Political and legal problems facing Muslims

Political and legal problems facing Muslims

in North America

Zafar Bangash

Director, Institute of Contemporary Islamic Thought

Introduction

For the purposes of this paper, North America will be considered as comprising only the US and Canada. Even though Mexico is part of North America, its situation is quite different from what exists in the first two. In both the US and Canada, a large number of Muslims are immigrants; in Canada, almost all Muslims are immigrants barring those who are born there to immigrant parents, while in the US, there is also a large percentage of African-Americans also who have embraced Islam. In fact, some commentators say that in the US, the indigenous Muslim population exceeds the number of immigrant Muslims. Thus, the American scene is quite

different from that in Canada.

Muslim presence in North America can be traced to the first European settlers. There is strong evidence to suggest that Muslim presence even predates the Europeans' arrival. In recent years, carvings on stones and other artifacts have been discovered that show Arabic writings that are much older than the arrival of European settlers in North America. Despite the much-touted official claims that Christopher Columbus "discovered" America, the reality is different. Obviously, there were indigenous people, referred to as Native Peoples or "Indians", who resided in North America long before Columbus's "discovery". The Native Peoples lived in harmony with nature, relying on hunting, fishing and cultivating the land. The aggressive exploitation of land that characterized the Europeans' behaviour was absent among the Native Peoples. And recent discoveries suggest that Muslims were present in North America before the Europeans arrived. In fact, maps prepared by Muslim geographers in the eleventh century show the continents of America—North and South—very clearly. Thus, these Muslim geographers had a very good idea of what the continents looked like. They could not possibly have prepared these maps from imagination but from some knowledge of them.

First large scale arrival of Muslims

The first large group of Muslims who arrived in North America did not do so voluntary; they were brought on slave ships from Africa—Senegal, the Gambia and other West African States. Millions of people were uprooted from their families, home, communities, villages and lands and brought under horrible conditions to the US. Many died on the way. Those that survived the terrible ordeal were sold into slavery. The exact number of people brought as slaves is not known but it runs into millions. The slave trade went on for centuries. Once brought to the US, these early Muslims were brutalized; their language, culture, heritage, indeed their

humanity, was systematically obliterated. The men were put in chains and forced to work on plantations; women were used as domestic servants and exploited both physically as well as sexually. The white slave masters were brutal and merciless. Those who attempted to escape were brutally tortured; many were lynched and executed. Over time, their identity was obliterated so that the vast majority does not even know who they are and what their background or history is. There have been valiant attempts to reconstruct their history. Writers like Alex Hailey have produced masterpieces in the form of a historical drama titled Roots. Others, like El-Haj Malik El-Shabazz, better known as Malcolm X, in an attempt to reject names given to them by their slave masters, took on the last name “X” to signify that their roots had been wiped out.

Even so, the African American community has rediscovered its roots and started to return to the fold of Islam in significant numbers. Their journey back to Islam started in a circuitous manner, through what is referred to as the Nation of Islam, a sect that mixes Black Nationalism and some aspects of Islam. The Nation of Islam’s emergence was perhaps a natural reaction to their particular experience at the hands of the white slave masters as well as the overall environment of racism and segregation to which they were subjected in America. They reacted to white racism by projecting black racism. In this ideology, the white man was presented as the devil. Yet the attraction of pure, Tawheedi Islam has been much stronger and many people, after going through the temporary phase of the Nation of Islam, have discovered the real Islam. Today, the Nation of Islam has lost much of its appeal and most African-Americans are part of the mainstream of Islam.

These Brothers and Sisters have established numerous centers throughout the US and are gamely struggling to overcome the historical injustices to which they have been subjected for generations. Their commitment to Islam is in many instances much stronger and more sincere than that of many born or immigrant Muslims even though they may not have very deep knowledge of all aspects of Islam. Most even lack knowledge of Arabic or other “Muslim” languages but that has not prevented them from acquiring sufficient understanding of Islam to become truly committed. Even the limited availability of Islamic material in

English—simple translations of the noble Qur'an and some books of Hadith—has enabled them to grasp the true spirit of Islam. Their commitment and dedication is truly remarkable and is to be admired and applauded. They are the finest example of true Muslims. They remind one of the early Muslims whose zeal for Islam was such that they changed the course of history in a very short period of time.

