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Khaled A. Beydoun

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**UC HASTINGS CENTER FOR RACIAL AND ECONOMIC
JUSTICE CONFERENCE:
“CONNECTING THE THREADS THAT BIND:
CONTEXTUALIZING LEGALIZED VIOLENCE AGAINST
ASIAN AMERICANS”**

SEPTEMBER 10, 2021

Khaled Beydoun, an Associate Professor of Law and Associate Director of Civil Rights and Social Justice, gave a speech at the Center for Racial and Economic Justice Conference titled, “Asian and Muslim Americans Intersections, Solidarity and Striving Ahead.” Following the conference, he conducted a Q&A interview with HRPLJ’s Executive Editor of Acquisitions, Mahnoor Yunus.

**Asian and Muslim Americans
Intersections, Solidarity and Striving
Ahead**

KHALED BEYDOUN

Biography:

Professor Khaled A. Beydoun is a law professor, author and public intellectual. He serves as a law professor at Wayne State University, a Scholar-in-Residence at the Berkman Klein Center at Harvard University, and Associate Director of the Damon J. Keith Center for Civil Rights in Detroit. Professor Beydoun is author of the critically acclaimed book “American Islamophobia: Understanding the Roots and Rise of Fear,” and co-editor of “Islamophobia and the Law” published by University of Cambridge Press.

Professor Beydoun's academic work has been featured in top academic journals, including the *UCLA Law Review*, *Northwestern Law Review*, the *California Law Review* and the *Harvard Civil Rights and Civil Liberties Law Review*. His insights have been featured in *The New York Times*, the *Washington Post*, the *BBC* and *ESPN*. Professor Beydoun served on the US Commission for Civil Rights for three years, and earned a coveted Open Society Foundations Equality Fellowship. He has been named one of the 500 Most Influential Muslims of the World, and is currently working on his third book examining Islamophobia as a global phenomenon.

Professor Beydoun is a native of Detroit, Michigan, and holds degrees from the University of Michigan, the University of Toronto, UCLA, and Harvard.

WHAT ARE THE ORIGINS OF ISLAMOPHOBIA?

Many of these terms that we've heard with regard to the racialization of Asian Americans that Michael and Lorraine raise beforehand—disloyal, inassimilable, perpetually foreign, submissive, national security threat, mistrustful—these racial brands and more that have been used for decades on Asian Americans have recently been pinned on Muslim Americans. You could adopt and assign that very basic terminology that was used for Asian Americans and the racialization and demonization of Asian Americans to the sort of language being used against Muslim Americans today. Years ago, during the rise of candidate Trump as a viable bona fide presidential candidate, we saw the mainstream concerns with Islamophobia rising specifically in the popular space.

I really want to draw a connection between this history and this underbelly of demonization Asian Americans face that was rising again with this rising tide of Islamophobia that was peaking in 2015 with the rise of Trump. I wrote this article for *The Islamic Monthly* called "Fred Korematsu: An unsung 'Muslim-American' Civil Rights Hero," largely looking to introduce Muslim American readership to this bleak history that Japanese Americans—but also Asian Americans at large—face that my colleagues spoke about so eloquently before me. But to draw really trenching connections between anti-Asian racism, Orientalism, and Islamophobia that was rising in real time during the war on terror decade was insane. Tomorrow marks the 20th anniversary of the 9/11 terror attacks, but even more profoundly, Islamophobia reaching new climaxes in the last decade, specifically with the rise of the Tea Party and then with Trump. And you saw a lot of not only parallels but a lot of really stark comparisons and a lot of stark similarities between the persecution between the legal erosion of rights that Asian Americans face, but also the same with Muslim Americans today.

