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Race, Religion, and National Identity Review of Sahar Aziz, *The Racial Muslim: When Racism Quashes Religious Freedom* (UC Press, 2022)

Natsu Taylor Saito

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Race, Religion, and National Identity

Review of Sahar Aziz, *The Racial Muslim: When Racism Quashes Religious Freedom* (UC Press, 2022)

BY NATSU TAYLOR SAITO*

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Introduction

In the United States, as in many other places, “Muslims are being treated as a race, and more specifically, a suspect race, rather than as a religious minority to be protected from persecution.”¹ As a result, targeting Muslims is not seen “as a threat to religious freedom.”² This is the longstanding and seemingly intractable problem addressed by law professor Sahar Aziz in her book, *The Racial Muslim: When Racism Quashes Religious Freedom*.

Religious liberty is among the most vaunted of “American values” and is presumptively protected by the First Amendment to the Constitution, which both prohibits state-established religion and purports to guarantee the free exercise of religion.³ And yet, being Muslim in this country means being

*© 2022. Natsu Taylor Saito, Regents’ Professor Emerita, Georgia State University College of Law.

1. SAHAR AZIZ, *THE RACIAL MUSLIM: WHEN RACISM QUASHES RELIGIOUS FREEDOM* 3 (Univ. of Cal. Press 2022).

2. *Id.*

3. U.S. CONST. amend. I.

subjected to a near-constant barrage of Islamophobic rhetoric and, for many, living in fear of physical assault.⁴ When identity is constructed in a manner that triggers both racial and religious discrimination, *and* this reality has been normalized, how should we respond?

This daunting question is tackled head-on by Aziz, who brings her considerable talents as a scholar and writer to the complex, multi-layered nature of Muslim identity in the United States today. Descriptively, she provides an intersectional analysis of how race and religion have been and continue to be constructed and conflated, and situates this analysis in the historical context of American racial and religious exclusion.⁵ Analytically, she assesses the differential treatment of five “types” of immigrant Muslims as they are perceived by the American mainstream and looks to what motivates and perpetuates anti-Muslim sentiment. She then returns to the central question—one that affects all subordinated peoples—of how to maintain one’s identity with dignity in a society built upon the systematic denigration of racial and religious “others.”

Through her book, Aziz invites us into a world of multi-faceted realities, rendered comprehensible by her clear and carefully constructed explanations. Once there, we find ourselves face-to-face with the perennial dilemma of how to deal with the contradictions between this country’s stated values and legal principles, and the realities of racialized exploitation and subordination. Will simply identifying the contradictions force a correction? Can we use “the master’s tools,” as Audre Lorde termed them, to dismantle the master’s house?⁶ Or should we, perhaps, settle for restructuring that house? What is the goal here? Aziz argues that it should be something *beyond* acceptance into mainstream America.

Leaving room for different goals, the solution Aziz envisions is “to change our national identity to reflect the diversity of races, cultures, and religions of Americans and to eliminate the ensuing racial-religious hierarchy that privileges those at the top.”⁷ This brings us to what is, for me, the most interesting question raised by Aziz’ analysis: Is such an equitable and

4. See AZIZ, *supra* note 1 at 155–189. See generally Khaled A. Beydoun, *Between Indigence, Islamophobia, and Erasure: Poor and Muslim in “War on Terror” America*, 104 CAL. L. REV. 1463 (2016).

5. Besheer Mohamed, *New Estimates Show U.S. Muslim Population Continues to Grow*, PEW RSCH. CTR., <https://www.pewresearch.org/fact-tank/2018/01/03/new-estimates-show-u-s-muslim-population-continues-to-grow/> (last visited Sept. 20, 2022). While the term “American” more properly applies to the entirety of the North and South American continents, for lack of a better alternative I use it here to refer to entities, actions, or policies associated with the United States.

6. Audre Lorde, *The Master’s Tools Will Never Dismantle the Master’s House*, in THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR, 94–101 (Cherríe Moraga & Gloria Anzaldúa, eds., 4th ed., 2015).

7. AZIZ, *supra* note 1 at 22–23.

pluralistic social order possible within a settler state where racial and religious hierarchies are so deeply embedded in “American” identity? As readers, we will likely have a wide range of responses to this query, but we will always be indebted to Sahar Aziz for giving us the framework for meaningful discourse.