New Arrivals from the Muslim World

The next wave of immigrants can be characterized as economic migrants. They came in search of economic opportunities and material prosperity. Most of them have been highly educated in the technical sense, and have found employment opportunities in business, engineering, medicine and commerce. These upwardly mobile individuals have come from all parts of the Muslim world. Today, in North America, a very large number of Muslim immigrants are from India and Pakistan as well as the Middle East. These highly qualified professionals have improved their economic and material condition considerably and the next generation has done even better. There is also a sizeable population of people of Iranian origin but the overwhelming majority are those who were supporters of the Shah and have found a similar environment in North America. Most of these would be considered opposed to the Islamic Revolution and its values.

In Canada the immigration system was opened to people from Third World countries during the sixties. This decision was not based entirely on fairness or being open-minded; the reality that faced North America in the sixties was that their traditional sources of immigration started to dry up. After recovering from the devastation of the Second World War, Europeans were no longer migrating to other lands—North America, Australia and so on—in such large numbers. The North American economy needed a steady influx of new blood and the only areas of the world that could provide such infusion was the Third World, more specifically, the -Muslim world. We see that immigration from these countries started to increase in the mid

sixties and has continued to increase ever since. In Canada, for instance, while Britain, Italy and Portugal used to be major sources of immigration in the sixties and seventies, today they have been replaced by China, India and Pakistan. There is also a significant increase from places like North Africa and parts of French-speaking Africa.

One would have to identify two distinct phases of life for Muslims in North America: pre-9/11 and post 9/11. While the events of 9/11 were not so earth shattering, the ruling establishments in these societies have exploited them in a manner to advance their global agenda for world domination. In this scheme, Muslims in North America are easy targets.

Post-9/11 Environment

The large influx of immigration from the Muslim world would have continued but for the events of 9/11. This can be seen as a watershed in the history of Muslim immigrants and their existence in North America. Prior to 9/11, Muslims were beginning to establish themselves economically even if socially and politically, they were somewhat isolated. Since 9/11, even economic opportunities have been stymied. Almost every Muslim has been turned into a criminal as a result of a series of oppressive laws that were enacted since 9/11. This is just as true of Canada as it is of the US. In the US, there is the Patriot Act, passed soon after the events of 9/11 without much debate in Congress. Canada, too, passed what is referred to as Bill C-36 that gives vast new powers to the police and intelligence agencies to target individuals. Even far-away Europe has pushed through similar oppressive laws. While there is considerable skepticism even among a broad spectrum of people in North America about the official version of the events surrounding 9/11, this has not prevented governments from pushing through oppressive laws that have turned these societies into virtual police states.

People can now be arrested on mere suspicion; neither they nor their lawyers are told what

the charges against them are. Many professional Muslims have been harassed at their place of -work; others have been dismissed from jobs. Mosques and Islamic Centres have been fire bombed and such practices continue on a regular basis even though Ameircan and Canadian officials insist that there is no policy to specifically target Muslims. In the US, it is much worse; FBI agents and their clearly marked cars are regularly parked outside Mosques before Friday Prayers. It is inescapable to conclude that such practices are meant to intimidate people. They have had a chilling effect on many Imams not being able to discuss the issues that they normally would in Juma Khutbah. Muslims are forced through such intimidation tactics, to talk about peripheral issues, rather than real ones—US aggression against Muslims, Zionist crimes in Palestine or the host of other problems confronting them—from being highlighted. Muslim children at schools and universities are ridiculed and looked upon with suspicion, all in the name of security. Even in Canada that was not targeted by 9/11, similar oppressive laws have been passed.

In Canada, there are five Muslims who have been in jail from three to five years. They are held in solitary confinement and are allowed only one hour per week of exercise outside their cells. Neither their family nor friends can visit or touch them. Contact with them is permitted only through cell phones but such communication is restricted to 40 minutes per week. They are held on the basis of what is referred to as “Security Certificates”. Under these certificates, judges allow their unlimited detention as long as the minister concerned informs them that he/she is sufficiently convinced that the person is a “threat” to Canadian national security. Such a threat scenario is painted by the intelligence agencies to the minister. Given the atmosphere of paranoia that exists in North America in post 9/11 and the general tendency of intelligence agencies to treat everyone with suspicion and to exaggerate that threat perception, it is not surprising that these five individuals have languished in jail for as long as they have with no end in sight to their plight or incarceration.

There are other oppressive measures contemplated. The Canadian government, for instance, maintains a secret no-fly list. Individuals can be denied access to flights simply because their name appears on the list. No one knows how or who compiled this list and on what

basis. There is no mechanism to appeal against such practice. There have been instances of young infants denied access to a plane because their name was on the no-fly list. The official explanation is that the name was similar to someone who was an undesirable yet this kind of behaviour is considered acceptable.

