




The Comprehensiveness of *Ummah* as a Nation-building Concept

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Abstract

Objectivist or subjectivist methods would be utilised in a nation-building process. The objectivist method seeks to shape a national identity based on linguistic, ethnic or religious unity among those individuals forming the nation concerned. Shaping the identity constructed upon such unity is not asked by the subjectivist method. This method recognises linguistic, ethnic or religious diversity as the enrichment of the national identity. It stimulates the individuals to show loyalty to their common history and to embrace common future goals while trying to shape their national identity underscoring the significance of solidarity and emotional unity. *Ummah* is generally regarded as a concept benefiting from the objectivist method and aimed at a nation-building process that is based on religious unity. The concept of *ummah* would indeed have concrete objectivist features in a methodological manner; however, it is also possible to take into account the subjectivist method in an *ummah*-oriented process. This article examines those constitutions entered into force in various Muslim-majority states in the 2000s and afterwards and answers which methods are used in their nation-building processes. According to the article, seven states – Bahrain, Palestine, Qatar, the Comoros Union, the Maldives, Syria and Tunisia – draw on the objectivist method whilst Sudan utilises its subjectivist counterpart. The other states scrutinised in this study – Afghanistan, Algeria, Chad, Morocco, Ivory Coast (*Côte d'Ivoire*), Kyrgyzstan, Kosovo, Iraq, Libya, Egypt, Niger, Senegal, Somalia and Turkmenistan – use a hybrid formula constructed on both objectivist and subjectivist cornerstones. All results reached via a normative analysis of constitutional law are also examined from a perspective of Islamic law, ultimately arguing that the concept of *ummah* would be acknowledged as a model of inclusive nation.

Keywords

Ummah, Nation, Constitutional Law, Islamic Law, Horizons of Nation

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Abstracting and Indexes




Millet İnşa Etme Tasavvuru Olarak Ümmet Anlayışının Kapsayıcılığı

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Anayasa Hukuku | Rize, Türkiye

Öz

Nesnel (objektif) veya öznel (subjektif) yöntemler millet inşa etme sürecinde benimsenebilmektedir. Nesnel yöntem, milli kimliğin inşasında milleti oluşturan bireyler arasında dilsel, etnik ya da dinî birliği hedeflemektedir. Söz konusu birlik dairesinde milli kimliğin inşası öznel yöntem tarafından amaçlanmamaktadır. Milleti oluşturan bireyler arasındaki dilsel, etnik veyahut dinî farklılıkları milli kimliğin zenginliği olarak gören öznel yöntem, ortak geçmişe yönelik sadakat ile ortak gelecek ülküsüne yaslanmakla beraber bireyler arasında dayanışma ve duygusal birlikteliği ön plana çıkaran milli kimliği inşa etmeyi arzulamaktadır. Ümmet anlayışı genel itibarla nesnel yöntemle yaslanan ve din birliği üzerinden millet inşa etmeyi hedefleyen bir tasavvur olarak değerlendirilmektedir. Ümmet anlayışının yönetsel açıdan nesnellüğünün bulunduğu aşikârdır; fakat söz konusu nesnellüğün mutlak olmadığı ve öznel yöntemin de ümmet anlayışı doğrultusunda hesaba katılabileceği çalışmamızda ileri sürülmektedir. Bu yönüyle öğretiyeye katkı sunma teşebbüsü içerisinde olan çalışmamızda, 2000'li yıllar ve sonrasında Müslüman nüfusun çoğunluğu oluşturduğu devletlerde yürürlüğe konan anayasalar irdelenerek milletlerin oluşturulmasında işlevsel kılınan yöntemler tespit edilmeye çalışılmaktadır. Araştırma örneklemindeki yedi devletin - Bahreyn, Filistin, Katar, Komorlar Birliği, Maldivler, Suriye ve Tunus - nesnel yöntemi cari kıldığı, Sudan'ın ise öznel yöntemi benimsediği çalışmamızda belirtilmektedir. Örneklem kümesindeki diğer on dört devlette - Afganistan, Cezayir, Çad, Fas, Fildişi Sahili, Kırgızistan, Kosova, Irak, Libya, Mısır, Nijer, Senegal, Somali ve Türkmenistan - nesnel ve öznel yöntemleri birlikte işlevsel kılan karma usul vasıtasıyla kapsayıcı milletlerin oluşturulduğu çalışmamızda ayrıca gösterilmektedir. Normatif anayasa hukuku incelemesi neticesinde elde edilen sonuçların İslam hukuku ekseninde de analize tabi tutulduğu çalışmamızda, ümmetin esasen kapsayıcı bir millet tasavvuru olabileceği nihai noktada ileri sürülmektedir.

Anahtar Kelimeler

Ümmet, Millet, Anayasa Hukuku, İslam Hukuku, Millet Anlayışları

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Dizinlenme Bilgisi



Introduction

A nation-building process would be carried out through objectivist or subjectivist methods.¹ The concept of *umma* is mostly considered a product of the objectivist method that is aimed at religious unity.² It is true that there are some objectivist aspects of the concept, but there would also be possible for a nation-building process to follow an *umma*-oriented subjectivist path. This article examines whether the concept would be regarded as a model of inclusive nation. 22 Muslim-majority states are scrutinised in order to understand which methodologies they embrace in forming their nations at the constitutional level. All constitutions are reached via the well-known platform of *Constitute Project*, which is developed by the Comparative Constitutions Project at the University of Texas and the University of Chicago.

The article finds out that 7 out of 22 states (Bahrain, Palestine, Qatar, the Comoros Union, the Maldives, Syria and Tunisia) benefit from the objectivist method in their nation-building processes. The subjectivist method is embraced in Sudan while other 14 states – Afghanistan, Algeria, Chad, Morocco, Ivory Coast (*Côte d'Ivoire*), Kyrgyzstan, Kosovo, Iraq, Libya, Egypt, Niger, Senegal, Somalia and Turkmenistan – draw on a hybrid formula taking into account both objectivist and subjectivist milestones. All results obtained through a normative analysis of constitutional law indicate that it is likely for the concept of *umma* to form a model of inclusive nation. This argument is then examined from a perspective of Islamic law in order to comprehend whether the doctrine of Islamic law would enable the concept to be shaped in an inclusive manner. It is eventually maintained that the concept is likely to reflect an inclusive feature, but its inclusive characteristic should also be analysed via a perspective of cosmopolitanism.

