *jihad* generally means fighting (qitaal).

> This article has been translated in order to Muslim youth to take up fighting ('legal jihad') because some Muslims try to divert Muslim youth away from this

to mere striving for Islam ('linguistic jihad'). This is intended to be 'a final blow to the obstacles in the path of the youths seeking martyrdom in the way of Allah.'

Then follows an excerpt of a work by Ash-Sheikh ash-Shaheed 'Abdullah 'Azzam, supporting these claims with definitions of *jihad* from all the four Sunni schools. These show that *jihad* in the path of God means 'fighting against non-Muslims'.

7. The Greater and 'Lesser' Jihad (Doc. 188)
http://iisca.org/knowledge/jihad/greater_and_lesser.htm

This essay is a refutation of the misconception that struggling against desires is greater than fighting disbelievers. (From *Nidaa'ul Islaam* vol. 26).

Many Muslims believe that struggling against one's desires is a 'greater jihad', and physical fighting is a 'lesser jihad'.

This is based upon two hadiths. However these hadiths are not reliable, because they have weak chains of transmission.

Many other hadiths are cited, as well as certain Qur'anic verses, to show that fighting unbelievers (jihad in the path of God) is the highest, most meritorious, and most demanding act in Islam.

8. The religious, moral and social benefits of Zakat (Doc.216)
http://iisca.org/knowledge/pillars/zakat/zakaat_benefits.htm

This essay notes that an advantage of giving charity is that it can be used for Jihad

This essay exhorts Muslims to observe payment of zakat. Among the various benefits of zakat is listed that:

> *'It helps Muslims, at large, to generate a substantial source of income to support various vital causes such as support of Islamic strife and struggle* (Jihaad)...'

[NOTE: "The path of God", i.e. jihad, is indeed one of the reported uses of the zakat listed in the Qur'an.]

9. Who are the At-Taa'ifah Al-Mansoorah (The Victorious Assembly)? (Doc. 210)
http://iisca.org/knowledge/jihad/taaifah_al-mansoorah.htm

An explanation of a saying of Muhammad

This essay examines the question: Who will God give the victory to — scholars or soldiers?

In the past, religious scholars said that the victory will be to the learned (the 'ulamaa). This was because jihad was just taken for granted by Muslims at that time. The whole Islamic state was organized for war. In this context, the leaders in the 'battle arena' were the learned ones.

But today Islam needs both soldiers and scholars: 'the religion cannot be established with knowledge alone nor with Jihaad alone, but with each of them together'.

Ibn Taymiyyah is quoted as saying "...that which establishes the religion is the guiding Book and the victory-giving Iron ..."

10. Jamaa'ah and Imaarah (The Muslim Group and Leadership) (Doc.212)
http://iisca.org/knowledge/jihad/jamaah.imaarah.htm

A discussion of leadership of the Islamic community

Points made in this essay include:

a) It is obligatory for all Muslims to work to establish the Caliphate. Muslims must be united to achieve this.

b) The Islamic message has 'great objectives' which include:

> • spreading Islam to all mankind
> • making the religion of Islam prevail above all other religions
> • jihad (i.e. fighting unbelievers) in order for the name of Allay to be the highest, and to humiliate disbelievers.

c) In order for Muslims to unite, they must hold fast to:

> • The Qur'an
> • The Sunnah of Muhammad
> • Following the Islamic shari'ah
> • Refer issues to scholars to decide
> • Establish a Muslim leader
> • Support and develop Muslim organizations (whether open or secret)

d) The example of Ibn Taymiyyah and Ibn Abdul-Wahhab (the originator of 'Wahabism') are especially commended.

e) All Muslims have the duty of striving to establish leadership, to unite all Muslims under one leader. This applies locally. It also applies to migrant Muslim communities in non-Muslim lands. Immigrant Muslim communities are obliged to unite under a leader.

f) The greatest obligation upon Muslims is jihad, fighting disbelievers. This cannot be carried out effectively without an organized Muslim community and a leader.

g) The essay continues with further advice on establishing a unified leadership, and commends the Salafi sect of Islam as the source as that leadership.

h) Every Muslim should seek to join up with a 'rightly guided' community of Muslim people. This will bring happiness in this life and the next.

Again, it appears to be within the province of the public right to know, that people are provided with some knowledge of the Qur'anic schemata for Muslim involvement in public life.

IISCA ESSAYS ON STRATEGY

11. The trial before the strengthening (Doc. 215)
http://iisca.org/knowledge/misc/strengthening.htm

This essay develops the idea that the world is divided into the forces of God and the forces of Satan. They are waging the 'battle of the ages' against each other. Muslims must stand firm in fighting for God, even if they are in the minority and forces against them seem stronger than they are. Eventual victory is assured.

12. The Understanding of Abdul-Hameed Ibn Badis of the Phases of Da'wah (Doc. 211).
http://www.iisca.org/knowledge/misc/inbbaadis2.htm
A study in the methodology of Islamic proclamation - translated by IISCA staff.

Ibn Badis was an Algerian Islamist who opposed French colonial rule. He was based in Constantine. His work proceeded in distinct phases, beginning with Islamic education, and steadily becoming more political as his organization's power base increased. The essay describes how Ibn Badis deceived the French colonial authorities about his true intention.

The first stage was to concentrate efforts totally on education and teaching. He taught young and old. The writer reports that the French 'thought that he was a Shaikh like the rest of the Shaikhs, with no danger about him'. He initiated no political actions. These were years of formation in which he worked to undermine Sufism amongst Algerian Muslims, and to promote the learning of Arabic and Arabic culture.

As his influence grew, Ibn Badis dealt carefully with the French, seeking simple and realistic demands. An example of his approach is a newspaper article he wrote:

> - '...because we are Muslims we act for the preservation of the traditions of our religion...'
> - '... we are not intending .. to mix religion and politics ...',
> - '... because we are a colony, we seek to fasten the bonds of friendship between us and the French nation. And we call on France to adhere to its three foundational principles: Freedom, Equality and Brotherhood'.

In **the second stage** he began to criticize Sufism more openly, as well as collaborators of the French. He established an Association of Islamic clerics, the *Jam'iyyatul 'Ulamaa.* The French, who had supposed they had permanently attached Algeria to France, 'were taken by surprise by a tremendous work' — that is, the quiet work of uniting Muslims.

The constitution of the *Jam'iyyatul 'Ulamaa* stated that 'It is not permitted for the Jam'iyyah, under any circumstances to get involved in political matters'. It focused on social problems such as alcohol and gambling. But –

> *'that was just to conceal the real activities that were happening. Indeed the Jam'iyyah got involved into political by another avenue which was building Arabic schools in the Algerian cities and villages; calling for the Islamic brotherhood, human rights, and resistance to the oppression and servitude.'*

Ibn Badis' plan was not to engage in overt confrontation with colonialism, but 'his plan was to encircle it and to destroy its objective and strategy step by step'.

This movement had three principles:

- The Qur'an is the book of Islam
- The Sunnah of Muhammad explains and clarifies the Qur'an
- Monotheism is the pillar of faith

When the French media attacked the Jam'iyyatul 'Ulamaa for inciting the people, Ibn Badis would reply '...what business has the Jam'iyyatul 'Ulamaa in this matter, when it is a religious organisation, merely corrective, and completely far away from politics?'

The essay notes how at least one of the French writers realized the danger to the colonial authorities of this movement.

The third stage saw a shift to direct opposition against the French.

For example Ibn Badis wrote to the French authorities accusing them of interfering with the religious affairs of the Algerian Muslims contrary to the French Penal code. A resistance movement was initiated. Algerian Muslims asked for approval to live by Shari'ah laws in all personal and domestic matters.

[NB — During this stage of Ibn Baadi's work, in 1934, Muslims in Constantine attacked the local Jewish community. 23 Jews were killed and there was widespread damage to Jewish property.]

It seems the next stage was to have involved the use of force, for towards the end of his life Ibn Badis wrote 'desperation is driving us toward exploit and sacrifice.' He died in 1940. Armed resistance against the French was started in 1954, leading to enormous civilian casualties, and eventually to independence.

According to this IISCA Website essay, the life of Ibn Badis is a study in the use of deception and careful planning to prepare the way for taking power. Even the constitution of the peak body of ulamas led by Ibn Badis was a deception, designed to lull the enemies of Ibn Badis' movement into a false sense of security. It was the local teaching of Salafi Islam throughout the Islamic community which quietly prepared the way for later active jihad activities to seize control of the government for Islam. That was the plan, according to this article.

A reasonable and permissible inference is that this understanding is being promoted by IISCA in Australia through this web article. It is in the public interest that the degree of cogency of such inferences be raised for consideration by the public.

84. NIDA'UL ISLAM MAGAZINE

I conducted a further investigation of the magazine – available throughout Australia - known as Nida'ul Islam, produced by the Islamic Youth Movement's Media Office in Lakemba, Sydney. The readership of Nida'ul Islam, as at November 2002, was stated on islam.org.au to be over 4,000, of which about 5/6ths are from Australia. (Doc. 189).

One of the stated objectives of the group which produces this magazine is to *'reflect the views of the Jihad stream amongst the Islamic movements'*.

Here are sample quotations from past Nida'ul articles.   I do not offer detailed analysis, preferring to focus on Victorian materials.

1. Preserving the Islamic Identity in the West: threats and solutions. (Doc. 28). This article contrasts Muslims with the non-Muslims (Kuffar) of Australia. It concludes:

> *The likeness of Islam and Kuffar is like that of fresh clear spring water and water brought up from the bottom of a suburban sewer. If even a drop of the filthy water enters the clear water, the clarity diminishes. Likewise it only takes a drop of the filth of disbelief to contaminate Islam in the West.*

2. *The Sword and the Spear.* (Doc. 29). This article argues that it is essential for Muslims to use force to implement the shari'ah. This is constructed as a theological reflection on the following words of Muhammad:

> *"I was sent with the sword so that Allah is worshipped alone without any partner. My sustenance has been made below the shadow of my spear. Humiliation and abasement have been laid upon the one who opposes my command. And he who imitates a group of people, then he is one of them."*

Other quotations:

> *'... the intellectual supremacy of Islam alone, is not enough. The intangible must be backed up with a prompt physical defense, and this is the power of the sword.'*

> *'Never through history has a religion or ideology become successful without the might of physical power.'*

> *'Islam during its reign, however, was not only spread by force, but also by the justice of its teachings.'*

> *'... the power of force is needed to serve the interests of the Muslims.'*

3. Greater and lesser jihad. Downloaded 9/7/03. islam.org.au/articles/26/jihad.htm

This article is discussed under IISCA, below.

4. Khilafa: the Dire Need. Downloaded 9/7/03. (Doc. 187)
islam.org.au/articles/21/khilafa.htm

This article argues that no laws have any validity except the Shari'ah. Anyone who rules in any other way is at war with Allah 'and must be fought and killed until all deen ['sovereignty, religion'] is for Allah alone.' The solution is for Muslims to unite to establish the Islamic state (the Caliphate).

5. *The Striving Sheik: Abdullah Azzam.* Downloaded 6/9/03. (Doc. 186) www.islam.org.au/articles/14/AAAM.HTM

This extols the example of the Sheikh Abdullah Azzam who taught that jihad must be pursued until Islam dominates all the earth:

> *'Jihad and the Gun became his pre-occupation and recreation.'*

He held a Masters and PhD from Al-Azhar university in Cairo. He was one of the Arabs who joined the anti-Soviet jihad in Afghanistan.

5. *The Islamic Legitimacy of the 'Martyrdom Operations'.* Downloaded 6/9/03. (Doc.185) www.islam.org.au/articles/16/martyrdom.htm

This provides an Islamic support for the practice of 'suicide bombing', a term which the article itself rejects.

> *'The term "martyrdom operation" refers to when the Mujahed (the one who fights for the cause of Allah) puts explosive materials in his care or encircles himself with, sneaks into enemy land, then blows it up where he determines their harm, killing some of them and is killed as well.'*

This article gives extensive supports for this practice from the Hadith and the Qur'an.

