

The Ummah: Guardian of Muslims in an Age of Weakened Citizenship Rights[♦]

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Abstract

As Islamophobia becomes entrenched as the global “new normal,” there is an increasing need for Muslim solidarity to protect the rights of Muslims. Not only are Muslim refugees fleeing from armed conflict or systemic human rights violations at risk, but also Muslim minority communities. Many of them are excluded from mainstream society despite having legal citizenship. This article argues for a new, reconceptualized ummah that will provide effective protection for the rights of Muslims globally. It puts forward two proposals to that aim, including an international structure for advocating for the rights of Muslims internationally, as well as a radical rethinking of how countries view citizenship and migration. Muslim unity may appear difficult in the modern international system of sovereign nation states, but the obstacles are not insurmountable.

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Introduction

In a global context of accelerating Islamophobia, more and more Muslims are forced into a situation where they lack meaningful access to rights protection. This includes not only refugees who are forced to flee as refugees from armed conflict or human rights violations, but, more and more, also Muslim minorities who, even with legal citizenship, find themselves excluded from society. Though citizenship in a nation state has traditionally meant equality in at least a legal sense, states are defining citizenship in increasingly exclusionary ways, with the intent of ostracising Muslims and removing them from the community—either socially, or even literally.

It is submitted that Muslim unity, in the form of a new, reconceptualised ummah, is needed to provide effective protection for the rights of Muslims globally. At least after the first days of Islam, the ummah has never existed as a political entity, and has been only a spiritual community, if not a mere aspiration. Muslim unity may appear difficult in the modern international system of sovereign nation states pursuing mutually exclusive interests. However, the obstacles are not insurmountable, and there are precedents. The question, at the end of the day, is one of political will.

Islamophobia and the Weakening of Citizenship Rights

Global Islamophobia has become particularly pronounced since the terror attacks on New York on 11 September 2001, after which the ‘clash of civilisations’ narrative popularised by Huntington became the prism with which to view not only

international affairs but the world in general. Muslim majority countries (and ‘Islam’ itself) are portrayed by governments and media outlets as barbaric, backward, and the enemy of civilisation.¹

Immediately after the 9/11 attacks and the start of the global war on terror, the main concern as expressed by governments was the need to combat terrorism. Together with the demonisation of Muslims came the treatment of Muslim minorities as a potential fifth column, to be viewed with suspicion. In many countries, Muslim residents have been targeted by special surveillance² and questionable ‘counter radicalisation programmes’ that clearly problematise Muslim communities,³ despite condemnation from the United Nations (UN) human rights bodies of practices such as ethno-racial profiling in law enforcement.⁴

However, the discourse soon shifted from one focusing on counter terrorism to a much broader, nebulous one emphasising the need to ‘protect Western culture’. What has quickly become

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1. See S. Sayyid and AbdoolKarim Vakil ed., *Thinking Through Islamophobia: Global Perspectives* (London: Hurst, 2010); Peter Morey and Amina Yaqin, *Framing Muslims: Stereotyping and Representation* (Cambridge: Harvard University, 2011); Arun Kundnani, *The Muslims Are Coming: Islamophobia, Extremism, and the Domestic War on Terror* (London: Verso, 2015); Sarah Bracke and Luis Manuel Hernández Aguilar, “‘They love death as we love life’: The ‘Muslim Question’ and the Biopolitics of Replacement” *The British Journal of Sociology* 71, no. 4 (2020): 680–701.
 2. See Yaser Ali, ‘Shariah and Citizenship—How Islamophobia Is Creating a Second-Class Citizenry in America’ *California Law Review* 100, no. 4 (2012) 1027–1068; Deutsche Welt, ‘German intelligence chief: around 90 mosques “under surveillance”’, 2 May 2016; American Civil Liberties Union, ‘Raza v. City of New York—Legal Challenge to NYPD Muslim Surveillance Program’, 3 August 2017; Saul Takahashi, ‘Muslim Surveillance in Japan: A Narrative Aimed at Trivialization’ *Islamophobia Studies Journal* 4, no. 2 (2018): 195–209.
 3. See Jytte Klausen, ‘British Counter-Terrorism After 7/7: Adapting Community Policing to the Fight Against Domestic Terrorism’ *Journal of Ethnic and Migration Studies* 35, no. 3 (2009): 403–420.
 4. Mutuma Ruteere, *Report of Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and related Intolerance*, Office of the United Nations High Commissioner for Human Rights (2015), para.19.

the dominant narrative is essentially as follows: Muslim migrants to the West bring backward, even barbaric values from their Islamic culture, such as a refusal to accept the rights of women or sexual minorities, and a rejection of freedom of expression and religion. These values are alien to the clearly superior values of reason, tolerance, and freedom that are core to Western civilisation. To protect advanced Western culture, Muslim migration must be stopped (or at least better controlled), and Muslims living in our countries must be forced to live in accordance with what the dominant group terms are ‘Western values’. Those who cannot integrate in this way should leave.

