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Citation to *this* Version: Aziz, Sahar F.. *The Racial Muslim [book abstract]*, 2019. Retrieved from <http://dx.doi.org/doi:10.7282/T3GB27N2>.



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The Racial Muslim

Book Abstract

(forthcoming Harvard University Press 2019)

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The guiding hand of providence did not create this new nation of America for ourselves alone, but for a higher cause: the preservation and extension of the sacred fire of human liberty. This is America's solemn duty.

- President Ronald Reagan, Bicentennial Celebration of the U.S. Constitution , Sept. 17, 1987

America is a bastion of religious freedom. A land where persecuted religious minorities find refuge from the tyranny of the majority. So goes the narrative taught in schools throughout the nation and entrenched in American culture.¹

And yet, Muslims in America have found religious liberty in practice to be more myth than reality. Government agencies surveil mosques, Islamic schools, Muslim student groups, and Muslim-owned businesses. Law enforcement scrutinizes Muslims' travel patterns, personal association, and religious practices to validate their suspicions that Muslims are terrorists, not adherents to a religion of peace. These racialized government practices signal to private citizens that they too are justified in suspecting Muslim neighbors, co-workers, and customers that lead to discrimination in the workplace and schools, hate crimes, and attacks on mosques.² Actions that would otherwise be contrary to American religious freedom ideals are considered rational and patriotic because Islam is stripped of its religious bona fides. It is reframed as a violent political ideology.

That Muslims are experiencing racialization at a time when contestation over religious liberty is a national issue demonstrates that America is not post-racial. Nor is religious liberty equally

¹ Steven K. Green, *Inventing a Christian America* 20 (2015); Tisa Wenger, *RELIGIOUS FREEDOM: THE CONTESTED HISTORY OF AN AMERICAN IDEAL* 1 (2017); See Public Religion Institute Survey (2011) (finding "88% of Americans agree that America is founded on the idea of religious freedom for everyone, including religious groups that are unpopular").

² Sahar F. Aziz, *Caught in a Preventive Dragnet: Selective Counterterrorism in a Post-9/11 America*, 47 GONZ. L. REV. 429 (2011/2012).

available to all faiths. Indeed, Donald Trump’s ascendancy to the presidency of the United States has brought to the forefront America’s tenuous commitment to racial equality and religious freedom.

Trump’s bravado guised in “Patriot Talk” has ranged from calling for Muslims in the United States to register in a database and barring them from entering the country to mass surveillance of mosques and calling on Muslims to spy on each other.³ Trump’s policies that ban and expel Muslim bodies harken back to checkered history of religious persecution against Jews, Catholics, and Mormons. Such normalization of overt religious animus demonstrates the enduring legacy of the racialization of religion in American society—an understudied topic.

Accordingly, my forthcoming book problematizes American religious freedom norms by examining how a country founded on religious liberty produces such overt prejudice and discrimination against an ostensible religious minority? More specifically, how do the critical mass of Americans in the twenty-first century who hold unfavorable views of Muslims reconcile such suspicions with the nation’s commitments to religious freedom?

The answer lies in America’s founding as a White Protestant nation.⁴ An ethos that liberty, equality, and self-governance were unalienable rights of Anglo-Saxon Protestant settlers pursuing their Manifest Destiny undergirds American religious freedom norms.⁵ Anglo-Saxon triumphalism bolstered the Puritans’ belief that they were God’s chosen people on a religious pilgrimage to create a Christian nation in the New World without regard for the rights or freedoms of natives, slaves, and non-Christians.⁶ As a result, the narrative that a Protestant majority committed to rational, enlightened thinking allowed persons of different faiths to coexist in harmony and learn from each other in open debate is a myth.⁷ Intolerance towards religions deemed a threat to Anglo Protestantism has been deeply entrenched in American culture since its founding.⁸

³ Sahar F. Aziz, *A Muslim Registry: The Precursor to Internment?*, 2017 BYU L. REV. 779, 824 (2018) (listing Trump’s various Islamophobic comments)

⁴ Khyati Y. Joshi, *The Racialization of Hinduism, Islam, and Sikhism in the United States*, 39 *Equity Excell. Educ.* 215 (2006) (describing repeated efforts by Senator James Buchanan (later to become President) to declare by law that America is a Christian nation and to acknowledge Jesus Christ as America’s savior); Susan M. Gordon, *Race, National Identity, and the Changing Circumstances of Jewish Immigrants in the United States*, in *Faith and Race in American Political Life* 88 (Robin Dale Jacobson & Nancy D. Wadsworth eds., 2012); Warren J. Blumenfeld, *Christian Privilege and the Promotion of “Secular” and Not-So “Secular” Mainline Christianity in Public Schooling and in the Larger Society*, *Equity Excell. Educ.* 197 (2006).