6. *Nationalism... An Erroneous Concept.* Downloaded 6/9/03. (Doc 184) www.islam.org.au/articles/19/nationalism.htm

This article argues that nationalism, the love of one's nation or national group, is prohibited to Muslims, who owe allegiance only to Allah and to the Muslim community. Presumably patriotism is in a similar category.

> *Hence, since Islam has prohibited nationalism, it becomes a duty of every Muslim, in the present situation, to work towards tearing down the nationalistic boundaries that are artificially created in Muslim lands, and to remove any obstacles which allow its propagation. And those who still uphold nationalism, remember what Allah (swt) says, "Those who oppose Allah's orders have to be warned that a calamity may strike them or a painful doom may fall upon them." [24: 63]*

7. *Sovereignty is only for Allah.* Downloaded 6/9/03. (Doc. 183)

This article argues that no Muslim can be subject to any laws except the laws of the Islamic Shari'ah. Anyone who submits to human-made laws, i.e. any law that is not a shari'ah law, is an apostate. The implication is that any Muslim who submits to the laws of Australia is not a Muslim, but is someone who practices shirk, or 'association', the worst and only unforgivable sin in Islam. It is important to note also that the punishment for apostasy in Islam is death.   So this document can be read as a death warrant against any Muslim who personally accepts the laws of Australia as valid.

> *Those who legislate with anything other than what Allah has decreed are classified as rejectors regardless of whether they pray, fast, and fulfil all the Islamic practices. … He who obeys the human-made regulations and laws accepting these wholeheartedly is practicing associationism which takes its practitioner outside the Islamic faith.*

This article was translated by Keysar Trad, spokesperson for Sydney's Lebanese Muslim community.

85.   I have also investigated Islamic magazines and newsletters. Although I have consulted a small sample of the total, I can say that several of these make reference to the Islamic state, and to measures to establish an Islamic state within Australia.

The first edition of the ISSUA newsletter, from South Australia, was published in the early 1970's. (Doc 182) It reports on a visit of Malaysian Muslims, who taught in Adelaide about the –

> *'urgent necessity of having an Islamic state through Islamic movement for human salvation at large'.*

The Australian Muslims News, No. 20, Oct 4, 1991 (Doc. 181) included an article called 'Islam: a state without boundaries'. This argued that Muslims should unite against national and other boundaries.

> *"Quite clearly the Islamic State is the goal the Islamic movement must reach."*
> *"… the vast majority of Muslims, young and old, are genuine workers in the cause of Islam"* [i.e. they will support this movement]

86. A Muslim Youth Movement Training Camp

On January 11, 1991, the Australian Muslim Times reported on a training camp for the Muslim Youth Movement in Australia (Doc. 180). The speaker Dr Qazi Ashfaq Ahmad was the guest speaker. He gave a lecture on 'The Requirements of the Islamic Movement in the Present Times and its Efforts'. Dr Ahmad said that this movement would have three stages:

> *"He first spoke about the three stages of the Islamic Movement — the ideational propagation of Islam (Makkan Period), the Establishment of Islamic Order (Madinan Period) and the running of the Islamic State (Khulafa Rashedeen Period). According to his analysis the Islamic Movement is now in the second stage with two special characteristics: making Islam operational individually and collectively and linking local movements with a global perspective."*

This report is significant, because it agrees with Emerick's model of establishing the Caliphate, using as the model the different phases of Muhammad's life, from Mecca to Medina. One concern with this model is that during this period Muhammad's behaviour towards non-Muslims changed dramatically from peace to forceful violence.

There is an implication in such statements that a quieter period of preparation and propagation could precede a period of physical and political action inspired by the jihad ideology.

It is in the public interest that these statements, their context, and their implications be exposed to scrutiny, and that members of the public be permitted to form their own views on the implications.

87. A Hizb ut-Tahrir Meeting in Auburn Civic Centre
On 3 November, 2002 Abu Somiah gave an address at Auburn Town Hall in Sydney. This meeting was organized by Hizb ut-Tahrir, an organization which is banned by several Muslim nations, and which recently has also recently been banned by Denmark. The stated goal of Hizb ut-Tahrir is to establish the caliphate or Islamic stsate.

This meeting was reported on by the Australian on November 4, 2002: "Muslims told to avoid Jews, Christians and gays" (Doc. 261). The Australian reported that more than 400 people attended the meeting. A translation of Abu Somiah's speech is Dicovered Document 179. In his speech he:

- opposed integration, outlining *'the dangers of integration'*. *'As Muslims integrate into the society, we stray away from the principles of our Deen'*

- opposed secularism, which *'detaches religion from life's affairs'*

- said that Muslims were part of a world-wide movement to *'establish Islam as a complete way of life, in total, without shortage or compromise'*.

- *'Total adherence to every verse of the Qur'an and every injunction of the Sunnah will create unity and harmony among its adherents. The adherence must be total..."*

- There is no unity outside Islam: *"Unfortunately we have so many people in our community calling us to unity on basis other than Islam, be it democracy, multiculturalism, benefit, worldly gain, Kufr* [sic Kuffar] *political parties, and so on. Furthermore they delude us into believe that unity extends to the kuffar* [non-Muslim] *also. May Allah (swt) protect us from such falsehood."*

- '… attempting to achieve unity by means of accommodating all views in the name of "tolerance", irrespective of the fact that such views even contradict the Qur'an and Sunnah, is also a fallacy.'

- Muslims must interact with the society around them to bring about 'the good' in the world.

- Do not look to the kuffar for solutions or emulate them in their lives.

- *'Wherever you live you are a Muslim first and only. The whole world is Allah's land, so worship him always.'*

- Muslims do not integrate when in the West, rather they are commanded to interact in carrying this Deen ('religion').

- *'Victory belongs to Allah (swt) alone!'*

88. Notes on *Islam in Australia*. 2003. By Abdullah Saeed. Crows Nest: Allen and Unwin. viii + 231 pp. (Doc. 155)

In this book, Saeed describes the variety of Muslims in Australia in terms of four categories:

- **Traditionalists** follow the precepts of medieval Islam, and include the Wahhabist form of Islam.

- **Neo-modernists** argue that Islam must be reformed along modern lines, and see no inherent conflict between Islam and modernity.

- **Neo-revivalists** argue for a reform of classical medieval Islamic thought by a return to the Qur'an and Hadith. They also oppose Western institutions and systems of thought as anti-Islamic.

- **Liberals** argue for a liberalization of Islamic ideas and institutions, to better reflect modern understandings.

89.   When Saeed expresses the hope that an 'increasing' number of Australian Muslims will not see a conflict between being an Australian and a Muslim, this implies that a significant number of Muslims do see this as a conflict.

When he writes that Australian Muslims differ on whether it is necessary for Muslims to establish an Islamic state, Saeed implies that some Muslims advocate establishing an Islamic state in Australia.

When he points out that Muslims differ on whether the Universal Declaration of Human Rights are compatible with Islam, he implies that some Australian Muslims reject the Universal Declaration of Human Rights. (The Cairo declaration on Human Rights in Islam – Doc. 232 – excludes freedom to change one's religion which was one of the rights affirmed in the Universal Declaration.)

Other issues which are debated by Australian Muslims include women's emancipation, multiple marriages, and the application of Islamic divorce laws.

Saeed suggests that public debate about such matters is 'irrelevant' in the Australian context, because Muslims do not form a majority, and lack the power to implement traditionalist Islam here. In a similar vein he also argues that since Australian law takes precedence over Islamic law in divorce, 'restrictions on women under Islamic law become irrelevant for Australian Muslim women'.

These responses by Saeed are hardly satisfying. It is one thing for Muslims to debate amongst themselves whether Islam and the Western way of life are compatible, or whether the Islamic state must be implemented in order for Muslims to enjoy freedom of

their religion. It is quite another thing to conduct these debates in a context where some radicalized groups of Muslims are waging military jihad against Western democracies, and where it is apparent that some Australian Muslims reject secular democracy as godless and wicked.

90.   One question which non-Muslims have a right to ask about the debates underway within the Australian Islamic community, is "What will their ultimate outcome be?" It would be naive to make the assumption that it will be the moderate, pro-secular democracy positions that will win the day, or even that the turmoil of the debates will ever be resolved. Moreover, as the Iranian revolution showed, moderate Islamic communities can apparently "evolve" to become radicalized in a relatively short period of time.

91. Apostasy

The punishment in Islam for anyone leaving the Islamic faith is death is clearly established and universally recognized. It has never been renounced as a principle by leading Islamic authorities, and is implemented officially or unofficially, in varying degrees throughout the Islamic world.

An authoritative study on this topic by a leading Muslim scholar is:

> Abul A'la Mawdudi. *The punishment of the apostate according to Islamic law.* 4th ed. 1963. (Doc. 17.)

Two studies by Christians are:

> Christine Schirrmacher. *The Islamic View of Major Christian Teachings.* Essay 16: 'Apostasy in Islam – death penalty in this life, hell fire in the hereafter'. (Doc. 51.)

> *Islamic teaching on the consequence of apostasy from Islam.* Produced by the Barnabas Fund. (Doc. 176.)

Testimonies of apostates, and further documentation of the Islamic authorities, are found in:

> Ibn Warraq, *Leaving Islam.* (Doc. 142.).

Examples of rulings on this matter, taken from *'Umdat al-Salik* (Doc. 5), a Shafi'i manual of law are:

> *"o8.0 APOSTASY FROM ISLAM (RIDDA)*
> *(O: Leaving Islam is the ugliest form of unbelief (kufr) and the worst....)"*

> *"o8.1 When a person who has reached puberty and is sane voluntarily apostasizes from Islam, he deserves to be killed."*

"o8.4 There is no indemnity for killing an apostate (O: or any expiation, since it is killing someone who deserves to die)."

I also refer to the arguments made in the responses of Catch the Fire and Daniel Scot to the original EOC complaint. These appropriately cite the authorities in the Qur'an and Sunna for this shari'ah ruling.

Part of my pastoral duty includes caring for converts to Christianity from Islam. My experience is that in every case there is an abiding consciousness of this law, which has profoundly influenced the life course of the convert, and their capacity to live as a free person. Even in Australia this makes for a real concern for all those Christians who work among Muslims. It is essential that any Christian who wishes to share the message of Jesus Christ with a Muslim has a knowledge and awareness of the apostasy law and its ramifications.

92. **Dissimulation**

Lying is considered a very serious sin in Islam. However there are situations where lying is permissible, according to Islamic authorities.

It is not true, as two of the complainants' expert witnesses assert, that the permission to dissimulate exists only in Shi'ite forms of shari'ah.

One reference on this subject is the (Sunni) Shafi'i shari'ah manual *'Umdat al-Salik* (Doc. 5), in sections r.8.1 'LYING', r8.2 'PERMISSABLE LYING', r9 'EXAGGERATION' and r10 'GIVING A MISLEADING IMPRESSION'.

This manual states '…lying is sometimes permissible for a given interest, scholars having established criteria defining what types of it are lawful." The manual quotes the eminent Islamic scholar Abu Hamid Ghazali as follows (r8.2):

"Speaking is a means to achieve objectives. If a praiseworthy aim is attainable through both telling the truth and lying, it is unlawful to accomplish it through lying because there is no need for it. When it is possible to achieve such an aim by lying but not by telling the truth, it is permissible to lie if attaining the goal is permissible…, and obligatory to lie if the goal is obligatory."

"When the purpose is war, settling a disagreement, or gaining the sympathy of a victim legally entitled to retaliate against one so that he will forbear to do to, it is not unlawful to lie when any of these aims can only be attained through lying. But it is religiously more precautionary (def: c6.5) in all such cases to employ words that give a misleading impression, meaning to intend by one's words something that is literally true, in respect to which one is not lying …"

"One should compare the bad consequences entailed by lying to those entailed by telling the truth, and if the consequences of telling the truth are more damaging, one is entitled to lie…"

'Umdat al-Salik notes that the contextual permission to lie or give a misleading impression applies to situations which include:

a) resolving disputes,

b) warfare,

c) husbands and wives when smoothing over difficulties in their relationship,

d) keeping someone else's secret, and

e) when asked by a legal authority about a 'wicked act' which is only between yourself and God.

