

An Australian Muslim perspective: National Imams Consultative Forum 2015

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The views presented within this document are those adopted by the Imams in the National Imams Consultative Forum.

Over three workshops held in November 2014, December 2014 and March 2015 at the University of Melbourne, facilitated by the National Centre of Excellence for Islamic Studies, more than 20 Imams from around Australia examined the contents of this document. After extensive debate, discussion and deliberation, the participating Imams adopted the conclusions enclosed. The following positions represent the views of a large number of Imams in Australia.

In adopting these positions, the Imams considered the existing theological and legal positions of prominent Muslim scholars and Islamic schools of thought, in both the classical and modern periods. They also considered the position of Australian Muslims as a minority. Participating Imams agree to the 53 statements put forward in the following pages.

Citizenship

1. There is no conflict between Islamic rules, values and norms and taking up Australian citizenship.
2. As citizens of Australia we should exercise our right to participate in key institutions in the country; be they political, economic, legal, security or social; while observing the fundamental teachings of our religion.
3. There is no religious requirement obligating Australian Muslims to migrate to another country or region, whether one calls that country or region a caliphate, an Islamic state or by any other name.
4. The Islamic concept of brotherhood and sisterhood applies to all Muslims wherever they are — this religious and spiritual connection between Australian Muslims and all other Muslims remains.
5. When Muslims in other countries declare war on each other, the aforementioned brotherhood or sisterhood does not automatically require us to take up arms and fight on any particular side.
6. There is no conflict between loyalty to Islam and commitment to Australia.

Abiding by the Terms of Contract

7. A Muslim is required to respect and abide by the terms of an agreement or contract one enters into.
8. This requirement exists whether the contract is between a Muslim and non-Muslim or between a Muslim and Muslim.
9. Whether a Muslim enters into Australia as a temporary resident or a permanent resident, he or she is still required to abide by the laws that exist in the country.

Australian Law and Shari'ah

10. Shari'ah represents Islamic norms, values, rituals, rules and regulations.
11. The commitment of a Muslim to Shari'ah does not conflict with their ability to abide by Australian law;
12. Much of what the Shari'ah requires of a Muslim can be implemented without government regulation — for example: the five pillars of Islam, the need to stay away from sins or

crimes Islam specifies, the ethical and moral values of honesty, fulfilling one's promises, and dealing with people gently and kindly.

13. The penalties for offences in Islamic criminal law (hudud) may only be implemented by a legitimate Islamic government. Thus, individuals must not implement such penalties in Australia.

Fatwa

14. Issuing fatwas without the formal education required is not acceptable in Islamic tradition.
15. Individual Muslims, who have had no in-depth knowledge or training in Islamic scholarship, in particular Islamic jurisprudence, have no authority to issue fatwas.
16. Given the wide variety of disciplines and knowledge scholars require before issuing fatwas, a better approach in the Australian context would be to have a collective group of recognised ulama issue fatwas.

Takfir

17. A Muslim is anyone who sincerely confesses that there is no god but God (Allah), and Muhammad (PBUH) is the messenger of God.
18. Statement 17 is the minimum requirement of being a Muslim, and no Muslim has the right to label or declare other Muslims as non-believers or apostates.
19. Differences of opinion on interpretation by qualified scholars have always been recognised in the Islamic tradition as legitimate.
20. It is permissible in Islam to legitimately differ on any matter except those that are considered fundamentals of the religion on which there is universal agreement among Muslims.
21. It is not permissible in Islam to harm or kill a person. God has forbidden killing of a person whether he or she is a Muslim or non-Muslim.

Treatment of Non-Muslims

22. Both the Holy Qur'an and the Prophet Muhammad (PBUH) emphasise that all human beings come from one family and that all of them have dignity that should be respected and protected.
23. In their engagement with non-Muslims, Muslims should maintain a spirit of cooperation.
24. Islam requires Muslims to interact with people of other faiths gently and fairly, to work with them for the common good, and to maintain good social and neighbourly relations with them.
25. Muslims, whether they are in a conflict zone or anywhere else, may not force anyone to convert to Islam; conversion by force is illegitimate under Islamic norms.
26. Muslims have an obligation to protect the rights of non-Muslims living in their midst, including the protection of persons, property, and places of worship.

Caliphate

27. The notion of caliphate or imamate in Islam is primarily about governance, and that it is clear from the teachings of Prophet Muhammad (PBUH) that wherever Muslims are, even if there are only three Muslims, they have to adopt some kind of governance arrangement.
28. Historically, Muslims experimented with different systems of governance, different ways of choosing rulers and different ways of administering states.
29. Muslim scholars of today have recognised the legitimacy of nation-states, although there are different ideas about the best model of governance.