I. Being Muslim in the United States

What does it mean to be Muslim in the United States today? Muslims currently constitute only about one percent of the American population but could become the second-largest religious group, after Christians, by 2040.⁸ I suspect that this projection adds to the existential angst of many Americans, especially in light of census data indicating that the number of people identifying as White is shrinking in both absolute and relative terms.⁹ Angst is further reflected in a 2016 poll that found “most Americans believe the country’s Muslim population is roughly 17 times larger than it is.”¹⁰

As Aziz points out, “Muslim” encompasses an incredibly diverse sector of the population. About 30% of Muslims in the United States identify as African American, 30% of Middle Eastern or North African origin, 30% South Asian, 5% Latinx, and 5% as “multiracial.”¹¹ Individuals within this group may be deeply religious or largely secular, and they align themselves with political perspectives across the spectrum. To keep her study manageable, Aziz focuses on what she terms “immigrant Muslims,” as distinguished from African American Muslims.

This descriptor is somewhat confusing, as many of the individuals in question are U.S. citizens by birth. While this characterization risks reinforcing the xenophobic perception that Muslims are necessarily “foreign,”¹² it highlights that 70% of Muslims in the U.S. are immigrants or children of immigrants, thanks to exclusionary immigration laws that remained in place until 1965.¹³ Providing even more focus, the analysis presented in *The Racial Muslim* primarily addresses the experiences of those of Middle Eastern or North African origin because “US political and economic engagement with Muslim-majority countries in [those regions] in the twentieth century

8. Mohamed, *supra* note 5.

9. Charles M. Blow, *It Was a Terrifying Census for White Nationalists*, N.Y. TIMES (Aug. 15, 2021), <https://www.nytimes.com/2021/08/15/opinion/united-states-census-white.html>.

10. Sam Petulla, *Most Americans Overestimate Muslim Population by 17X, Poll Shows*, NBC NEWS (Dec. 14, 2016), <https://www.nbcnews.com/news/us-news/most-americans-overestimate-muslim-population-17x-poll-shows-n696071>.

11. AZIZ, *supra* note 1 at 16.

12. On the attribution of “foreignness” as an integral dimension of xenophobia, see generally Natsu Taylor Saito, *Why Xenophobia?*, 31 BERKELEY LA RAZA L.J. 1 (2021).

13. AZIZ, *supra* note 1 at 16.

has had a disproportionate impact on the racialization of immigrant Muslims in the United States regardless of their national origin.”¹⁴

Aziz provides a remarkably concise and readable summary of the history of Muslims in the United States, as well as the ways in which Islamophobia has been expressed throughout this country’s history. Applying intersectionality theory, *The Racial Muslim* expands on the wealth of critical legal scholarship on racial hierarchy in the United States by explaining how this country’s leaders, since its founding as a settler state, have been intent on establishing a (necessarily gendered) racial-religious hierarchy.¹⁵ According to Aziz, because “the United States was founded as a White Protestant settler nation dependent on the labor of enslaved peoples, its social hierarchies are shaped first and foremost by phenotypically defined race.”¹⁶ Because race—Whiteness in particular—is inextricably “intertwined with (Protestant) Christianity,” however, religion has been a significant factor in how various groups have been racialized.

Some non-Protestants, most notably those identified as Jewish, Catholic, or Mormon, have been racialized and excluded, but, as Aziz observes, have been incorporated over time within an expanded social understanding of both Whiteness and American identity.¹⁷ This movement toward a Judeo-Christian national identity has, in turn, encouraged some Muslims to envision a future in which Muslims are no longer necessarily excluded but have a place within a broader, and increasingly colorblind, “Abrahamic” national identity.¹⁸ It is an option Aziz rejects—because it excludes those from non-monotheistic faiths and perpetuates the underlying racial-religious hierarchy¹⁹—but it illustrates the pervasive power of the assimilationist myth that this is a “nation of immigrants,” rather than a settler state.²⁰

The inadequacy of assimilationist “solutions” to the racialized exclusion of Muslims in America is illustrated by Aziz’ instructive typology of “mainstream” perceptions of Muslims. Expanding on Mahmoud Mamdani’s “good Muslim/bad Muslim” dichotomy, she parses the ways in which Muslims are perceived and treated, based not only on racialized phenotypes, but also on their perceived religious devotion and their support for (or dissent from) the dominant political ideology in general and U.S. foreign policy in

14. *Id.* at 17.

