



The Muslim Women's contingent at the 2019 Women's March. By Phil Pasquini via Shutterstock.

A year into the United States Supreme Court decision that upheld the Trump Administration travel ban, the impact of this policy that mainly targeted Muslim-majority countries, and the conceptual and abstract terms from which it operates, have yet to be clearly articulated. The core issue at hand is the objectification of Muslims as migrants and racial others. Seen from the context of the global War on Terror, what is undoubtedly a Muslim Travel ban by the U.S. government, offers a significant moment for reflection and strategy-building for social justice movements. On 26 June 2018, the United States Supreme Court upheld the Trump administration travel ban in a 5-4 decision barring entry of immigrants from a number of Muslim-majority countries. Before the court was the question of whether this constituted a discriminatory form of animus—an intent or motive to do harm based on hostility. The majority decision argued that nationality and security are powers largely at the discretion of the president, a historical continuity that links U.S. policies of immigration to war and empire-building in what can be described as U.S. imperialism. This enduring approach to immigration and citizenship, in particular, the concepts of alienage and naturalization, is owed to the legacy of the 1790 Naturalization

Act and the invocation of citizenship as restricted to “any alien, being a free white person.” In the context of freedoms accorded by the U.S. constitution, the regulation of immigration by the government must be free of discrimination. Yet, throughout U.S. history immigration and citizenship have been consistently contested as discriminatory. The policy of who is allowed to freely travel across the borders of the United States depends on the very definitions of nationality and sovereignty—those concepts founded by a settler society and in the on-going violence of native genocide. As the benchmark of state-sanctioned white supremacy that defines the United States as a racial state, these policies and immigration restrictions are the terms from which social justice opposition has formed to both operate within a settler state and to imagine alternatives to a settler social order. In the context of situating the US as a settler-colonial state, it is important to recall the connected yet distinct components of US empire and settler colonialism. That colonialism never ended in the US, and that US empire building and imperial expansion extends across the planet, present particular challenges to social movement thinking that do not always consider settler-colonialism and imperial expansion in relation to one another. Dominant U.S. social movements often perceive US imperialism and settler colonialism as separate much in the same way that they only tend to imagine racism as a form of violence specific to the domestic United States and as the result of slavery and native genocide and conquest while conceptualizing the violence and killing produced by the global War on Terror as a product of mere political conflict.

It is with this dilemma that we argue that the Muslim Travel Ban, and the anti-Muslim policies that reinforce it, are an outgrowth of U.S. imperial racism that take shape in the context of post-Cold War expansion into Muslim-majority countries. Yet since anti-Muslim racism operates through an incongruous conflation of nationality, race, and religion, we contend that there has been a troubling inability to define, conceptualize, and resist anti-Muslim racism. Indeed, mobilizations against the targeting of persons perceived to be Muslim by the U.S. government have been ongoing, especially those led by Arab, Muslim, and South Asian activists and their immediate allies. Yet much of U.S. progressive and left activism committed to racial and social justice has failed to assert a consistent response, rising up only in moments of emergency, like the widespread national protests at U.S. airports when the Muslim Ban was first announced, and failed to integrate an analysis of anti-Muslim racism into the growing joint struggles against racism in the aftermath of the Trump presidency. With this provocation in mind, we begin with some clarifications.

Why Do We Call It Anti-Muslim Racism?

The inability to resist anti-Muslim racism, while taking seriously its complexities, weakens the possibilities to organize against popular and state forms of violence, policing, and surveillance. As a social movement objective drawing upon decades of collective teaching, theorizing, and activism, we offer this analysis for the purposes of furthering social movement strategizing against imperial racism. While there has been a

remarkable resurgence in social movement activity in relation to the urgent struggle to combat anti-Black racism and the state targeting of undocumented immigrants, the same cannot be said of anti-Muslim racism. In many ways, we believe this has to do with the illegibility of anti-Muslim racism as a form of racism and the inability to coordinate a concerted response on the basis of this legibility.