Leti Volpp wrote in her really prominent article, “The Citizen and the Terrorist,” that we are witnessing the redeployment of Orientalist tropes in 2002. This was a really important observation to be made because modern Islamophobia was largely being framed specifically in the popular sphere and also among scholars as an entirely new form of animus, an entirely new form of racialization, and an entirely new form of bigotry that was tied specifically to the 9/11 terror attacks. What I identified as I delved really deeply into the racialization of Muslims and Muslim Americans post-9/11, but also pre-9/11, was that the Islamophobia that was being experienced today and that was unfolding within the private sphere and from the State, was deeply rooted in the system of Orientalism. For centuries, Orientalism sort of charged and fueled the demonization of Muslims, but it was also critical to understand that Edward Said, the author of *Orientalism*, also framed the Orient as this sort of amorphous region that also encompassed Asia, South Asia and East Asia as well. Many of the same tropes and many of the same stereotypes that we saw being assigned to Asians and Asian Americans for much of this nation’s history find their roots in Orientalism. That’s why there’s a similar framing and a similar visualization with regard to Muslim Americans. That’s all rooted in this sort of master discourse of Orientalism that sees “Oriental identity as being the antithesis of Western identity.” That’s a very racialized discourse because race maps neatly with Orientalism and framing the West as sort of the bastion of whiteness and also the bastion of Christianity as well. A deeply religious layer to this system of Islamophobia is both racial and religious, which I talk about at length in the book.

I know the focus is not Islamophobia and there’s sort of like a general understanding of what Islamophobia is, so what I would like to do here is to provide sort of a theoretical framework for understanding Islamophobia. I wrote a law review article in 2014 providing a legal definition in typology of Islamophobia in the *Columbia Law Review*, which later evolved into a book, “*American Islamophobia*.” I defined Islamophobia, the foundation definition, as the presumption that Islam is inherently violent, alien, and inassimilable, driven by the belief that Islamic identity is tied to terrorism. That is again a very racialized definition, but it’s also one that ties to religion as well. That unfolds in really complex ways with regard to how Islamophobia is experienced, but also more critically as to who is actually dispensing of Islamophobia.

There’s three distinct strands of what Islamophobia is that I offer in my definition: (1) private Islamophobia, (2) structural Islamophobia, and then finally (3) Islamophobia as a dialectic. Private Islamophobia is the form of Islamophobia that many scholars, the popular media, and sort of discursive engagement with Islamophobia was fixating on. It was largely being framed almost very narrowly as fear, suspicion, and violent targeting of Muslims by individuals or private actors. We see this manifested in the uptick in hate crimes and the tragic murder of Muslim students at University of North

Carolina in 2015, the wave of attacks on masjid and mosques across the country after 9/11, but also well into this decade and the last decade, and also attacks on individuals who are performing Muslim identity who were conspicuous, outwardly, or very visible as Muslims. The most quintessential example would be Muslim women who don the hijab. I also think about Islamophobia as a global phenomenon. The war on terror was launched by the United States, which eventually expanded and metastasized into distinct campaigns against Muslim Americans that led to private Islamophobia swelling across the globe. We saw this very tragically and very horrifically a couple of years ago during the attacks in New Zealand where 51 Muslims were killed while they were praying Jummah prayer, Friday prayer, at two different mosques in Christchurch, New Zealand. That is private Islamophobia and, again, this is the form of Islamophobia that is commonly focused on by intellectuals, but also the mainstream.

Next, we have structural or state-sponsored Islamophobia, which is fear and suspicion of Muslims on the part of institutions, most notably government agencies manifested through enforcement of laws, policies, and other state action. The Patriot Act obviously is the most sort of vivid example that came into existence post-9/11, but continued with the Muslim ban. That was upheld by the Supreme Court, but also by distinct forms. One thing that I'm really sort of emphatic about is to highlight the idea that Islamophobia does not only come from the right. Very nefarious forms of Islamophobia have come from the Democratic administrations. One of them was championed by the Obama administration, called countering violent extremism, which was a surveillance program whereby the FBI collaborated with local law enforcement. The LAPD, Detroit PD where I live, and SFPD work closely with Muslim American communities to seed informants within spaces like Muslim Student Organizations, mosques, and other places where Muslims tend to congregate and convene. That is, in my opinion, the most destructive form of structural Islamophobia coming from a Democratic administration, so it's critical to not only think of Islamophobia as sort of a far right-wing phenomenon. It's coming from individuals from the left to right and across the political spectrum.

