Remarks on Fighting Anti-Muslim Discrimination in the US and Europe

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Good Morning!
I am pleased to have the opportunity to discuss with you today our views on the anti-Muslim climate in the West, and our efforts to combat it.

Few years ago Karamah began extending its activities into Europe and is now at the stage of looking into establishing an EU branch. Over a period of years, we trained leading European Muslim women at our Law and Leadership Summer Program. At this program, American, European, and other Muslim women interacted to find out more about each other. We then visited these women in Europe to assess the success of our training. We are pleased to announce that our training has empowered these women in their communities and advanced their careers.

There are differences between the American Muslim and her sister in Europe. A significant part of the American Muslim community tends to be well-educated with college degrees and middle class jobs. In Belgium and other areas we have worked in, the general Muslim population tends to come from the working class, and their children are now struggling to succeed in universities and enter the middle class job market. Therefore, there are class differences

between the two populations which affect the discrimination patterns and stereotypes in each continent.

American Muslims have had to contend with the continuing consequences of September 11. Earliest among these were the raids in Virginia in spring of 2002, on some Muslim homes, businesses, and educational institutions. Karamah has documented the effects of these raids in a videotaped town hall meeting attended by the Justice Department. It shows the agony women went through during these raids. Many sought counseling as a result, and one year later continued to suffer from anxiety and depression. The investigations related to these raids have yet to be concluded, and the raided entities and individuals continue their lives under a cloud. No charges have been brought against them in a court of law, but they have not been exonerated either. As far as I know, they continue in a state of legal limbo, a matter which of course has serious consequences.

Another major difference between American and European discrimination patterns arises from constitutional differences. France, for example, is staunchly secular in ways that we may consider in this country anti-religious. Some European neighboring countries are still trying to decide on their stance in this matter. As a result, the scarf issue has become a major issue in Europe. Scarfed young girls have been excluded from schools by authorities that claim they are protecting them from oppression. This is a remarkably ingenuous argument. It is based on the premise that scarfed women are oppressed and are force to cover by

their parents. Hence they must be supported in becoming free "like us," which means assimilation. To achieve this result, Muslim women who defy "our look" will be sent home and denied education. In other words, those who believe the premise that these women are oppressed, are remedying it by penalizing what under their own analysis is defined as "the victim." As you know, if anyone ever has the chance to assert her own choices in life and liberate herself from oppression, the best avenue for doing that would be through education. Yet there have been many decisions in Europe that punished Muslim girls!

The American model is of course different. Since we guarantee religious freedom, Muslim women have been able to win many cases in court allowing them to continue to cover. There are today lawyers, doctors, banker, teachers, and many others who cover. It used to be strange, but it is getting less so as time passes. A recent TV program, however, showed that covered Muslim women in the US continue to pay a price for their religious choices and to be denied service at times, or given a less than cordial treatment. So, where the law protects us in this country, civil society does not. And this is the root of the problem in the US.

There are varying stereotypes in our society about what is Islam and what a Muslim is about, or looks like. Indeed, most of these stereotypes instill fear and distrust into the American psyche. Television plays a big role in disseminating this stereotype.

Fear and hostility based on existing negative stereotypes have mushroomed. You need only listen to Americans debating whether Mr. Obama is a Muslim. He has had to deny that "charge." In a country such as ours, the existence of this sort of conversation is shameful. Constitutionally, everyone is entitled to a place in the elective process. Even the post of "president" has no religious pre-requisite. General discussion today would lead you to believe that Muslims are somehow barred from becoming presidents in this country.

This hostile environment has severe spill-over effects. Prior to September 11, I wrote in a yet unpublished work that:

> The legal scholar Posner argued that where judges are faced with difficult and complex legal issues for which there are no clear-cut answers, the answers "depend on policy judgments, political preferences and ethical values of the judges, or (what is not clearly distinct) on *dominant public opinion acting through the judges*…

Today, this analysis has become quite apparent. We have even new terms that apply to Muslims mentioned in court proceedings, but not tried. We call them "unindicted co-conspirators." In other words, Muslims now are indicted on suspicion. They are NOT innocent until proven guilty. This state of affairs has not only affected the civil rights of Muslims, but also their freedom of speech. There are now "good Muslims" described as "moderate or progressive,"

and bad ones described "as extremists." The terms "moderate," "progressive," and "extremist" are usually described from the perspectives of our foreign policy and dominant American culture, not by reference to the internal valuations of the community of such positions. These types of classifications have had a chilling effect on freedom of speech in our communities.

Muslims have suffered intellectually as well as physically, socially, politically, and economically from the stressful state of affairs after September 11. Different individuals have dealt with their frustrations differently. For example, incidents of domestic violence increased. Also, after the passage of anti-terrorism laws, we started receiving at Karamah cases where divorcing husbands and wives were accusing each other of being terrorists in order to have them deported. These are all examples of the community taking its frustrations against itself.

Over the last several years, our government has closed down many Muslim charities accusing them of supporting terrorists. Monies paid as *zakat* (a concept similar to tithing) have been locked into litigation and have not found their way to the poor. The repeated occurrence of such charges created a chilling effect on giving in the Muslim community, especially since such giving *even if innocent* could be prosecuted as "giving aid to terrorists." Despite repeated requests, the administration has not provided a safe harbor for innocent contributors, has not provided a list of presumptively "clean" charities or another workable alternative, or released the funds for distribution to needy

Muslims. Since *zakat* is one of the five pillars of Islam, Muslims in the US are no longer able to practice their religion freely for fear of prosecution.

As a result of these and other developments, we now have, yet one more time in this country, a class of citizens to whom constitutional protections do not fully apply.

In Europe, the blatant attack on Muslim civil liberties, as symbolized by the scarf battles, denial of education, and demand for assimilation, have all led to marginalization, frustration, even defiance in the Muslim communities. Europe now fears the rising radicalization of some Muslim elements there. In the US, despite September 11, there are no such extensive fears because the American Muslim here is viewed as more compliant and integrated (not assimilated), being a beneficiary of the advantages of our (until recently) vibrant economic system.

Nevertheless, the stresses on the American and European Muslim communities remain high. This is not a stable state of affairs and instability does not contribute positively to our security. In order to solve this problem we need to go back in the US to our basic constitutional values and honor them, as well as preach in Europe our constitutional vision as an alternative to the French model. This is important because many European countries now are mulling over this issue.

Karamah, with its limited resources, is trying to do just that. Our European and other students are given a full dose

of American constitutional courses, especially those dealing with freedom of thought and religion. We hope that they will take these values home with them and think about them, even as our society forgets them.

In the US, we need to form a broad coalition of major organizations of all political and non-political colors to address these dire constitutional and civil rights problems facing the country. They affect all of us. The US is no longer viewed by the world as a champion of liberties. American Muslims are viewed as victims abroad. Given that there are more than one billion Muslims around the world, it is not wise to ignore these sentiments.