We use the term anti-Muslim racism as a shorthand for inter-personal, media, and state-based targeting of persons of those who are Muslim and those perceived to be Muslim. The targeting often relies upon the assumption that “Muslims” are enemies of, and pose a threat to, the U.S. nation. For decades dominant U.S. government and media discourses have produced gross generalizations and misconceptions about the term “Muslim.” The targeting of “Muslims” is based on the ability to profile and stereotype who is Muslim based on a range of cultural, social, and religious characteristics that take on a different form depending on the situation. There is a difference, for instance, between racism directed at Black Muslims, combining anti-Black and anti-Muslim racism, and racism directed at recent Arab and South Asian immigrants who are often perceived to be Muslim and connected to potential terrorism. Also, one does not need to identify as Muslim to be a recipient of anti-Muslim racism. Consider the ways the discourse of the “potential Muslim terrorist” has been used to target Arab Americans in the U.S., especially Palestinians, with surveillance, political repression, and deportation, in the recent cases of Steven Salaita and Rasmea Odeh. Sikhs face a similar form of violent racism evidenced in the first hate crime after September 11th, 2001, of Balbir Singh Sodhi in Arizona, and the attack on a Sikh temple in Oakcreek, Wisconsin, in 2012 by a self-avowed white supremacist.

While these specificities matter, anyone perceived to be Muslim can be hailed into anti-Muslim government policies and legal exclusions—from airport profiling, to surveillance, detention, deportation, employment and housing discrimination, immigrant exclusion, political repression, and so on. In general, anti-Muslim racism consistently identifies its target on the basis of one or more common identifiers that signify association with potential terrorism including specific clothing such as the hijab to an apparently “Muslim” or “Arabic” name, to a national origin or region of origin associated with predominantly Muslim populations (i.e. Iran, South Asia, West Asia, Northern Sudan, etc.). These identifiers become especially significant when combined with non-white appearance and signifiers of foreign-ness (dress, language), gender, sexuality, and/or an anti-war/anti-Zionist political stance.

Anti-Muslim racism operates in these complicated and incongruous ways for a reason. Especially since 9/11, and under the name of the War on Terror, by constructing an enemy of the state as porous and boundless, as anywhere and everywhere, the U.S. justifies waging war against diverse people and regions all lumped together as “Muslims” whether or not they are Muslim or share a particular country of origin, political view, or appearance. Even as this rationale of racializing those who are deemed “Muslim-looking,” it is Muslims across the United States who are the primary targets of policing under the War on

Terror policies. In cities and small towns across the U.S. it is Muslim neighborhoods, commercial areas, and places of worship that have been infiltrated, surveilled, and altered by law enforcement. That such policing has been happening is not a secret, it has been exposed numerous times by investigative journalism. It is also not a surprise that such policing of Muslims has repercussions for other communities of color. What has been absent is a clear social justice movement response that articulates anti-Muslim racism as a problem of an on-going white supremacist settler state that continues to expand its scope and reach.

Anti-Muslim Racism in Policy and Law

The Supreme Court decision regarding the “Muslim Ban” demonstrates how anti-Muslim racism has been mainstreamed and enshrined within US racial history. Emblematic of one of the highest governmental authorities of the United States, the decision to uphold a ban on the entry of Muslims from certain countries institutionalizes the racializing of Muslims as a religious group and continues the legal history of racialized exclusion in the United States.

As the Muslim ban continues a racist history of immigrant exclusion, we argue that it also represents an opening for legal activism and political organizing. One area in which movement organizing has struggled is the legal distinction between religious discrimination and racism. In the context of popular discourse and the law in the U.S., the two concepts of religion and race appear conceptually different, yet there are important points of overlap and historical continuity. For movement organizers this is often the difference between using the concepts of Islamophobia or anti-Muslim racism, and a debate that pivots on whether anti-Muslim discrimination should seek legal recourse as religious discrimination or as racial discrimination. Although there are many who will see anti-Muslim discrimination as only based on religion, we argue that anti-Muslim racism depends on a long history of racism in the United States that draws on the persecution of multiple racialized groups. Second, we contend that anti-Muslim racism constructs a fictive “Muslim identity” that is apparently different than and inferior to whites. The Muslim-whiteness distinction is made by reducing religion [Islam] to a set of “backwards” biological traits, for example the idea that all Muslims are uncivilized and prone to violence and terrorism. As such, anti-Muslim racism presents a particular challenge when it comes to organizing against racism, white supremacy, settler colonialism, and U.S. imperialism.