15. *See id.* at 25–45.

16. *Id.* at 26.

17. *Id.* at 65; for background, see *id.* at 45–64.

18. *Id.* at 193–200.

19. AZIZ, *supra* note 1 at 22, 198–199.

20. On the problematic nature of the “nation of immigrants” construct, see Natsu Taylor Saito, *Tales of Color and Colonialism: Racial Realism and Settler Colonial Theory*, 10 FLA. A&M U. L. REV. 1, 45 (2014).

particular.²¹ The rich and nuanced social and historical context found throughout *The Racial Muslim* provides a sound empirical basis for Aziz' conclusion that Muslims perceived to be both religiously devout and politically dissident are considered inherently threatening, while those who are secular and apolitical or—even better—*former* Muslims are the most likely to be considered assimilable.²² This means that strategies relying on a “liberal colorblind model of civil rights” will not effectively resolve the racialized exclusion of Muslims in the United States. Instead, this approach will pressure individuals to retreat from their faith and their cultural identities and exacerbate divisions within their communities. Thus, Aziz concludes that a “race-conscious systemic approach,” rather than a “race-neutral individual rights-based approach,” is needed.²³

II. Structural Drivers of Islamophobia

Taking seriously Sahar Aziz' call to assess the racialized exclusion of Muslims in terms of systemic racism rather than individualized prejudice prompts us to consider not only the pervasive nature of the problem but its causes as well. Aziz is clear that this exclusion is not simply a reaction to the attacks of September 11, 2001, as many assume.²⁴ Rather, she traces it back to the Barbary Wars and “America's Protestant founders” of the United States, situating these examples in the context of the European Orientalism associated with the Crusades.²⁵ Recognizing this long history, the questions then become: What is it about contemporary American society that motivates, or drives, this particular form of racial and religious subordination? And what will it take to change those dynamics?

Aziz sees the convergence of several factors as particularly significant in the racialization of immigrant Muslims in American society, both before and since the inception of the current “war on terror.”²⁶ The first is White Protestant supremacy, which she traces to the Puritans and other early Angloamerican settlers.²⁷ While insistent on their own right to religious freedom, these settlers quickly racialized Indigenous and Afro-descendant peoples to justify denying them similar rights (and, more generally,

21. AZIZ, *supra* note 1 at 6–10 (citing MAHMOOD MAMDANI, *GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR* (2004)).

22. *Id.* at 8–10.

23. *Id.* at 205.

24. See Natsu Taylor Saito, *Symbolism Under Siege: Japanese American Redress and the “Racing of Arab Americans as Terrorists,”* 8 *ASIAN L.J.* 1 (2001). While published in May 2001, this article is often referenced as a response to the attacks of September 11, 2001.

25. AZIZ, *supra* note 1 at 90–95.

26. *Id.* at 11–15.

27. *Id.* at 11–12, 34–36.

appropriating their lives, lands, and labor). “[R]eligion,” she observes, “has always shaped and continues to shape American conceptions of race” and, therefore, racism inevitably “circumscribes religious freedom.”²⁸ For Aziz, the experiences of Jewish and Catholic migrants as well as Mormon settlers in the first half of the 20th century illustrate “how immigrants have always had to conform to Anglo-Saxon Protestant norms, language, and lifestyles in order to access socioeconomic privileges and legal rights of first-class citizenship.”²⁹

A second factor is the perceived need to protect American empire. “American hegemony in the Middle East after World War I required a narrative that morally justified military interventions in Muslim-majority countries,” a need intensified after World War II by the United States’ determination to access and control oil reserves in Saudi Arabia and other Middle Eastern states.³⁰ Faced with Cold War challenges to American power as well as the rise of Arab nationalism, political leaders in the U.S. were soon grafting longstanding European caricatures of “Mahometans” as uncivilized and barbaric onto extant racial stereotypes of Black and Indigenous peoples to produce the “Arab terrorist” trope.³¹