And finally, third, my definition or sort of system of Islamophobia is thinking about Islamophobia as a dialectic that ties state action, behavior, language, policy, and law coming from the state as authorizing the kind of private violence or private Islamophobia that I began this conversation with. The more the state is emphatic, productive, and explicit about its Islamophobia posturing, we see a rise in hate crimes coming from a private Islamophobia. That's why in 2001, in the immediate aftermath of the 9/11 terror attacks and the enactment of the Patriot Act, NSEERS, and creation of DHS, we saw a prolific uptick in hate crimes in the same reason we see that same uptick in 2015 when Donald Trump proposes to ban Muslims and says things like, "I think Islam hates us."

I've talked about how Islamophobia is closely tethered to anti-Asian racism. I don't want to lay the sort of binary that Islam does not intersect or converge with Asian identity. You may or may not know that the most populous Muslim country in the world is Indonesia, so Asian Muslims are more common in many respects than Egyptian Muslims like myself. In places like China, we see Asian Muslims, Uyghur Muslims, being persecuted in very horrific forms in real time. In addition to there being comparisons between Islamophobia and anti-Asian racism, there are really important intersections for us to be mindful of.

Q&A INTERVIEW

MAHNOOR YUNUS: Thank you for taking the time to meet with me today. I was really excited to conduct this Q&A interview with you because it would be a great opportunity to expand on some of the issues that you raised in your speech, "Origins of Islamophobia" at the CREJ conference last September.

In your speech, you stated that there are several links and connections between the discriminatory treatment that the AAPI community faces, and the one that Muslim-Americans face. Do you think that given the separate identity and history of discriminatory treatment that both groups have faced, it would be effective for them to mobilize and unite as a common front against racism and discrimination as a whole? Or do you think that would have negative consequences because there is so much separation there, that maybe coming together under an umbrella group would be counterproductive?

KHALED BEYDOUN: Well, I don't think there's a lot of opposition to be frank with you. I think that the broader Asian-American and the aggregate Muslim-American populations have a lot of overlap. When I lived in California, I worked closely with members of the Chinese Uyghurs Muslim community, who identify as both Asian and Muslim. I met individuals from Malaysia, Indonesia, different parts of East and Southeast Asia that identify in the U.S. as Asian American, but clearly identify on religious lines as Muslim. So I think the first step is to acknowledge that there are members of the Muslim American population who also identify as Asian-American and, as a consequence of that identity, experience both racism on account of their ethnic and racial identity and also face Islamophobia as a result of their religious identity. So there is demographic intersection and overlap in that regard that creates opportunity for solidarity.

Second, when we talk about the "War on Terror," we talk about post 9/11 surveillance immigration bans and broader societal negative attitudes towards Muslims. We have to acknowledge the fact that this is an experience

that Asian-Americans, and specifically, Japanese-Americans have had for a long time, specifically tied to the World War II era right when then-President Roosevelt enacted an Executive Order to put these Americans in internment camps on grounds of them being tied to foreign governments, being subversive, and being inclined toward violent terrorist actions. Those stereotypes that were deployed against Japanese-Americans are the exact ones that are deployed against us today as Muslims, so historically and demographically, there's great reason for us to work together.

MAHNOOR YUNUS: That's really insightful, thank you for speaking out about an issue that maybe not many people know about and for raising awareness.

My second question for you is regarding an article that was published in the American Psychological Association Journal by Jennifer Bergdahl and Jia Min. It discussed prescriptive stereotypes about Asian-Americans, and in that article, Asian-Americans were described as more competent, but less warm than whites, and dominance was linked to racial harassment. I was wondering if you could speak a little about how certain preconceived notions about Asian-Americans, such as the model minority myth, actually perpetuate discrimination and harm the AAPI community. The second part to that is: Do you think that this at all plays a role in the heightened racism and violence that is committed against Asian-Americans today?

KHALED BEYDOUN: Definitely, and I think these stereotypes are deeply embedded in the imagination and past rulings of American courts. The idea that Asian-Americans are passive, quiet, tribal, cluster, don't assimilate, and keep for their own. Even benign or positive tropes, like hardworking, intelligent, or industrious feed into the model minority. We see several developing fronts in the United States today, which are anti-Asian racism developing on account of these negative and benign tropes. For instance, on the affirmative action front, Asian-Americans have been demonized on account of being a model minority, which not only breeds racism from white communities but has also spurred racism from communities of color who view Asian-Americans as taking over seats at really prestigious colleges and universities across the country. You have the Harvard case on affirmative action that has been entertained by the Supreme Court for the last several years. But these stereotypes of Asian-Americans, which are echoed by law, but then perpetuated by the media have damaging consequences in a myriad of ways. We saw it in real time during the pandemic when President Trump called the coronavirus the "Chinese virus." Asian-American students across the country were attacked. Asian-American citizens and residents across the country were being intimidated on the ground, but also online. It's happening still online right now in serious ways.

