

Sharing the true values of Sharia

By Irfan Yusuf

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On Thursday, February 23, 2006 Treasurer and Prime Ministerial aspirant Peter Costello delivered a [speech](#) to an audience at the Sydney Institute. Mr Costello provided some personal reflections on Australia's developing culture and citizenship. Within a few hours, a veritable media circus began.

Predictably, some News Limited newspapers reported Mr Costello's words as condemning all Muslims. Some of these papers had provided skewed and distorted reporting of similar comments made by the Prime Minister [one week before](#).

The Fairfax Press, on the other hand, attempted to paint Mr Costello as indulging in dog whistle politics, seeking diversions for the scandal of the Government's knowledge of kickbacks paid to Saddam Hussein's regime. Others speculated that Mr Costello wanted to be seen to be going further than the Prime Minister, taking a stronger stand on policy issues outside his Treasury portfolio.

Sadly, most migrant Muslim leaders bought into the circus, many expressing views on Mr Costello's comments without having read his speech. Some leaders accused Mr Costello of deliberately seeking to marginalise Muslim communities by speaking of undefined Australian values and threatening the dual citizenship status of those seen to be opposing such values.

I must admit I initially agreed with them. Until, that is, I read Mr Costello's actual speech. I agree that Mr Costello's "values" test for citizenship will be difficult to translate into workable legislation. Further, his views on Sharia are at best simplistic. Apart from these fairly significant bloopers, Costello's comments were spot-on. The first two-thirds of his speech are fairly innocuous. But what sent the scribes, pundits and some Muslim leaders scurrying were the final two pages of comments on Sharia and citizenship.

Peter Costello said anyone who believes Sharia can co-exist with Australian law and Australian values should leave the country. Mr Howard described his comments as "fundamentally accurate". What both fail to see is that if Mr Costello's formulation of Australian values is correct, it might mean non-Indigenous Australians will have to pack their bags and return to their motherlands. Mr Costello said that most migrants "become Australian citizens because they want to embrace the things this country stands for". He lists six core Australian values including economic opportunity, security, democracy and personal freedom.

In 2002, a visiting Indonesian academic lawyer delivered a series of lectures under the auspices of the conservative Centre for Independent Studies (CIS). Professor Mohammad Fajrul Falaakh is Vice Dean of the prestigious Gadjah Mada University, among the top 100 universities in the world. He holds a Masters degree from the London School of Economics, and was a Fullbright Scholar in the United States in 2000. Professor Falaakh is also a senior figure in the [Nahdatul](#)

[Ulama](#) (Council of Theologians), the world's largest Islamic organisation. Nahdatul Ulama's membership is more than double Australia's population.

Falaakh delivered the annual CIS Acton Lecture on the topic of "Sharia and Pluralism in Indonesia". He listed five basic values of Sharia agreed upon by Sharia scholars from all schools of Islamic law. An edited text of Professor Falaakh's lecture is still available on the website of the [Centre for Independent Studies](#). If one compares the five basic principles of Sharia to the six values espoused by Mr Costello, one finds they are virtually identical. Perhaps this is what Australian imams mean when they state in their sermons that Australia is a more Islamic country than most Muslim-majority states.

This should be of no surprise to anyone. After all, Sharia is not a synonym for amputations and beheadings. Rather, Sharia is the name of a legal tradition, a set of legal principles based on certain values. And those values are identical to the values expressed in the Old and New Testaments.

Further, legal scholars in both the East and West are agreed that the traditions of Sharia, English common law (from which our legal system is derived) and European civil law have borrowed from and influenced each other. To this day, in a large number of Commonwealth countries, Sharia and the common law sit side by side. Historically, all legal traditions influence and are influenced by each other. This simple fact is taught to first year law students in universities across the world.

Many of our fundamental common law doctrines are taken from the works of Sharia jurists, and Sharia has also borrowed from the common law. A retired Justice of the New South Wales Supreme Court has written that alternative dispute resolution procedures adopted in Australian commercial law find their origins in Islamic commercial law. Further, Professor John Makdisi of the St Thomas University in North Carolina has written extensively on how common law and Sharia traditions borrowed extensively from each other.

Some pseudo-conservative commentators present Sharia as a system of medieval criminal punishments. But for some 300,000 Australian Muslims, Sharia represents little more than ethics (including honesty and enterprise) and liturgy (how to perform prayers, weddings and funerals).

As shown above, the ethics of Sharia do not pose a problem for Australia. Further, Sharia liturgy has been practised in Australia for over a century. Indeed, Australia law allows a number of religious legal systems (such as Jewish religious law) to operate in the contexts of family law, estates and other areas.

Christ, recognised as Messiah by Muslims, castigated rabbis of his time who followed the letter but ignored the spirit of sacred law. Muslims believe the Prophet Mohammed brought Sharia as the outer manifestation of religious values. He also brought an inner manifestation, which has been given a variety of labels by Muslims but which is commonly known in the West as Sufism.

A tiny minority of Muslims seek to establish Sharia across the world without Sufism. They are the source of virtually all terrorist groups in the Muslim world.

Their theology is regarded by mainstream Muslims as isolationist and fringe. They distort Sharia by imposing it on people without the inner discipline of Sufism. They are openly hostile to Sufi tradition.

These people seek to destroy Islam from within. They are arguably more of a threat to Muslims than non-Muslims. Hence, the majority of their victims are Muslims. Mr Costello would like to see such people leave Australia. Most Muslims, on the other hand, would prefer to see these people leave our planet. These people distort our perceptions about Sharia. Most Australians regard Sharia as purely consisting of draconian medieval punishments. Mr Costello's own inaccurate comments about Sharia are a manifestation of distorted perceptions. Instead of criticising inevitable and understandable ignorance, Muslim leaders need to educate the community about their faith and values.

The Koran teaches that when giving charity, give of things you value. Australians have followed this Koranic teaching by sharing with Muslim migrants so much they value - wealth, jobs, education and greater liberty to practise Islam than exists in most Muslim countries. Muslims too must share what they treasure - their religious and ethical values. If Aussie Muslims do not share their faith with their countrymen, how can they blame the rest of Australia for not understanding them?

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