We thus see religious identity being racialized, with negative behavioral descriptors (savage, barbarian, terrorist) becoming immutable, pseudobiological traits. The contradictions that then arise in a society that prides itself on respecting religious freedom are reconciled by a declaration that certain peoples have no religion, or that—as in the case of Islam—what they claim as religion is actually political ideology.³² This political ideology is then deemed to be a threat to the safety of the country, and “[p]rivate acts that would otherwise be viewed as religiously discriminatory are rationalized as patriotic vigilance or unfortunate consequences of necessary national security policies.”³³

Putting all of this together, Aziz, argues that religious freedom in the United States is, and has always been, constrained by racialized borders.³⁴ Islamophobia draws the borders in more closely and liberal multiculturalism expands them, but the border itself will remain and will continue to exclude those perceived as unwilling or unable to assimilate.³⁵

28. *Id.* at 22.

29. *Id.* at 11; *see also* 46–60.

30. *Id.* at 12; *see also* 114–132.

31. *AZIZ, supra* at 111–112; *see also* 113–132.

32. *Id.* at 14–15.

33. *Id.*

34. *Id.* at 15.

35. *See* LORENZO VERACINI, *SETTLER COLONIALISM: A THEORETICAL OVERVIEW* 38–39 (2010) (noting that settler society’s need to assimilate Indigenous peoples coexists with its “aim of

Aziz makes a powerful case that the treatment of immigrant Muslims in the United States, historically and today, flies in the face of this country's stated values, as well as the rights guaranteed by its Constitution and laws. A central argument of her book is that only by directly confronting the contradictions between espousing religious freedom and discriminating against Muslims will we be able to "fulfill our aspirations for a pluralistic and more inclusive American society."³⁶

III. National Identity in a Settler State

Like all good books, *The Racial Muslim* prompts us to think beyond its parameters. Providing context for anti-Muslim sentiment in the United States, Aziz notes that "[r]emnants of European Orientalism and colonialism in the 'Old World' combined with racism, settler colonialism, and xenophobia in the 'New World' still shape contemporary American culture."³⁷ Based on the history of Islamophobia in this country, as well as its current manifestations, she concludes that, "so long as the United States retains a predominantly White Judeo-Christian national identity, Muslims will remain outsiders who cannot attain the full dignitary, legal, and material benefits of citizenship."³⁸

For Aziz, "[t]he solution is to change our national identity to reflect the diversity of races, cultures, and religions of Americans and to eliminate the ensuing racial-religious hierarchy that privileges those at the top."³⁹ Perhaps because we are taught that racial equality and religious freedom are core American values, Aziz' vision of a racially and culturally diverse American identity is shared by many. I have trouble, however, reconciling the notion of a race- and religion-inclusive national identity with the reality that the United States is, still, a settler colonial state.

Aziz is very clear that the United States was established as a "settler colonial project" that "dismissed the land and political rights of the indigenous population" and was initially "dependent on the labor of enslaved peoples."⁴⁰ Most of her discussion of the colonization of this continent (as distinct from American imperial ambitions abroad) refers to the past.⁴¹ It is a past, Aziz emphasizes, that has tremendous impact on the present, but she does not address directly the implications of the ongoing colonization of this

reinstating an intractable and unassimilable difference, which helps explain why assimilation is never ultimately successful").

36. AZIZ, *supra* note 1 at 23.

37. *Id.* at 12.

38. *Id.* at 22–23.

39. *Id.*

40. *Id.* at 90, 26, 120.

41. *See, e.g., id.* at 26, 34–38, 90–92.

continent. My observation in this regard is not intended as a criticism, for *The Racial Muslim* already covers more ground than one could reasonably expect. Nonetheless, it is difficult for me to consider America's "national identity"—or the right of Indigenous peoples to freedom of religion—without addressing contemporary colonial dynamics.⁴²