I think that this conversation is really an important one because when we talk about Muslim-Americans, who are perpetual, incessant victims of media stereotype, victimization, and vilification -- the same thing has happened to Asian-Americans. You can see how not only stereotyping, but the broad dissemination of these stereotypes through political rhetoric, law, through media discourse, and misrepresentations embolden people on the ground.

I talk about it in my theory of Islamophobia – they embolden private individuals, private citizens that say “Hey, we don’t like these guys” because negative stereotypes get attached to those groups.

MAHNOOR YUNUS: I think that’s a great way of describing the discrimination that Asian-Americans and Muslim-Americans face because those connections can be hard to see. They’re not always apparent and obvious, but they are important to know. My third question for you is: Given the current high state of Islamophobia in this country, especially in the wake of the Trump era, what do you think that it will take to counter and dismantle Islamophobia? What’s the biggest obstacle we need to overcome to see significant progress, and what more do you believe can be done to combat Islamophobia that we are aren’t already seeing?

KHALED BEYDOUN: In my work, I talk about how the most potent spearhead of Islamophobia is law and policy, so the best way to dismantle Islamophobia is to do away with laws on the federal and state level that not only perpetuates, but legitimizes Islamophobia. If the law is telling you that Muslims are suspicious, then it’s not going to be surprising for citizens to believe those premises. So laws like the countering radicalization, surveillance, the Patriot Act, Total Information Act, all these laws that have become the bedrock of the post-911 counterterrorism apparatus and war machine have to be dismantled. That is, in my opinion, the most critical step for doing away with Islamophobia by focusing specifically on state law.

Then, in addition to that, I think that we need to penetrate established power in ways that challenge how Muslims are being portrayed, whether it’s in cinema, news, television, now in the digital age, podcasts, social media. This is why I now spend a lot of time on social media: to not only challenge the conversation on who Muslims are, but to reclaim it. To say that we are Muslims, we understand what Islam is and to give authentic, honest, objective representations of Islam in the way that that is not only reactive but, is also organic. Story-telling, critical race theorists like myself always say that reclaiming the narrative and telling the narrative directly from experience is one way to change attitudes, but also in this in this regard, erode Islamophobia.

MAHNOOR YUNUS: In terms of how the media represents and depicts Muslims, I think that we're starting to see the opposite stereotypes about Muslims emerge. For example, there's a show on Hulu, *Ramy*, where the main character struggles to integrate his faith into everyday life and resorts to many activities and things that Muslims would not be too proud of seeing represented on-screen. Maybe it's kind of putting Muslims to shame or showing that the modern-day western Muslim rejects faith entirely. Do you have any thoughts on whether you think that's as equally damaging as portraying Muslims as overly religious and incompatible with western traditions?

KHALED BEYDOUN: Yeah it's a good question. It's a complex question. I've watched an episode or two of *Ramy*, I'll be honest with you, I'm maybe just too old of a target audience for that show. I think that I'll respond to that in two ways. I think what's really critical here is that the show presents a reality of a struggle that many Muslim-Americans face while living in the United States, trying to balance the religious identity, and striving and struggling to be adherents to the religious identity with the distractions and pressures, and stigmas that surround them living in the United States because they are American. I think the show does an honest job illustrating how one young Muslim-American male straddles that middle ground of trying to be a better Muslim, but still is firmly entrenched in living in American experience. So good or bad, that's you know we can debate that all day long and I think that's the less important prism when answering this question.