In the US, there is a similar no-fly list. Individuals in fact can be arrested in third countries if the flight they are on passes through US airspace. A Lebanese immigrant who had become a Canadian citizen was flying with his family for holiday in Mexico last December. Upon arrival in Mexico, he was arrested because his name was on a US watch list. He had no idea why he was arrested and summarily sent back to Canada.

In Canada, there is another secret list whereby people can be denied a passport, again because their name appears on some mysterious list. What criterion is used to put someone's name on such a list is not disclosed and who makes such a decision is also not known. Intelligence agencies are now given vast new powers whereby they can arrest anyone on mere suspicion for 72 hours before they are presented before a judge. The presumption of innocence no longer applies.

Both the US and Canada also indulge in other practices: the policy of "rendition", that is individuals are arrested and sent to third countries to be tortured. This is done because in the US and Canada, torture is officially prohibited and can be challenged in a court of law. In order to avoid such minor inconveniences, individuals considered undesirable are transported to other countries where torture may not be banned or the regime has a lower standard of respect for human rights. A number of countries in the Middle East as well as Eastern Europe have been used for such practices.

In Canada, the case of one individual, Maher Arar, became well-known because he was arrested at New York airport in September 2002 as he returned from a holiday in Tunis. His family had stayed back in Tunis. A computer engineer, Arar was held in the US for about 10 days before being deported to Syria via Jordan. He spent a year in a Syrian prison where he was tortured

and beaten up to make him “confess”, at the behest of the US, that he had been to Afghanistan and received military training. Canadian officials as well as intelligence agents regularly visited him but refused to help him. In the Canadian media, Arar was painted as an Al-Qaeda operative until relations between Washington and Damascus soured and he was released. There were three or four other individuals in similar situation who were either sent to Syria or Egypt, accused of having terrorist links but this was proved false. Yet they suffered torture and other degradation before their release.

Arar’s case is instructive because there were two individuals who refused to allow it to be brushed under the carpet. His wife, Mona, a PhD in Finance from McGill University, and a brave Canadian Member of Parliament, Alexa McDonough. These two women struggled not only to get Arar released from prison but once he was back in Canada, launched a campaign to force the government to hold an inquiry into how and why he was arrested in the US and then deported to Syria. A great deal of murky details about links between Canadian and US intelligence agencies have come to light. In fact, while officials in Canada insist that it is a sovereign country, such sovereignty does not extend to protecting Canadian citizens of Muslim origin. The intelligence agencies seem to operate almost with impunity and in the Arar inquiry case, they have refused to reveal information that would help expose the real culprits behind this sordid saga. Intelligence agencies take refuge behind the excuse of protecting “national security”.

Lest someone gets the impression that torture is not inflicted on individuals in the US and Canada, one needs to think again. In the immediate aftermath of 9/11, the US arrested some 1200 people, all of the Muslims, and mercilessly tortured them in various prisons. For months, members of their families did not know where their loved ones were. Even lawyers were not provided any information. Upon inquiry, US officials told these lawyers that they had no knowledge of where the concerned individuals might be or under whose control. The question of charging them with an offence and giving them an opportunity to appear in court did not arise. After interrogating such people for weeks or even months and discovering that they had done nothing wrong, most were still not allowed to go free. Under pressure, they

were ordered deported as part of a plea bargain. They were offered a choice: they could spend the rest of their lives in US jail or they accept voluntary departure from the US after renouncing their American citizenship. Most people chose to leave. Those affected by such oppressive and brutal tactics have included men, young and old, as well as students, both male and female.

Economic Problems

Long before the events of 9/11, Muslims faced problems securing proper employment opportunities. In the US, it was somewhat better than Canada where lack of “Canadian experience” is a principal excuse for not employing new immigrant. How a person could gain Canadian experience if he was not given an opportunity to work is not addressed. The foreign qualifications and work experience of most professional immigrants is not recognized by the professional bodies that regulate such professions. Thus, a doctor, an engineer, accountant or teacher has to go through many years of frustration, upgrading his qualifications and doing odd jobs before he could hope to get an opportunity to work in his own profession. It is not uncommon in Toronto, Canada’s largest city, to find hundreds of doctors, engineers, accountants and computer programmers driving Taxis because they cannot find employment in their own field and the need to survive and look after their family demands that they must do whatever job they can find. Various Canadian institutions have confirmed that it is a great loss to the Canadian economy to have such professionals not employed in their own field. Estimates about the loss of revenues range from $5 billion to $55 billion annually.

