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INTERNATIONAL JOURNAL
FOR LEGAL RESEARCH & ANALYSIS

The Undeserved Indignity: Making a Case For Muslim Dignity

Authored By- Apala Vatsa

Abstract

A simple definition of Human dignity describes it as a worth attached to every human being, by virtue of being born as a human. But is the situation really so simple? Several instances reveal that the notion, nature and operation of dignity evade such simplistic definitions. As we delve deeper, an important question surfaces: how is it that dignity remains most elusive for the Muslim populations? The so-defined age of Terror further justifies such loss of dignity for the Muslim populations. It must be stressed however, that while terror events like 9/11 (the USA) or 7/7 (London, UK) or 9/7 (New Delhi, India), have served to resuscitate the fear of the radical other (that is, the Muslims) these attitudes go back a long time in history. It is reflected in the general outlook towards Muslims. Undoubtedly, there remain a section of terrorists, who borrow from a particular interpretation of Islam. But is this cause enough for the wholesale othering of the Muslim community? Having to live as second- rate people despite being citizens, being saddled with assumed linkages to terrorism; these are just a few dimensions of the otherising discourse. Islam comes into the picture not only because the ‘terrorists’, in some cases, have been Muslims, but also because these radical sections forward Islam as the source of their actions. We need to question the uncritical homogenizing that follows such revelations, viz. all Muslims are terrorists, Islam is a violent religion, Muslims are disloyal and radical, so on and so forth. The perpetual tagging as the potential terrorists causes not only an irretrievable loss of identity, but also a fatal blow to one’s dignity. Here, Kant’s notion of dignity becomes useful for understanding the problem of Muslim indignity.

Keywords: Identity, Dignity, Muslim minority, Islam, Terrorism, Homogenization.

On Indignity

Laura Hillenbrand has written: “Without Dignity, Identity is erased.”(Hillenbrand 2010) Nothing personifies this statement better than the treatment meted out to the Muslim populations, nationally and internationally, overtly and covertly, by the state and the public at large. All of this takes place in a situation traversed by two things: actual instances of terrorism as well as apprehensions over impending acts of the same. The result has been a rise in actions and reactions that remain only half-justified, whether it is the American led project of ‘War on Terror’ or generalized perception of Muslims as terrorists. In an era unsettled by ‘Terror’ and supposedly safeguarded by the ‘War on Terror’, the most easily crushed segment of the human rights panorama remains the notion of ‘Human Dignity’.

An important qualification must be added at this stage. While anti-terror moves have led to the securitization of populations wholly, they have been especially discriminatory towards the Muslim populations. The reason for it lies primarily in the historically tainted view of Muslim populations in non-Muslim societies. The ease with which Europe glosses over the earliest instances of its contact with Muslims/Islam, and locates it suitably in experiences of colonialism, the suspicion with which the Muslim minority is viewed in India, the damaging effects of the Headscarf affair in France are just some of the many relevant examples.

Human identity is context dependent. What we are or how we are recognized as, is a sum total of two things- things that make us and things that do not make us. The latter also involves the package of things that unmake us. Human dignity, propounded as something conferred upon all human beings, simply by virtue of being born as a human, also becomes context dependent. This unfortunate fact injures the fullness of human experiences. This becomes all the more problematic in the face of the following fact: it is always one specific community which has to face a massive dissolution of its human dignity as well as citizenship rights, viz., the Muslim community. In the list of things that un-make us, most important are the ones that un-make or un-recognise us as humans. At the outset, the primary question is, if human dignity is the fundamental value that all humans possess naturally, how are we to recognise the entities that enjoy no dignity at all? Muslim populations the world over have failed to achieve a dignified existence. This is the most disturbing kind of unmaking. It entails the disadvantages inherent in what Charles Taylor identified as ‘Mis-recognition’. (Gutmann & Taylor, 1992)

With discussions and actions regarding terrorism fast coalescing into extremely faulty identifications of ‘all’ terrorists as Muslims, human dignity for this section gets crushed disturbingly. Unfortunately, nobody seems much disturbed. The axis of Security States and Surveillance Societies suggests that the relationship between Muslims and any society, in which their status is primarily that of a minority, needs to be reconsidered. (Lyon, 2005) This is especially so because Islam/Muslim has come to be seen as potential suppliers and donors of wholesale ‘Threat’ to everything non-Muslim or non-Islamic.