⁵ Green, *supra* note 1, at 60; Robin Dale Jacobson & Nancy D. Wadsworth, *FAITH AND RACE IN AMERICAN POLITICAL LIFE* 45 (2012) (quoting abolitionist and reformist minister Theodore Parker stating “No tribe of men has done such service for freedom as the Anglo-Saxons, in Britain and America”); Milton M. Gordon, *Assimilation in American Life: The Role of Race, Religion, and National Origin*, 87 (1964).

⁶ Green, *supra* note 1, at 18 and 59; Jacobson and Wadsworth, *supra* note 4, at 45.

⁷ John Corrigan & Lynn. S. Neal, *RELIGIOUS INTOLERANCE IN AMERICA* 7 (2010); Yazbeck Haddad, Yvone, and Jane I Smith, & John L. Esposito, *RELIGION AND IMMIGRATION: CHRISTIAN, JEWISH, AND MUSLIM EXPERIENCES IN THE UNITED STATES* 1-17, (2003); Wenger, *supra* note 1, at 196.

⁸ Corrigan & Neal, *supra* note 6, at 25 & 99; Warren J. Blumenfeld, Khyati Y. Joshi & Ellen E. Fairchild, *INVESTIGATING CHRISTIAN PRIVILEGE AND RELIGIOUS OPPRESSION IN THE UNITED STATES* 8 (2008); Green, *supra*

The co-constitutive nature of religion and race means neither identity exists in isolation, but rather interacts to produce a racio-religious hierarchy.⁹ The literature on racial and ethnic formation, although richly developed, inadequately incorporates the work done by religion in producing socially constructed racial hierarchies; and likewise, the literature on religious freedom tends to overlook the dispositive role that race plays in the subordination of religious minorities. Put simply, the social construction of Whiteness is shaped as much by religious identification as it is by skin color, hair texture, and facial features.¹⁰ As a result, to be a non-Christian in America was to be non-White, and by extension uncivilized and savage.

This book theorizes how religion and race intersect to shape the boundaries of American religious freedom and racial equality norms. In doing so, I highlight how phenotype, national origin, and morphology are not the only criteria to characterize non-Whites as ineligible for citizenship. Religion, too, works to “otherize” certain groups such as Jews, Catholics, and Mormons.¹¹ A particular religion is associated with real or imagined physical characteristics collectively imputed upon its followers.¹² The result is both a racialization of religion and a religionization of race.¹³ For this reason, the social construction of the Racial Muslim is not inconsistent with American religious liberty.

My analysis presumes that Whiteness and Christianity are both socially constructed over time to preserve the economic and political elites.¹⁴ Initially limited to mainline Protestantism, Christianity was later expanded to include Catholics, albeit after decades of anti-Catholic discrimination.¹⁵ After World War II, American identity expanded to Judeo-Christian to include Jews into the national identity such that they had full cultural citizenship as opposed to merely legal citizenship.¹⁶ Differences of race, ethnicity, gender, sexuality, and religion among those with legal citizenship, e.g. are legally white, grants some of them full cultural citizenship while denying others.¹⁷ Once Jews and Catholics were encompassed into Judeo-Christian American

note 1, at 52 (noting the significant impact of Enlightenment thinkers Locke, Montesquieu, and Voltaire on the founding generation); Wenger, *supra* note 1, at 1-13.

⁹ Jacobson & Wadsworth, *supra* note 4, at 4.

¹⁰ Joshi, *supra* note 3, at 214.

¹¹ Jacobson & Wadsworth, *supra* note 4, at 5.

¹² Blumenfeld, Joshi, Fairchild, *supra* note 7, at xv.

¹³ Joshi, *supra* note 3, at 218; Gordon, *supra* note 3, at 85.

¹⁴ Michael Omi & Howard Winant, *Chapter 1 - Concept of Race: Biological Reality or Social Construction?*, in *A Reader on Race, Civil Rights, and American Law 4* (Timothy Davis, Kevin R. Johnson, & George A. Martinez eds., 2001).

¹⁵ William R. Hutchison, RELIGIOUS PLURALISM IN AMERICA: THE CONTENTIOUS HISTORY OF A FOUNDING IDEAL 30-43 (2003) (noting the tolerance of religious diversity within Protestantism but opposition to Catholics and other non-Protestants in the early American period).

¹⁶ Gordon, *supra* note 3, at 97. See Katherine Pratt Ewing, BEING AND BELONGING: MUSLIMS IN THE UNITED STATES SINCE 9/11 16 (2008) (noting that cultural citizenship determines “the rights and obligations of legal citizenship as shaped by differences of race, ethnicity, gender, sexuality, and religion.”)