The multiple fallacies of this narrative have been deconstructed elsewhere. Nevertheless, it remains pervasive, and many countries have succumbed to moral panics over issues such as Muslim women wearing veils or modest swimwear; Muslim families requesting halal options in school meals; and the ‘problem’ of Muslim women refraining from shaking the hand of officials in ceremonies awarding citizenship.⁵ In his work on Denmark, Hervik argues that what is behind these panics is a sense amongst the population of powerlessness and anxiety stemming from the major political, social, and economic changes that have taken place since the end of the Cold War.⁶

A growing number of countries have adopted laws banning Muslim veils in public spaces, and impose legal penalties for women who fail to comply. This is despite the fact that, in most of those countries, the number of women actually wearing the veil is miniscule.⁷ Though, as the liberal legal framework requires,

5. Yahya Birt, “Governing Muslims after 9/11”, in Sayyid and Vakil ed., supra at 117– 127.

6. Peter Hervik, *The Annoying Difference: The Emergence of Danish Neonationalism, Neoracism, and Populism in the Post-1989 World* (New York: Berghahn, 2011), 29, 31.

7. Rikke Andreassen, “Take Off that Veil and Give Me Access to your Body: An Analysis of Danish Debates about Muslim Women’s Head and Body Covering”, in *Gender, Migration and Categorisation: Making Distinctions between Migrants in Western Countries, 1945-2010*, Marlou Schrover and Deirdre M. Moloney ed. (Amsterdam: Amsterdam University, 2013),

these laws tend to be phrased in neutral language, it is clearly understood by the general public (and often clearly stated by politicians and government actors) that they are meant to target Muslims. Several petitions on these issues have been submitted to the European Court of Human Rights over the years, but the Court had consistently sided with the restrictive practices of governments until 2018, when they upheld the right of the petitioner to appear in a civil court wearing a headscarf. This judgement has been noted as ‘an important step in European protection of the human rights of Muslim women,’⁸ but it remains to be seen whether it is indicative of a general shift in the Court’s approach.

Core to this discourse is a fundamental shift in the concept of citizenship. Citizenship has always been based on the notion of a shared bond, which generally involved ethnicity (Volk), religion, and particular cultural aspects that were viewed as common. Citizens were expected to share a strong sense of common destiny, and to have sole, exclusive allegiance to their nation.⁹ This inevitably meant that minority communities who had strong ties with other states, who with a transnational community, were not true citizens, and their loyalty were suspect—such as Jews and Muslims. Over time, however, states started to adapt a more liberal basis for membership of the community. Criteria for obtaining citizenship evolved into largely (though rarely solely) objective, civic criteria such as length of residence, generally

215–229; Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge: Harvard University, 2015); Open Society Foundations, *Restrictions on Muslim Women’s Dress in the 28 EU Member States: Current Law, Recent Legal Developments, and the State of Play* (New York: Open Society Foundations, 2018).

8. Simon Cox, ‘Case Watch: A Victory in Europe for Muslim Women’s Right to Wear a Headscarf’, Open Society Justice Initiative, 2018 at <https://www.justiceinitiative.org/voices/case-watch-victory-europe-muslim-women-s-right-wear-headscarf> (last accessed on 17 July 2020).
9. Patrick J. Charles, “Representation without Documentation: Unlawfully Present Aliens, Apportionment, the Doctrine of Allegiance, and the Law,” *BYU Journal of Public Law* 25, no. 1 (2011): 35–86.

allowing for greater diversity in the community.¹⁰ The liberal framework of citizenship evolved as one tool to ensure that minorities had equal rights, since, if not always in practice, citizenship at least provides for equal protection in law.

However, within the context of global Islamophobia, there is currently a clear trend towards weakening, or even abandoning, this liberal framework of citizenship, and moving towards a highly exclusionary one. In simple terms, Muslim minorities are no longer simply subject to discrimination in practice, but in law and in policy, in an overt manner that would have been inconceivable before.