These points confirm the validity of the discussion of dissimulation in Daniel Scot's seminar.

What might be the implications of accepted these shari'ah rulings? On the basis of the *'Umdat al-Salik's* ruling, I conclude a Sunni Muslim who had the goal of establishing the Islamic state, perhaps using violence, and felt that revealing this could expose him or her to persecution, would be entitled to dissimulate to protect hself and cause from harm. This dissimulation could be regarded as a righteous act, not an immoral one.

Likewise if a Muslim believed that exposing certain teachings about Islam could make Islam, the Prophet or the Islamic community vulnerable to ridicule or severe criticism, or that exposing such teachings could undermine Muslims' faith or turn potential converts away from Islam, then this teaching could be claimed to entitle them to lie or give a misleading impression, because in such cases the negative consequence could be judged to be worse than the dissimulation.

In making these judgements, I take into account the extremely negative attitude in Islam towards ridiculing Islam or Muslims, leaving Islam, or exerting any influence on Muslims which might influence them to leave Islam. Under classical provisions of the shari'ah these could all be punished by death. A key verse in this context is Sura 2:217 which states that 'fitna ('testing, trial') is worse than killing'.

93. There does appear to be a difference in ethical foundations between Christianity and Islam in this respect. Both value truth telling highly, but in Christianity there is no conditional allowance for telling an untruth when the bad consequence of lying is worse than the lying itself. This is not the case in Islam.

As an apologist, I have found it quite frustrating reading respected Islamic authorities who can mislead about seemingly very straightforward things, invariably giving a more favourable impression of Islam.

I cite two examples here.

94. Two examples of dissumulation

(a)   *Female circumcision*

'Umdat al-Salik itself contains an example of misleading translation. In Nuh Ha Mim Keller's edition, the original Arabic text is published facing the English translation. The English translation of the section on circumcision appears to be a deliberate mistranslation of the Arabic instructions for circumcising girls: The Arabic text is:

<div dir="rtl">

e4.3   وَيَجِبُ (على كل من الـــذكر والأنثى) الختانُ (وهـو قطع الجلدة التي على حشفة الـذكر وأما ختان الأنثى فهو قطع البظر [ويسمى خفاضاً]) .

</div>

This is translated by Nuh Hah Mim Keller as follows:

> *"Circumcision is obligatory (O: for both men and women. For men it consists of removing the prepuce from the penis, and for women, removing the prepuce (Ar. Bazr) of the clitoris (n: not the clitoris itself, as some mistakenly assert). (A: Hanbalis hold that circumcision of women is not obligatory but sunna, while Hanafis consider it a mere courtesy to the husband.)"*

However what the Arabic actually says is:

> **"Circumcision is obligatory (for every male and female) by cutting off the piece of skin on the glans of the penis of the male, but circumcision of the female is by cutting out the clitoris (this is called HufaaD)."**

This deceptive translation obscures the Shafi'i law, given by *'Umdat al-Salik*, that circumcision of girls by excision of the clitoris is mandatory. This form of female circumcision is widely practiced in Egypt, where the Shafi'i school of Sunni law is followed.

(b) *Versions of the Qur'an*

It is often stated by Muslim apologists that the Qur'an has never been altered, and exists without variation. This is an often claimed in anti-Christian and anti-Jewish apologetics, as a reason for the inferiority of the Bible. A widely-used Muslim publication in Australia puts it like this:

*No other book in the world can match the Qur'an ... The astonishing fact about this book of ALLAH is that it has remained unchanged, **even to a dot**, over the last fourteen hundred years. ... **No variation** of text can be found in it. You can check this for yourself by listening to the recitation of Muslims from different parts of the world.* (*Basic Principles of Islam*, Abu Dhabi, UAE: The Zayed Bin Sultan Al Nahayan Charitable & Humanitarian Foundation, 1996, p. 4, bold added)

There are, in fact, several different versions of the Qur'an, and these have variations which affect virtually every page of the Qur'an. At least four of these versions are in print in different parts of the world today. There were formerly even more variants, but under the Caliph Uthman, many variant Qur'ans were burnt in order to eliminate the divergence.   In addition there are also diverging Shi'ite readings of the text. (SeeDocs. 47b and 47c).

Gender relations, women and divorce

95.   **Gender relations, women and divorce**
The issue of the status of women in Islam is a contested one. Abdullah Saeed, who in his book *Islam in Australia* (Doc. 155), has highlighted the importance of this dispute, suggests that certain aspects of the Qur'an and the hadiths on Islam which are positive for women's rights have been 'ignored in the subsequent development of Islam'. He refers to a woman's right to refusal to marry, a woman's right to own property, and her right to include in a marriage contract terms and clauses which protect her. Saeed cites the following Qur'anic verses as evidence that women are equal to men in God's sight, and that they are complementary to each other (pp.162-163):

> *"God has got ready forgiveness and tremendous rewards for Muslim men and women; the believing men and women; the devout men and women; the truthful men and women; the patiently suffering men and women; the humble men and women; the almsgiving men and women; the fasting men and women; the men and women who guard their chastity; and the men and women who are exceedingly mindful of God (33:35)."*

> *"The believers, men and women, are protectors of one another; they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey God and His Messenger (9:71-72)."*

Saeed reports that there is disagreement among the Muslim community whether Muslims in Australia should follow shari'ah laws in relation to divorce and marriage, or the laws of Australia. Sheikh Femi Iman, in an interview given to the ABC on May 6, 2001, (Doc. 262) appeared to give the impression that the Attorney General of Australia has given verbal permission for the practice of polygamy at the time when Imams were recognized as marriage celebrants:

Sheikh Fehmi Iman: It used to be at the time the late Mr Snedden he was the Attorney General. So I had a good meeting with him one day and tried to convince him that it is important for the Muslim to marry their own people. But he used to say to me. Well you know Sheikh Fehmi that you Muslims may marry more than one and when we are not allowed to let anybody here for have only one wife. I said to him, listen to me please you may register the first one and don't worry about the second one. He laughed and said all right we won't have anything to do with the second one. I stopped at the idea and at the time we had gained recognition from the Attorney General for all our Imams around Australia from that year onward.

96.   In contrast to the position expressed by Saeed that the Qur'an and Sunna support women's rights, many hadiths and some Qur'anic verses appear to express a derogatory attitude to women, affording them a lesser status than men.

97.   Hadith sayings concerning women:

a. *"The Prophet said: 'I was shown Hell-fire and that the majority of its dwellers were women who were ungrateful.' It was asked, 'Do they believe in Allah?' (or are they ungrateful to Allah?) He replied, 'They are ungrateful to their husbands and are ungrateful for the favours and the good (charitable deeds) done to them.'"* (Sahih Bukhari 1:28. Doc. 4.)

b. [Muhammad said] *"O women! Give alms, as I have seen that the majority of the dwellers of Hell-fire were you (women). They asked, "Why is it so, O Allah's Apostle?" He replied [concerning women] "You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray by some of you. The women asked "O Allah's Apostle! What is deficient in our intelligence and religion?" He said "Is not the evidence of two women equal to the witness of one man?" They replied in the affirmative. He said "This is the deficiency in her intelligence. Isn't it true that a woman can neither pray nor fast during her menses? The women replied in the affirmative. He said, "This is the deficiency of your religion."* (Sahih Bukhari 1:301. Doc. 4).

c. [Muhammad said:] *"I have not left after me any (chance) of turmoil more injurious to men than the harm done to the men because of women."* (Sahih Muslim 6603. Doc. 3.)

d. On *"The (kind of) beating of women which is disapproved of."* (Citing Sura 4:34): *" Narrated 'Abdullah bin Zam'a: The Prophet said, "None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day."* (Sahih Bukhari 7:132. Doc. 4).

e. *"If a wife fears cruelty or desertion on her husband's part..."): (4:128),* then she should encourage her husband to marry another wife, saying *"Keep me and do not divorce me, and then marry another women, and you may neither spend on me, not sleep with me."* This is indicated by the

statement of Allah "There is no blame on them if they arrange an amicable settlement between them both, and (such) settlement is better." (4:128). (Sahih Bukhari 7:134. Doc. 4).

f. *"Allah's Apostle... said: When a woman spends a night away from the bed of her husband, the angels curse her until morning."* (Sahih Muslim 3366. Doc. 3).

g. [Muhammad said:] *"By Him in Whose Hand is my life, when a man calls his wife to his bed, and she does not respond, the One Who is in the heaven is displeased with her until he (her husband) is pleased with her."* (Sahih Muslim 3367. Doc. 3).

98. The Qur'an appears to endorse:

a. beating one's wife as a last resort for her disobedience (Sura 4:34.).
b. sexual relations with captive women (slaves) taken in war (Sura 4:24): "[Forbidden to you are]... *all married women save those (captives) whom your right hands possess.*" (Sura 4:24)

99. Furthermore, the Islamic shar'ia includes such provisions as:

a. Circumcision by excision of the clitoris as obligatory in the Shafi'i school (see above).

b. Women taken in war (i.e. 'those whom your right hands possess') are counted divorced from their husbands by being taken captive, so sexual relations with captured women is not adultery for Muslim soldiers (Sahih Muslim 3432-34 and footnote 1907 'When women are taken captive their previous marriages are automatically annulled.' (Doc. 3). See also *'Umat al-Salik* o9.13 (Doc. 5.)

c. The stoning penalty for adultery is applied in such a way that a woman falling pregnant out of wedlock is far more likely to be stoned than the man who impregnated her. This is because the pregnancy itself can be regarded as sufficient witness for a woman, but the man's conviction requires the evidence of four male witnesses.

d. Raped women are especially vulnerable to charges of illegal sexual intercourse, because of the laws concerning evidence. A report by ISIC (Doc. 260) reports:

> Human Rights Watch, in a report on violence against women in Pakistan, states that "Women in Pakistan face staggeringly high rates of rape, sexual assault, and domestic violence while their attackers largely go unpunished owing to rampant incompetence, corruption, and biases against women throughout the criminal justice system."

See also the reports in Docs. 19, 20, 140, & 150.

e. By her silence a virgin consents to her marriage: (Sahih Muslim 3303-9. Doc. 3, Sahih Bukhari 9.79, 100. Doc. 4.).

f. A divorced woman received no further support from her former husband after divorce (except for a pregnant woman until the birth) (Sahih Muslim 3512-34. Doc.3.)

g. A woman has no right to custody of a child from a previous marriage if she remarries (*'Umdat al-Salik* m13.4. Doc. 5).

h. Some forms of shari'ah set the marriage age for girls at nine, following Muhammad's example. Consequently the Ayatollah Khomeini had a nine year old bride. The Sahih Bukhari cites Muhammad's marriage to Aisha as a precedent for marrying a pre-menstrual girl being permitted: attainment of puberty in a girl is not required as a condition for marriage. This text furthermore cites Sura 65:4 in this connection as establishing that the 'iddat (the waiting period after divorce, widowhood or capture, and before lawful sexual intercourse) for a pre-menstrual girl is three months. (This relates to points raised by the expert witness Abdul Kazi).

> *"(39) CHAPTER. Giving one's young children in marriage (is permissible) by virtue of the Statement of Allah : - 'And for those who have no courses (i.e. they are still immature) (65:4). And the 'Iddat for the girl before puberty is three months (in the above Verse).*
> *64. Narrated A'isah that the Prophet married her when she was six years old and he consummated his marriage when she was nine years only, and then she remained with him for nine years (i.e., till his death."* (Sahih al-Bukhari Vol. 7 section 39. Doc. 4).

i. If a woman is divorced, and then wishes to remarry her husband, she must first marry another, have sex with him and then be divorced again. Then she can remarry her first husband:
    > *" When a free man has pronounced a threefold divorce, the divorced wife is unlawful for him to remarry until she has married anther husband in a valid marriage and the new husband has copulated (dis:p29) with her, which at minimum means that the head of his erect penis fully enters her vagina."* (*'Umdat al-Salik* n7.7. Doc. 5).