This article is organised in the following fashion. The first chapter constructs a brief conceptual framework on the concept of nation. The second chapter examines 22 Muslim-majority states via a normative analysis of constitutional law. It is worth noting that all states examined in the chapter have adopted their constitutions in the 2000s or in the following decades. Other Muslim-majority states adopting their current constitutions before the 2000s are beyond of the scope of the article. Having completed the constitutional analysis, the article turns its attention to the question whether it is likely to shape the concept of *umma* in an inclusive manner under the doctrine of Islamic law in the last chapter.

1. Brief Conceptual Framework

It is not possible to establish a state without three basic components, namely (i) nation, (ii) territory and (iii) sovereignty.³ There are many well-known definitions of the concept 'nation'. Anderson, for instance, defines it as "an imagined political community and imagined as both inherently limited and sovereign".⁴ He goes on to expound that a nation is visualised in the manner that most of its members feel some form of belongingness, though they do not know each other and will probably never get to know. The concept is also defined through determining its elements. Hobsbawm, for example, identifies the significance of language, religion, and an invented tradition and history as the basic elements of a nation.⁵ Smith further develops these elements by scrutinising civic western nations and ethnic eastern nations.⁶ In resting upon the elements, particularly culture, Gellner famously defines nation as "the artefacts of men's convictions, loyalties and solidarities".⁷ In Gellner's view, nation is a product of people who "share the same culture, where culture in turn means a system of ideas and signs and associations and ways of

¹ Hasan Tunç-Faruk Bilir, "Cumhuriyet Dönemi Anayasalarımızda Milliyetçilik Anlayışı ve Atatürk Milliyetçiliği", *Gazi Üniversitesi Hukuk Fakültesi Dergisi* 2/2 (Haziran 1998), 3-4; Turgay Cın, "Avrupa Birliği Üyesi Yunanistan Anayasasında Millet, Halk ve Yunanistan Vatandaşlığı", *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi* 16/1 (Haziran 2014), 12-13; Bihterin Vural Dinçkol-Alper Işık, "1924 Anayasası Döneminde Yurttaşlık Anlayışı", *Marmara Üniversitesi Hukuk Fakültesi Hukuk Araştırmaları Dergisi* 21/1 (Haziran 2015), 27; Ömer Özkaya, "Devlet Olgusu Üzerine Bir Değerlendirme", *Uyuşmazlık Mahkemesi Dergisi* 8/16 (Aralık 2020), 328-329.

² For some comprehensive debates on this issue, see Ezgi Güzel Polat, "Osmanlıdan Günümüze Vatandaşlık Anlayışı", *Ankara Barosu Dergisi* 3 (Mayıs 2011), 127-157; Mehmet Fatih Çınar, "Türkiye Cumhuriyeti Anayasalarında Atatürk Milliyetçiliği ve Anayasa Mahkemesi Kararlarındaki Görünümü", *Antalya Bilim Üniversitesi Hukuk Fakültesi Dergisi* 6/12 (Aralık 2018), 79-95; Ümit Güveyi, "Ulus Devlet ile Vatandaşlık İlişkisi Paradoksu ve Anayasal Düzlemdeki Negatif Etkileri", *Yıldırım Beyazıt Hukuk Dergisi* 2 (Temmuz 2019), 137-168.

³ Kemal Gözler, *Devletin Genel Teorisi: Bir Genel Kamu Hukuku Ders Kitabı* (Bursa: Ekin Yayınevi, 2018), 4.

⁴ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 15.

⁵ Eric Hobsbawm, *National and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1983), 80-101.

⁶ Anthony Smith, *National Identity* (Reno: University of Nevada Press, 1991), 6-15.

⁷ Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983), 7.

behaving and communicating”.⁸

In taking almost all aforementioned traditional contributions into account, but not restricting herself merely with them, Guibernau gives a more political definition of the concept as “a human group conscious of forming a community, sharing a common culture, attached to a clearly demarcated territory, having a common past and a common project for the future, and claiming the right to rule itself”.⁹ According to this definition, a nation is expected to have five main characteristics: (i) a sense of belongingness constructed upon the consciousness of forming a distinct community, (ii) a shared history based chiefly upon the collective memory, (iii) a shared culture encompassing a specific language, political culture, religion, symbols, ceremonies, myths, heroes, sacred places and traditions, (iv) attachment to an unquestionably demarcated territory which is regarded as a site of public events, as a landscape, also as a main source of nourishment and resources, and (v) a desire for self-government triggered by sharing a common fate.¹⁰

Unlike many traditional scholars, Guibernau considers self-government an element of nation:

To define a specific community as a nation involves the more or less explicit acceptance of the legitimacy of the state that claims to represent it or, if the nation does not possess a state of its own, it then implicitly acknowledges the nation’s right to self-government involving some degree of political autonomy which may or may not lead to a claim for independence.¹¹

In Guibernau’s political definition, nation is not a fixed and eternal entity; instead, it is subject to transformations throughout its lives in which it generally entertains different political aspirations and self-definitions. Therefore, some new nations may emerge while others are likely to disappear.¹² Nationalism plays a key role in any potential emergence or disappearance process. As a political doctrine, it comes in several shapes and sizes with the contributions of theoretical studies: primordialist and modernising, ethnic and civic, Marxist-inspired, functionally-inspired, rational choice-inspired, culturally-based, psychologically-based, state-based and so on.¹³ Irrespective of theoretical differences, nationalism is mainly aimed at awarding a group of commoners or plebeians, shortly a community or people, the right to determine its own political destiny in a partial or full manner, e.g. a unit within a larger nation-state, a member of a nations-state (or union state), a constituent member of a federation or confederation, or an independent state.¹⁴

It is possible for a nationalist movement to embrace an objectivist attitude in its nation-building process.¹⁵ This attitude stimulates the movement to construct its national identity on objective cornerstones such as a common language, ethnicity or religion.¹⁶ It is also likely to shape the national identity through subjective factors, including fidelity, self-consciousness, sentiments, solidarity and willpower.¹⁷ The subjectivist approach is not aimed at linguistic, ethnic or religious unity among individuals forming a nation. Instead, this approach conceives linguistic, ethnic and religious diversity as the enrichment of the national identity. It is worth noting that there is no certain consensus upon which factors should be used in nation-building processes. This could be the reason why recent constitutions of many Muslim-majority states benefit from both objective and subjective factors in defining their nations. This mixed or hybrid formula indeed enables the recent constitutions to shape inclusive nations. The following chapter expounds some examples of such nations across the world by examining all

⁸ Gellner, *Nations and Nationalism*, 7.

