



Australian Government
Classification Review Board

19, 20, 23 June 2006 & 3, 5 July 2006

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Mr Rob Shilkin
Mrs Kathryn Smith
Mrs Gillian Groom
Ms Ann Stark
Mr Anthony Hetrih

APPLICANT: Commonwealth Attorney General, the Hon Philip Ruddock
MP, not represented.

INTERESTED PARTIES: NSW Council for Civil Liberties.

BUSINESS: To review the Classification Board's decision to classify the publication *The Qur'anic Concept of War* 'Unrestricted' (M15+).

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) in a unanimous decision classified the publication *The Qur'anic Concept of War* 'Unrestricted'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. Section 9 of the Act provides that publications are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a film or publication include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the publication or film; and
- (c) the general character of the publication or film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

Three essential principles underlie the *2005 Guidelines for the Classification of Publications* (the Publication Guidelines), determined under s.12 of the Act:

1. The importance of context;
2. Assessing impact; and
3. Six classifiable elements – themes, violence, sex, language, drug use and nudity.

3. Procedure

The Review Board convened on 19 June 2006 in response to the receipt of an application from the Attorney General, the Hon Philip Ruddock MP, (the Applicant), dated 5 June 2006.

The original application for classification of the publication was lodged by the Australian Federal Police on 15 December 2005 (application reference L05/1459). The Classification Board classified the publication as ‘Unrestricted’ M (15+) (Not recommended for persons under 15 years) on 22 December 2005.

At its meeting on 19 June 2006 seven members of the Review Board received an oral submission from Mr Drew Kovacs representing the New South Wales Council for Civil Liberties, this was provided in addition to their written submission. The Review Board then deliberated ‘in camera’ on 20 and 23 June 2006 and again on 3 July 2006.

The Review Board on 5 July 2006 convened a final time to consider the substance of the application and, after careful consideration of all of the issues, determined that the publication be classified ‘Unrestricted’.

4. Evidence and other material taken into account

In reaching its decision the Review Board had regard to the following:

- (i) The Attorney General’s application for review;
- (ii) The NSW Council of Civil Liberties’ written and oral submissions;
- (iii) The Publication *The Qur’anic Concept of War* (L05/1459);
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act;

- (vi) The Classification Board's report; and
- (vii) The *2005 Guidelines for the Classification of Publications*.

5. Synopsis

This 193-page book is an historical, academic-style text that discusses how battles were fought in the name of Islam including the Persian invasion of North Africa and Eastern Europe in 610-616 AD. It examines the Qur'anic concepts and strategies used in these battles.

6. Findings on material questions of fact

Classifiable elements

There are no references to nudity, sex, drug use or coarse language in the book. The descriptions of violence are muted and are written in a military context. The treatment of themes is set in an historical context, is not offensive and has a mild impact.

The book is largely an historical study, in academic style, of past events involving battles in which Muslims have been involved and does not promote, incite or instruct in matters of crime or violence.

The preface sets the tone of the book:

“The Muslims when they are engaged in fighting are not to transgress the limits within which war is allowed to be waged and, in principle, they are not to be cruel or become revengeful.”

“In Islam, the believer is admonished to invite non-believers to the fold of Islam by employing the power of his persuasion and by using beautiful methods in extending the invitation to them to accept Islam.”

“Since the motto of a believer is ‘La Ikraha Fiddin’, war is not the way to secure conversions to Islam.”

In the introduction the author writes:

“The Holy Quran does not interpret war in terms of narrow national interests but points towards the realisation of universal peace and justice. It provides an in-built methodology for the attainment of this purpose. The methodology makes maximum allowance to its adversaries to co-operate in a combined search for a just and peaceful order.”

In the book's Summary of Major Conclusions:

“The Quranic approach to war is not narrow and one sided; its causes, and effects, embrace the entire human race. According to the Book, war is waged to end repression and to obtain immediate conditions of justice and peace. The Holy Quran provides a practical and workable methodology for the implementation of this aim. The methodology is liberal and broad-based; it makes maximum allowance to the opponent to cooperate in the restoration of peace. When permitted, war aims at preserving and promoting, and not destroying, the human dignity and values.” (page 143)

“The Quranic philosophy of war is immensely rich in its moral and humanitarian contents.” (page 143)

“Here then is a philosophy of war that is supreme and distinctive in all its angles and aspects.” (page 146)

Promotion, incitement or instruction in matters of crime or violence

The book is not in any way written as a call to arms for Muslims. It is descriptive of ancient Islamic history and theory. There is limited detail and does not have the objective purpose of promoting crime or violence. Accordingly, it does not promote, incite, or instruct the matters of crime or violence.

7. *Reasons for the decision*

This is a book written by Brigadier S.K. Malik and comprises primarily a military analysis of numerous historical battles that Muslims have fought, in the time of Mohammed. There is no reference to any modern events.

The book explains how the Qur’an regulates war - dealing with the legitimate causes of war, the nature and dimensions of war and the strategies of war. The book describes battles between standing armies and does not deal with asymmetric war, guerrilla fighting or terrorist acts.

8. *Summary*

The book is an academic - style publication which, although dealing necessarily with a violent subject (war), outlines a framework for the moral conduct of war between standing armies from an Islamic perspective.

In light of the impact of the classifiable elements, and the absence of any promotion, incitement or instruction of crime or violence the book falls within the "Unrestricted" classification. The decision of the Review Board was unanimous.