The question that we need to ask ourselves and to every self-authorized security agency is this: how is it that with every rising act of terror, there is a decrease in the share of Muslim dignity? Of course there have been instances of Terror, where a particular section of terrorists, cited a specific interpretation of Islam, as the source behind their acts (The British bombings are a case in point). Does this however, justify the most stringent acts of discrimination against all members of a society, who happen to be Muslims? Is their dignity as humans and their identity as citizens so easily surpassable in the face of their chance association to the same religio-social group as that of the terrorists?

The present tension, largely social (in terms of its most immediately recognizable location) arises from a fear of terrorist violence as well as a threat to national identity. Islam is seen as providing an alternative “we” identity vis-à-vis European-ness/ Britishness/ Indian-ness and so on. Various measures taken by the state in the name of counter-terrorism, reflect a politics of ‘othering.’ This is deeply embedded in the state’s national self-definition as well as its security policies. There has come up a dissonance between how the Muslims see themselves and how they are seen as perpetually not wanting to integrate.

Understanding The Problem

Let us now look at the nature of the problem. Here, I wish to emphasize upon two things. First, Muslim citizens are demarcated as citizens but it still reflects the fears of Muslim ‘otherness’. In times marked with ‘politics of unease’, the Muslim-otherness is viewed as an existential threat to societal security. The point here is that since Muslim citizens are also parts of these liberal democratic nations (with the inherent rights and duties that it promises) they must not be dealt with as security hazards alone. What Chris Allen has written about British Muslims is actually

applicable to the situation of Muslims in many other parts of the world.

Allen has written, 'British Muslims are in 'a unique situation amongst Muslims in Europe and [this] will no doubt play an important role in the dynamics of representation and the future relationship with the state.' (Allen, 2007)

Security concerns of the state have come to conflict with the dignity considerations of its Muslims citizens. Any liberal democracy must protect the rights of all its citizens, irrespective of ethnic or religious background. At the same time, the state also has to respond to what are described as threats to social security, such as the pressures created by immigration and a multicultural, multi-ethnic or plural society. One justification given by states for their treatment vis-à-vis their Muslim populations is the latter's identification (virtual/real) with the Umma. The virtual transnational allegiance is often critiqued for surpassing the much more immediate allegiance to national culture and its boundaries.

Owing to the transnational nature of British Muslim cultures, identity and politics, several concerns and fears (namely, the radicalization of Muslim youth, the parallel societies' phenomenon, divergent moral compasses, so on and so forth) take over when the state tries to deal with its Muslim citizens. Buzan has written that these threats can be explained via the notion of societal security, the threats to what is identified as 'we identities'. (Buzan, 1991) To come back to the original point, British Muslims function as citizens within state boundaries and across these boundaries as members of the Umma. The question then is does allegiance to latter necessarily over-ride the former? Two different views predominate the scene here.

Toby Archer propounds that British Muslims cannot be unequivocally defined as a threat, for their insider-citizenship thwarts this. In his conception, this is why the situation of British Muslims cannot be explained through the 'securitization of immigration' paradigm. (Archer, 2009) So while a state can underline the 'otherness' created by the transnationalism of Muslim citizens, their citizenship as an existent reality (no matter how constrained it is) cannot be over-riden. The securitizing claims against them are thus limited. Archer agrees that undoubtedly there is disquiet about some elements of Islam in Britain. The state also tries to wrestle the same. Despite this, the image of Muslims as an existential threat has failed to persuade the wider public opinion.

Scholars like Sean McLoughlin present another perspective. He writes that transnationalism remains a threat to the state.(McLoughlin, 2005) Didier Bigo too has advanced similar views. Speaking of Britain, he argues that the understanding of risk is owed to ‘our conception of the state as a body or a container for the polity, it is anchored in the fear of politicians about losing their symbolic control over territorial boundaries’. (Bigo, 2002)In short, Muslims have witnessed their categorization as a threat, to societal and state security. Citizenship, thus, is rendered ineffective if not really meaningless.

The point to be noted here is that the virtual allegiance of the Muslim populations to Umma has come to limit their real-time adherence to the states they form a part of. Without hoping to cause any damage to the idea of Umma, I shall argue that a Muslim’s attachment to Umma is not any different from the Hindu attachment to Ramrajya or the Catholic regard for the Divine State.

Another argument forwarded by security states is that Islam has acquired a considerable public presence. This does not sit well with the liberal democratic objective of keeping religion restricted to the private sphere. Such a paradigm excludes those communities (Muslim and Jews, for instance) whose religion cannot be delimited to the private sphere only. For a Jew, there is no ‘neutral’ space; God’s laws are applicable in all places. Another argument shored up by anti-Muslim strands is that certain interpretations of Islam are illiberal in themselves. This is slightly more rooted in practical experiences than the other arguments. It derives directly from the Islam-derived justification cited by some terrorists (the progenitors of the 7/7 incidents in London, for example).