⁹ Montserrat Guibernau, “Secessionism in Catalonia: After Democracy”, *Ethnopolitics* 12/4 (October 2013), 368; Montserrat Guibernau, “Prospects for an Independent Catalonia”, *International Journal of Politics, Culture and Society* 27/1 (March 2014), 5-6.

¹⁰ Montserrat Guibernau, “Secessionism in Catalonia: A Response to Goikoetxea, Blas, Roeder, and Serrano”, *Ethnopolitics* 12/4 (October 2013), 410-411.

¹¹ Guibernau, “Secessionism in Catalonia”, 368.

¹² Guibernau, “A Response”, 411.

¹³ There are a significant number of theoretical papers on nationalism. Gellner, for instance, constructs a culturally-based theory in which he defines nationalism as “a theory of political legitimacy, which requires that ethnic boundaries should not cut across political ones”. In Gellner’s theory, ethnic boundaries are created by distinct cultures, the development of which results in the advancement of nationalism. As a theory comparing ethnic eastern nationalism with civil western nationalism, Smith defines nationalism as “a form of culture, political ideology and a form of social movement”. While the essential elements of civic nationalism are “people and territory belong together”, those of ethnic nationalism are birth, native culture and a common descent. For more details, see Gellner, *Nations and Nationalism*, 1, 7; Smith, *National Identity*, 9, 12, 71; Philip Resnick, “What Theorists of Nationalism Have to Learn from Multinational States”, *Multinational Federalism: Problems and Prospects*, eds. Michel Seymour and Alain Gagnon (London: Palgrave Macmillan, 2012), 69-80.

¹⁴ Guibernau, “A Response”, 411.

¹⁵ Ayhan Döner, *Türk Anayasa Hukuku* (Ankara: Yetkin Yayınevi, 2023), 102.

¹⁶ Erdoğan Teziç, *Anayasa Hukuku* (İstanbul: Beta Yayınları, 2019), 133-134; Abdurrahman Eren, *Anayasa Hukuku Dersleri: Genel Esaslar – Türk Anayasa Hukuku* (Ankara: Seçkin Yayıncılık, 2021), 282-284.

¹⁷ Yavuz Atar, *Türk Anayasa Hukuku* (Ankara: Seçkin Yayıncılık, 2021), 70; Ömer Anayurt, *Anayasa Hukuku Genel Kısım: Temel İlkeler, Kavram ve Kurumlar* (Ankara: Seçkin Yayıncılık, 2022), 265-266.

constitutions adopted in various Muslim-majority states in the 2000s and afterwards.

2. Inclusive Nations in Muslim-majority States: Constitutions of the 2000s and Onwards

Objectivist nations are formed in some Muslim-majority states at the constitutional level, namely Bahrain,¹⁸ Palestine,¹⁹ Qatar,²⁰ Syria²¹ and Tunisia.²² Such nations are objectivist with respect to ethnic, linguistic and religious dimensions. Ethnic Arabism, Islam and the Arabic language are the basic pillars of the nations. A different objectivist nation is founded in the Comoros via a distinct constitutional approach. The 2018 Constitution of the Comoros Union rules that “the Comorian people solemnly affirm their will to (...) cultivate a national identity based on a sole people, a sole religion (Sunni Islam) and a sole language”.²³ As a corollary of this provision, Article 97 of the Constitution recognises Islam as the state religion while empowering the Comorian state to “draw on (...) the Sunni principles and rules of obedience and the Chafi’i rites that govern belief and social life”. Some may maintain that the Comorian example is subjectivist with regards to linguistic differences since Article 9/5 of the Constitution acknowledges French and the Shikomor language in addition to Arabic as the official languages of the Union. However, this provision is not aimed at recognising the linguistic diversity of the Comorian people. The Shikomor language is the mother tongue of the dominant population while French is a concrete remnant of the colonisation era.²⁴

An objectivist approach akin to the Comoros model is adopted in the Maldives. The Maldivian objectivism is based on religious and linguistic unity. There are not any provisions mentioning the ethnic diversity of the Maldives in the 2008 Constitution.²⁵ The Constitution envisages religious and linguistic unity and seeks to construct a Maldivian nation upon such unity. According to Article 10 of the Constitution, Islam is the religion of the Republic. All Maldivian laws are to be on the basis of Islam.²⁶ To put it differently, a law contract to any Islamic tenet is unlikely to be enacted in the Republic.²⁷ The Maldivian state is required to maintain and develop the religion of the Maldives while all oaths of office involve several phrases requiring a special respect for the religion of the Republic. The Maldivian state is also called to protect and prosper Dhivehi, which is recognised as the national language of the Maldives.²⁸

Sudan is another Muslim-majority state where the hybrid formula has not been embraced. The preamble of the 2019 Sudanese Constitution shapes a subjectivist nation and enshrines the diverse nature of the Sudanese people.²⁹ Article 66 of the Constitution follows the subjectivist path by bestowing collectivist identity rights upon all ethnic and cultural groups inhabiting the Sudanese Republic. In the other Muslim-majority states scrutinised in this study, inclusive nations are not formed via the subjectivist formula; rather, the hybrid method is utilised in the foundation of inclusive nations. All the states are examined in the following sections.

2.1. Afghanistan

The 2004 Constitution of Afghanistan forms an inclusive Afghan nation through encompassing both objective and subjective elements. Article 2 of the Constitution recognises Islam as the religion of Afghanistan whilst the preamble and Article 3 of the Constitution put an emphasis on the Islamic characteristic of the Afghan Republic.³⁰ This does not imply that the Afghan nation is constructed upon an Islam-based objectivist cornerstone. Afghan followers of other faiths are guaranteed to enjoy their

¹⁸ See the preamble, Articles 1/a and 2 of the 2002 Constitution of Bahrain. For the full text of the Constitution, see Constitute Project, “Bahrain 2002” (Accessed on 1 July 2023).

¹⁹ See the preamble, Articles 1 and 4 of the 2003 Constitution of Palestine. For the full text of the Constitution, see Constitute Project, “Palestine 2003” (Accessed on 2 July 2023).