Most of the academic literature on citizenship-related issues concentrates on the deprivation of citizenship, and the legal (and practical) ramifications that has on the rights of persons.¹¹ Those issues are also important, and they are also disproportionately affecting Muslim populations—from the targeted revoking of citizenship by Western countries of Muslims accused of terrorist related offences¹² to laws and practices targeting Muslims *en masse*, for example in Myanmar and India.¹³ However, there is also another, arguably more insidious trend, in which citizenship no longer provides even the pretence of equal rights.

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10. Émilien Fargues and Elke Winter, “Conditional Membership: What Revocation Does to Citizenship”, in *Citizenship Studies* 23, no. 4 (2019): 295–303.
 11. Rhoda E. Howard-Hassmann and Margaret Walton-Roberts ed., *The Human Right to Citizenship: A Slippery Concept* (Philadelphia: University of Pennsylvania, 2015).
 12. Sandra Mantu, “‘Terrorist’ Citizens and the Human Rights to Nationality’, in *Journal of Contemporary European Studies* 26 no. 1 (2018): 28–41.
 13. See Independent International Fact-Finding Mission on Myanmar, *Report of the independent international fact-finding mission on Myanmar*, 12 September 2018, Office of the United Nations High Commissioner for Human Rights; Paula Thompson, Rhonda Itaoui, and Hatem Bazian, *Islamophobia in India: Stoking Bigotry* (Berkeley: Islamophobia Studies Center, 2019).

The Danish Case

One country exemplifying such a trend is Denmark, where open problematising of Muslims and Islam itself has continued in government policy and popular discourse. Ozcan and Bangert note that the sheer ‘concept of Islam and the mentioning of Muslims has been presented as in contradiction with the unity of Danish society.’¹⁴ Examining Danish regulations that make it extremely difficult for Danes from ‘non-Western’ backgrounds to bring foreign spouses to the country, Stokes-DuPass notes that ‘Although people holding Danish citizenship are, in most respects, equal before the law, [these] rules and regulations have established a hierarchy among citizens according to which, based on an assumption of “true” belonging, some citizens have certain rights that others do not.’¹⁵

A stark example of this is the batch of policies known collectively as the ‘ghetto’ policies—openly discriminatory policies that Ozcan and Bangert argue are indicative of Denmark’s slide from a democracy to an ethnocracy.¹⁶ Since 2010, areas in Danish cities with over 1,000 residents that fulfil various criteria have been officially designated as ‘ghettos’, justifying special state intervention. The criteria for being designated a ‘ghetto’ are related to social ills, such as a high unemployment rate and high crime. However, in 2018, the government announced that an area would only qualify as a ‘ghetto’ if over half of its residents were from ‘non-Western’ countries, in addition to fulfilling social criteria.¹⁷ There is, therefore, a clear problematising of people from ‘non-Western’ countries—read: Muslims. Though a bill

14. Sibel Ozcan and Zeynep Bangert, “Islamophobia in Denmark: National Report 2018” in Enes Bayraklı and Farid Hafez ed., *European Islamophobia Report 2018* (Istanbul, SETA, 2019), 258.

15. Nicole Stokes-DuPass, *Integration and New Limits on Citizenship Rights: Denmark and Beyond* (London: Palgrave MacMillan, 2015), 64.

16. Ozcan and Bangert, “Islamophobia,” 258.

17. Danish Economics and Interior Ministry, *Redegørelse om parallelsamfund* (2019), 111.

introduced by the government in early 2021 would remove the overt ‘ghetto’ label, policy statements still openly target ‘non-Western’ migrants as a problem to be solved: indeed, the government announced in March 2021 that it intended to ensure that no more than 30 per cent of ‘ghetto’ residents should be from a ‘non-Western’ background within ten years.¹⁸

Key in the discourse is the notion of ‘parallel societies’: that people from ‘non-Western’ countries are creating closed societies within Denmark where so called ‘shari‘ah law’ rules and Danish values are ignored. Nowhere is ‘parallel society’ clearly defined with any objective, meaningful criteria: indeed, the government admits that it is ‘difficult to identify with great precision’ and that any ‘statistics are subject to inherent uncertainty.’¹⁹ Data published in a 2019 government paper on the subject even shows that, while first generation immigrants have a lower participation in the workforce or full time education than that of indigenous Danes, the difference is almost negligible in subsequent generations.²⁰ Nevertheless, the government insists that ‘parallel societies’ constitute a ‘threat to our modern society, a place where freedom, democracy, equality and tolerance are not accepted as fundamental values, and where rights and duties do not go together.’²¹ The government stresses that it must eradicate ‘parallel societies’, so that ‘Denmark shall be Denmark again.’²²

The government states that attendance in daycare should be mandatory for all children of ‘ghetto’ residents from the time they turn one year of age, so that they are taught Danish values. Parents who refuse to enrol their children in daycare (the government claims ‘there are ... parents in parallel societies that do not take responsibility’ for their children) should be

18. *The Guardian*, “Denmark Plans to Limit ‘Non-Western’ Residents in Disadvantaged Areas” (17 March 2021).