What is unfortunately lost sight of however is the fact that radical strands exist in all cultures and religions. This is not something unique to Islam. A Muslim fanatic is only as dangerous as a Hindu Fundamentalist or a Christian enthusiast. As far as terrorism is considered, there have also been examples of Irish terrorists and so on. Quite simply then, the point is that the roots of terror, the acts of terrorism, and the identification of terrorists cannot uncritically be equated to Islam, Islamism or Muslims respectively. More importantly, such images cannot be concretized in public memory for posterity.

Muslims have been subject to a new kind of suspicion and hostility. Strong doubts have been cast upon their allegiance as citizens. Whether Muslims can be, and are willing to be, integrated into any non-Muslim society and its political ethics, has become a part of mainstream anxiety. Broadly,

this ranges from apprehension over radical cells and networks recruiting alienated young Muslims for engaging in terror related activities abroad and as a 'fifth column' at home, to whether Muslims are willing to assure loyalty to the British state rather than to transnational Muslim heads and ideologues, and to whether Muslims are faithful to what are taken to be the core British ideals of tolerance, freedom, democracy, sexual equality and secularism.

Muslim populations seem to be caught in a quagmire: their loyalties are being interrogated by all societies they form a part of. In India, for example, riots in Gujarat and Muzaffarnagar became especially worrying due to state apathy. State's failure to protect the Muslim populations in both these riots become exceptionally disturbing when one looks at the number of years that separate these two incidents. The fear of the radical Muslim undoubtedly has permeated the official discourse. More importantly, nothing seems to have changed in this official attitude towards Muslims from 2002 to 2014. To take another example, Britain, as a nation, is still in the process of confirming its Englishness/Britishness. Despite this, the provisional Britishness/ Englishness is easily advertised as the criteria against which to judge the already precarious relationship between British Muslims and the state. The British Muslim hybrid identity is severely questioned. The argument forwarded is that one can either be British or Muslim, not both.

In sum, the way security policies have worked has led to concretizing of identities. This is true for both the majority and minority groups. The flawed hypothesis of cultural fixity and homogeneity (both within the majority and minority ethnic communities) has made inter community dialogue difficult. This is further aggravated by an inherent shortcoming of liberal democratic systems. This reflects in the incoherence between its determination to be all-inclusive and the distancing caused by its homogenizing elements and representations. Minority groups are promised rights and equal identities in all liberal regimes. However, the obsession with securitization has sidelined these groups further. The innate exclusionary presumptions limit their participation in the national life.

The problems emerging from such an approach become more complex when the state responds by blaming the victims. Instead of understanding how the societal and state discourses have contributed to othering, both have turned to allocating blame to the 'other'. Biological and cultural discrimination seem to have intermingled with each other. This has also tainted the government reaction to national crises. Post 7/7, for example, the Muslims were immediately singled out for

they were biologically as well as culturally different. This inter-mixing of two prominent prejudicial bases has led to the generalized exclusion of Muslim and relatedly Islam. Nothing else explains why a supposedly colour blind democracy become so obviously discriminatory of a particular religion. It is this bigotry that presents the 'Muslim' as the most charged communal group. There is an urgent need to redefine the borders of dignity and make it inclusive of the Muslim populations.

On Dignity

The word "dignity" comes from the Latin word, dignitas (worthiness). In common sense understanding it implies respect or status. Interestingly, dignity is identifiable more easily when it is not visible. It is often invoked to suggest that a particular human being is not receiving adequate amount of respect or is even failing to treat himself/ herself respectfully. The term has invited discussions in philosophical, legal, political and social circles. It is very difficult to pin down the exact essence of Dignity, because of which it is identifiable more by its conspicuous absence rather than its tangible presence.

In politics the term is often summoned to appeal for the oppressed and the disadvantaged. In social sphere the term is much easily dissolvable. This means that in society, it is more difficult to distinguish between dignity and indignity. Acts of indignity are often mixed with markers of dignity. For instance, the ancient system of Manumission was such that one's freedom was dependent upon one's ability to keep or release someone else from bondage. (Baumann, 1988) The highest ranks enjoyed the most dignified existence owing to this power-privilege accorded upon them. Dignity thus crucially rested upon the practice of indignity.