In a testimony 'The bitter lament of a Muslim woman', an Indian Muslim woman complained about the impact of this law on many women whose husbands divorce them and then later regret this. (Doc. 256).

j. Moreover, it is an 'enormity' for a divorced woman to marry a second man for the purpose of being divorced and remarrying her first husband. No comparable restriction applies to men; (*'Umdat al-Salik* 252.1(253-55).

A lament of an Egyptian woman, published in the Egyptican weekly Akhbar Al-Yaum, December 2001, is a reflection of of the treatment of women in Islamic societies in a domestic setting (Doc. 257, 258), including the poor treatment of girls in comparison to boys.

Abdullah Saeed (Islam in Australia - Doc. 155) provides a discussion of the status of women in Islam and acknowledging that domestic violence against women is a specific problem for the Australian Islamic community.

100.   Bernard Lewis (*What went wrong* Doc. 10) provides extensive discussion of this issue, documenting the astonishment with which Muslim male travellers in past centuries regarded Western deference to respect for women. He writes:

> *The difference in the position of women was indeed one of the most striking contrasts between Christian and Muslim practice, and is mentioned by almost all travellers in both directions.* (p.73)
> *Muslims visitors to Europe speak with astonishment, often with horror, of the immodesty and forwardness of Western women, of the incredible freedom and absurd deference accorded to them, and of the lack of many jealousy of European males confronted with the immorality and promiscuity in which their womenfolk indulge.* (pp.73-74)
>
> *"According to Islamic law and tradition, there were three groups of people who did not benefit from the general Muslim principle of legal and religious quality – unbelievers, slaves, and women. The woman was obviously in one significant respect the worst-placed of the three. The slave could be freed by his master; the unbeliever could at any time become a believer by his own choice, and thus end his inferiority. Only the woman was doomed forever to remain what she was ..."*
> (p.75)

101.   It is open to conclude that Islamic authorities (Sunna, Qur'an and shari'ah rulings by scholars) regard women as having a lesser status than men. It is also open to conclude that the actual circumstances of women in Islamic societies are negatively affected by such conditions as Islam determines for them.

102.   **Pentecostal and Charismatic Meetings**
I have substantial experience of the style of Pentecostal and charismatic Christian meetings. The Seminar was run by a pentecostally-oriented organization, Catch the Fire Ministries. Both Daniel Scot and Danny Nalliah are licensed through a church with a Pentecostal approach.

103.   It was apparent on my listening to the tapes of the seminars that many of the people attending were Pentecostals or charismatics (who are people with a Pentecostal outlook, but who worship in traditional denominations).

104.   One of the genre characteristics of Pentecostal meetings is a responsive and emotive style, with reactions such as laughter, loud 'Amens', 'Hallellujahs' or even groans and sighs.   Another feature is a strong sense of group responsiveness, where the whole congregation can react emotionally in a group. Yet another feature of a Pentecostal meeting is a beginning with around 20 minutes of what Pentecostals refer to as 'worship' (i.e. singing praises to God). These features were all in evidence at this meeting.

105.   It is possible that the strong feelings of distress that the complainants subjectively perceived arose in part from a misreading or lack of understanding of the emotive style and features of the meeting.

Based upon my hearing of the seminar tapes, I conclude that the audience was not being whipped up into a frenzy of fear and loathing of Muslims, something which would be contrary to Christian teaching. On the contrary, despite the potentially distressing nature of some of the material, audience members were laughing, relaxed, and enjoying themselves. Their responses – emotively verbalized – were entirely normal for a Pentecostal meeting.

Moreover, Daniel Scot as a Pentecostal teacher is used to the display of these emotions, and to taking part in their dynamics. The audience reaction on the tapes is a normal genre feature of Pentecostal worship.

106.   Because I move from time to time across very different styles of Christian congregations, I am keenly aware of the features which attend Pentecostal/charismatic worship. Even normal Pentecostal worship can be distressing and confronting for Christians who are unused to it.

107.   A number of linguistic factors may have led to misunderstanding:

- inherently difficult material,

- audience unfamiliarity with the aspects of the Qur'an which Daniel Scot was speaking about,

- Daniel Scot's relative unfamiliarity with Australian English linguistic style,

- his clinical style of apologetics,

- the enhanced attentiveness required to understand,

- the fact that none of the complainants heard the whole event,

108.   **The relationship between between Jihad and Dhimmitude**

It is indeed true that the Islamic regulations for the non-Muslims who live under Islamic rule (the dhimmis) are founded upon the laws of jihad. Sura 9:29 provides the mandate for this relationship, in that the jizya tax is imposed as a result of jihad against Jews and Christians ('those who have been given the Scripture'). This verse is cited and explained by Mark A. Gabriel, former professor of Islamic history at Al-Azhar University, as follows:

"Fight against such of those who (1) believe not in Allah, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allah and His Messenger (Muhammad) (3) and those who acknowledge not the religion of truth (i.e. Islam) among the people of the Scripture (Jews and Christians), until they pay the Jizyah [tax] with willing submission, and feel themselves subdued. – SURAH 9:29, THE NOBLE QURAN

At first glace, this verse is a little hard to understanding in English, but it will be very clear after I explain it. This verse says Muslims must fight four kinds of people:

1. Those who don't believe in Allah

2. Those who don't believe in the last day

3. Those who do things that Allah and Muhammad have forbidden

4. Those who don't acknowledge Islam as the truth, i.e., "people of the Scripture," who are Jews and Christians

Muhammad gave people three options:

1. They could accept the message of Islam.

2. They could remain Jews or Christians but pay a special tax (jizyah), which is traditionally levied once a year.

3. They could die. (The phrase "and feel themselves subdued" is much stronger in Arabic than in this English translation. The Arabic word means something like "abject subjection." It carries the idea of someone cowering in fear before a greater power. If abject subjection is not achieved, then death follows.)

The results of Muhammad's options were that the majority accepted the message of Islam, the wealthy unbelievers paid high taxes, and the rest were forced to go to war." (Islam and Terrorism. Doc. 144 pp.73-74).

After acceptance of the dhimma pact of 'protection', a subsequent breach of the dhimma can result in the laws of jihad being reinvoked against the non-Muslims. This is made explicit in legal texts, including *'Umdat al-Salik*:

> *"o11.11 When a subject's agreement with the state has been violated, the caliph chooses between the four alternatives mentioned above in connection with prisoners of war."* (Doc. p.609).

The 'four alternatives' is a reference to a section in the chapter on jihad in *'Umdat al-Salik* which explains what happens to those non-Muslims who are taken captive in jihad, not having converted to Islam:

> *"o9.13 When a child or a woman is taken captive, they become slaves by the fact of capture..."*

> *"o9.14 When a adult male is taken captive, the caliph (def: o25) considers the interests (O: of Islam and the Muslims) and decides between the prisoner's death, slavery, release without paying anything, or ransoming himself in exchange for money or for a Muslim captive held by the enemy. If the prisoner becomes a Muslim ... then he may not be killed, and one of the other three alternatives is chosen."*

I have provided a discussion of the implications of dhimmitude for Muslim-Christian relations in the form of APPENDIX 3, 'The Dhimmi Condition'.

APPENDIX 1

ACADEMIC CURRICULUM VITAE

Mark Durie

PERSONAL DATA

Full name   Mark John Durie

PRESENT POSITION

Senior Associate with the title of Associate Professor, Department of Linguistics and Applied Linguistics, University of Melbourne.

EDUCATION

Graduate   Australian National University
Undergraduate Australian National University
Secondary   Canberra Grammar School

QUALIFICATIONS
Batchelor of Theology (First Class Honours), Australian College of Theology, 1998.
Diploma of Ministry, Australian College of Theology, 1998.
Doctor of Philosophy degree in Linguistics, Australian National University, 1985.
Bachelor of Arts degree (First Class Honours and University Medal) in Germanic
        Languages and Linguistics, Australian National University, 1979.
Goethe Institute Certificate in German, Advanced Level, Schwäbish Hall, Federal
        Republic of Germany, January 1979.

EXPERIENCE

Reader and Associate Professor, Department of Linguistics and Applied Linguistics, University of Melbourne, 1995-1997.

Australian Research Council Senior Research Fellow, Department of Linguistics, University of Melbourne, July 1992-1997

Associate Professor and Head, Department of Linguistics and Language Studies, University of Melbourne, 1990- June 1992.

Senior Lecturer, Department of Russian and Language Studies (Linguistics), University of Melbourne, 1989.

Lecturer, Department of Russian and Language Studies (Linguistics), University of Melbourne, 1988.

Postdoctoral Fellow, Department of Russian and Language Studies (Linguistics), University of Melbourne, 1987.

Research Fellow and Consultant to the Grammatical Agreement Systems Project, Syntax Research Center, University of California, Santa Cruz, July-December 1986.

Visiting Scholar (Postdoctoral Fellow), Department of Linguistics, Stanford University, Stanford, July-December 1986.

Visiting Assistant Professor, Department of Linguistics, University of California, Los Angeles, January-June 1986.

Visiting Scholar, Department of Linguistics and Philosophy, Massachusetts Institute of Technology, 1985.

Visiting Lecturer, Department of South East Asian and Pacific Languages and Cultures, Leiden University, the Netherlands, 1984.

Consultant to the Eastern Manuscripts Department, Leiden University Library, the Netherlands, 1984.

Tutor (part time) in Linguistics, Australian National University, 1980.

Tutor (part time) in Pure Mathematics, Australian National University, 1978-1979.

COURSES TAUGHT

Verb serialization (semester course) — 1994
Functionalism in Linguistics (ALS Winter Institute) — 1994
Syntax (semester course) — 1992
Discourse Analysis (semester course) — 1991, 1993
Field Methods (semester course) — 1989
Phonetics and Phonology (semester course) — 1989, 1990, 1991
Introduction to Linguistics (full year course) — 1988, 1989, 1990, 1991
Language Acquisition (semester course) — 1988
Functional Grammar (semester course) — 1987
Introduction to Acehnese (two term courses) — 1984, 1986

RESEARCH GRANTS

Studies in Grammaticization and Lexicalization. Australian Research Council Grant, 1995-7. ($25,00, $22,000, $22,000)

Travel grant: Joint Academies' Australia-Netherlands Exchange Program. August 1994.

Sponsor/supervisor for: Dr Hongyin Tao, ARC Postdoctoral Research Fellow, 1994; (offer not accepted).

Sponsor/supervisor for: Dr William McGregor, ARC Research Fellow, 1993-1997.

Sponsor/supervisor for: Dr John Hajek, ARC Postdoctoral Research Fellow, 1993-1995.

Studies in Grammaticization and Lexicalization. Australian Research Council Grant, 1992. ($6,991)

Grammatical Structures of Mon-Khmer and Austronesian languages of Southeast Asia. Australian Research Council Grant, 1992-94 ($15,000 p.a.)

Irregularity in linguistic change. A University of Melbourne Arts Faculty project completion grant, 1990 ($1,000).

From discourse function to grammatical form in Acehnese: a study of cohesion and grammaticization in conversational and narrative discourse. Australian Research Council Grant, 1989-91 ($8,750, $5,000, $5,000).

Verb to preposition in Oceanic. A University of Melbourne Arts Faculty research grant, 1988 ($1,600: not accepted).

Proto-Aceh-Chamic. A University of Melbourne research grant, 1988 ($10,000).

Acehnese oral literature. University of Melbourne Arts Faculty research grants, 1987-1988 ($3,000).

Research consultant, National Science Foundation project no. BNS-85-19708. (Principal Investigators Geoffrey K. Pullum, William Ladusaw, and Judith Aissen) July-December 1986.

The Acehnese literature project, PT Semen Andalas, Banda Aceh, Indonesia, 1982-1983 (US $2,000).

Australian National University postgraduate research grants for field work in Aceh, Indonesia, 1980-81, 1982-83 ($2,500).

FELLOWSHIPS AND SCHOLARSHIPS

1992 Fellow of the Australian Academy of the Humanities.

1992-97   Australian Research Council Senior Research Fellowship 'Studies in Grammaticization and Lexicalization'.

1989 Netherlands Government Australian Bicentennial Scholarship for research in the Netherlands.

1987 Melbourne University Postdoctoral Research Fellowship.

1985-1986   Harkness Fellowship for research and travel in the USA.