²⁰ See the preamble and Article 1 of the 2003 Constitution of Qatar. For the full text of the Constitution, see Constitute Project, “Qatar 2003” (Accessed on 2 July 2023).

²¹ See the preamble, Articles 1, 3 and 4 of the 2012 Constitution of Syria. For the full text of the Constitution, see Constitute Project, “Syrian Arab Republic 2012” (Accessed on 2 July 2023).

²² See the preamble, Articles 1 and 39 of the 2014 Constitution of Tunisia. For the full text of the Constitution, see Constitute Project, “Tunisia 2014” (Accessed on 2 July 2023).

²³ Constitute Project, “Comoros 2018” (Accessed on 2 July 2023).

²⁴ For a brief note on the linguistic and religious diversity of the Union, see Minority Rights Group International, “Comoros” (Accessed on 2 July 2023).

²⁵ For the full text of the Maldivian Constitution, see Constitute Project, “Maldives 2008” (Accessed on 3 July 2023).

²⁶ Article 10 of the Maldivian Constitution.

²⁷ Article 10 of the Maldivian Constitution.

²⁸ Articles 11 and 67 of the Maldivian Constitution.

²⁹ Constitute Project, “Sudan 2019” (Accessed on 2 July 2023).

³⁰ Constitute Project, “Afghanistan 2004” (Accessed on 1 July 2023).

religious freedoms in accordance with Article 2 of the Constitution. Some may argue whether the notion 'Afghan' is an ethnicity-based term. This term does not refer to only one ethnic group as Article 4 of the Constitution rules that "the nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui and other tribes". The same constitutional provision also states in a subjectivist way that "the word Afghan shall apply to every citizen of Afghanistan". Article 16 of the Constitution is another provision that shows the inclusiveness of the Afghan nation. According to this article, Pashto and Dari are not the only languages of the Afghan state. These two languages are the national languages, but Uzbeki, Turkmani, Pachaie, Nuristani, Baluchi and Pamiri would also be used as regional official languages, ensuring the inclusiveness of the Afghan nation with respect to linguistic differences or cleavages.

2.2. Algeria

The 2020 Constitution of Algeria, in Article 2, acknowledges Islam as the official religion.³¹ Moreover, the preamble of the Constitution regards Algeria as the "land of Islam". The presence of these constitutional provisions does not mean that the Algerian nation is built on an Islam-based objectivist milestone. The state is obliged to promote and develop not only Islam but also Amazighism in pursuit of the preamble of the Constitution. Another obligation of the state is to advance and promote Arabism, but this provision does not impose a duty upon the Algerian state to pursue an Arabisation policy aimed at rendering Algeria an Arab-only nation state. It is true that Article 3/1-2 of the Constitution recognises Arabic as the national and official language of the state; however, Tamazight is also acknowledged as a national and official language under Article 4/1 of the Constitution. Furthermore, the state is required to promote and develop not only Arabic but also Tamazight.³² All these provisions show that the Algerian Constitution seeks to define the Algerian nation in an inclusive way.

2.3. Chad

The 2018 Constitution of Chad recognises French and Arabic as the official languages of the Republic.³³ This does not mean that the Constitution seeks to establish a language-based objectivist nation because Article 9/2 of the Constitution calls on the Chadian state to preserve and develop all national languages. A similar subjectivist attitude is adopted with respect to ethnic and religious differences. According to Article 5 of the Constitution, "any propaganda of ethnic, tribal, regional or religious character attempting to harm the national unity or the secularity of the State is prohibited". Moreover, ethno-cultural and religious diversity in the Chadian state is acknowledged in the preamble of the Constitution, where it is also stated that the Chadian people considers ethnic and religious tolerance a fundamental value of the Republic. All these constitutional provisions demonstrate that the Chadian Constitution is aimed at forming an inclusive nation via the hybrid formula.

2.4. Ivory Coast (Côte d'Ivoire)

According to Article 48/5 of the 2016 Constitution, French is the official language of Ivory Coast. This does not imply that the Ivorian Constitution aims to form a language-oriented objectivist nation. A duty of the Ivorian state is to protect and promote all Ivorian national languages in accordance with Article 101 of the Constitution. The same constitutional article authorises the Ivorian legislature to adopt a law determining the national languages. The existence of this provision indicates that the Ivorian Constitution would potentially welcome the linguistic diversity of the Ivorian people. A certain provision for the establishment of an inclusive Ivorian nation is indeed found in the preamble of the Constitution. According to this relevant provision, the Ivorian people take into account its cultural, ethnic and religious diversity, and are determined to construct "a multi-ethnic and multi-racial Nation on the principles of national sovereignty".

2.5. Egypt

The 2014 Constitution of Egypt is mostly objectivist as Arabism, Islam and Arabic are enshrined at the constitutional level.³⁴ Ethnic Arabism is backed in the preamble and Article 1 of the Constitution. Islam is recognised as the religion of the Arab Republic pursuant to Article 2 of the Constitution. This constitutional provision also acknowledges Arabic as the official language of the state. The maintenance and advancement of the Arabic language is guaranteed by Articles 7, 24 and 48 of the Constitution as well. All these provisions could be seen as the milestones of the objectivist formula. It is worth noting that there is another aspect of the Egyptian model reflecting a degree of religious subjectivity. According to the 2014 Constitution, the

³¹ Constitute Project, "Algeria 2020" (Accessed on 1 July 2023).

³² Articles 3/3-4 and 4/3-4 of the Algerian Constitution.

³³ Article 9/1 of the Chadian Constitution. For the full text of the Constitution, see Constitute Project, "Chad 2018" (Accessed on 2 July 2023).

³⁴ Constitute Project, "Egypt 2014" (Accessed on 2 July 2023).

Egyptian nation does not have a mono-religious feature. Rather, Article 3 of the Constitution rules that “the principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders”. Furthermore, the preamble of the Constitution welcomes the multi-religious characteristic of the Arab Republic. The existence of the above-mentioned provisions indicate that the Egyptian Constitution seeks to create an inclusive nation when regulating the religious structure of the Arab Republic.