The blurred categories of religion and race are reflected in the opinions of the Supreme Court Justices regarding the Muslim travel ban. In the dissenting opinions of Justice Stephen Breyer and Justice Sonia Sotomayor both cited the travel ban as animus towards Muslims. Justice Breyer explicitly calls it “religious animus,” while Justice Sotomayor cites discrimination “motivated by anti-Muslim animus.” These are important distinctions that we would like to elaborate given that the question of religious

discrimination was a focal point of the case. Second, we would add that although race and racism are absent in this discussion they are lurking both in the majority decision and in the dissenting opinions. The Trump travel ban draws on a range of legal and policy precedent as much as the rhetoric of domination and social hierarchy that is the result of the category “free white person” that is itself a social policy of white supremacy. One can draw a line of precedent from the 1790 INA to a number of policies such as the 1798 Alien Enemies Act, the Page Act 1875, the Chinese Exclusion Act 1882, the Executive Order 9066 that authorized Japanese Internment, the National Security Entry-Exit Registration System (NSEERS) or INS Special Registration, the Patriot Act; and most recently the program to Counter Violent Extremism or CVE. What this history reveals is that U.S. immigration and security policy is fundamentally stuck in a system based in discrimination and abuse in which Muslims are the quintessential 21st century scapegoat. It should be remembered, however, that the policies generated under the guise of the War on Terror have been implemented to broadly police communities of color, a point we discuss in the conclusion as a point from which to organize and strategize.

The majority decision of the Supreme Court, delivered by Chief Justice Roberts, draws on the categories of nationality and security to justify the regulation of foreign nationals from select Muslim-majority countries based in the failure of these foreign states to adequately regulate and identify risks to the security of the United States. Those who are ineligible to travel to the U.S. are based on the categories set by the Immigration and Nationality Act, and represents a legal conceptualism that according to the Court is based in reasoning that is common-sensical. In other words, if there is a population that is a security threat it should be obvious that they should be ineligible to enter the U.S. In this approach, nationality, race, and religion are coherent categories with clear legal definition, despite the work of scholarship that has shown that this coherence is often a ruse for social and political domination, and to discount the complexities of the social and political conditions that lead to migration such as war and political violence. Further, the court ruled the President has the authority to address missing elements of the vetting system—in this case the potential threat to the security of the United States through terrorism. In the ruling, the court specifically addressed the issue of the unconstitutional exclusion of Muslims through the travel ban and the religious discrimination clause of the First Amendment. The court chose to maintain the authority of the office of the Presidency rather than issue judgement of the anti-Muslim animus of the Trump administration, thus making a distinction between the office and who is in it. Finally, claiming that the travel ban would demographically pertain to “8 % of the world’s Muslim population,” as the majority decision argued, ignores that the targeted countries are some of the poorest in the world and are war and conflict-stricken, conditions that are the result of U.S. foreign policy and on-going campaigns of imperial warfare.

Denying that the travel ban has anything to do with religious discrimination, the Supreme Court decision also denied that it has anything to do with racism by invoking the case of *Korematsu v. United States* and

the internment of Japanese Americans through forced relocation to concentration camps. In two short paragraphs toward the end of the decision, the Supreme Court finally overturned a 1944 ruling that upheld Japanese internment based on race, citing it as a grave mistake in the history of the court. Although the denouncement of the racist use of internment and concentration camps is long overdue, this is an ironic twist that reflects an ideological shift in how racism and religious discrimination are imagined and used. The invocation of the *Korematsu* case in which Japanese Americans are referred to as a *racial* group based on nationality simultaneously upholds a policy of discrimination against Muslims defined as a *religious* group based on nationality. The moving relationship of the racial to the religious is how anti-Muslim racism works, a duality that is apparent in the tensions of the Supreme Court decision.