As Aziz notes, the founders of the United States were Anglo-American settler colonists.⁴³ Unlike their brethren who colonized much of Africa and Asia, they did not come to extract profit from the land, labor and natural resources of their colonies and then return home. Instead, like those who established settler states in Australia, New Zealand, and Canada, they came to stay. Coming to stay meant occupying and appropriating land, killing the peoples indigenous to that land, forcibly relocating the survivors and then attempting to render them invisible.⁴⁴ It meant developing and controlling a force of enslaved African and American Indian labor to render the occupied lands profitable, and subsequently tailoring immigration policies to create additional sources of workers who were both readily accessible and easily excluded.⁴⁵ Mahmoud Mamdani observes that "[s]ettlers are made by conquest, not just by immigration"⁴⁶ and, like other settler colonists, the American "founders" came with a presumed prerogative to exercise complete control over the state they established.⁴⁷ Because permanence is essential to the project, "the discontinuation of a settler colonial circumstance remains unthinkable" to the colonizers.⁴⁸ The result is that settler colonial "invasion is a structure not an event," in Patrick Wolfe's words.⁴⁹

It is that structure, and the intent to ensure permanence, that we live with still. I work in what we now call Atlanta, Georgia, on land from which most of the Muskogee Creek Nation was violently removed by European colonizers, settlers who made tremendous profits from the enslaved (and later, convict) labor of people of African descent. This history has not been acknowledged, much less redressed, with the result that all of us who live

42. See generally NATSU TAYLOR SAITO, *SETTLER COLONIALISM, RACE, AND THE LAW: WHY STRUCTURAL RACISM PERSISTS* (2020). On the religious freedom of Indigenous peoples living under United States' jurisdiction, see generally Kristen Carpenter, *Living the Sacred: Indigenous Peoples and Religious Freedom*, 134 HARV. L. REV. 2013 (2021).

43. See AZIZ, *supra* note 1 at 26. See also WALTER L. HIXSON, *AMERICAN SETTLER COLONIALISM: A HISTORY* 1–2 (2013).

44. See SAITO, *SETTLER COLONIALISM*, *supra* note 42 at 57–78.

45. See *id.* at 79–93, 118–127; see also PATRICK WOLFE, *SETTLER COLONIALISM AND THE TRANSFORMATION OF ANTHROPOLOGY* 1–2 (1999).

46. Mahmoud Mamdani, *When Does a Settler Become a Native? Reflections of the Colonial Roots of Citizenship in Equatorial and South Africa* (May 13, 1998) (transcript available at <http://citizenshiprightsafrika.org>).

47. See VERACINI, *supra* note 35 at 53–74.

48. *Id.* at 104.

49. WOLFE, *supra* note 45 at 2.

here without being indigenous to this place are participants, to some degree or another, in the continued colonial occupation of this land.

Under these circumstances, I am concerned when American Indians, Native Hawaiians, or Alaska Natives are characterized as racial minorities rather than colonized peoples⁵⁰ because this characterization makes it easier to focus on the right to equality, rather than to self-determination.⁵¹ And to the extent that the construction of a shared “American identity” is framed in terms of multicultural participation within settler society, I fear it will only serve to normalize contemporary colonial realities. In this sense, it risks becoming a variant of the “nation of immigrants” myth that, as Lorenzo Veracini puts it, enables the colonizer to “disappear behind the subaltern migrant” and settler states to be “recoded as postcolonial migrant societies.”⁵²

Sherally Munshi argues that in order to adequately address immigration policy, we must question the construct of the border itself.⁵³ In this context, she observes that lawyers (among others) “often refer to questions as settled when those questions have been answered so deep in the past—or have been buried under the weight of so much authority—that they cannot be reexamined without risking some social or epistemic upheaval.”⁵⁴ But she notes that these may be the most important questions, because they are often the ones that “haunt our present.”⁵⁵

To have a national identity, you must have a nation. One of those questions that I believe haunts our present is not simply *how* “the nation” should be characterized, but *whether* the United States is, in fact, “a nation.” Addressing immigration issues, then-president Trump said, “We have a country. We have to have borders.... We have to have laws. We either have a country or we don’t. And it’s that simple.”⁵⁶ It is certainly true that the United States is a country, meaning that it is recognized in international law as a *state*. And states have borders and laws. But that doesn’t make it a

50. See, e.g., AZIZ, *supra* note 1 at 77 (addressing the racialization of “Blacks, Native Americans, Mexicans, and Asians”), 189 (noting that Blacks and Native Americans have been permanently racialized, in contrast to Asians and “White-presenting Latinos”), 191 (noting that the racialization of Muslims is “built on centuries of religious oppression and racism against African Americans and Native Americans”).