19. Danish Economics and Interior Ministry, *Redegørelse*, 10.

20. *Ibid* at 29–30.

21. Danish Government, *Ét Danmark uden Parallelsamfund* (Copenhagen: Government of Denmark, 2018), 5

22. *Ibid*, 6.

deprived of childcare benefits.²³ Besides mandatory daycare, the government also calls for prohibiting what it calls ‘re-education trips’. Though nowhere defined, the idea appears to be that parents from ‘non-Western’ backgrounds often send their children back to ‘their’ country for extended periods of time, and the children are re-socialised in backward ‘non-Western’ norms. The government has decided that such travel ‘exposes the child’s health and development to grave danger.’²⁴

Particularly striking is the distinction drawn by the government, and in popular discourse, between residents with a ‘non-Western’ background, on the one hand, and simple ‘Danes’ on the other. Needless to say, many of the people that are targets of the ‘ghetto’ policies are Danish citizens, many even from birth—a fact readily admitted by the government. However, citizenship in a legal sense is irrelevant, since ‘they’ are inherently different. As noted by Stokes-DuPass, ‘powerful, manufactured notions of Danish identity are used to underscore a fixed boundary ... an individual can formally be a Danish citizen, but this juridical status in itself is no guarantee that one has the same rights or levels of social acceptance as other citizens perceived as “truly” Danish.’²⁵ ‘They’ are not—and presumably can never become—‘real’ Danes.

The Ummah as Guardian of Muslim Rights

Denmark is but one example of a global trend, in particular in Western countries. The entire concept of citizenship is in flux, with liberal criteria for membership in the national community increasingly being replaced with exclusivist notions based on vague ideas of culture. These criteria are clearly geared to ensuring that Muslims (and other minorities) are excluded. More and more the citizenship offered to Muslims in countries where

23. Ibid, 25, 28.

24. Ibid, 29.

25. Stokes-DuPass, *Integration and New Limits on Citizenship Rights*, 136.

they are a minority is arguably analogous to what Molavi calls the ‘stateless citizenship’ of Palestinians with Israeli citizenship:²⁶ a framework that is inherently exclusionary of them. Muslims are in need of a protector: a power that will advocate for their rights, and provide them with protection.

Within this context, it is submitted that Muslims worldwide should revisit the concept of the ummah, the universal brotherhood connecting all Muslims. The ummah must be reconceptualised, not only to be a viable actor in the current international framework of nation states, but to transcend that framework, and, in the long term, bring about a fundamental change in international relations.

Much advocacy for Muslim unity has been done, as a response to Western imperialism and, in the current day, neo-colonialism and global Islamophobia. Most of that advocacy is based on the idea that the ummah was unified as a political entity in the past, but because of outside (Western) interference, infighting, and/or internal treachery, was destroyed by outside forces. Qutb is typical in referring to the ‘great Islamic Society, Arabs, Persians, Syrians, Egyptians, Moroccans, Turks, Chinese, Indians, Romans, Greeks, Indonesians, Africans were gathered together—in short, peoples of all nations and all races.’²⁷ The need for a revival of ‘Islamic civilization’ and a return to the era of unity and strength is a common narrative, and follows a familiar path of ‘national myths’: a golden era, a betrayal that led to the downfall of the forces of good, and the need to return to a glorious path. Of course, this narrative is not necessarily accurate,²⁸ and there is no shortage of examples of Muslim countries prioritising national objectives, not only historically, but in the current day: cases in point include current armed conflicts between Muslim states and varying postures on Palestine and that of the Uyghur people in China.

26. Shourideh C. Molavi, *Stateless Citizenship: the Palestinian-Arab Citizens of Israel* (Chicago: Haymarket, 2013).

27. Seyyid, Qutb, *Milestones* (London: Dar al-Il, 1964), 49.

28. See Cemil Aydin, *The Idea of the Muslim World: a Global Intellectual History* (Cambridge: Harvard University, 2017).