As Justice Sotomayor mentions in her dissent there are strong parallels between the cases of Japanese internment and the Muslim travel ban based in the use of stereotypes and an open hostility that amounts to group-based animus—what we would argue is racism itself. While the dissent by Justice Breyer makes the case that there is clear animus based on religious discrimination in the rhetoric and policies of the Trump administration, Justice Sotomayor's dissent leaves open that the anti-Muslim animus of the Travel Ban is discrimination based broadly on nationality, race, and religion. Sotomayor argues that “taking all the relevant evidence together, a reasonable observer would conclude that the Proclamation [travel ban] was driven primarily by anti-Muslim animus, rather than by the Government's asserted national-security justifications” (11-12). While mainly arguing the contours of anti-Muslim animus based in religious discrimination, the opening toward a comparison of anti-Muslim and anti-Asian racism comes in Sotomayor's discussion of the *Korematsu* case. Sotomayor's dissent, on the whole, argues “that a reasonable observer would conclude, quite easily, that the primary purpose and function of the Proclamation is to disfavor Islam by banning Muslims from entering our country” (23). Toward the end of the dissent the travel ban is compared to Japanese internment: “As here, the Government invoked an ill-defined national-security threat to justify an exclusionary policy of sweeping proportion” (26). In what scholars of racism have discussed as the signposts of racism, Sotomayor continues: “the exclusion order was rooted in dangerous stereotypes about, *inter alia*, a particular group's supposed inability to assimilate and desire to harm the United States.” (26-27) Despite the fact that Sotomayor does not make a clear connection of this discrimination as racist by naming it so, the dissent is clear by use of analogy: “By blindly accepting the Government's misguided invitation to sanction a discriminatory policy motivated by animosity toward a disfavored group, all in the name of a superficial claim of national security, the Court redeploys the same dangerous logic underlying *Korematsu* and merely replaces one ‘gravely wrong’ decision with another.” (28) In other words, the racism of Japanese internment is the racism of the Muslim travel ban. Racism based on nationality is the racism based on religious group.

Anti-Muslim racism is not a new configuration, nor is it only the product of the recent trend of demonizing Muslims under the War on Terror. For scholars of racism the history of the concept of race has its origins in the fifteenth century when Catholics forcibly removed and converted Muslims and Jews in Spain. This violence ideologically found its way into how European explorers viewed the indigenous of the New World, claiming they were like the Moors of the Old World—among the many ways they identified and dehumanized indigenous people. The concept of race was borne out of a tension between religious and biological difference that over time morphed into a physical and cultural description. Yet, the presence of religion has always remained.

As we have argued elsewhere, the power structures of racism and religious discrimination are interrelated in U.S. and global history in ways that must be addressed in efforts to challenge the Travel Ban, anti-Muslim discrimination, and Islamophobia. We draw on the growing scholarship that theorizes anti-Muslim racism, including the collective work that we engaged in for the Islamophobia is Racism Syllabus to address the Travel Ban and current anti-Muslim racism.

Anti-Muslim Racism is Imperial and Constituted with Other Racisms

As anti-Muslim racism has mainstreamed so has it been institutionalized in U.S. policy. The Muslim Ban is one element of a broad range of government practices that rely upon the racialization of Muslims. As a practice, this institutional logic can be found in domestic and global policy. The program called Countering Violent Extremism (CVE) is one example of state-led racial profiling of immigrants perceived to be Muslim. Run by the Department of Homeland Security (DHS), the Obama administration established CVE based on the theory that violent ideologies lead to terrorism. The program recruits community-based teachers, health care workers, religious leaders, and social workers to serve as community-based informants. According to the timely report "Suspected and Surveilled," community members are expected to assist in identifying people with radical ideologies in order to intervene before they enact violence. CVE targets Muslims as the primary suspects who, it implies, could be attracted to terrorism. It defines "signs of extremist behavior" in terms of constitutionally protected forms of political activism as well as racially loaded emblems of "Muslim identity" such as growing a beard or praying five times a day.

The racial underpinnings of CVE are clear. Mobilizing scientific discourse, it implies a link between predictable behaviors, Muslim religious affiliation, and violent extremism. In fact, profiling and targeting Muslims was the focus of the first three DHS pilot programs in Boston, Los Angeles, and Minneapolis. Linking the behavior of violent extremism with Muslim identity, CVE programs contribute to long-standing

racist ideas that Muslim religious beliefs are a cause for suspicion, distrust, and surveillance. Such policy programs justify and normalize the repression and targeting of Muslims as racial others based on social and cultural differences that are often regarded as primordial and innate.