Recent studies (Toronto Star, March 2, 2006) show that one in six new immigrants to Canada leaves for other places within a year of coming because of lack of employment opportunities. Most of these people are highly qualified and motivated yet their talent is not utilized. It is not as if Canada does not need such professionals; there is a great demand for them. In some parts of Canada, there is a desperate shortage of doctors; patients have to wait for

four to six months for an appointment to see a doctor. For more specialized care, the wait time is even longer. It is not uncommon for people to wait for eight months to a year for heart surgery or knee or hip replacement surgery. Sometimes, it takes even longer. Despite such shortages, neither the various levels of government that provide funding for such programs, nor the professional bodies themselves that regulate the professions, have acted to ease this burden. Since health services are paid for by the government, the money coming from people's taxes, there are moves afoot to create a situation whereby the public would accept a private healthcare system in which individuals will pay for their own healthcare costs directly. There is still considerable resistance to this option among the vast majority of people.

What is intriguing is, why do countries like Canada and the US bring highly qualified professionals from other countries and not give them employment once they arrive? There is a simple explanation: it deprives the country that produced such professionals of their best brains, and secondly, Western societies acquire a vast pool of talent from which to choose. If there are professionals in the Muslim world anxious to go to these countries, they should be prepared to drive a taxi or deliver pizza for several years before they would get an opportunity, if at all, to work in their own profession.

Discrimination in Universities

Prior to 9/11 universities and other institutions of learning were considered largely free of prejudice. They basked in the aura of academic freedom where only academic excellence and not skin colour or religion mattered. 9/11 has changed much of that. Universities have been turned into virtual war zones. Muslim students have faced serious problems in getting even their basic needs met. For instance, on a number of University campuses in Canada, Muslim students have been denied adequate space for prayers. This is especially serious for Juma because a large number of students gather for Friday prayer. Such places as McGill and

Concordia Universities in Montreal and Ryerson and York Universities in Toronto have given Muslim students a very tough time. Such problems have to do with the University administration.

There are other problems relating to the activities of Zionist students. It is important to make a clear distinction; we are not referring to Jewish students but to Zionist students. There are many Jewish students and professors who have openly opposed Israeli crimes and have joined in meetings, lectures, demonstrations and other activities to show their abhorrence at Israeli State crimes. Zionist students, on the other hand, openly support and applaud Israeli crimes. They also have the backing of Zionist organizations and are well funded. They have targeted Muslims, Palestinians and Arabs and all those who dare criticize Israeli crimes against the Palestinian people. Universities in North America are becoming a major battleground for such conflicts and increasingly university administrations are also joining in the fight against students and professors opposed to Israeli policies.

In the US, Columbia University has been a major battleground where a number of professors who have dared criticize Israeli policies have been targeted. A well-known Zionist and a rightwing ideologue, Daniel Pipes, has even established a website called Campus Watch that targets those professors who are critical of Israeli policies. When the website was first launched three years ago, and a number of professors in the US, all of them non-Muslims, heard about it, and were so appalled by this practice that they sent in messages to Pipes demanding that their name be included among those who are opposed to Israeli State crimes!

Muslim Institutions

Despite these difficulties, there are also some positive achievements of Muslims in North America. These are at the organizational level. Following in the tradition of the Prophet

(saws), one of the first acts of Muslims wherever they go, is to set up mosques. This is also true for North America. Initially, small houses, old buildings or even old churches were acquired to serve as mosques. As Muslims became financially established, new and proper mosques and community centers were opened. Today, almost every city in North America has several mosques/community centers; some large cities have more than 100 mosques. Most are open throughout the day although attendance for prayers varies, especially during the day because of inability to get time off from work. Even so, attendance for Juma (Friday) Prayers is usually very large. In some cities thousands of Muslims take time off work to attend Juma Salat. Similarly, on weekends (that is, Saturday and Sunday which are holidays in the West), there are many activities at Mosques/Community Centres.