An international institution does exist to represent the ummah and to transcend narrowly defined national interests, namely the Organisation of Islamic Cooperation (OIC). Headquartered in Jeddah, the OIC brands itself the ‘collective voice of the Muslim world’ and, with 57 member states, is the second largest international organisation in the world (after the United Nations—the UN).²⁹ The OIC discusses issues relevant to Muslim countries as a collective, and engages in lobbying, including at UN fora. Nevertheless, the OIC is subject to wide ranging criticism within and without the Muslim world for its lack of effectiveness, certainly in the protection of the rights of Muslims. Blitt notes: ‘OIC generally has had limited success placing communal interests above the realpolitik interests of its individual member states. ... From this admixture, wealthy and traditionally conservative states—with Saudi Arabia as the vanguard—emerged with primary control over the organizational reins of power and influence.’³⁰ The OIC, therefore, is constrained by its reliance on the state-based, international system, and is not able to perform the role of uniting Muslim voices and advancing Muslim interests, at least in a consistent manner. Though it purports to speak for the ummah, it is at its core a grouping of sovereign states, which, like at the UN, use the forum of the OIC to further their national interests.

On the other hand, concerted action has been taken by Islamic states against violators of Muslim rights. In November 2019, Gambia filed a case against Myanmar (with the support of the OIC) at the International Court of Justice, for the large scale campaign of genocide against the Muslim Rohingya people, whom the government had deprived of citizenship since the

29. Organisation of Islamic Cooperation, “History,” at https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en (last accessed on 13 October 2021).

30. Robert C. Blitt, “Equality and Nondiscrimination through the Eyes of an International Religious Organization: The Organization of Islamic Cooperation’s (OIC) Response to Women’s Rights.” *Wisconsin International Law Journal* 34, no. 4 (2017): 755–822, 758.

1980s.³¹ The case is ongoing, but the mere fact it was lodged is arguably important in showing the potential of Muslim solidarity.

Located in the westernmost part of Africa, Gambia is many thousands of kilometres away from Myanmar, and has little contact with either Myanmar or the Rohingya. One may argue that it is precisely this lack of a direct interest that has enabled the country to play lead on this issue, or that Myanmar hardly has the political weight of China or a US-supported Israel. Nevertheless, the Rohingya case sets an important precedent, showing that, when the situation allows, the ummah can exist as a political entity, and can take action for Muslim rights. The mere fact that the ummah has never functioned in that way, at least on a consistent basis, does not mean that it never can. What is required is a rethinking of what the ummah should look like, and the framework and institutions that need to be built.

Some scholars have already started this process, arguing for a humanitarian vision of the ummah: for example, Abou El Faldl states his ‘aspiration ... that Muslims would investigate their own moral tradition to help construct humanitarian paradigms that elevate international moral trajectories rather than simply acquiescing and rubber-stamping vague doctrines produced by nation-states in search of their own national interests.’³² Bachtiar goes even further, arguing that the ‘concept of *Ummah* should be interpreted as a modern concept of inclusive cosmopolitan-humanitarian solidarity that [emphasises] values of liberalism, pluralism, democracy, human rights and sustainable development.’³³ Though these views of the ummah as a universal entity (as opposed to one confined only to Muslims) may at first seem paradoxical, Li’s important insights from her work on foreign Muslim volunteer fighters in Bosnia shed light on the

31. Independent International Fact-Finding Mission on Myanmar.

32. Khaled Abou El Fadl, “Islamic Ethics, Human Rights and Migration,” in Ray Jureidini and Said Fares Hassan ed., *Migration and Islamic Ethics: Issues of Residence, Naturalization and Citizenship* (Leiden: Brill, 2020), 25.

33. Hasnan Bachtiar, “Towards a Progressive Interpretation of *Ummah*,” in *Indonesian Journal of Islam and Muslim Societies* 8, no.1 (2018): 87.

interplay between the universal and particular. She notes that the ummah is a ‘universalist project’ in that it ‘includes some people and treats all others as theoretically capable of incorporation. ... For those who travelled to fight in Bosnia, Islam ... carried a message for all of mankind. In this view, the ummah is both the subset of humanity that has accepted Islam as well as humanity’s ultimate horizon through the possibility—however remote or hypothetical—of conversion.’³⁴

It is also crucial to note that while governments of Islamic countries have (like governments of non-Islamic ones) historically focused on narrowly conceived national interests, that is not necessarily the case with normal Muslims. Merdjanova notes that while ‘the rhetoric of the global ummah operates in continual tension with the lived experience of intra-Islamic differences, and particularly of national and ethnic loyalties’, the ummah nevertheless ‘is perceived by Muslims as real’, and interacts with national identities and loyalties in a multitude of ways.³⁵ Li also shows how the conflict in Bosnia built on Muslim solidarity to ‘[draw] its authority for violence from outside the state system’.³⁶

Much thinking needs to be done to crystallise these issues, but while long term visions are clearly vital, proposals for steps that can be taken in the short to mid-term are also important. In the immediate term, concrete ideas would need to be rooted in the current international system; however, Muslims can and should look towards creating a new entity that, in the long run, will transcend the current system of nation states, and act as a guardian for Muslim rights globally. Specifically, this would involve two parallel endeavours: creating a system for the effective protection of Muslim refugees who manage to flee to Muslim countries; and advocating forcefully for Muslim

34. Darryl Li, *The Universal Enemy: Jihad, Empire, and the Challenge of Solidarity* (Stanford: Stanford University, 2020), 14, 15.