Like other anti-Muslim policies, CVE is an extension of histories of anti-immigrant racism driven by the distinction between “citizen” and “alien,” or “patriot” and “enemy.” In these binaries, immigrants from countries the U.S. invades are rendered foreign threats who bring with them a backwards and potentially violent culture and/or religion, as compared to white American culture, and in the case of Muslims, a potentiality for terrorism. CVE continues the intensification of anti-Muslim racism consolidated after 9/11 when the Bush administration expanded the definition of terrorism so broadly in order to target those who resist U.S.-led wars as a potential terrorist under the guise of protecting national security.

Because CVE is defined through the framework of public health and safety, the inherent use of racial profiling of Muslims is hidden from the public. In 2018, after DHS named Los Angeles one of the first CVE pilot cities, the Los Angeles mayor’s office launched the CVE program called “Building Healthy Communities” and its pilot program “Safe Spaces.” While “Safe Spaces” claimed to provide behavioral and mental health services at two local mosques, the Council on American Islamic Relations-Los Angeles and a coalition of other groups uncovered its focus on gathering information about “potential threat/suspicious behavior” of persons who participated in the program, determining the level of risk they pose, and making recommendations related to whether to notify law enforcement. Hidden behind the phrases “healthy communities” and “safe spaces,” these programs contribute to the framing of Islam and Muslims as signifiers of potential criminality and terrorism. They also constitute a collective sense among those perceived as Muslim must remain politically silent or hide emblems of Muslim identity in the face of strangers, law enforcement, and other representatives of the security state. Further, as the urgent and invaluable organizing by #STOPCVE shows, these programmatic approaches create feelings of suspicion, distrust, and hesitation in interactions with community members, teachers, and even friends to avoid associations with criminalization. CVE makes even the most intimate everyday life spaces unsafe for Muslims—including places of worship, schools, and health care providers.

Indeed, CVE expands the scope of anti-Muslim racism. It folds anti-Muslim racism into the mechanisms of public health with projects defined to build healthy and safe communities to normalize racial profiling, making anti-Muslim racism less noticeable and more acceptable. By mobilizing local public health professionals, teachers, and others tasked with supporting and advocating for local communities into the labor of surveillance, it integrates anti-Muslim racism into the grassroots of less conspicuous spaces. CVE’s obscured network of surveillance contributes to containing the politics of dissent among Arabs, Muslims, and South Asians.

Consider what Arab American activists and alternative news sources have uncovered about entrapment. Here, the FBI and other law enforcement use entrapment as a strategy of surveillance in which federal government agents visit communities to find young men who might be persuaded with money and goods to do unlawful acts. In such cases, the government induces someone into committing a crime. For example, in 2016 three Somali American men in their early 20's were convicted in Minnesota of trying to join ISIS. Yet according to their defense attorneys, a paid FBI informant who received thousands of dollars for his efforts gave the men the idea of pursuing illegal activity that involved obtaining fake passports that were purchased by the informant. Attorney Bill Swor explains: "The war on drugs did not reduce drug use, but people went to prison ungodly amounts of times... What we're seeing today with these terrorism cases is the same thing." Data mining, government watch lists, and no fly lists are but a few additional policies that operate according to a similar logic.

Both CVE and law enforcement entrapment begin with the same fallacy: the racialization of Muslims. As a policing strategy, the racial profiling of Muslims is central to the production of racial objects for scrutiny and control. This does not mean, however, that if racial profiling were not used this would lead to better policing. Rather, these policing strategies depend on them, and, in fact, we argue are endemic to policing and the surveillance state. The logic that drives CVE and other surveillance strategies, such as entrapment, spying, and law enforcement policing, serve the purpose of U.S. imperial war-making and include the manufacturing of the "fear of Muslims" within the context of sustaining the U.S. War on Terror. As the research of Arun Kundnani and Deepa Kumar have established, surveillance has been essential to maintaining U.S. imperialism at home and abroad. Overall, surveillance through racial profiling contributes to the U.S. agenda that makes war and violence against Muslims appear to be acceptable and thus reduce the likelihood of resistance against U.S.-led war. In this sense, surveillance reinforces racist policies like the Muslim Ban while contributing to white supremacist violence and hate crimes that increase levels of fear and repression among Muslim communities.