2.6. Iraq

The 2005 Constitution of Iraq is objectivist while recognising Islam as the official religion of the state, and while guaranteeing the Islamic identity of the majority of the Iraqi people.³⁵ However, the Iraqi Constitution has some degree of religious diversity when ensuring “the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians”, and when acknowledging the multi-religious feature of the country.³⁶ The Constitution supports an objectivist approach in showing Iraq as an active member of the Arab League.³⁷ The Constitution is also subjectivist whilst recognising the multi-ethnic feature of the country and regarding ethnic Turkmen and Kurds as well as Arabs as the components of the Iraqi people.³⁸ Linguistic subjectivity is another aspect of the 2005 Constitution. To clarify, the Constitution recognises not only Arabic, the mother tongue of the majority population, but also the Kurdish, Turkomen and Syriac languages as either national or regional official languages.³⁹ It is also possible to use other minority languages, e.g. Armenian, as official languages at the local level in accordance with Article 4/5 of the Constitution.

2.7. Kosovo

The 2008 Constitution of Kosovo is mostly subjectivist.⁴⁰ It reflects a degree of objectivity once recognising Albanian, the mother tongue of the majority population, as a national official language of the Republic. However, the Constitution acknowledges Serbian as a national official language in addition to Turkish, Bosnian and Roma as potential official languages at the municipal level, leading to a degree of linguistic subjectivity. Ethnic subjectivity and religious subjectivity would also be understood by touching on several articles of the Constitution. For example, according to Article 57/1 of the Constitution, “inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo (Communities) shall have specific rights as set forth in this Constitution”. Article 104/2 of the Constitution reads that “the composition of the judiciary shall reflect the ethnic diversity of Kosovo”. The following provision of the same article stipulates that “the composition of the courts shall reflect the ethnic composition of the territorial jurisdiction of the respective court”. Article 108/2 of the Constitution rules that “the Kosovo Judicial Council shall (...) fully reflect the multi-ethnic nature of Kosovo”. According to Article 109/4, “the State Prosecutor shall reflect the multiethnic composition of the Republic of Kosovo”. Article 125/2 of the Constitution states that “security institutions shall reflect the ethnic diversity of the population of the Republic of Kosovo”. A similar diversity-centred phrase is used when the Constitution regulates the composition of the Kosovan Police.⁴¹ State-based religious neutrality and religious freedoms are the other pillars of the subjectivist Kosovan model that are listed in Articles 8, 9, 38 and 39 of the Constitution.

2.8. Kyrgyzstan

The 2010 Constitution of Kyrgyzstan is linguistically objectivist when recognising Kyrgyz, the mother tongue of the majority population, as the state language, and when imposing a duty upon the state to develop this language.⁴² The Constitution is also subjectivist while acknowledging Russian, a minority language, as another official language, and while ensuring that “the representatives of all ethnicities which form the population of Kyrgyzstan have the right to preserve their native language as well as creation of conditions for its learning and development”.⁴³ Ethnic subjectivity could be understood under Article 38 of

³⁵ See the preamble and Article 2 of the 2005 Constitution of Iraq. For the full text of the Constitution, see Constitute Project, “Iraq 2005” (Accessed on 3 July 2023).

³⁶ Articles 2/2 and 3 of the Iraqi Constitution.

³⁷ Article 3 of the Iraqi Constitution.

³⁸ The preamble and Article 3 of the Iraqi Constitution.

³⁹ Article 4 of the Iraqi Constitution.

⁴⁰ For the full text of the Kosovan Constitution, see Constitute Project, “Kosovo 2008” (Accessed on 3 July 2023).

⁴¹ Article 128/2 of the Kosovan Constitution.

⁴² See the preamble and Article 10/1 of the Kyrgyz Constitution. For the full text of the Constitution, see Constitute Project, “Kyrgyzstan 2010” (Accessed on 3 July 2023).

⁴³ Article 10/2-3 of the Kyrgyz Constitution.

the Constitution, which states that “everyone shall have the right to freely determine and state his/her ethnicity. No one may be forced to determine and state his/her ethnicity”. Religious subjectivity is also ensured via the 2010 Constitution, under which religious neutrality is secured.⁴⁴

2.9. Libya

The 2011 Constitution of Libya recognises Arabic, the mother tongue of the majority population, as the state language, demonstrating an objectivist feature of the Libyan model.⁴⁵ However, this model is not linguistically objectivist in all manners. Article 1 of the Constitution guarantees “the linguistic and cultural rights of the Amazigh, the Tabous, the Touareg and the other components of the Libyan society”. A similar approach is adopted in terms of religious diversity. Islam is recognised as the religion of the state, and Shari’a (Islamic Law) is acknowledged as “the main source of legislation”.⁴⁶ It is also a duty of the state imposed at the constitutional level to “guarantee for non-Muslims the freedom to practice their religious rituals”.⁴⁷ All these constitutional provisions are indeed the basic cornerstones of the Libyan model on which an inclusive nation is to be built.

2.10. Morocco

The 2011 Constitution of Morocco is objectivist when regarding the Moroccan Kingdom as a Muslim state, and when granting an official status to Islam, the religion of the majority population.⁴⁸ It is also subjectivist when guaranteeing to “all the free exercise of beliefs”.⁴⁹ A similar approach is embraced with respect to the linguistic diversity of the Kingdom. Article 5/1 of the Constitution vests an official status in Arabic, the mother tongue of the majority population. The following provision of the same constitutional article imposes a duty of protecting and promoting Arabic upon the Kingdom. These provisions indicate the objectivist aspect of the Constitution in terms of linguistic diversity. There is also a subjectivist dimension when giving an official status to Tamazight, a minority language.⁵⁰ Another subjectivist stride is made via the creation of the National Council of Languages and Moroccan Culture, which is aimed at maintaining and advancing “the diverse Moroccan cultural expressions”.⁵¹ Protecting the diversity of the Kingdom is also considered a duty to be fulfilled by state organs in accordance with the preamble of the Constitution. All aforementioned subjectivist provisions show that the Moroccan Constitution seeks to form an inclusive nation by means of the hybrid formula.

2.11. Niger

The 2010 Constitution of Niger recognises French as the official language.⁵² This could be seen as an indicator of linguistic objectivism. However, there are some subjectivist steps taken by the 2010 Constitution. For example, Article 5/1 of the Constitution reads that “all communities composing the Nigerien Nation enjoy the freedom to use their languages”. All such languages “have, in all equality, the status of national languages” in accordance with Article 5/2 of the Constitution. The Nigerien state is required to promote and develop such national languages under Article 5/3 of the Constitution. The Nigerien Constitution is fully subjectivist in terms of ethnic and religious diversity since there are several constitutional provisions emphasising upon ethnic and religious neutrality.⁵³ All aforementioned constitutional provisions evidence that the hybrid formula of nation-building operates in Niger.