35. Ina Merdjanova, *Rediscovering the Umma: Muslims in the Balkans between Nationalism and Transnationalism* (Oxford: Oxford University, 2013), 55, 56.

36. Li, *The Universal Enemy*, 174.

minority communities who are under threat in their current countries, but are unable (or do not wish to) flee. Following are some proposals for advancing towards those goals.

Citizenship and Freedom of Movement in the Ummah

International legal standards protecting the rights of refugees and other migrants are sorely inadequate, with people—the bulk of whom right now are Muslim—being unable to access protection. The institution of citizenship is also being weakened, with Muslim minority communities often the target of exclusionary frameworks designed to reject them from full membership in the community. A new ummah can and should act as a counterforce to these trends, and put forward a more inclusive form of citizenship—a Muslim citizenship that would allow access to safety for all believers.

The obvious example of a transnational community that has made great advances is the European Union (EU). Though the free movement of goods, services, and capital is often pointed to as one of the great achievements of the EU, the truly monumental achievement has been the other pillar of the common market, namely the free movement of people. Any citizen of an EU member state has the right not just to travel, but to move, live, and work in any country of the EU—rights normally reserved only for citizens of that state. There remains no pan-European, EU citizenship in a legal sense: each member state retains the sovereign right to dictate its own criteria for its citizenship. However, free movement is a fundamental principle of the EU, and is a core element of the free market. In addition, freedom of movement has arguably contributed to a significant shift in discourse within the EU, towards greater recognition of a common destiny and, perhaps, eventual political unity.

It is submitted that, as not only a measure aimed at protecting Muslims worldwide, but also a major step toward meaningful unity, Muslim countries should issue common travel documents, providing for freedom of movement amongst

them. As within the EU, holders of these documents—i.e. any citizen of an Islamic bloc country—would be allowed to enter, to reside, and to work in any other Islamic bloc country. In the immediate term at least, this need not be citizenship as such: nationals of Malaysia, for example, would remain Malaysian, but they would have the right to live in Bangladesh, Saudi Arabia, Turkey, or any other Muslim country they wish. They would have equal rights, and equal duties, as nationals of the host country (with the possible exception of the right to stand for, or to vote, in national elections): most importantly, they would not be subject to restrictions related to permission to enter or stay in the country. Refugees from Islamic countries would automatically be eligible for protection in any other Muslim majority nation, not as a refugee under the 1951 Refugee Convention with the limited rights that entail, but simply as a citizen of the community. Borders within the Islamic bloc would, for most practical purposes, cease to exist. This is the case in the EU, and while progress has not been linear, there is little doubt that the EU is moving toward a form of common citizenship that will transcend individual states.

Of course, to benefit from freedom of movement within the EU, one has to be a citizen of a member state, meaning those rights are tied to the current institution of citizenship. The ummah is a spiritual community of believers in a universal religion, and there are Muslim minority communities in all countries, many (probably most) of whom do not hold citizenship of a Muslim state and who, therefore, would fall out of the scope of freedom of movement. A failure to address this issue would defeat one of the main purposes of the new ummah, namely to protect the rights of all Muslims.

Therefore, it is submitted that Muslims in any country, including those with no national or familial links to Islamic countries, should also be welcomed as full-fledged members of the ummah, and be provided with the same freedom of movement as other members. This is surely the most revolutionary element of this proposal, since it requires a Copernican shift away from

citizenship based on ties with a modern nation state, and a reconceptualisation of who is entitled to membership of the community. There are analogous precedents: for example, in 2020 the United Kingdom (UK) announced that Hong Kong residents with the British National Overseas travel document would be able to enter and live in the UK with only a minimum of restrictions. Likewise, ethnic Indians living in most other countries are eligible for the Overseas Citizen of India document, which allows them to live and work in India indefinitely. Historical or ethnic ties are required in those examples, but the point is that they both go beyond traditional frameworks.

