

Australia Seeks to Ban Islamic Symbols

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On the 14th June 2023, the Australian Government, through the Federal Attorney General, announced further reforms to the Anti-Terrorism legislation. The draft Bill creates new offences for accessing and sharing 'violent extremist material online', widens the definition of the offence related to 'advocating terrorism' to include mere 'intimidation' even towards a foreign state, and introduces the focal point of this new legislation; that of making it a criminal offence to publicly display Nazi and "Islamic State" symbols or trade in items bearing these symbols.

There has been some mention in recent weeks that such a legislation was about to be introduced, though all commentary focussed on Nazi symbols. There have been a few cases in Australia where white-supremacy groups have been publically parading the Nazi flag which contains the Nazi hakenkruz (or the hooked cross). The symbols were at times displayed near synagogues and one incident showed a group of Australians holding the Nazi flag and threatening violence towards the Jews in Australia. The government says that the legislation is aimed at maintaining "Australia's harmonious, multicultural and democratic society" by banning public displays of "symbols of hatred, violence and racism".

It came as a surprise to many, especially given there were no recent indications, that what the government referred to as the "Islamic State" flag (referring to the flag used by ISIS) was also included specifically in the proposed ban. More telling was the mention that what was also banned is any symbol that "so nearly resembles the IS flag... or can be mistaken for one".

It is well known that the flag used by the "ISIS" group contains symbols that are dear to Muslims. It contains the Shahadah in the depiction of the Seal of the Prophet and is set on a black background, the same colour used by our beloved master and Prophet Muhammad (saw).

At-Tirmidhi and Ibn Majah have narrated on authority of Ibn Abbas who said: **«كَانَتْ رَايَةُ رَسُولِ اللَّهِ ﷺ سَوْدَاءَ وَلَوَاؤُهُ أَبْيَضَ»** ***"The flag of Prophet Mohammad (saw) was black, and his banner was white"***.

And in another narration on the authority of Ibn Abbas (ra): **«كَانَ مَكْتُوبًا عَلَى رَايَتِهِ لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ»** ***"It was written on the flag of the Prophet (saw): La Ilaha Illa Allah, Muhammad Rasul-Allah"***.

In effect, what the government has implied by including the black flag with the Shahadah inscribed on it, is that it also represents all the things they accuse the Nazi flag of being. This is a charge that the Muslims would obviously reject in the strongest of terms.

The arguments to justify the ban are completely flawed. In the context of their own values many experts in law have argued that simply having objectionable political or religious views is not sufficient grounds for police or intelligence agency action. One has to demonstrate that the threshold into acting on those beliefs in a violent way

has been crossed. Further, the use of a symbol in acts of terrorism by a small group can not be extrapolated to mean that this is the only use of the symbol, especially if that insignia is commonly used by others. The irony of course is that the Australian flag or other Australian symbols like the Southern Cross has been associated with violent and racist extremism. Interestingly there is a provision in the draft Bill that states that if the symbol is used for religious purposes then the ban does not apply to it. The example mentioned in the government's press release and in legislation is that of the swastika which is of spiritual significance to religions such as Hinduism and Buddhism. But there was no such mention or defence applied to Islam and Muslims. And so it remained unclear whether such a defence would be relevant to the Muslims. The hypocrisy here is glaring.

What is in fact occurring, is that the Labor government, which presents itself as 'Muslim-Friendly' is continuing where the previous Conservative government left off; continuing the policies of the "war on terror" which everyone knows is a war on Islam and Muslims. There has been pressure in other parts of the world against the flying and adoption of the Messenger's Raya for it signifies a just political and ideological challenge to the current capitalist and secular world order led by America. Australia being a mere satellite in America's orbit had blindly followed and adopted "the war-on-terror" agenda of the last 20 or so years. Western governments have resolved to pacify the Muslims in their countries such that the Muslims see themselves as separate from the rest of the Ummah. At times the governments employ soft power by encouraging the Muslim community to define a unique "Islam in the Australian context" and providing them with resources and positions in this pursuit. And at times the government employs hard power such as these extended "anti-terror" laws and their associated negative propaganda. The proposed banning of the flag should be seen in this light, namely: distancing the Muslim in the West from the Islamic obligation of leading humanity with the justice and mercy of Islam through the establishment of the Islamic political entity, the Khilafah (Caliphate).