2.12. Senegal

A constitutional approach analogous to the Nigerien model is embraced by the 2001 Constitution of Senegal.⁵⁴ The Constitution recognises French as the official language.⁵⁵ This could be deemed an objectivist attempt, but the Constitution also lists several

⁴⁴ See Articles 1/1, 20/4-7, 20/5-5, 31/4 and 32/4.

⁴⁵ Article 1 of the Libyan Constitution. For the full text of the Constitution, see Constitute Project, “Libya 2011” (Accessed on 3 July 2023).

⁴⁶ Article 1 of the Libyan Constitution.

⁴⁷ Article 1 of the Libyan Constitution.

⁴⁸ The preamble and Article 3 of the Moroccan Constitution. For the full text of the Constitution, see Constitute Project, “Morocco 2011” (Accessed on 4 July 2023).

⁴⁹ Article 3 of the Moroccan Constitution.

⁵⁰ Article 5/3 of the Moroccan Constitution.

⁵¹ Article 5/6 of the Moroccan Constitution.

⁵² Article 5/5 of the Nigerien Constitution. For the full text of the Constitution, see Constitute Project, “Niger 2010” (Accessed on 4 July 2023).

⁵³ See Articles 8 and 9 of the Nigerien Constitution.

⁵⁴ For the full text of the Senegalese Constitution, see Constitute Project, “Senegal 2001” (Accessed on 4 July 2023).

⁵⁵ Article 1/2 of the Senegalese Constitution.

minority languages, e.g. Diola, Malinké, Pular, Sérère, Soninké and Wolof, as national languages.⁵⁶ It is also possible to increase the number of national languages through a codification process in accordance with Article 1/2 of the Senegalese Constitution. The Constitution is fully subjectivist in terms of religious diversity. It empowers all religious communities to exercise their religious freedoms and cultural practices.⁵⁷ A similar subjectivist approach is adopted with respect to ethnic diversity as there are a few constitutional provisions underscoring ethnic neutrality.⁵⁸

2.13. Somalia

The 2012 Constitution of Somalia is mostly objectivist in forming the Somali nation.⁵⁹ The Constitution is objectivist when recognising Islam as the religion of the state, and when ruling that “no religion other than Islam can be propagated in the country”.⁶⁰ Another religion-based objectivist provision is the following: “no law which is not compliant with the general principles of Shari’ah can be enacted”. A degree of objectivism is also reflected in terms of linguistic diversity as Somali, the mother tongue of the majority population, is acknowledged as the official language of the Republic under Article 5 of the Constitution. The same constitutional provision regards Arabic as the second language of the Republic. There is another aspect of the Somali Constitution that paves the way for linguistic subjectivism. To clarify, the Constitution stipulates that “the state shall promote the cultural practices and local dialects of minorities”. All these constitutional provisions demonstrate that the Somali model embraces both objectivist and subjectivist approaches in forming an inclusive nation.

2.14. Turkmenistan

The 2008 Constitution of Turkmenistan is linguistically objectivist when recognising the Turkmen language, the mother tongue of the majority population, as the state language.⁶¹ There is also a reflection of linguistic subjectivism at the constitutional level because Article 21 of the Constitution rules that “the use of their native language shall be guaranteed to all citizens of Turkmenistan”. The usage of the Turkmen language and other native languages spoken within the borders of Turkmenistan is allowed in judicial proceedings under Article 104 of the Constitution. A similar subjectivist attitude is embraced with respect to ethnic diversity. Ethnic neutrality is enshrined in Article 15 of the Constitution, under which the Turkmen state is responsible for “ensuring equality between social and ethnic communities”. Religious subjectivism is another cornerstone of the Turkmen model, which stands up for religious neutrality through numerous constitutional provisions.⁶²

All examples analysed in this chapter show that there is no certain way followed by many Muslim-majority states in their nation-building processes. It is likely to utilise an objectivist method. Bahrain, Palestine, Qatar, Syria, the Comoros, the Maldives and Tunisia are just some Muslim-majority examples where the objectivist formula of nation-building is embraced. It is less likely to witness a Muslim-majority state in which only the subjective formula of nation-building is adopted. Nevertheless, it is possible to encounter such states. For instance, a subjectivist way of nation-building is followed in Sudan. Most Muslim-majority states utilise both objectivist and subjectivist methods in their nation-building processes. 14 out of 22 Muslim-majority states examined in this study construct their inclusive nations through the hybrid formula. It is worth noting that half of these states grant an official status to Islam, which seeks to establish a commonwealth of all Muslims, namely the *umma*. *Umma* is indeed a product of nation-building. It is argued that a nation-building process constructed on the idea of religious unity is required to embrace the objectivist formula.⁶³ Many examples analysed in this study demonstrate that it could be possible to adopt the hybrid formula while pursuing a nation-building process built upon the perspective of religious unity. The following chapter scrutinises whether it is likely to utilise the hybrid method during a nation-building process aimed eventually at forming the *umma*.

3. The *Umma* through the Hybrid Formula: A Model of Inclusive Nation

The Arabic-origin concept of *umma* means nation, generation, tribe, people, community and a community of humans or other living beings in Turkish. In the literature of Islamic law, the concept means a community of people believing a common religion

⁵⁶ Article 1/2 of the Senegalese Constitution.

⁵⁷ Article 24 of the Senegalese Constitution.

⁵⁸ See Articles 4/3 and 5 of the Senegalese Constitution.

⁵⁹ For the full text of the Somali Constitution, see Constitute Project, “Somalia 2012” (Accessed on 4 July 2023).

⁶⁰ Article 2/1-2 of the Somali Constitution.

⁶¹ Article 21 of the Turkmen Constitution. For the full text of the Turkmen Constitution, see Constitute Project, “Turkmenistan 2008” (Accessed on 4 July 2023).

⁶² Articles 18, 19, 28, 41 and 44 of the Turkmen Constitution.