From earliest times, humans have conferred upon themselves the idea of dignity. In Immanuel Kant's viewⁱ, human beings have 'an intrinsic worth, i.e., dignity,' which marks them as precious and 'above all price.' In Lecture on Ethics, Kant argues that other animals have value only if they can serve human purposes (Kant, 1779). Arguing that we have no direct duty towards animals, Kant suggests that animals exist merely as means to an end. He further identifies that end as/in man. Animals thus can be used in any way humans please. He also rids human concerns of a 'direct duty' to abstain from torturing them. In the Kantian paradigm, tormenting animals can be wrong at times. However, this is not due to some thoughtfulness for animals; it is rather because humans

may suffer as a result of it. This is because “he who is cruel to animals becomes hard also in his dealings with men” (Kant, 1779). Thus, animals possess no intrinsic importance. Human beings on the other hand, have an intrinsic worth, commonly known as dignity.

If we say that human beings are recognizable by the innate dignity that they possess, then Muslim populations would be faced with another complication. With flagrant violations of their dignity, with dignity swiftly evaporating from their lives and being, are we to assume that Muslims are not human beings? If dignity, as a fundamental element of human lives, cannot be secured for all people, irrespective of their religion, or other differential parameters, then there is no use restoring dignity after all. But perhaps this is too radical an approach to take.

In the context of terror, it is almost as if a distinction is discernible between human beings and Muslims. The solution then is to make dignity something that everybody has to commonly strive for and eventually achieve and not something that one is born with. If we work with the idea that mere birth as a Homo Sapien guarantees dignity, and fail to actualize it for the Muslim populations, then we are easily accusable of double standards. Kant’s conception of human beings being ‘above all price’ contains an objective evaluation of human beings in the larger arrangement of things. In this conception, humans are placed above the rest in the scheme of affairs. There are two important facts regarding people that provide backing to this judgement.

The first fact is that since people cherish certain goals and desires, other things come to acquire a value ‘for them’, with regards to ‘their’ objectives. Things have value only because they are means to certain ends conceivable by humans. In other words, it is the conception of human ends that grants values to things. Are Muslims serving only an important agenda in the securitizing framework? Aren’t they simply being used as elements to serve the ‘war on terror’ mechanisms? A guitar has value only in so far as I have the intention of learning how to produce music with it. A book has value only if I have the desire of acquiring any knowledge through it. In absence of such ends, the book, the guitar, or any other object, for that matter, has no value.

Unfortunately the fate of a thing seems to have descended upon the Muslim populations the world over. A Muslim terrorist is valuable because he/his image serves an important securitizing purpose of security states. A suspicious Muslim is similarly valuable for surveillance societies. It is because of this that a regular, everyday Muslim fails to acquire any value for anybody. This explains why

an average Muslim does not capture the wider imagination?; why his standpoint is not taken into account? This is the reason why even liberal democratic states fail to incorporate the perspective of a routine Muslim citizen. This is the factor behind Muslims (despite being citizens of the United Kingdom, India, the USA or other liberal democratic states) being faced with dissolution of their rights. Going back to a point made earlier, it is almost as if the world is divided on security lines between the non-human, Muslim and the human non-Muslim populations.

Two things point towards such a possible division. Firstly, while the former face a perpetual evaporation of a dignified existence, the latter are far removed from these experiences. In fact, sometimes, they even serve to intensify such an unfortunate loss of dignity and rights for the Muslim populations. Secondly, the former has to be overtly securitized to reassure that the latter's safety is of utmost concern. Indubitably, there is a need to address the situation of terror. There is however no need for the rest of the world to engage in a war that spreads Terror of another kind. This new war has no clearly conceivable end but one clearly identifiable enemy, the Muslims. Further, Muslim groupings (non humanly conceived by the standards of dignity) is discussed only in so far as it helps the remaining sections of the world make a theoretical or practical point about their most immediate concern viz., security.

The second fact that Kant highlights is that humans possess 'an intrinsic worth', definable as dignity. This dignity derives from the fact that they are rational agents i.e., individual agents who possess the ability to make their own decisions and regulate their lives by reason. The law of reason is actually the moral law. This moral law is situated in the rational beings. Moral goodness thus can be present in the world out of the acts of rational creatures. These rational beings have to understand via reason what they should do and then, as a sense of duty, also do it. This is the only thing that has 'moral worth'. The moral aspect of the world thus rests crucially upon the existence of the rational man. In such a scenario then it is implausible to suggest that rational beings are one of the many valuable things; they are the valuable things, for whom everything else exists. Thus the value of rational human beings is beyond price. Because of this importance, they must be treated 'always as an end, and never as a means only.' (Kant, 1997) It is important to mention that the second fact thus means that we have a duty to promote the welfare of all people. We must respect the rights of all peoples and 'endeavor, so far as we can, to further the ends of others.' (Sherman, 2012)