Over the last 10-15 years, a number of Islamic Schools have also been opened, either independently or attached to mosques. It is not uncommon to find hundreds of students attending these schools although parents have to pay fees from their own pocket. In government-run schools, there are no fees since they are financed by the State. The fact that Muslim parents prefer their children to be educated at Islamic institutions even if they have to pay substantial fees to do so, indicates their strong commitment to Islam and their concern for the proper upbringing of their children. In Western societies Muslims, especially women and children, are quite susceptible to external influences and there is a tremendous need to safeguard Islamic values and principles. For this, the development of proper Islamic institutions is extremely important.

While the building of mosques and Islamic Centres has proceeded well, one must also point out that this has not always taken an Islamic route. For instance, the African-American community is largely excluded from the mainstream, immigrant Muslim activities. The reason is that most African-Americans reside in poor neighbourhoods; most immigrant Muslims do not venture into those areas. No doubt, the fear of violence plays a part but the fact that the African-American community has been largely neglected or left out is a major failing of immigrant Muslims in North America. This is one area that needs to be addressed in earnest and as quickly as possible. The most committed Muslims are not given the kind of care and

respect that they deserve.

In a very real sense, the African-American community is the most dynamic and has the greatest potential to advance the cause of Islam. Close relations with it, indeed, common activities with it and between immigrant Muslims is the only way to safeguard the interests of Muslims and Islam in North America. This is one area that needs serious attention. Lack of effort in this vital area is a major failure of Muslims.

Muslim Organizations

In addition to Mosques and Islamic Centres, a number of other organizations have also emerged. They perform various functions. Some are more effective than others and it depends on what their objectives are. Most organizations try to integrate into the dominant system and act as lobbying groups, emulating the example of other secular groups. This tendency has wasted much resources and energies of Muslims. Far from influencing policy-makers in the larger system, most of these organizations end up apologizing for being Muslim. It is not uncommon to find these organizations issuing statements condemning one Muslim group or another in some part of the world because they did something to protect their interests against US or Zionist crimes. These organizations, far from serving the interests of Muslims, become apologists for the system in which they operate. There are several such organizations in the US.

In Canada, too, they are beginning to emerge and are developing along the same lines as those in the US. In fact, some groups in Canada have even adopted the names of organization that already exist in the US. It reflects the paucity of imagination and how little they have been able to achieve.

In addition to these organizations, there are other more independent-minded groups that

operate on an informal basis and have been more effective in safeguarding Muslim interests. Naturally such groups are not part of the system since the system is quite oppressive and does not tolerate much dissent. Developing cooperation between such organizations for more effective work is necessary to ensure that Muslims are not completely silenced in the West's relentless drive for domination.

In recent years, there have been other developments as well that show promise. As a result of US aggression in different parts of the world since 9/11, a number of non-Muslim groups have emerged in the US and Canada that are just as dissatisfied with the policies of the government as are Muslims. Prior to the US invasion of Afghanistan and Iraq, millions of people organized rallies in many countries to oppose US aggression. While such rallies have not prevented the US from launching aggression, what it has done is to deprive Washington of legitimacy. For three years, people in the US and Canada have participated in protest rallies, university teach-ins and other activities to expose US crimes against other people. In Canada, such rallies had the effect of preventing the Canadian government from joining the US war of aggression in Iraq. Had there been no protests or only token rallies, US pressure would have forced the Canadian government to send troops to Iraq.

There are important lessons here. Mobilizing public opinion in the US and Canada can play a useful role in preventing or at least denying them legitimacy in perpetrating crimes elsewhere. As US threats against Iran escalate, people are beginning organize against such moves. Already, programs are being held in Universities and rallies are planned to warn the US and Canadian governments to desist from attacking Iran. This is important for a number of reasons: not only Muslims but even non-Muslims have started to participate in these rallies because they see that the source of most problems in the world is the US and its aggressive policies. Such activities are more effective because Muslims generally are under pressure -and are not as willing to oppose the policies of aggressive States as the US while those non Muslims born and raised there are not so easily intimidated.

-Such awareness needs to be cultivated further although one needs to be clear that non

Muslims will have difference with Muslims on many other issues. As long as such understanding exists, Muslims should be able to advance their interests and agenda in a more effective manner.

Conclusion

Life for Muslims in North America has become much more difficult in the post-9/11 environment. It will take sustained effort and innovative methods to overcome the brutal policies that are being implemented against them. The first and foremost requirement is an awareness of what the problems are. There is also a need for Muslims to achieve operational unity at a number of levels among themselves. Moves are afoot to achieve some degree of -unity among various groups. In addition, specific activities can also be undertaken with non Muslim groups, especially that are also opposed to US imperialist designs