⁶³ Kemal Gözler, *Türk Anayasa Hukuku Dersleri* (Bursa: Ekin Yayınevi, 2023), 56.

and pursuing common goals. The Qur'an, the Sunnah and basic Islamic sources frequently touch upon the concept. In the Qur'an, *ummah* is regarded as a group of animals having a biological origin akin to each other or a community of humans (6/38). In the Sunnah, the concept is used when referring to those loyal to the Prophet Muhammad or when mentioning other communities loyal to other prophets. Another notable reference is found in the Charter of Medina, under which non-Muslim communities are in agreement with the Muslims on the basis of their will to live together. According to the Charter, both Muslims and non-Muslim communities are acknowledged as a single *ummah* whilst non-Muslim communities are allowed to exercise their freedom of religion (arts. 1 and 26).⁶⁴ In basic Islamic sources, the concept is used solely in relation to Muslim communities. Accordingly, it would be argued that the richest and largest usage of the concept is found in the Qur'an.

Ummah is a widely-used central concept that appears in twenty-five different surahs and sixty-four verses in the Quran. The concept is generally used in the Qur'an in the following meanings: a community of humans believing in Allah (3/124), a community of humans not believing in Allah (27/83), a nation of animals (35/24), tribe (7/160), leader (16/120), time (12/45), religion and lifestyle (43/22-23).⁶⁵ When looking at the wide usage of the concept in the Quran, it is possible to claim that *ummah* explains the positive or negative relations of communities enjoying different cultures or beliefs with the belief in monotheism. In the Islamic culture and civilisation, however, the concept gains a more specific and positive meaning and is used only for those believing in the religion brought by the Prophet Muhammad and accordingly those following his path. Thus, humanity is at the centre of Islamic understanding of *ummah*. It is significant to note at this juncture that Muslims are divided into races, tribes, colours, etc. Race, skin colour, language, geography and other similar variables are unlikely to constitute an obstacle for unity among Muslims, according to Islam. Islam does not seek to define the notion of humanity via the aforementioned variables, but via virtue and faith, ultimately leading to an expression of *ummah* in the broadest sense. To put it differently, Islam does not perceive the concept of *ummah* as a geographical and formal unity, but it perceives the concept as the unity of purpose and spirit of Muslim solidarity all over the world.

It is worth noting that the wide usage area of the concept *ummah* has led to different understandings on the basis of societies. Such differences are indeed the corollaries of the absence of a strong state able to guide and govern all Muslims on a global scale. The concept has greatly narrowed its meaning in the non-existence of such a major state, and every nation has begun to see itself as the central authority representing the *ummah*. This is, in fact, incompatible with the Islamic understanding of *ummah*, which recognises all Muslims as a single nation irrespective of their citizenship status. All Muslims, regardless of their citizenship status, are supposed to benefit from all legal and economic opportunities provided by an Islamic state under the Islamic understanding of *ummah*. To put it differently, each Muslim individual has the broadest rights even when living in another Islamic country, just like those European individuals inhabiting all European Union countries. Unfortunately, present Muslim-dominated states intend to protect their sovereignty and borders based on an idea that is far from this Islamic understanding and practice.

While the Islamic concept of *ummah* expands certain areas, it also restricts some concrete domains. In this sense, the Islamic concept is also the concept of an individual, society, law, state and civilisation. It is not an alienating concept; it is a unifying concept. It is not a restrictive concept, but an encompassing concept. It is not a monopolistic concept; it is a sharing concept. It is we-centred, not me-centred. It is a regulator, not a dissolver. It is not a warrior, but a peacemaker. It is not lethal; it is a life-giving concept. It is not destructive; it is a structuring and revitalising concept. For this reason, the concept of *ummah*, which is a vision of civilisation, is strongly against the primitiveness of seeing oneself, one's family, tribe, and race as solely self-based and blindly superior. In this context, it should be known that Islam strongly opposes blind imitation (religion of ancestors), which is one of the biggest obstacles to the aggregation of *ummah*, and the disease of favouritism towards one's own people and tribe or race (*shu'b*, *'asaba*, *ahl*), even though it is unjust.

Human is a word that refers to a community consisting of male and female who speak, think and communicate verbally. Two basic characteristics of humans are that they lose themselves a lot and that they quickly establish relationships with others. Human beings are inclined towards both goods and evils. However, it is stated in the Quran that they are respectable beings (95/4) and that they were created from a male and a female (49/13). Therefore, a person gains meaning not alone, but in a community, even if it is small in number. The most ideal, widest, most beneficial and final form of community is to constitute an *ummah*. In other words, it is the consciousness and organisation of raising the individual and social merits of Muslims to the

⁶⁴ For the full text of the Charter and its in-depth analysis, see Saïd Amir Arjomand, "The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the 'Umma'", *International Journal of Middle East Studies* 41/4 (November 2009), 555-575; Bayram Doğan-Mehmet Turan, "Anayasa Hukuku Bağlamında Medine Vesikası", *Süleyman Demirel Üniversitesi Hukuk Fakültesi Dergisi* 11/1 (Haziran 2021), 69-96; Erdoğan Keskin, "Anayasacılık Bağlamında İslami Anayasacılık Kavramı ve Medine Vesikası", *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 70/3 (Ekim 2021), 957-990.

⁶⁵ Ahmet Öz, "Kur'an'da İslam Ümmeti", *Kilis 7 Aralık Üniversitesi İlahiyat Fakültesi Dergisi* 6/11 (Aralık 2019), 551.

most beneficial level on a universal level.

Ummah is the name of a large community based on servitude that people form on the basis of a certain ideal and belief. The biggest obstacle to the consciousness of forming an *umma* is blindly prioritising oneself, one's family, tribe or race, without relying on any effort or merit, and closing oneself to the truth and wisdom of other people. This situation is legally prohibited and morally condemned in Islam. It would be appropriate to include this observation here as a fact. *Ummah* is the umbrella concept that expresses all people who belong to the religion of Islam as a civilisational concept and area of dominance, without being subject to any discrimination or engagement. The concept of *umma* includes several patronage groups such as nations, tribes and sects. While some of these concepts refer to a single person (individual, human or person), a family (*ahl*), a tribe or a race (*asaba*) in a narrow framework, some of them refer to broader masses, cultures or religious groups. Each of these has positive or negative meanings in its own context. While Islam condemns negative meanings, it orders every Muslim to direct their own merits to compete in good deeds. However, these concepts express a dynamic process rather than a static situation. Therefore, there is a constant renewal in the content of each concept, according to periods and places.⁶⁶