Many practical issues also come to mind: what body would recognise an individual as a ‘true’ Muslim? Is that notion even acceptable in terms of Islamic ethics? If it is in principle, what criteria would be examined? Should reciting the *shahadah* with two witnesses be sufficient, or should there be other requirements, for example, a designated period of study? Given the many differing schools of interpretation on these issues, they would necessarily be contentious. Nevertheless, the obstacles are not insurmountable. At the end of the day, the question is one of political will.

In addition, there are potential pitfalls, not the least being that non-Islamic states could advance even more exclusionary policies. Western countries could potentially refuse protection to Muslim refugees, saying the refugees could find protection in a Muslim country. That would be little different from what many are doing now, and would still be a violation of their international commitments, but arguably there could be an increased impetus for them to shirk their obligations. States could strip the citizenship of Muslims with greater abandon (though it should be noted that did not happen in the case of Jewish minorities in most countries when the state of Israel was created in 1948). For its part, Israel would surely seize the opportunity to expel Palestinians, arguing that they could move freely to a neighbouring Islamic country.

The above are issues that require serious consideration. However, it is submitted that the bloc should not refrain from taking steps towards greater unity, simply because of abusive practices by other states. Countries that wish to exclude Muslims will, unfortunately, find ways to do so. In the absence of means to prevent that, the first obligation of the Islamic bloc should be to protect other members of the ummah, and to provide them with a safe haven if necessary.

Advocating for Universal Human Rights

The second proposal, one that is more easily realisable in the short term, is to create a body that will work in an effective manner on the international stage to advocate for the rights of Muslims. Much scholarly work has been done about the compatibility (or purported lack thereof) of international human rights standards and Islamic law.³⁷ Governments of many Muslim states have lodged sweeping reservations to international human rights conventions, and the Cairo Declaration on Human Rights in Islam, adopted by the OIC in 1990, has been subject to much criticism as an attempt at watering down universal human rights provisions.³⁸ In general, the OIC has attempted to promote a discourse of human rights that is sceptical of universal standards, or at least their applicability in situations that would expose the problematic practices of its member states.³⁹ At the same time,

37. Mashood A. Baderin, *International Human Rights and Islamic Law*, Benjamin Ghlan, Anver M. Emon, and Mark Ellis ed., *Islamic Law and International Human Rights Law* (Oxford: Oxford University Press, 2012); Arnold Yasin Mol, 'Islamic Human Rights Discourse and Hermeneutics of Continuity', *Journal of Islamic Ethics* 3 (2019): 180–206.

38. Robert C. Blitt, "Equality and Nondiscrimination through the Eyes of an International Religious Organization: The Organization of Islamic Cooperation's (OIC) Response to Women's Rights," *Wisconsin International Law Journal* 34, no. 4 (2017): 755–822.

39. Moataz El Fegier, "Competing Perceptions: Traditional Values and Human Rights," in Marie Juul Petersen and Turan Kayaoglu, ed., *The Organization of Islamic Cooperation and Human Rights* (Philadelphia: University of Pennsylvania, 2019), 142–165; Elizabeth Ann Mayer, "The OIC's

it is important to note that concerted action on human rights issues has been taken within the OIC framework, in particular the filing of a case against Myanmar regarding the Rohingya, as already noted.

A full examination of these debates is outside the scope of this article. What is clear is that the human rights discourse is an important element of international relations, and will remain so for the foreseeable future. Islamic countries need to engage with the human rights regime in a credible manner, the first step of which is a recognition that the human rights situation in many Islamic countries remains dismal in numerous aspects. Islamic countries should stand up forcefully when the rights of Muslims are violated, and should not shy away from criticising powerful countries that violate Muslim rights. However, at the same time, Islamic countries must be willing to accept criticism of their own human rights record, and show a willingness to make real improvements.

Engagement should be had within the international framework of the UN, but consideration should also be given to creating an effective mechanism, separate from the UN, to advance the rights of Muslims globally—an Islamic Commission for the Rights of Muslims. In 2011, the OIC established the Independent Permanent Human Rights Commission (IPHRC), a measure the organisation took largely to ‘increase the OIC’s credibility among both Muslims and the broader global public.’⁴⁰ However, the IPHRC remains ineffectual, mainly because, unlike UN human rights bodies, it lacks any meaningful monitoring mechanism and does not allow NGOs to play a significant role in its proceedings. Kayaoglu concludes that ‘the IPHRC’s track

Human Rights Policies in the UN: a Problem of Coherence’, in Petersen ed. 91– 113; Heini Skorni, ‘The OIC and Freedom of expression: Justifying Censorship Norms with Human Rights Language’, in Petersen, ed. 114– 141.