51. On the significance of the distinction between minorities and peoples, see Natsu Taylor Saito, *All Peoples Have a Right to Self-Determination: Henry J. Richardson III’s Liberatory Perspective on Racial Justice*, 31 TEMPLE INT’L & COMP. L.J. 69, 76–78 (2017).

52. VERACINI, *supra* note 35 at 108.

53. Sherally Munshi, *Unsettling the Border*, 67 UCLA L. REV. 1720 (2021).

54. *Id.* at 1724.

55. *Id.*

56. Archived recording played on Dave Davies, *How the 1965 Immigration Act Made America a Nation of Immigrants*, NPR FRESH AIR (Jan. 16, 2019), <https://www.npr.org/2019/01/16/685819397/how-the-1965-immigration-act-made-america-a-nation-of-immigrants>.

“nation,” and that is an important distinction when it comes to questions of identity and belonging.

We can disagree about terminology, but what is important here are the implications that attend the concepts of *state*, *nation*, and *national* identity. A state, as summarized by cultural geographer Bernard Nietschmann, is “a centralized political system within international legal boundaries recognized by other states” that “uses a civilian-military bureaucracy to establish one government and to enforce one set of institutions and laws.”⁵⁷ A “nation,” by contrast, may be understood as referring to a “geographically bounded territory of a common people as well as to the people themselves,” where they identify as “one people” based not only on common ancestry, but also common culture, history, worldview, and social institutions.⁵⁸

Following the expansion of European colonial rule over the past five centuries, several thousand nations around the world have been arbitrarily (and, generally, involuntarily) incorporated into the approximately two hundred political constructs we call independent states.⁵⁹ This is significant because the peoples of these nations have an internationally recognized right to self-determination, which motivates many state actors to insist upon the sanctity of state borders and on allegiance to what they claim is a “national identity” but is, in reality, an identity constructed to legitimize the state.⁶⁰ This is especially important in settler states, where the population has experienced very different sides of a “shared” history of conquest, resistance, genocide, and exploitation.

It is not clear that this country has an actual “national” identity beyond the racialized visions of its founders.⁶¹ This may help explain why xenophobia—which presumes an “Us” defined by its separation from “Them”—has such staying power. Addressing what he terms the “imperative patriotism” the United States requires of its citizens, Steven Salaita notes that its “most crucial (and discomfiting) feature [may be] its relationship with xenophobia,” for it presumes “that ‘American’ is a stable, fixed identity rooted in a

57. Bernard Nietschmann, *The Fourth World: Nations Versus States*, in REORDERING THE WORLD: GEOPOLITICAL PERSPECTIVES ON THE TWENTY-FIRST CENTURY 225-242, 227 (George J. Demko & William B. Wood eds., 1994).

58. *Id.* at 226; see also Ahati N.N. Touré, *Reflections on Paradigms in Power: Imperialism and Americanization as a Modal Relationship Explaining the Treatment of Afrikans in the United States During and After Hurricane Katrina*, 31 T. MARSHALL L. REV. 247, 439–40 (2006).

59. Nietschmann, *supra* note 57 at 225–227.

60. See generally Steven Salaita, *Ethnic Identity and Imperative Patriotism: Arab Americans Before and After 9/11*, 32 COLL. LIT. 146 (2005).

61. See Naturalization Act of 1790, 1 Stat. 103 (Mar. 26, 1790) (limiting naturalized citizenship to “free white persons”); see generally *Dred Scott v. Sandford*, 60 U.S. 393 (1857) (discussing the racialized presumptions attending U.S. citizenship).

physical and cultural Whiteness.”⁶² Can there be an “America” without this presumption?

Cherokee artist Jimmie Durham observed that the United States “was the first settler colony to establish itself *against* and through the *denial* of its original inhabitants”⁶³ and believed this helped explain the settlers’ persistent need to deny the presence of Indigenous peoples. The result, he argued, is a culture based entirely on an ideological master narrative. “At the end of its ‘empire’ Great Britain must return to that island in Europe,” Durham noted, “but at the end, to where might [the United States] return? It is *only* a state, *only* a political entity, so its ideological base and its narrative can be absolute.”⁶⁴ This explains why, to return to Salaita’s imperative patriotism, “[t]o dissent from the imagined mores of America is to forfeit identification as American.”⁶⁵

Aziz, of course, is challenging this imperative patriotism with her argument that we need to replace the American identity that has been constructed against “the other” with one that embraces the diversity of peoples living under the jurisdiction of the United States. The question then becomes: What will it take for such a “national” identity to take root? My suspicion is that, before we can effectively embark on that path, we will have to first confront the ongoing colonization upon which this country relies for its wealth, power, and legitimacy.