Anti-Arab and anti-Muslim racism was systematized in the 1960's and 1970s at the height of the Cold War and the growing U.S. interest in maintaining global military and economic power. Early on, for U.S. militarism the idea of the Arab and/or Muslim "terrorist" helped legitimize the alliance between the U.S. and Israel and its role in the oil wars of the 1970s, imperialist interventions in Afghanistan, and the dual containment strategy of Iran and Iraq that has continued into the contemporary moment. Waging war against Arabs, Muslims, Middle Easterners, and South Asians consolidated after 9/11 as the "Muslim terrorists" has reinforced intensifying global economic neo-liberalism—from turning attention away from rapid privatization to enabling the military-industrial complex.

Anti-Muslim racism cultivates anxiety towards and distrust of immigrants of color in general, justifying the increased policing of borders and harsh immigration restrictions broadly. Links between wars against

“Muslims” abroad and the policing of poor communities of color in in the U.S. are well-documented—from federal programs that provide surplus military equipment to police departments and outfit officers with war-grade firepower, weapons, and tactics designed for war-zones to the systematic patterns whereby police send heavily armed officers to perform “standard” police work, escalating situations that may not ever have involved violence, and disproportionately target communities of color. Indeed, the racial profiling of people perceived to be Muslim and the War on Terror has expanded the militarization of police, beginning with the Reagan-era War on Drugs, to another level.

Conclusion: Anti-Muslim Racism and Imperial Racism

The War on Terror continues on multiple theaters in the U.S. and across the globe. Anti-Muslim racism, by fostering fear, repressing resistance and dissent continues to serve as a driving force of the domestic and global scale of the War on Terror. There exists an urgency to establish consistent and accountable forms of solidarity with the many diverse communities targeted by anti-Muslim racism. Yet this is no easy task given the lack of consensus among the communities that have been forced to engage with policies like the Muslim Ban, CVE, and entrapment. While many organizations and mosques have stood up against these policies and the neo-liberal, imperial, and racist structures out of which they have emerged, others have accepted CVE money or opened their doors to law enforcement.

Complicating matters, many U.S.-based social justice organizations have limited experience organizing with mosques and Muslim organizations. Perhaps, as a reminder, it needs to be said that like in all faith-communities, progressive and leftist Muslims exist and have been forging responses to the racism of these broad-based attacks. For U.S. social movements committed to dismantling U.S. empire and racism there is a lot to gain from developing a clearer analysis of anti-Muslim racism and the ways it operates with ongoing U.S. settler colonialism, the racist criminalization of Brown and Black immigrants, police violence, and the prison industrial complex.

We also take seriously the slogan that emerged out of the protests of the Muslim Travel Ban: “No Ban on Stolen Land.” This pithy statement articulates how we need to think of anti-Muslim rhetoric and the selective and racist history of U.S. immigration restriction as a form of imperial racism that fundamentally depends on a settler logic of on-going colonization of native people. As Native American scholars and activists such as Audra Simpson argue, controlling immigrants is a mechanism for the U.S. to exert its sovereignty in the process of extinguishing the presence of indigenous bodies and cultures. A complex understanding of the workings of imperial anti-Muslim racism must fundamentally be intertwined with struggles against anti-Black racism, native genocide, and all anti-immigrant violence. What would it mean, for instance, for those of us committed to ending anti-Muslim *imperial* racism to take seriously the politics named in “No Ban in Stolen Land?” In our view, it is imperative that we continue asking how the

lives of Muslims and those deemed Muslim are being manipulated through policies and programs that are sustaining U.S. imperial and colonial domination. It is also more urgent than ever to affirm that immigration is indeed a form of settlement even while the U.S. state seeks to control who the “proper” settler may or may not be and to align political organizing against the Muslim Ban and anti-Muslim racism with the struggles and visions of the indigenous people whose land the Muslim Ban seeks to control and the communities of color and communities of faith striving toward a future of collective liberation.