However, an important argument often is lost sight of here. Individuals are most valuable because of their rationality. If we agree to this we also have to agree to grant our absolute faith to all their judgments. This would also mean that we must never engage in manipulating or deceiving people no matter how important we think certain ends to be. Kant has also written that humans are superior because they create the values of other things. Fascinating as it sounds, it makes no room for those acts by some human beings that take away certain fundamental values, namely dignity of other human beings. The situation of Muslim populations suggests that we may not have sufficient safeguards against the misappropriations of these two principles. Interestingly, the generalized association of threat to Muslims reveals why we must not grant absolute faith to the judgement of human beings.

While discussing the importance of rationality and rationality bearing individuals, we must focus on the difference between, (a) Treating somebody as a responsible person; and (b) Treating someone as a person who is not accountable for his conduct. Animals, who are generally only the means for human beings are not responsible for their actions; since they are not responsible for their actions meaning they don't know whether they have done good or evil, and who cannot understand why they behave in a particular manner themselves or why they get a particular kind of treatment from others; then there is no choice but to manipulate them. They cannot be dealt with as rational agents;

Rational beings, on the other hand, take responsibility for their behavior and can also be "held accountable" for the same. The system of rewards or punishment has been developed as a method of dealing with people who we can hold accountable as performers of specific actions. An important contradiction comes to the fore here. While a Muslim is not considered rational enough to be treated with dignity or dignified enough to be seen as possessing rationality, he is easily held accountable for many actions, most importantly the ones he never committed. When the entire Muslim community is labeled as terrorist or when the call is made to the Muslim community to streamline its radical strands, this is exactly what is taking place. He is made to bear the responsibility of rationality without being made party to its advantages.

Here an important dimension of 'universality' comes to the fore. When rational beings choose to do something, that choice entails a desire to develop that action into a 'universal law'. How a rational person treats other people is exactly how he wants people to be treated as. More significantly, it is

exactly how he wants to be treated himself. In an important way then, various actions are just repetitions of the rational man's judgment.

The challenge that faces us this: how are we to associate dignity with rationality? This is more troubling because the majority's rationality (let's assume the security state) seems to have sanctioned several indignities (say, the Muslim communities the world over) for the Muslim minorities. Can we really classify any action as rational, if it discriminates with a large section of human beings on the basis of mere prejudice? Faintly reminiscent of Manumission, it is almost as if one's rationality has to be confirmed by a parallel confirmation of the other's indignity.



Concluding Thoughts

What we need then is alternate conception to the way dignity and rationality have become intertwined in contemporary times. Any viable alternative would have to recognise that if dignity is to become the signifier of the human element, it must necessarily be extended to include the Muslim community. Dignity will rest crucially on recognizing that all societies comprise of liberal as well as illiberal cultures. Illiberal or radical strands are not features of Muslim communities only. The security nexus between state and society ends up establishing an essentialist discourse that labels minorities for securitizing majorities. The concern for holistic security requires attacking the wholesale threat. This is further exacerbated by a lack of adequate focus on the cultural dimensions of citizenship.

A nation cannot only be a passport-guaranteeing agency for its citizens. It has to be so much more than that. Not only does it have to grant Muslims political representation and voice, it has to grant all of this with dignity. In the words of Asaduddin Ovaisi, ‘Muslims need Development with Dignity.’ (Ovaisi, 2015) There is a need not only for political but also a dignified representation of Muslims. Muslims (conceived of in dignity-deficient terms) become important when they serve the ‘ends’ of security states or of political parties. Debates on the ‘Muslim question’ (Ramadan, 2015) are generally debates about Muslims and never really with them.

Dignity, marketed as foundational to human rights, can only result from being treated with respect. How can we so easily let go off such a foundational right for such a large section of people, for such an accidental basis as their belonging to the same group as some of the terrorists? Moreover, in discussions on Terrorism and Muslim/Islam, we need to steer clear of generalizations and unjustified homogenizations. Perhaps the only homogenous category that we must work with should be of human beings. All human beings, regardless of the many differences about/between them must be eligible for a dignified existence.

Another qualification demands discussion at this point. Instead of the premise that all humans are born with dignity, we need to shift to another premise. The latter base would make dignity something that all human beings strive for. Moreover from the universality that humans are universally recognizable by the element of dignity, we need to move to another kind of universality. This would mean understanding dignity as something that is truly valuable only if it is equally accessible by all parties in the human contract.

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