I think what's more important is that the show attempts to give an accurate illustration of this difficult intersection that Muslim-Americans have to occupy. Now with that said, I will say that let's not be naive right. So Muslims occupy this middle ground and what kind of representations and power structures like Hollywood, Netflix, and shows on Hulu are going to fixate and then disseminate to the public. The reality is that they're always going to pick representations that align with white sensibilities and majoritarian preferences. So the fact that *Ramy* is, again my take of the show, is a suburban kid who is eyeing assimilation, carousing with white women. That is a representation that is, in many ways, going to align with majoritarian white sensibilities. So even though I appreciate the struggle that he's in, the way he represents it is still a representation that is still going to be molded in ways that align with broader sensibilities because the objective of the show is to garner viewership and to maximize profits. So that's the sort of portrait I paint with regard to a question like that. But I will say this, I think it's a good thing that studios in Hollywood, and these new digital platforms, are finally giving good attention to more complex and nuanced illustrations of Muslim-American identity which wasn't the case 10 or 20 years ago. Whenever Muslims appeared on TV, news, or film it was always tied to

terrorism. That isn't the case anymore and I think that is a positive step in the right direction.

MAHNOOR YUNUS: I would have to agree with your analysis and I think it's a good thing that we're seeing more representation of Muslims. That not everything is black and white, and many of us may struggle to tie in our religion with how our modern-day western living is. My next question for you is: If things like raising awareness and having meaningful interfaith dialogues can help educate others and bring awareness to issues that people don't know about, are there any instances where allyship can be counter intuitive and hurt progress? And you can talk about this either relating to the AAPI community as a whole or Muslim-Americans?

KHALED BEYDOUN: Well, look, I think solidarity in coalition building is always challenging on account of the first step. Even before you build it and solidify coalitions, there's responsibility on both ends to truly understand the experience and the priorities of each community. And that isn't an issue to take for granted. We shouldn't assume. Let's just say hypothetically, we're talking about Asian-American and Muslim-American communities right now, and even when well-intentioned, not everybody who is Muslim-American is going to understand the depth and the extent of discrimination that Asian-Americans have faced historically, and presently today. I think the vice versa is true.

I think the first step is that there has to be some reciprocal education that goes on for both sides to understanding. I'm not sure if that is an obstacle, but it requires work on both ends. The second step is to assess the interests of alignment, but if there a set of interests, where there might be a clash, or conflict. Two examples would be, number one, is there Islamophobia that exists within the broader Asian-American community? Or is it that members of the broader Asian-American milieu have negative perspectives? Or do they subscribe to Islamophobic stereotypes of Muslims? Probably so, if they live in the United States. But the opposite is also true. How many Muslim Americans subscribe to negative stereotypes about Asian-Americans?

The second step to coalition building is to challenge, interrogate, and then erase this negative bigotry that exists within both communities. Third point, are there points of contention? So let's just talk about the Uyghur Muslim situation. I think it's oppression. One, there might be Chinese-Americans who are Han on the Asian-American side, who dismiss the charges that are made against the Chinese government with regard to persecution that is going on in China with the Uyghur Muslims. This is something I get oftentimes in social media by the way when I talk about this issue, is that this is exaggerated. That this is sort of like Western propaganda designed to bring down China. Maybe there are sentiments within the Asian-American community who feel that way, or feel like what's going on with

Uyghurs is being exaggerated and Muslim-Americans say, hey we disagree with that, what's going on is a full-fledged genocide. So there has to be, I think, an understanding that when we're going to build coalition that there's never going to be a full-fledged alignment. There's never going to be full-fledged harmony. There's going to be points of contention, and points of difference. How you navigate these points of difference in contention is critical because if it gets too heated, it can break solidarity. It can break those bridges. And that's when good leadership comes into play to say "Hey, we can agree on this set of issues this is where we need to build from these external set of issues." That's why solidarity and coalition building theoretically sounds easy, but practically it becomes very difficult. Sometimes you have well-intentioned, good, spirited Muslim-American and Jewish-American interfaith attempts on grounds of what's happening in Palestine and Israel communities coming together saying they want to work together. They're well-intentioned, they want to build cross community strength and literacy, but sometimes it can work, other times it can make things hard.

MAHNOOR YUNUS: That's great. It seems like right now there's a lot of focus on violent white supremacy, and the racism for the most part is blatant and can be seen. But what do you think about the racism that is less overt and might be lurking under? Do we need to take two different approaches for these two types of racism we've been seeing in the United states?