In Islam, the value of human is measured by the quality of servitude. In the Quran, each individual with this qualification is considered a brother in terms of the unity of faith, even if not biologically (49/10). One of the most basic responsibilities of constituting an *umma* is, according to the Quran, to glorify the name of Allah on earth, to eliminate the issues that cause corruption, and to develop and improve the earth in a way that forms the basis for the welfare of all humans (2/128, 213). There are serious responsibilities that come with constituting an *umma* in Islam. These responsibilities are both internal and external features. This issue is explained in the Quran as follows: "You are the best *umma* that has been created for humanity. You enjoy goodness, forbid evil, and believe in Allah..." (3/110). For all this to happen, first of all, the *umma* must be strong, balanced, powerful, patient, tolerant and well-equipped in society.⁶⁷

Human is a central concept in the Quran. Surah Al-Jathiyah (45/13) reads that "He has given to you everything in the heavens and the earth as a blessing from Himself. There are signs for those who think". As it is clearly stated in the verse, everything in the universe has been created for the benefit of humanity, but it is also emphasised that people should be moderate while benefiting from the blessings offered to them, should also think about future generations, and should not engage in any destructive, disruptive or destructive activities on other beings. Provided that the criteria are observed, the Quran mentions many nice virtues for humans and the high ranks they will attain in the sight of Allah thanks to the servitude they display through these virtues.⁶⁸ In Islam, although a human being is valuable on his/her own, s/he gains his/her real meaning in society and the contribution s/he makes to society. Therefore, in Islam, there is being us, not self. The most natural consequence of being us is the consciousness of forming a community, an *umma*.

Ummah is the umbrella concept that includes those loyal to the Prophet with a true understanding. This meaning is mostly emphasised in the Quran. The Islamic *umma* requires being united and acting with the consciousness of unity. It is inclusive, not exclusive. Non-Muslims would also find a place for themselves under this umbrella, with a clear legal basis. In order words, they are not marginalised under the umbrella. It is not possible to ignore others by constituting the Islamic *umma*. The opposite attitude would fall into the trap of micro-nationalism, which Islam will never accept.

Conclusion

This article has sought to answer whether the notion of *umma* would be considered a nation-building concept benefiting from both objectivist and subjectivist methods. A normative analysis of constitutional law has demonstrated that most Muslim-majority states draw on a hybrid formula in their nation-building processes welcoming both objectivist and subjectivist methods. The dominant position of the hybrid formula has raised the question whether the Islamic *umma* would be regarded as a model of inclusive nation under the doctrine of Islamic law. The relevant analysis has eventually indicated that it is likely to utilise the hybrid method and form an inclusive nation through the concept of *umma*.

It is worth noting that the possibility of forming such an inclusive nation would be comprehended from a theoretical point of view. Today, in most Muslim-occupied countries, there is an effort to highlight one's own race through empty praise instead of ideas that will nourish the consciousness of forming an *umma*. The disease of presenting oneself to the public as the ruler and

⁶⁶ Necmettin Gökür, "Political Language of Tafsir – Redefining of 'Ummah', a Religio-communal Concept of the Qur'an: Past and Present", *İstanbul Üniversitesi İlahiyat Fakültesi Dergisi* 15 (Nisan 2007), 248.

⁶⁷ Abdullah Aygün, *Kur'an'a Göre Ümmet-i Muhammed'in Özellikleri* (Sakarya: Sakarya Üniversitesi, Sosyal Bilimler Enstitüsü, Doktora Tezi, 2008), 145-149.

⁶⁸ For example, see 9/112 and 22/41.

policymaker of the world, unaware of one's own power and the reality of the world, is an exemplary indicator of how detached they are from the realities of the world. However, current Muslims, above all else, have the responsibility of knowing their own position and taking precautions accordingly. If it is desired to exist in the world as an *ummah*, then there is an obligation to plan, implement what is planned, control what is implemented and take precautions for the problems, both at the individual and state scales. As a result of this introversion and separation from the world, it is seen that most Muslim-majority countries are increasingly moving away from the consciousness of forming an *ummah* and shifting towards micro-nationalism. What we mean by this, of course, is not that a person loves his/her state, land, flag or national values; but on the contrary, s/he does not offer these virtues to the benefit of *ummah*. However, what will render Islamic societies truly strong is not introversion, but cooperation with other co-religionists as much as possible. Therefore, Muslims' socialisation and unity is not a condemnable situation; on the contrary, it is a must. When the provisions of Islamic law are examined in general, it is seen that while some of them can be applied at the individual level, state power is needed in many matters, e.g., criminal law, war (*jihad*) law, procedural law, tax law, land law, etc. For this reason, acting with the consciousness of forming an *ummah* has a great share in understanding and experiencing Islam and in the emergence of Muslims on the stage of existence.

Although it is understood at the first glance that all Muslims are gathered under one roof when the Islamic *ummah* is mentioned, it is seen that this is not possible in practice, legally and in terms of historical experience. Since there is nothing practical in the Quran, we need to base our understanding of *ummah* on more realistic foundations. This should be in the form of considering the legal and cultural independence of each Muslim, granting the broadest rights to all Muslims and also taking a united stand against those who take an attitude towards Islam and act hostilely. When we look at the historical processes of Muslims, we see that the word *ummah* has experienced a narrowing of meaning and evolved from the general to the specific. After this narrowing of meaning was determined in a certain place and gained the meaning of terminology, it became the general name of those communities loyal to the Prophet. Therefore, it is unlikely for contemporary Muslim nation-states to use this concept to cover only their own people. For this reason, although there is no obstacle in terms of Islamic law to the freedom of statehood for Muslim societies that have emerged as a reality and are governed by their own laws, it is not possible to say that they alone represent the Islamic *ummah*.

While it is important that Muslim elements within many states established in the modern period are determined by name or have certain rights when determining their constitutional status, is the main motive here due to an *ummah* perspective or *force majeure*? The point of origin is important. In order to be able to say that this truly stems from Islam's comprehensive understanding of *ummah*, it will be necessary to look at whether the same treatment is applied to a citizen-status Muslim person and a foreigner-status Muslim person committing the same crime. In theory, of course, a country enjoys the right to establish sovereignty over its own territory and apply Islamic law, taking into account the customary conditions. However, from the perspective of the Islamic *ummah*, since Muslims are considered a single nation, it is necessary to apply equal law to them. In addition, it is necessary to act on the principle of supporting Muslim states in their foreign policies and using their preferences in favour of Muslim nations. Future research projects would scrutinise all aforementioned issues in depth and seek to adopt a cosmopolitan perspective on the *ummah*-oriented inclusive form of nation-building.

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