40. Kayaoglu, Turan. “The OIC’s Human Rights Regime,” in Petersen, Marie Juul and Kayaoglu, ed., *The Organisation of Islamic Cooperation and Human Rights* (Philadelphia: University of Pennsylvania 2019) 65–87, 72.

record and trajectory had at best disappointed the hopes of optimists and justified the fears of the skeptics. ... the comments of the OIC and IPHRC leaders, as well as the debates and resolutions of the commission itself provide a bleak picture of the commission's commitment to international human rights.⁴¹ In any case, no body would be credible without the specific remit to monitor human rights within Islamic countries, in addition to advocating for the rights of Muslim minority communities outside of the Islamic bloc.

There are many different forms a new body could take, but the Rohingya case shows that it is possible for the bloc to agree to common measures, and, by extension, to the international standards underpinning any particular situation. With political will, there is no reason that a more robust Commission cannot be created.

Conclusion: The Need for a Social Movement

Whether the OIC is the appropriate forum to advance these proposals, or any proposals aimed at Muslim unity, is an open question. As noted, the OIC itself is a modern international organisation, founded on the state-based system. Though, as Kayaoglu notes, 'the common moral discourse, Islamic symbolism, and the soft power of the [OIC's] collective religious identity'⁴² should not be dismissed, the OIC does not, and in the way that it exists now cannot, represent the ummah as a whole.

In December 2019, Prime Minister Mahathir Mohamad of Malaysia invited heads of state of the Islamic bloc as well as Muslim 'leaders, intellectuals and scholars from around the world' to the Kuala Lumpur Summit (KLS) to 'discuss and exchange ideas about the issues revolving in the Muslim world'. Heads of state from important countries such as Turkey, Iran, and Qatar attended the summit, which was widely understood as a move

41. Ibid, 75–76.

42. Kayaoglu, "The OIC's Human Rights Regime," 72.

towards shifting the centre of power of the Islamic world away from the OIC, and potentially creating a new organisation. Both Saudi Arabia, which has long played a leading role within the OIC, and the Secretary General of the OIC were openly critical of the KLS, with the Secretary-General claiming that it weakened not only the OIC, but also Islam itself.⁴³ Saudi Arabia reportedly urged leaders of important states such as Pakistan and Indonesia not to attend – once again laying bare Islamic disunity for all to see.⁴⁴ The KLS ended with few clear commitments other than to continue the dialogue (to be called the ‘Perdana Dialogue’ in future), and it is not clear how (or even if) it will be developed. However, the potential importance of the KLS should not be underestimated – in particular the fact that it brought together not only heads of state, but also Muslim scholars and community leaders, and had panel discussions on a wide variety of topics.

For, at the end of the day, Muslim unity is too important to be left up to governments. Though individual leaders may have the best of intentions, governments as institutions are geared towards defining national interests in a narrow manner, and it is difficult to see them consider any real proposals for improvement without a sustained effort on the part of their people to push them in that direction.

What is required is a transnational social movement, a global reawakening of the citizenry of the ummah, that will discuss the ideal form the ummah should take in the modern world and force governments of Islamic states to advance towards meaningful unity. A broad international dialogue should be conducted, with Muslims everywhere (not just in Islamic countries) participating in discussions as to the institutions that should be built, and how they should function. Inclusiveness is

43. *Free Malaysia Today*, “KL summit under fire from Islamic body” (19 December 2019).

44. *Free Malaysia Today* (2019a): “Saudis unhappy as Dr. M Hosts Summit Attended by ‘Trio of Enemies’” (18 December 2019).

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vital in this dialogue, which should be held at all levels of society (that is, not just governments, but also amongst the grassroots); the kind of space that is currently lacking in the OIC. This dialogue could be advanced through future sessions of the Perdana Dialogue, or in other fora.

A radical change in the state-based international system as a whole may seem unlikely in the near future, but dramatic, world changing occurrences such as the collapse of the Soviet Union were equally unforeseen. There is no reason the Islamic bloc cannot be a counterforce to the exclusionary trends we see in our world today. The fact that the ummah has up till now been a spiritual community, not a political one, does not mean it cannot evolve to something more concrete. A new ummah can and should be a forceful political actor, protecting Muslims worldwide, advancing their rights, and advocating for universal justice. This is not just an obligation in the sense of modern law, but a religious one, and it is submitted that it is the duty of all believers to call on Islamic states to fulfil it. The question is not one of history, but of political will in the current day.

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