¹⁶ Joshi 2006, 212

¹⁷ Katherine Pratt Ewing, BEING AND BELONGING: MUSLIMS IN THE UNITED STATES SINCE 9/11 16 (2008) (“cultural definitions of citizenship and dominant understandings of who is truly American mediate the rights afforded to citizens and immigrants and cultural constructs of terrorists (now jihadists), borders, and security.”).

national identity, they were socially transformed from inferior non-Anglo-Saxon races to culturally assimilable ethnic Whites. Although always legally White, being labeled “ethnic Whites” rather than a Hebrew, Celtic, or Iberian race granted Jews and Catholics agency to become normatively White, e.g. possessing full cultural citizenship, on condition they assimilate their lifestyles and religious practices to Anglo-Protestant liberal norms.¹⁸

The book contextualizes and historicized the pervasive discrimination against Muslims in the post-9/11 era to demonstrate that racialization of religion defies a tidy analysis along lines of religious freedom or racial bigotry. Without looking at how race and religion work together, we cannot understand how Muslims are otherized even for persons whose phenotype is otherwise “White.” Although scholars on Arab American identity acknowledge religious affiliation influences racial identity placements and how mainstream American society views the immigrant, few have examined in detail the central role religion plays in racializing diverse immigrants into a monolithic Racial Muslim identity.¹⁹

Not solely a religious or racial minority, America’s diverse Muslim communities thus find themselves facing bigotry at the intersection of religion and race. That is, the Muslim identity is socially constructed as a race deemed inherently violent, uncivilized, and disloyal. Their racialized identities starkly contrast with the association of Christianity with peace, civilization, charity, and forgiveness.²⁰ Muslims, as a consequence, are not deserving of religious freedom because, like other non-Christian groups, their religion brands them a suspect race.²¹

Religious and racial identities are conflated and collapsed into a new racial formation that I call the Racial Muslim. Skin color, attire, language, and Arab looking physical markers coupled with real or imputed religious beliefs create a socially constructed and otherized racio-religious identity. The political aftermath of the September 11th attacks socially constructed The Racial Muslim whose religion is reframed as a violent political ideology. Islam is rendered theologically, socially, and morally illegitimate.²² The Racial Muslim is not treated as a religious minority eligible for religious freedom protections. Nor is she accepted as belonging to the American national identity. Rather, she is a suspect race, a foreigner, and a national security threat who must be excluded, purged, or incarcerated to protect real (White Christian) Americans.

¹⁸ Eric L. Goldstein, *THE PRICE OF WHITENESS: JEWS, RACE, AND AMERICAN IDENTITY* (2008).

¹⁹ See, e.g. Kristine J. Ajrouch and Jamal Amaney, *Assimilating to a White Identity: The Case of Arab Americans*, *The International Migration Review*, Vol. 41, No. 4 (Winter, 2007), pp. 860-879; *RACE AND ARAB AMERICANS BEFORE AND AFTER 9/11: FROM INVISIBLE CITIZENS TO VISIBLE SUBJECTS* (eds. Amaney Jamal & Nadine Naber) (Syracuse Press 2008)

²⁰ R. Michael Feener, *Islam in World Cultures Comparative Perspectives*, in the Religion in Contemporary Culture series 284 (2004) (noting Reverend Billy Graham’s characterization of Islam as “evil and wicked” and Reverend Pat Robertson’s declaration that Islam is a religion of war).

²¹ Jacobson & Wadsworth, *supra* note 4, at 17.

²² Joshi, *supra* note 3, at 211. Peter Gottschalk & Gabriel Greenberg, *ISLAMOPHOBIA: MAKING MUSLIMS THE ENEMY* 147 (2007).

Like other racial formations, the Racial Muslim is not a fixed category. Rather, it is a fluid social construct constantly renegotiated by the interplay of four factors—American White Christian supremacy, coercive assimilationism, Orientalism, and American empire in Muslim majority countries.²³ Similar to other subordinated groups, the Racial Muslim moves up or down the hierarchy depending on the political, social, and economic circumstances of the time. At different points in the past, the Racial Muslim has been the Arab, the Moor, the Turk, the Saracen, the misogynist, the hijacker or a combination thereof. In the post-9/11 era, the Racial Muslim is racialized as the extremist, jihadist, terrorist, and permanent foreigner; but never the citizen, patriot, veteran, philanthropist, or other identities that would make her eligible for full citizenship rights. Rather than shield Muslims from systemic subordination, religious liberty norms perpetuate it.

Because in the end, American religious freedom is and has always been connected to Whiteness and Protestantism.

²³ Kathleen M. Moore, *Muslims in the American Legal System*, in THE CAMBRIDGE COMPANION TO AMERICAN ISLAM 146 (2013) (noting the perception of the Muslim changed over time depending on the social discourse of the time)