1984 Netherlands Government Scholarship for study in the Netherlands.

1983 The Anna Lodewyckx Travelling Scholarship for study in Iceland (regretfully declined).

1981-1984   Australian Commonwealth Research Scholarship.

1980 Australian National University Postgraduate Scholarship.

1978 German Government Scholarship for studying German in the Federal Republic of Germany.

1977-1979   Australian National Undergraduate Scholarship.

1974 Participant, Australian National Mathematics Summer School.

PRIZES AND DISTINCTIONS

2003   Australian Centenry Medal

1979   The Australian National University Medal,
          The Tilyard Prize (awarded to one final-year Honours student for "personal qualities and contributions to university life"),
          The Goethe Society Prize.

1978   The Scandinavian-Australian Society prize for Icelandic.

1977   The Goethe Society Prize for German language and literature,
          The Scandinavian-Australian Society prize for Icelandic.

1976   The Goethe Society Prize for German language and literature.

1975   First Prize, Senior Division, University of New South Wales IBM Schools Mathematics Competition.

1974   First Prize, Senior Division, Canberra Mathematical Association Schools Competition.

1973   First Prize, Junior Division, Canberra Mathematical Association Schools Competition.

ADMINISTRATIVE CONTRIBUTIONS

Convenor, Australian Academy of the Humanities Place Names Project Steering Committee, 1997.

Convenor, Australian Academy of the Humanities Language Studies Committee, 1997.

Consultant, Victorian Learning Assessment Project ('LAP'), 1996-1997.

Convenor, Victorian Chapter of the Australian Linguistics Society, 1996-1997.

Convenor, Key Learning Area Committee for English, Victorian Board of Studies, 1996.

Convenor, English Language Working Party to develop a new VCE study on the English Language, Victorian Board of Studies, 1996-1997.

Convenor, Victorian Board of Studies Working Party for revising Writing Criteria for the Victorian Schools' LAP test, 1997.

Convenor, P-10 Working Party, English Key Learning Area, Victorian Board of Studies, 1996.

Convenor, VCE Working Party, English Key Learning Area, Victorian Board of Studies, 1996.

Member, Australian Academy of the Humanities Steering Committee for a Strategic Review of Research in the Humanities in Australia, 1995-1997.

Member, Reference Group for the Review of Australian Research Classifications in Social Sciences and the Humanities, Australian Bureau of Statistics, Academy of Humanities, Academy of Social Sciences, 1996.

Member, Council of the Australian Academy of the Humanities, 1996-1997.
Member, Australian Research Council Small Grant Panel, University of Melbourne, 1995.
Member, Australian Academy of the Humanities Language Studies Committee, 1995-
Consultant to the Victorian Department of Education, Quality Programs Division, 1995-6.
Convenor, VCE English Review Panel (Victorian Board of Studies), 1994-5.
Member, Australian Linguistics Society Working Party on Language in the Curriculum, 1994-.
Member, Curriculum Standards Framework Course Advice Reference Group (English Key Learning Area), Victorian Directorate of Schools Education, 1994-5.
President, Princes Hill Primary School Council, 1993-94.
Head, Department of Linguistics and Language Studies, University of Melbourne, 1990-92.
Member, University Selection Procedures Committee, University of Melbourne, 1992.
Member, Vice-Chancellor's Working Group on VCE English, University of Melbourne, 1992.
Member, Faculty of Arts Budgets Committee, University of Melbourne, 1991-2.
Member, Faculty of Arts, University of Melbourne, 1988-1992, 1996.
Member, Social Work Selection Committee, University of Melbourne, 1988-91.
Member, Progress Sub-Committee, Academic Board, University of Melbourne, 1991-2.
Member, Whitley College Council, 1990-92.
Library liaison person, Dept. of Russian and Language Studies, University of Melbourne, 1989.
Coordinator of the Linguistics Section, Dept. of Russian and Language Studies, University of Melbourne, 1988-89.
Member, Arts Faculty Library Users Committee, University of Melbourne, 1988-89.
Member, Arts Faculty Equipment Sub-Committee, University of Melbourne, 1988-89, 92.
Member, Arts Faculty Selection Sub-Committee, University of Melbourne, 1988.
Representative for the University of Melbourne, the VCAB Vietnamese Accreditation Advisory Group, 1988.

In 1987 and 1989 I prepared two successful submissions for major items of equipment on behalf of the Horwood Language Centre: a Phonetics Laboratory ($90,000), and the refurbishment of the Language Laboratories ($357,000).

FIELD EXPERIENCE

August 1988, Banda Aceh, Indonesia.
September 1982-June 1983 Banda Aceh and Bireuen, Aceh, Indonesia.
December 1980-June 1981 Banda Aceh and Bireuen, Aceh, Indonesia.
July 1990. Banda Aceh, Aceh, Indonesia.
November 1991. Banda Aceh, Aceh, Indonesia.

ACTIVITIES AS A REVIEWER AND EXAMINER

Reviewed manuscripts for:

Australian Journal of Linguistics
Journal of African Languages and Linguistics
John Benjamins
Language
Natural Language and Linguistic Theory
Pacific Linguistics
Oceanic Linguistics
Oxford University Press

Reviewed grant and fellowship applications for:

Australian Research Council Grants Scheme
Australian Research Council Fellowships Scheme
Council for the Renewal of Undergraduate Education (Sweden)
National Science Foundation (USA)

Examined theses and dissertations from:

Australian National University
Griffith University
La Trobe University
University of Auckland
University of Melbourne
University of Sydney

Editorship:

Oxford Studies in Typology and Linguistic Theory, Oxford University Press, Oxford.

Other Refereeing:

Acted as external referee for applications to promotion (through to Full Professor Level) from universities in:

Canada
Australia
United States of America

RESEARCH PUBLICATIONS

Books

1999 *A trilingual Acehnese lexicon and thesaurus* (With B. Daud).
Pacific Linguistics.

1996 *The comparative method reviewed* (ed. with Malcolm Ross) Oxford University
Press, New York.
Reviewed: Elmar Seebold. 1997. *Beiträge zur Geschichte der Deutschen Sprache
                und Literatur*. 119.3: 463-473.

1994 *Catalogue of Acehnese manuscripts in the Library of Leiden University and other
collections outside Aceh*. Compiled by P. Voorhoeve in co-operation with T. Iskandar.
Translated and edited by Mark Durie.   Leiden University Library (Legatum
Warnerianum) in co-operation with Indonesian Linguistics Development Project
(ILDEP), Leiden. 391 pp.

1985 *A grammar of Acehnese on the basis of a dialect of North Aceh* Verhandelingen
112 van het Koninklijk Instituut voor Taal-, Land-, en Volkenkunde, Foris Dordrecht.
xiv+278 pp.
 Reviewed: Alieva, N.F., 1988 *Archipel* 35:213-215.
                Becker, A.L., 1987 *Word* 38:66-72.
                Blust, R.A., 1988 *Bulletin of the School of Oriental and African Studies*
                51:178-180.
                Lawler, J. 1990. *Lingua* 82.4:348-359.
                Marrison, G.E., 1986 *Journal of the Royal Asiatic Society of Great Britain
                and Ireland* no.2:307-308.
                Sneddon, J.N., 1987 *ASAA Review* 10.3:176-177.
                Stokhof, W.A.L., 1988, 'A modern grammar of Acehnese: some critical
                observations' [review article], *Bijdragen tot de Taal-, Land- en
                Volkenkunde* 144:323-350.
                Thompson, S.A., 1987 *Language* 63:919-920.
                Tryon, D.T., 1987, *Australian Journal of Linguistics* 7:315-317.

Journal articles and chapters in books
(starred items are refereed)

The temporal mediation of structure and function. In Michael Darnell, Fritz Newmeyer,
Edith Moravcsik and Mickey Noonan (eds). *Formalism and functionalism.* Amsterdam
and Philadelphia: Benjamins.

1997 *Grammatical structures in verb serialization. In *Complex Predicates*, Alex Alsina,
      Joan Bresnan and Peter Sells eds., CSLI Press and Cambridge University Press,
      289-354.

1996 Grammar's fall from grace. *EQ Australia*, issue 4: 31-32.

The need to know about language. *EQ Australia*, issue 4: 39-41.

*Introduction. (With Malcolm Ross). In *The comparative method reviewed.* Mark Durie and Malcolm Ross (ed.), Oxford University Press, 3-38.

Poetry and worship: manuscripts from Aceh. In Ann Kumar and John H. McGlynn (eds.) *Illuminations: the writing traditions of Indonesia.* The Lontar Foundation, Jakarta, and Weatherhill, New York and Tokyo, 79-100.

Ancient links: the mystery of South Sumatra. In Ann Kumar and John H. McGlynn (eds.) *Illuminations: the writing traditions of Indonesia.* The Lontar Foundation, Jakarta, and Weatherhill, New York and Tokyo, 247-252.

*Early Germanic umlaut and variable rules. In *The comparative method reviewed.* Mark Durie and Malcolm Ross (ed.), Oxford University Press, 112-134.

*Framing the Acehnese text: language choice and discourse structures in Aceh. *Oceanic Linguistics* 35.1:113-137.

1995 *Getting it right: more on an orthography for Australian English. (with John Hajek) *Australian Journal of Linguistics* 15.2:227-239.

*Towards an understanding of linguistic evolution and the notion 'X has a function Y'. In Werner Abraham, T. Givón and Sandra A. Thompson (eds.) *Discourse grammar and typology*. Pp. 275-308. Studies in Language Companion Series Vol. 27. Amsterdam: John Benjamins, Amsterdam.

Acehnese. In Darrell T. Tryon (ed.) *Comparative Austronesian Dictionary*. Pp. 405-418. Trends in Linguistics: Documentation. Mouton de Gruyter, Berlin.

Acehnese word-list. In Darrell T. Tryon (ed.) *Comparative Austronesian Dictionary*. Trends in Linguistics: Documentation. Mouton de Gruyter, Berlin.

1994 *Pragmatic Linking in Acehnese *TEXT* 14.4:495-529.

*A revised standard phonemic orthography for Australian English vowels (with John Hajek). *Australian Journal of Linguistics* 14.1:93-107.

Acehnese. (Principal author, with Bukhari Daud and Mawardi Hasan) In Anna Wierzbicka and Cliff Goddard (eds.) *Lexical and Semantic Universals*. Pp. : 171-201. John Benjamins, Amsterdam.

1991 Transitivity and argument coding. In William Bright (ed.) *International Encyclopedia of Linguistics* Vol 4, 176-177. New York: Oxford University Press.

1990 *Proto-Chamic and Acehnese mid vowels: towards Proto-Aceh-Chamic. *Bulletin of the School of Oriental and African Studies* 53.1:100-114.

1989 *What's in a grammar: a reply to Stokhof. *Bijdragen tot de Taal-, Land-, en Volkenkunde* 145:165-280.

1988 *Preferred argument structure in an active language: arguments against the category 'intransitive subject'. *Lingua* 74:1-25.

*Verb serialization and "verbal prepositions" in Oceanic languages. *Oceanic Linguistics* 27:1-23.

*The so-called passive of Acehnese. *Language* 64:104-113.

*So-called initial 1 verbal agreement in Kapampangan. *Linguistic Inquiry* 19:147-154.

1987 *Grammatical relations in Acehnese. *Studies in Language* 11:365-399.

The orthographic representation of nasal vowels in Acehnese. *Orthography and Phonology*, Philip A. Luelsdorff (ed.). Pp. 131-150. John Benjamins, Amsterdam.

1986 *The grammaticization of number. *Proceedings of the 12th Annual Meeting of the Berkeley Linguistics Society.* Pp. 355-370.

*The use of passive-like strategies in Acehnese. In *Miscellaneous studies in Indonesian and other languages in Indonesia*, Part VII, Soenjono Dardjowidjojo (ed.). *NUSA* 25:19-30. Lembaga Bahasa, Universitas Katolik Indonesia Atma Jaya, Jakarta.

1985 *Control and decontrol in Acehnese. *Australian Journal of Linguistics* 5:43-53.

