

Sydney University Adopts Law Courses Pushing For Recognition Of Sharia Law, Polygamy And Young Marriage In Australian Legal System



Associate Professor Salim Farrar

The most prestigious law school in Australia has two courses which call for elements of sharia law to be recognized in the mainstream legal system - including allowances for polygamy and lowering the age of consent.

One of the Sydney University courses, Muslim Minorities And The Law, is taught by Salim Farrar and Dr Ghena Krayem and it uses a book the pair wrote as "the monograph upon which the unit of study bases its teaching".

The Daily Telegraph can reveal the book claims "sharia and common law are not inherently incompatible" and that police's failures to accommodate Islamic religious identity during operations was hampering the fight against Islamist terrorism.

The book also takes aims at judges for denouncing "conservative Muslim values" during sentencing.

"Where found guilty of transgressing Western values, for example in gender equality, or violating national security, courts have clearly communicated their denunciation of 'traditional' or conservative Muslim values when sentencing, dispensing exemplary sentences and announcing aggravating factors, even when the written law does not explicitly demand it," it says.

The idea of mixing sharia law with Australian law has been criticized by the legal fraternity and Islamic leaders, who said the "division between religion and courts" must be upheld. However, the authors say when it comes to the law "we will suggest that 'accommodation' is not enough and that, as liberal democratic societies, we should move towards a notion of 'recognition'."

The authors also call for research into whether polygamy should be legally recognized.

In a chapter on Islamic Family Law, the authors say a man has the "exclusive" right to divorce his wife and states that sharia does not recognize minimum age in marriage.

"There is no minimum age for a contract of marriage, but it should not be consummated if that would cause harm to the putative spouse."

It also criticized the Australian legal system for not recognizing the religious significance of paying a woman a fee to marry her, a practice known as mahr.

Law Society of NSW president Pauline Wright said universities were "places of ideas and should be exploring them but having said that in terms of the law - in my view - all Australians should be subject to the same law.