30. Muslim scholars and jurists have recognised that except for a brief period in Islamic history, there has not been a single unitary state (as a caliphate) governing the affairs of Muslims.
31. We recognise that Muslim scholars and jurists in the past have discussed what a legitimate caliphate or caliph will be like and have developed certain conditions to be met if a caliphate is going to be legitimate.
32. Such conditions for its legitimacy have not been met by the so-called caliphate in Syria and Iraq, and therefore claims of this caliphate carry no authority.
33. As Australian Muslims we have no obligation or requirement to listen to or follow the dictates of the aforementioned caliphate.

Rebellion

34. A conflict in a Muslim majority country, where a particular group of Muslims rise up against the state, is not automatically considered Jihad.
35. Like early Muslim jurists, we should be wary of those who incite rebellion in Muslim societies, given the extremely destructive consequences of such rebellion.
36. The Holy Qur'an and the Sunnah of the Prophet Muhammad (PBUH) prohibit the killing of Muslims by other Muslims, and the advice provided by them is that when a conflict emerges between Muslims, it is the responsibility of the rest of the Muslim community to make peace between them, and if one party rejects peace then the community/state has a responsibility to force the other party to accept peace.
37. Conflicts where Muslims are fighting Muslims should not be called Jihad.

Slavery

38. Although slavery existed well before Islam and for a long time in Muslim societies, the guidance provided in the Holy Qur'an and in the Sunnah of the Prophet Muhammad (PBUH) strongly suggests that the objective of both was to eliminate slavery and move away from this institution systematically and gradually.
39. Slavery should be abolished and there is unanimous agreement among Muslim jurists and scholars today on the abolition of slavery, and this position carries the authority of the ummah.
40. Reintroduction of slavery is not permissible and a Muslim should not engage in the practice of slavery.

Jihad

41. Jihad (lit. struggle) is an important concept in Islam and it can be understood in a number of ways: as a spiritual struggle to become a better person; using one's wealth to improve the conditions of the needy and the community; and, in some cases, as war.
42. In the Islamic tradition the juristic (fiqh) discussions about Jihad are predominantly about rules and regulations for warfare and peace in Islam.
43. Jihad as war has been understood within the Islamic tradition as either defensive or offensive, and in general, this is a state function; that is, the state undertakes Jihad as war on behalf of the community — for example, when the community is attacked by a foreign invader. In both defensive and offensive Jihad, Muslims are bound by clear ethical and moral norms which prohibit Muslims from harming or killing non-combatants and from unnecessary destruction of property.
44. Declaring a Jihad as war is the responsibility of the state — individuals or groups do not have authority to declare a Jihad (as war), and those who take up arms against the community or the state are often considered rebels or criminals who are engaged in unlawful violence against the community.

45. As Australian Muslims, we should not respond to calls for Jihad made by individuals or groups around the world. Australian Muslims do however, have an obligation to help victims of violence, where possible, through lawful channels. National Imams Consultative Forum

Suicide

46. We maintain the Islamic juristic position that taking one's own life deliberately is suicide and therefore it is prohibited in Islam.
47. It is not permissible for a Muslim to engage in an act of suicide bombing or take part in it or cause havoc and destruction in Australia.
48. Given that suicide is prohibited in Islam and the person who commits suicide will be punished in hell as the Islamic tradition holds, no attention should be given to those who support the view that killing and destruction through suicide bombing and the like is a form of Jihad.
49. Even in the context of a war, a Muslim is not allowed to kill or harm a non-combatant person.

Fighting in Overseas Conflicts

50. As Muslim citizens of Australia, it is our obligation to abide by the laws in force in the country in relation to such conflicts, even when we, as Muslim citizens, may disagree with such laws.
51. Not all overseas conflicts can be considered as Jihad, and some are simply civil wars, insurgencies, rebellions against a legitimate state or violence against a community, where Muslims are killing other Muslims.
52. Even when the Muslim community, represented by its ulama and leadership, collectively takes a position that a certain conflict can be labelled as Jihad, engaging in such a Jihad will have to be in a way that does not compromise our obligation to abide by the laws of the country as citizens.
53. Considering the limitations placed on the citizens by the laws in force in the country, the obligation to undertake Jihad, if there is one, can be fulfilled, for example, by providing financial or other humanitarian support to the victims of the conflict and in ways that are permitted by the laws in force in the country, and by doing whatever the community can to end such conflicts, in order to minimise the loss of life and harm to people and the destruction of property.