1977 *(co-author) Stiffness corrections for the vibration frequency of a stretched wire. *American Journal of Physics.*

1974 A note on unit fractions. *Parabola* 10.3: 7-8.

Book notices and reviews

1997 Review of Gunther Kress and Theo Van Leeuwen, *Reading images: the grammar of visual design. English in Australia.*

1996 Review of Walter Bisang, 1992, *Das Verb in Chinesischen, Hmong, Vietnamesischen, Thai und Khmer. Vergleichende Grammatik im Rahmen der Verbserialisierung, der Grammatikalisierung und der Attraktorpositionen.*

Language Universals Series, Vol. 7. Tübingen: Gunter Narr Verlag. IX + 524 pp. *STUF:* 49:182-187.

1993 Review of Carol Georgopoulos, 1991, Syntactic Variables: resumptive pronouns and A' Binding in Palauan. Studies in Natural Language and Linguistic Theory. Volume 24. Dordrecht: Kluwer. x + 245 pp. *Journal of Linguistics* 29.2

Review of C.D. Grijns 1991 *Jakarta Malay: a multidimensional approach to spatial variation.* Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde No.149. *Bijdragen tot de Taal-, Land-, en Volkenkunde* 149:169-172.

(With Ilia Pejros). Review of Robert Parkin 1991 *A guide to Austroasiatic speakers and their languages.* Oceanic Linguistics Special Publications Series No. 23. University of Hawaii Press. *AUMLA* 79:114-117.

1987 Notice of Bambang Kaswanti Purwo and John W. M. Verhaar (eds) 1984 *Toward a description of contemporary Indonesian: Preliminary studies*, Parts I, II. *NUSA*, Vols. 18-19. Universitas Atma Jaya, Indonesia. *Language* 63:190-91.

Notice of Gérard Diffloth 1984 *The Dvaravati Old Mon language and Nyah Kur.* Monic Language Studies 1. Chulalongkorn University Printing House, Bangkok, Thailand. *Language* 63:440-1.

Notice of Wolfgang Wildgen 1985 *Archetypensemantic: Grundlagen für eine dynamische Semantik auf der Basis der Katastrophentheorie.* Ergebnisse und Methoden moderne Sprachwissenschaft 21. Gunter Narr Verlag, Tübingen. *Language* 63:424-5.

Newspaper and bulletin articles

1995   (with Nick Evans) Putting grammar back in the school curriculum. *Australian Style* 3.2, p.1, p.16.

           (with Nick Evans) Putting grammar back in the school curriculum. *Technic* (Newsletter of the Australian Society for Technical Communication, South Australia). Winter 1995, pp.5-6. Reprinted from *Australian Style*.

1994   Article on Systemic Functional Grammar in the School Curriculum. *The Age*, July 19.

CONFERENCE and WORKSHOP PRESENTATIONS

1996
The new VCE study 'English Language.

National Conference of the Australian Association for the Teaching of English, October 1996.

An invitation to take part in a conference on the Manuscript Traditions of Indonesia, in June 1996, had to be declined due to the pressure of work commitments.

1995
Language, Time and Function. (Plenary Speaker)
Australian Linguistic Society Conference, Australian National University, September 1995.

Local and global metrics in pragmatic linking.
Conference on Functional Grammar. Alburquerque, New Mexico, July 1995.

New light on information pressure: information conduits, escape valves, and role alignment stretching.
Preferred Argument Structure: the next generation. University of California, Santa Barbara, May 1995. [Invited contribution]

Framing Acehnese: Language choice and discourse structures in Aceh
The 21st annual meeting of the Berkeley Linguistics Society, University of California, Berkeley, February 1995.

Developments in English in Victoria
Special Workshop on Linguistics in the school curriculum. February 1995.

1994
Towards a Typology of Verb Serialization
26th Conference on African Linguistics, Leiden. August 1994

Pragmatic Linking in Acehnese
7th International Austronesian Linguistics Conference, Leiden University. August 1994.

1992
The episteme (with Ilana Mushin)
Australian Linguistics Society Conference, University of Sydney. July 1992.

Semantic and lexical universals in Acehnese.
Conference on Semantic and Lexical Universitys, Australian National University. February 1992.

1991
Towards a description and database for Bahasa Indonesia.
Planning Seminar on Teaching Indonesian as a Foreign Language, Jakarta, February 1991.

1990
A new orthography for Australian vowels.
Australian Linguistic Society annual meeting, Macquarie University, Sydney, September 1990.

[An invitation to contribute a paper at the Symposium on Voice, held in Santa Barbara, March 1990, had to be refused because of teaching commitments in Melbourne. I also withdraw from being co-editor of the volume.]

1988
Manuscripts and printed books in the Acehnese language: a survey of major collections.
Pekan Kebudayaan Aceh Ke-3, Seminar Temu Budaya Nusantara, Banda Aceh, August 1988.

Acehnese epic literature.
The Seventh Biennial Conference of the Asian Studies Association of Australia, the Australian National University, February 1988.

A functional property of a case marker in Acehnese: towards a typology of contrastive case marking.
Fifth International Conference on Austronesian Linguistics, the University of Auckland, January 1988.

[An invitation to contribute a paper at the Symposium on Grammaticization, held in Oregon, April 1988, had to be refused because of teaching commitments in Melbourne. The topic of the contribution was to have been: Verb-to-preposition diachronic shifts in Oceanic.]

1987
From verb to preposition in Oceanic.
Australian Linguistic Society annual meeting, Australian National University, August 1987.

1986
The grammaticization of number.
The 12th annual meeting of the Berkeley Linguistics Society, University of California, Berkeley, February 1986.

On the applicability of the notion 'passive' in Acehnese.
Presented to the panel "Passives in Asian languages", at the annual meeting of the Association for Asian Studies, Chicago, March 1986.

Vowel height change in early Germanic.
The 15th annual conference on New Ways of Analyzing Variation, Stanford University, Stanford, October 1986.

Preferred argument structure in an "active" language: arguments against the category S.
The second Annual Pacific Linguistics Conference, University of Oregon, Eugene,
November 1986.

1985
Verb serialization in Oceanic: a study in discourse dynamics.
The Fourth Eastern Conference on Austronesian Linguistics, University of Michigan,
Ann Arbor, August 1986.

1984
The orthographic representation of nasal vowels in Acehnese.
Workshop on Orthography and Phonology, Fifth International Phonology Meeting,
Eisenstadt, Austria, June 1984.

1982
Control and decontrol in Acehnese.
Australian Linguistic Society annual meeting, La Trobe University, Melbourne, August
1982.

1981
Verbal agreement in Acehnese.
Australian Linguistic Society annual meeting, Australian National University, Canberra,
August 1981.

1980
Vowel height change in early Germanic: a pattern of linguistic heterogeneity.
Australian Linguistic Society annual meeting, Monash University, August 1980.

INVITED VISITING PRESENTATIONS AND PUBLIC LECTURES

Department of Linguistics, La Trobe University, May 1995:
Framing the Text in Acehnese

Department of Linguistics, Monash University, October 1995:
Signs and their Meanings.

University of Melbourne, August 1995:
Knowledge of Language in the Curriculum (Public Lecture)

Department of Linguistics, The Faculties., Australian National University, August 1995:
Towards a typology of verb serialization.

Department of Linguistics, R.S.P.A.S., Australian National University, August 1995:
Local and global metrics in pragmatic linking.

Department of Linguistics, California State University at Long Beach, May 1995:
Language, function and time.

Department of Linguistics, University of California, Santa Barbara, February 1995:
Language, function and time.

Department of Linguistics, University of California, Santa Barbara, February 1995:
Discourse Links: design, use and application.

Summer Institute of Linguistics, Kangaroo Ground, Melbourne, October 1994:
Towards a typology of Verb Serialization.

Department of Anthropology, University of Michigan, Ann Arbor, September 1994:
Language and Time.

Linguistics Program, University of Michigan, Ann Arbor, September 1994:
Pragmatic Linking in Acehnese.

Department of Linguistics, State University of New York, Buffalo, September 1994:
Pragmatic Linking in Acehnese.

Department of Linguistics, McGill University, Montreal, September 1994:
Sequencing constraints in verb serialization: iconicity, theta hierarchies and
grammaticization.

Cognitive Anthropology Workgroup, Max Planck Institute for Psycholinguistics, August
1994:
Functionalism in Linguistics: a critical overview..

Department of English, University of Singapore, August 1994.
Functionalism in Linguistics: a critical overview..

Department of Linguistics, Monash University, March 1994:
Pragmatic linking in Acehnese.

Department of Linguistics, University of California, Santa Barbara, May 1993:
Verb serialization: some proposals.

Centre for the Study of Language and Information, Stanford University (Workshop on
Complex Predicates), May 1993:
Verb serialization: some proposals.

Department of Linguistics, La Trobe University, August 1992:
Linguistic adaptation: some ideas about the contrastive function of case marking.

Department of Linguistics, UC Santa Barbara, February 1992:

The Episteme.

Department of Linguistics, Monash University, June 1989:
The Austronesians in mainland Southeast Asia: a pattern of linguistic adaptation.

Department of Linguistics, Research School of Pacific Studies, Australian National University, May 1989:
The Austronesians in mainland Southeast Asia: a pattern of linguistic adaptation.

Department of Linguistics, Monash University, June 1988:
Disambiguation strategies in the world's languages: towards a typology of linguistics adaptation.

Department of Linguistics, University of Sydney, July 1988:
 Active languages and functional explanation: semantic vs. discourse motivations.

Department of Linguistics, Australian National University, April 1987:
Preferred argument structure in an "active" language: arguments against the category intransitive subject.

Division of Linguistics, La Trobe University, May 1987:
Argument structure in Acehnese: the profile of an "active" language.

Department of Linguistics, Stanford University, December 1986:
Information flow in discourse: a window into the Unaccusative Hypothesis.

Linguistics Program, University of California, Santa Barbara, December 1986:
Grammatical relations in Acehnese.

Department of Linguistics, University of California, Santa Cruz, November 1986:
Argument structure in Acehnese: the profile of an "active" language.

Department of Linguistics, University of Michigan, Ann Arbor, November 1986:
Acehnese discourse.

Department of Linguistics, University of California, Davis, October 1986:
Grammatical Relations in Acehnese.

Department of Linguistics, University of California, Los Angeles, May 1986:
Intersection theory.

The Phonetics Laboratory, Department of Linguistics, University of California, Los Angeles, April 1986:
Highlights of Acehnese phonetics.

The Southern California Circle on Austronesian Linguistics, Los Angeles, January 1986:

Active Syntax in Acehnese.

Department of Linguistics, University of California, Los Angeles, January 1986:
The grammaticization of number as a verbal category.

Department of Linguistics and Philosophy, Massachusetts Institute of Technology,
Cambridge, October 1985:   Say/tell verbs in English.

Department of Linguistics, University of Michigan, Ann Arbor, June 1985:
Grammatical relations in Acehnese.

The Austronesian Group, Honolulu, March 1985:
Categories of knowledge in Acehnese.

Department of Linguistics, University of Hawaii at Manoa, Honolulu, March 1985:
Grammatical relations in Acehnese.

Department of Southeast Asian and Pacific Languages and Cultures, Leiden University,
Leiden, the Netherlands, May 1984:
The present-day linguistic situation in Aceh: reinterpreting the past.

APPENDIX 2

Research on my doctoral dissertation involved investigation of the epic Jihad (Prang Sabi) literature of the Acehnese. In Aceh I collected a dozen war epics dealing with jihad. The Acehnese jihad conflicts — military engagements understood by the Acehnese in jihad terms — included their wars against the Portuguese, resistance against the Dutch, fighting against the Japanese, an Acehnese civil war after the Japanese departed, and military resistance to the Indonesian government.

My research in Aceh involved field work in Acehnese villages, and living among the Muslim people of Aceh. Islam is an integral part of Acehnese life, and the study of the language and culture of the Acehnese cannot be separated from it.

As part of my linguistic research I also investigated the influence of jihad ideology on the grammatical structures of Aceh. For example the grammatical characteristics of the verb *mate* 'to die' is influenced by the voluntary nature of jihad martyrdom.