Generally, there are two reasons for this. The first is that, if such a shift were possible without confronting colonial rule, the result would simply be a more equitable and inclusive version of colonization—a settler class perhaps more diverse but nonetheless still dependent on the continued appropriation and exploitation of Indigenous nations, lands, and resources. But the more likely reason is that colonialism cannot function without perpetuating a “dynamic of difference,” a phrase Antony Anghie uses “to denote, broadly, the endless process of creating a gap between two cultures, demarcating one as ‘universal’ and civilized and the other as ‘particular’ and uncivilized.”⁶⁶ To the extent that racialized difference was and continues to be relied on to perpetuate colonial occupation and state legitimacy, and—as Aziz expertly explains—religious difference is, in this context, inextricable from racialized difference, we will not be able to successfully eliminate these forms of subordination without dismantling the structures that perpetuate them. I can

62. Salaita, *supra* note 60 at 155; see also Saito, *Why Xenophobia?*, *supra* note 12 at 13–14.

63. JIMMIE DURHAM, A CERTAIN LACK OF COHERENCE: WRITINGS ON ART AND CULTURAL POLITICS 173 (1993).

64. *Id.* at 175.

65. Salaita, *supra* note 60 at 155.

66. ANTONY ANGHIE, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW 4 (2007).

envision a society in which multiple and overlapping national identities are celebrated, but it is not a vision compatible the perpetuation of a settler state.

Moving beyond racial and religious exploitation and subordination will likely require us to look beyond the legal protections offered by the Constitution—especially its First Amendment—to those found in international law. While an exploration of this possibility is beyond the scope of this essay, it is worth noting that international law incorporates a broad understanding of what constitutes racial discrimination⁶⁷ and recognizes the right of religious, ethnic, and linguistic minorities to maintain their own identities and cultures “in community with the other members of their group.”⁶⁸ It also recognizes the relationship between racism and colonialism, and how both continue to perpetuate xenophobia and impinge on religious freedoms.⁶⁹ The result is a body of law that allows us to address the underlying causal factors of Islamophobia much more thoroughly than is currently possible within our domestic legal system. As we explore such possibilities, Aziz’ *The Racial Muslim* provides an invaluable foundation for understanding the problems that have been and continue to be faced by Muslims in the United States, and for assessing the effectiveness of various legal remedies.

Conclusion

The persistence of the vilification of Muslims is one of those very important questions that “haunt our present,” and I suspect that, as Munshi cautioned, effectively addressing it will entail some type of “social and epistemic upheaval.”⁷⁰ But that is why it is such an important issue, and why *The Racial Muslim* is an invaluable resource for anyone interested in the dynamics of race and how they intersect with religion. Sahar Aziz renders coherent the complexities of who is identified as Muslim in the United State today, the history of Islamophobia in this country, and the interests that continue to perpetuate anti-Muslim sentiment. She explains how religious identity has been racialized and how racism has been and continues to be

67. See, e.g., International Convention on the Elimination of All Forms of Racial Discrimination, art. 1, para. 1, *opened for signature* Dec. 21, 1965, 660 U.N.T.S. 195 (defining racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”).

68. International Covenant on Civil and Political Rights, art. 27, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171.

69. See, e.g., Hum. Rts. Council, Rep. of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, para. 29, U.N. Doc. A/HRC/32/50 (2016) (noting that “vestiges of slavery, systems of apartheid, colonialism, and the displacement or genocide of indigenous peoples in the construction of the nation State are proper intersections to consider in addressing the phenomenon of xenophobia”).

70. Munshi, *supra* note 53 at 1724.

deployed to undermine religious freedom. None of us have *the* answer to resolving racial and religious inequality in the United States, but this work provides us with knowledge and perspectives critical to the struggle to create a world in which everyone can live with dignity. As such, it is essential reading for anyone concerned with racial and religious justice in the United States.