KHALED BEYDOUN: Living in the United States, we have to acknowledge the fact that this country was built on, initially, explicit white supremacy. Now we have latent, ubiquitous, and omnipresent white supremacy. So it's intelligent for anybody living in the United States to understand that white supremacy or white violence exists in both forms and is deeply rooted in both forms in this country's history. We've got to take action against both. But the reality is that, not only have we not taken action, but the very holes of governmental and political power have been steered and monopolized by those who are pushing forward white violence and white supremacy.

People talk about the January 6th insurrections as being some sort of racial reckoning, some sort of flashpoint moment. I don't see it that way. I just kind of see it as they way that this country has always been. It's been made very stark for us by the nature of those events on January 6th. The Biden administration talks about how they want to launch counter radicalization and surveillance programs on white supremacist factions. A lot of it sounds like political rhetoric to me. He's saying the right things, but what are these surveillance programs really going to look like? For somebody my age, who has studied surveillance for some time now, who is Muslim-American, I can remember that in 1995, the Oklahoma City bombing which

was done by a white guy, the Legislature passed a surveillance bill a year later to police white militias. But that legislation and those policies were used against Arabs and Muslims. It's unfortunate that I feel this way, but my strong hunch is that this programming will still be used materially to police Muslims and people of color.

MAHNOOR YUNUS: That's really insightful. Just a follow-up question from what you were saying: Do you envision a brighter future from where we're currently at with the state of racism, discrimination, of surveillance efforts towards people of color? Do you see a way out of this? Or do you think that we're going to be stuck in this area for some time?

KHALED BEYDOUN: No. I know I've said a lot of sad things, but I'm generally a pretty optimistic and positive person. I'm optimistic in a lot of ways. I think for me, I tie my optimism to the fact that we're coming up at a time, which is like a renaissance moment, not only for Muslims and Muslim-Americans, but for people of color at large. It's easy to neglect the fact that we're in a post Black Lives Matter movement moment, which has really been transformative on many fronts in that not only black folk, but people of color at large, have tremendously benefited. We're in a moment now where it's not uncommon to have Muslim-Americans, as law school students, as professors, presiding over journals making it their priority to publish and to talk about issues that are relevant and important to our community. That wasn't the case when I was in law school. I mean, 15 years ago that wasn't the case. Racism is always going to exist. Islamophobia in some form is always going to exist. I think the more important question is the scale and what it looks like and in terms of how frequent and ferocious it is. It's a question of scale, not a question of entirely eliminating it so we're never going to get entirely out of it, but it's easier to fend off and fight against it when you have a front of lawyers, law professors, advocates, media personalities, film makers, actors who look like us, understand our story, and are willing to be authentic about our story and that's what's happening right now. So even though racism might be more explicit, Islamophobia might be more global and explicit, I think it's still a better moment now because where we are as an entire population is far better than where we were. And I think where we're going is going to be, inshallah, in five, ten, fifteen years is going to be a better than where we are today so that that definitely makes me very optimistic.

MAHNOOR YUNUS: Yes, inshallah. I'm done with my questions so that portion is concluded, I kind of just wanted to open up the stage to you if you wanted to talk about what work you're currently doing and if you're working on any publications, or any courses you're teaching.

KHALED BEYDOUN: I just published in the San Francisco Chronicle on Uyghur Muslims. So much of my current work now focuses on digital surveillance, digital citizenship, how are Muslims, Black people, intersectional communities and other vulnerable communities being surveilled by law enforcement, and by big data corporations. Places like Instagram, Facebook, Twitter, etc. and how these surveillance sort of shift online in this day and age from where it was before. So that's an issue I'm working on. Another article I'm working on now is on gender Islamophobia, and how Muslim women experience Islamophobia distinctly from Muslim men. A lot of their research and scholarship over the last 15 to 20 years on Islamophobia has centered exclusively to the experience of Muslim men. So me, and a good friend of mine who is a professor in Political Science, are exploring Islamophobia from a gender perspective. I'm always on social media trying to make my work accessible to broader audiences, that's something I take great pride in. I am not only a law professor who teaches in the classroom, but I also attempt to teach globally and have an effect and influence on various audiences. As far as classes, I teach critical race theory, constitutional law, national security, and civil rights.