During 1984 I studied in Leiden, Holland with Dutch experts on Islam in Indonesia: Dr P. Voorhoeve, and Dr GWJ Drewes. In 1984 I edited and translated a catalogue of Acehnese manuscripts. This is a catalogue of all the known Acehnese manuscripts outside Aceh. Many of these manuscripts are jihad poetry. This research work involved consulting jihad literature texts. (1994 *Catalogue of Acehnese manuscripts in the Library of Leiden University and other collections outside Aceh.* Compiled by P. Voorhoeve in co-operation with T. Iskandar. Translated and edited by Mark Durie. Leiden University Library (Legatum Warnerianum) in co-operation with Indonesian Linguistics Development Project (ILDEP), Leiden. 391 pp.)

I was an external examiner in 1995 for a PhD dissertation on Acehnese jihad literature 'Verses of war: Acehnese Hikayat on the War against the Dutch.' Presented at the University of Sydney by Nur'ainy Mohammad Ali in the Department of Southeast Asian Studies.

I have published a study of Acehnese manuscripts which specifically discussed the role of the jihad war against the Dutch and its influence on the Acehnese poetic tradition. In preparing this article I conducted research into the phenomenon called 'Acehnese murder', which involved individual attacks on Dutch people by Acehnese, as an act of jihad. (Poetry and worship: manuscripts from Aceh. In Ann Kumar and John H. McGlynn (eds.) *Illuminations: the writing traditions of Indonesia.* The Lontar Foundation, Jakarta, and Weatherhill, New York and Tokyo, 79-100.)

Since late 2001 I have been intensively engaged in the study of Islam for apologetic and Christian educational purposes.

Here is a summary of these activities.

Radio appearance:
The Religion Report, December 18, 2003. I was interviewed about the third-world Christian victims of jihad, human rights, the influence of Islamist ideology in multi-cultural Australia.

Articles and book reviews on Islam-related issues.
'Amina Lawal and the Islamic Shari'a' appeared in Quadrant, December 2001.
This article explores the support in example and teaching of Muhammad for the stoning penalty (for adultery), as well as the implications for human rights of the trend towards increased shari'ah implementation around the world.

'Understanding Islam: what does the Qur'an say'. Published in the *Melbourne Anglican*, December 2001. (A response from Yusuf Eades was published in February 2002, and a letter from myself the following month.)

"The Dhimmitude of the West' was an invited contribution in the *Newsletter for the Centre for Islamic Studies*, Vol. 11, Summer 2002. (I have been invited by Professor Riddell, the director of the Centre, to do a follow-up piece on the role of context in Qur'anic interpretation.)

'Religious turmoil behind the Bali bombings'. Published in *Market-Place*, a national Australian Anglican magazine, November 2002. This piece, written after the Bali bombing, was widely republished in the internet all around the world.

'After the jihad, then what?' Appeared in *Alive* magazine in 2002. This discusses the Islamist jihad campaigns against Christians in Indonesia and the Islamists' the hope of achieving an Islamic State in Indonesia.

Review of *Mosques and Miracles* by Stuart Robinson. *Alive* magazine, March 2003.

Review of *What went wrong? Western Impact and Middle Eastern Response*. By Bernard Lewis. For *Market-Place*. (In press).

Review of *Islam in Australia*. By Abdullah Saeed. Reviewed for *Zadok Perspectives*. To appear in Vol. 81, Summer 2004.

Review of *Faith to faith: Christianity and Islam in dialogue*. By Chawkat Moucarry. To appear in the *Journal of Anglican Studies*.

Review of *Islam and Dhimmitude: where civilizations collide*. Bat Ye'or. Fairleigh Dickinson University Press. Published in the *St Mark's Review*, Vol. 192. 003(1)

Advocacy:

I brought the plight of Christians in South Aceh to the attention of a representative of the Association of World Education at the United Nations. The Christians of South Aceh

had been forced by the local Islamic community to dismantle their churches in late 2001, and to accept draconian restrictions on their freedom of worship. (Doc. 264.)

I lobbied parliamentarians when the Laskar Jihad were threatening to attack the undefended city of Tentena in Sulawesi in late 2001. At that time international representations forced the Indonesian government to intervene and stop the attack.

During 2002 I raised with the Equal Opportunity Commission my concern with one of their "Stand up to Racism" fact sheets, because it promulgates the Islamic human rights agenda of Mawdudi, a movement which is intended to defeat the principles of the Universal Declaration of Human Rights of the United Nations.

Other writings:

'Isa, the Muslim Jesus.' This is published as lead article on the Answering Islam website. (Answering Islam is one of the leading Christian apologetics sites which focus on Christian-Muslim dialogue.) This study of Jesus in Islamic traditions (Qur'an and Sunna) has been used as for student reading in classes of Professor Riddell at the London Bible College. The listing of this article on Answering-Islam generates weekly inquiries from Muslims all over the world, so part of my constant work is conducting interfaith dialogues with Muslims concerning the identity and role of Jesus Christ in Islam and Christianity.

'Christian-Muslim Relations in History.' This paper was prepared as a response to Department of Foreign Affairs, *Current Issues Brief 7 2001-2*: "Mutual misperceptions: the historical context of Muslim-Western Relations" by Gary Brown.

Many of the above papers are published on the internet at leading sites dealing with the human rights issues faced by non-Muslims living under Islamic conditions. (See especially www.dhimmitude.org).

Conferences and Seminars

I have addressed a number of forums on Islam and Christian-Muslim dialogue. These include:

Casual theological lecture for Ridley College, University of Melbourne, on the personality of Yahweh / Allah in the Bible and the Qur'an.

Lectures on Dhimmitude, the Muslim Jesus and understanding Islam, to the Church Missionary Society's Annual Conference in January 2003.

Four talks during 2002-3 at Melbourne Anglican churches on Dhimmitude, the personality of God, Understanding Islam and the Muslim Jesus.

Speaker at 'Clash of Civilizations? Inter-religious ethics in tumultuous time. To be held the Centre of Applied Christian Ethics, November 1 2003, at Ridley College, University of Melbourne.

Church Committee Roles:

Member of the Church Missionary Society Islamic Taskforce, 2002-2003.

Member of the Board of Reference for Christian Solidarity Australia. (One area of concern for CSA is the situation of Christian minorities in Islamic nations.)

Other advisory roles:

I advise church leaders on many occasions concerned religious rights policy and interfaith issues. This includes interviews from time to time with diocesan bishops, and consultations with Anglican school principals.

My current work.

One of my official duties at St Hilary's Anglican Church Kew is 'Islam Response'. The Anglican church has asked me to devote myself to providing support for the church in this area.

APPENDIX 3

The Dhimmi Condition
By Mark Durie

Almost from the very beginning, the Dar al-islam included non-Muslim peoples. Sometimes they were minorities, but more often, especially at first, they were majority populations under Islamic rule. Their role in the Islamic state was defined by the shari'ah law.

The question is "What was their role?" What does it mean to be a non-Muslim under Islamic rule? What principles shape such a person's life and condition?

As is well-known, the Islamic shari'ah, or way, is based upon the example of Muhammad.

His example also forms the basis for Islam's treatment of conquered but yet unconverted peoples. Through what might be regarded as an accident of history, the fate of millions of Jews, Christians, Zoroastrians, and later Hindus under Islam was determined by how Muhammad treated conquered peoples, and specifically by his treatment of a Jewish farming community at Khaybar in Arabia.

Earlier, Muhammad had made war against Jewish tribes in Medina. Some tribes he expelled from Medina. The Quraiza Jews he destroyed after they surrendered unconditionally to him. He put all their men to the sword and enslaved their women and children.

The story was different in Khaybar however. The Khaybar Oasis was quite fertile, and included farms owned by the local Jews. Muhammad attacked them and after a siege defeated the Jews of Khaybar. Although he took many captives, some Jews negotiated a surrender, under which they were allowed to remain on the land, tending it, and paying a tax of 50% of their harvest to Muhammad. They argued that only they had the skill of cultivating the land to maintain its productivity. In return the remaining Jews of Khaybar would be protected from further jihad attack by the Muslims.

This pact of surrender was called a *dhimma* or 'pact of protection'. Based on the precedent of Khaybar, and also on the way Muhammad treated conquered Jewish farmers of Fadak, Tayma and Wadi-l Qura, the institution of the dhimma was developed in shari'ah law to provide for those of the 'people of the Book' who refused to convert to Islam. The dhimma provided a legal status for all such communities who were incorporated into the Dar al-Islam as a result of Jihad.

According to the laws of jihad in its classical conception, the alternatives to the dhimma were conversion, slavery or death. This is documented in *'Umdat al-Salik* (Doc. 5) and numerous citations of Islamic authorities in *Islam and Dhimmitude* (Doc. 14) and *The*

decline of Eastern Christianity under Islam: from jihad to dhimmitude (Doc. 13). For pagans the dhimma was not an option. Any community of 'people of the Book' (Jews and Christians) which negotiated a surrender to Islamic armies, and which was thereby incorporated into the Dar al-Islam, the territory of Islam, was subject to the dhimma. The dhimma pact fixed the legal, social and economic place of non-Muslims in the Islamic state. In return, the people of the pact, known as dhimmis, were required to pay tribute (*jizya*) in perpetuity to the Muslim Community (Umma), and to adopt a position of humble and grateful servitude to it. This was all enshrined in verse 9:29 of the Qur'an.

The dhimma pact assured the defeated Jewish and Christian communities a legal framework which guaranteed their religious freedom, and determined their social and economic place in the Islamic state.

In return the people of the pact, or dhimmis, were required to pay tribute - the jizya - in perpetuity to the Muslim Community (Umma), and to adopt a position of humble servitude to it.

The jizya tax was administered as a head tax, payable by the conquered community, to the Muslim community. It was often used to fund further military campaigns. Until the modern period, every non-Muslim living under Islam was required to pay this annual tribute in recognition of their defeated status. This tax was often a huge burden, even to the point where Christians and Jews had to enslave themselves or their family to pay it, or else convert and become a recipient of its benefits.

So the divine revelation in Sura 9:29 defines the inseparable link between jihad and dhimmitude. Jihad warfare, in its conception according to the classical evolutionary theory of Qur'anic interpretation, was designed to extend Islam, and make all peoples subject to the power of Islam. They became subject, if not by conversion or slavery, then by the dhimma pact.

Originally the dhimma was supposed only to apply to Jews and Christians - as this verse states, the 'People of the Book'. Pagans were supposed to be all enslaved or put to death (Sura 9:5). But later, with the conquest of Persia and India, the dhimma was extended to Zoroastrians and even to Hindus. However pagan religion was completely eradicated in Arabia.

Within the Islamic state, all non-Muslims who were not objects of war are considered to be dhimmis – communities who are allowed to exist within the Dar al-Islam by virtue of surrender under the conditions of a dhimmi pact. These were the permanently conquered peoples of Islam.

A powerful symbolic expression of the jihad-dhimmitude nexus, which defined the horizon of the dhimmi's world, was annual jizya payment ritual. Here is a fifteenth century description of this event by the Moroccan jurist al-Maghili:

> On the day of payment they [the dhimmis] shall be assembled in a public place
> … They should be standing there waiting in the lowest and dirtiest place. The

acting officials representing the law shall be placed above them and shall adopt a threatening attitude so that it seems to them, as well as to the others, that our object is to degrade them by pretending to take their possessions. They will realize that we are doing them a favor in accepting from them the jizya and letting them go free. They then shall be dragged one by one for the exacting of payment. When paying the dhimmi will receive a blow and will be thrown aside so that he will think that he has escaped the sword through this. This is the way that the friends of the Lord, of the first and last generations, will act toward their infidel enemies, for might belongs to Allah, to His Apostle, and to the Believers (*Islam and Dhimmitude* p. 70)

We have historical sources from around 1900 - five centuries later - which show that this enacted ritual of military subjugation continued to be practiced in Morocco right up to the beginning of the twentieth century. So more than thirteen centuries after the initial Islamic conquest, there continued to be a ritual enactment of defeat upon the Jews of Morocco - the Christians had long disappeared - including a ritual blow to the neck, to show that this payment is in return for the life of the dhimmi.

Al-Mawardi, 11th century jurist and theologian, said that the head-tax on dhimmis was either a sign of contempt, because of their unbelief, or a sign of the mildness of Muslims, who granted the dhimmis quarter (instead of killing or enslaving them), so humble gratitude was the expected response.

Historians have documented the social, political, economic and religious conditions of dhimmi communities – especially Jews and Christians – in the Middle East. It is a sad history of dispossession and decline. Legal provisions applying to dhimmis ensured their humiliation and inferiority, and to this were added the often crippling taxes which were allocated to support the Muslim community.

A famous Pact of Umar lists some of the conditions which were imposed upon Dhimmi communities. With some local variations, yet at the same time showing remarkable consistency across time and space, shari'ah law imposed conditions such as the following.

- Under Islam any Muslim who converted to Christianity or Judaism is subject to the death penalty. Conversions between other faiths were also forbidden.

- A Muslim man may marry a Christian or Jewish woman, but their children became Muslims under law. It was forbidden for a Muslim woman to marry a Christian or Jewish man.

- It was forbidden to try to convert a Muslim from their faith.

- Leaving Islam was punished with the death penalty

- No new churches were allowed to be built after conquest.

✍ Any damaged churches could not be repaired

✍ Anyone who converted to Islam gained preferential inheritance rights within their famil: they could become the inheritor of the family's property.

✍ Dhimmi houses had to be smaller and lower than Muslim houses.

✍ Dhimmis had to dress differently, and more poorly than Muslims. They had to adopt a humble demeanor.

✍ It was forbidden, on pain of death, for a dhimmi to raise a hand against a Muslim.

✍ Also forbidden was cursing a Muslim, on pain of death.

✍ Dhimmis were forbidden from carrying arms.

✍ The blood of a Muslim was not equal to the blood of a Dhimmi. So, for example, although murder of a Muslim is punished by death, shari'ah law said that no Muslim could be put to death for killing a non-Muslim. Ibn Timiyya wrote 'Jews and Christians do not believe in Muhamamd and Islam, thus their blood and the Muslim's blood cannot be equal."

✍ If a dhimmi kills another dhimmi, and then converts to Islam, he is not subject to punishment. So anyone who converts to Islam is let off from a death sentence.

✍ Christians were not allowed to hold public office or to exercise authority over Muslims.

✍ *Dhimmi* testimony is not valid against a Muslim. This principle applied throughout the whole Islamic world in one form or another before the colonial period. If a Muslim accused a Christian of a capital offence, such as trying to convert a Muslim, the Christian's own testimony was not valid in their defense. This also entrenched a principle that non-Muslim versions of events are regarded as suspect and unreliable.

✍ Dhimmis had to house and feed Muslim soldiers whenever asked to do so.

✍ Dhimmis were forbidden from any public display of their religion - no crosses, funeral processions, bells, no loud singing etc.

✍ Dhimmis were forbidden from teaching their children about Islam.

✍ Dhimmis were not allowed to ride horses.

✍ In many areas, Dhimmis were required to wear coloured patches on their clothes to mark them as different from Muslims.

> 'The Qadi, Ahmad b. Talib, [9th century] compelled the dhimmis [Jews & Christians] to wear upon their shoulder a patch of white cloth that bore the

image of an ape [for the Jews] and a pig [for the Christians], and to nail onto their doors a board bearing the sign of a monkey [cf. Qur'an 5:65].' (Al-Maliki, an 11th century Tunisian historian.)

Violence or theft against dhimmi populations was hard to defend yourself against, since your witness was invalid in court, you could not bear a weapon, often in very dangerous times, and you were forbidden from raising your hand against a Muslim.

Children were often abducted, and women too. In many dhimmi communities there is a deep fear that daughters will be taken, perhaps forcibly married, and they and their future children lost to the community.

In Yemen until the Jews escaped to Israel, any orphaned Jewish child wa,s by the local shari'ah law, taken away from the Jewish community and forcibly Islamicized. This continued right up until the mid-20th century.

Under Ottoman rule, the pattern of abduction of children was legalized, and one fifth of male children of dhimmis were taken from their communities - they only took the fairest and strongest - and forcibly converted, and used to run the Ottoman state and army. They were known as Janissaries, and were used to fight against Christians to expand the Ottoman state.

It is important to remember that the dhimma pact purchases an escape from jihad. If a local dhimmi community was considered to have broken any of these conditions, the local Muslim community might at any time restart jihad against them. This could and sometimes did result in a massacre. (The principle that a breach of the dhimma restarted the jihad is made explicit in *'Umdat al-Salik* (Doc. 5), which explains that if dhimmis break their pact, they are treated as objects of jihad, subject to conversion, death or enslavement.)

There are been well-documented cases where this happened, for example the Jews of Granada, numbering around 3,000, were massacred in 1066 after a long period during which the vizier of the city had been a Jew.

The Christians of Damascus were wiped out in 1860 in reaction to a general relaxation of the dhimma by the Ottomans.

In the 11th-12th centuries the Almoravid and Almohad persecutions eliminated Christianity in Spain, by massacres, enforced conversions, and deportations to North Africa.

A special danger was the communal nature of the punishment. Even a breach by a single individual could result in jihad being enacted against their whole family or community. As a result dhimmis lived in a state of perpetual concern for the potential impact of their actions on their whole community.

The effect of some of these regulations were ultimately devastating for the conquered communities. Some, like the North African or Afghani Christians, disappeared

completely. Others steadily declined, becoming assimilated into the Islamic community. Some changed their language and culture, like the Greeks of the Middle East who adopted Arab identity. Those, like the Armenians or the Copts, who kept their language, survived better.

Like sexism and racism, dhimmitude is not only expressed in legal and social structures, but in a psychology of inferiority, a will to serve, which the dominated community adopts in self-preservation.

Bat Ye'or, historian of the Dhimmis, describes the lot of dhimmis as follows:

> "The law required from dhimmis a humble demeanor, eyes lowered, a hurried pace. They had to give way to Muslims in the street, remain standing in their presence and keep silent, only speaking to them when given permission. They were forbidden to defend themselves if attacked, or to raise a hand against a Muslim on pain of having it amputated. Any criticism of the Qur'an or Islamic law annulled the protection pact. In addition the dhimmi was duty-bound to be grateful, since it was Islamic law that spared his life.
>
> The whole corpus of these practices … formed an unchanging behavior pattern which was perpetuated from generation to generation for centuries. It was so deeply internalised that it escaped critical evaluation and invaded the realm of self-image, which was henceforth dominated by a conditioning in self-devaluation. … This situation, determined by a corpus of precise legislation and social behaviour patterns based on prejudice and religious traditions, induced the same type of mentality in all dhimmi groups. It has four major characteristics: vulnerability, humiliation, gratitude and alienation."

As one Iranian convert to Christianity put it 'Christianity is still viewed as the religion of an inferior class of people. Islam is the religion of masters and rulers, Christianity is the religion of slaves'.

Many of the laws of dhimmitude were dismantled during European colonization, and under the influence of the Great European powers. The Turks declared the equality of all their citizens under law in the mid-19th century. Although local Islamic populations resented this, a measure of freedom did come.

Some Dhimmi populations fought for their freedom. The Greeks, Serbians, Hungarians, Armenians, and others struggled for this. Some were successful, but for others, like the Armenians, the Assyrians, and the Maronites of Lebanon, the struggle ended in failure.

However dhimmitude is now returning all across the Islamic world, as just one part of the shari'ah revival. In the past 50 years, virtually every Muslim state has taken steps, however small, towards re-implementing shari'ah. The case of Pakistan is typical. In 1947 it was established as a secular state. In 1956 it was proclaimed a Muslim state. In the 1970s a shari'ah court was established, and in 1984 blasphemy against Islam was

declared a capital offense. Although Muslims can also be charged under this law, the prohibition of blasphemy is a key aspect of the classical anti-dhimmi legal structures which censor criticism of Islam by non-Muslims.

Today many battles are being fought over dhimmitude. The Christians of the Sudan are fighting because they refuse to be made into dhimmis by the imposition of shari'ah law. The Christians of northern Nigeria are under pressure. So are the Christians of Indonesia.

Yet, despite its great importance, dhimmitude and its laws are a censored subject. It was never possible for the dhimmis themselves to expose or criticize their situation. This 'arrogance' was explicitly recognized as one of the crimes which cancelled the protection of the dhimma.

Dhimmitude is concealed. Yet it is of remarkable importance as a whole tendency of thought and interfaith relations. It is as important for understanding Christian-Muslim relations as racism is for understanding slavery, or sexism for understanding male-female relations.

The requirement that dhimmis affirm and serve Islam greatly limits the repertoire of responses that dhimmified Christians can have towards it.   Where there are grounds for confrontation, the only way of struggling permitted to the dhimmi is by saying soft things.   Direct confrontation is discouraged, penalized, and made illegal.

Such political correctness is itself an injustice that needs to be exposed and challenged. Yet at the same time, *jihad* means 'struggle', and is claimed as a divine right of Islam without apology of any kind. Some Muslims can be extremely aggressive and confrontational in pressing for their rights, and yet deeply offended when non-Muslims insist on theirs.

This, combined with the pressure to act like dhimmis, can intimidate and weaken Christians who are free and do not live under Islam.   The cumulative effect can be that the gross injustices come to seem as somehow excusable or unexceptional.

An infamous example is the weak international response today to the persecution of non-Muslims (not just Christians) under Islam.   The media is full of reports of the Palestinian conflict. Meanwhile over 2 million Sudanese have been killed in that Jihad, and more than twice this number rendered homeless, and this is hardly reported at all.

Mary Robinson, was until recently the UN High Commissioner for Human Rights. On March 15, 2002, she read a statement to an *Organisation of Islamic Conference Symposium on Human Rights in Islam* held at the Palais des Nations in Geneva in 2002. After offering praise Robinson adopts the strategy of affirming the inherent righteousness of Islam:

> *"It is important to recognize the greatness of Islam, its civilizations and its immense contribution to the richness of the human experience, not only through profound belief and theology but also through the sciences, literature and art.*
>
> *No one can deny that at its core Islam is entirely consonant with the principle of fundamental human rights, including human dignity, tolerance, solidarity and equality. Numerous passages from the Qur'an and sayings of the Prophet Muhammad will testify to this. No one can deny, from a historical perspective, the revolutionary force that is Islam, which bestowed rights upon women and children long before similar recognition was afforded in other civilizations.*
> *...And no one can deny the acceptance of the universality of human rights by Islamic States."*

Observe here the dhimmi themes of gratitude, affirmation of moral superiority of Islam (with the implication of inferiority of the infidel), and the denial of any possible voice of protest against human rights abuses in Islamic states. It is a classical dhimmi strategy to avoid confrontation by affirming what is best in Islam. Change for the better is only allowed to arise from values which Muslims can see as springing from their faith itself. Christians are not supposed to confront Islam, they are supposed to look for the best in Islam and affirm it. This strategy conceals and disempowers the moral worth of non-Muslim value systems. It is the strategy of those whose existence is marginal and threatened. If you adopt the posture of praising Islam, you are acting like a defeated or a threatened person.

A "Universal Islamic Declaration of Human Rights," was proclaimed at UNESCO in 1981 and followed by the "Cairo Declaration on Human Rights in Islam" (CDHRI Doc. 232), adopted in August 1990 by the 19th Islamic Conference of Foreign Ministers of the 45 Organization for the Islamic Conference countries.

It is significant that article 24 of the CDHRI states that it is "subject to the Islamic *shari'a*," and its article 25 confirms that shari'ah "is the only source of reference for the explanation or clarification of this Declaration."

It is thus asserted that the example of Muhammad (the Sunna) has supremacy, and that the 1990 CDHRI has primacy — in the view of its authors — over all universal human rights declarations, including the Universal Declaration of Human Rights, and all other U.N. covenants.

This religious "Declaration" was published by the United Nations in 1997, and it against this background that Mary Robinson's statement must be read. Instead of challenging the assumptions of this injection of shari'ah principles into the United Nations, Mary Robinson adopted an attitude of humble gratitude.

For those living in liberal democracies this is not a healthy way to engage with the 'other' that is Islam.