#### Status quo lack of restrictions allow the president to indefinitely detain individuals without trial or charge, suppressing social justice movements at home and creating a state of exception abroad in regards to detention policy

Ford 11 (Glen, Black Action Radio. “The Racist Roots of Obama’s Preventative Detention” http://blackagendareport.com/content/racist-roots-obama%E2%80%99s-preventive-detention)

With his claim to the right to kill and indefinitely detain American citizens without charge or trial, President Obama “has crossed a Constitutional Rubicon that would have been beyond the capacity of George Bush or any white Republican.” The groundwork for Obama’s nullification of the rule of law was laid through federal “prosecutions whose sole purpose has been to establish that there exists an ‘enemy within’ U.S. borders, that it is largely Black as well as Muslim, and which requires a greatly expanded police state with extraordinary powers.” It should have been clear that the United States was on the road to preventive detention of U.S. citizens back in 2006, when the federal government went after the so-called Liberty City Seven, Black men from Miami’s poorest ghetto who were charged with plotting terrorist attacks. With unrelenting zeal, the U.S. Justice Department pressed the case that men who were too poor to escape their own devastated neighborhood – some of whom were actually homeless – represented a grave danger to the United States. They were charged with plotting to bring down the Sears Tower, even though only one of them had ever been to Chicago, and none knew anything about explosives. It took three trials to convict five of the Liberty City Seven, who were sent to prison during President Obama’s first year in office. They have since been joined by the Newburgh 4 and many others, in prosecutions whose sole purpose has been to establish that there exists an “enemy within” U.S. borders, that it is largely Black as well as Muslim, and which requires a greatly expanded police state with extraordinary powers. Before one can successfully eviscerate the Constitution in the name of national security, one must first demonstrate to the public that there exists a class of people for whom the new laws are intended, fellow citizens whose presence is such a danger to society that the rule of law as previously understood should no longer apply. Under George Bush and Barack Obama, the FBI has dedicated vast resources to conjuring up the specter of dark and dangerous internal enemies – with an emphasis on “dark.” The FBI chose to troll its informants and their fishhooks dangling with money among the poor of the Liberty Citys and Newburgh New York’s of the nation, creating a profile of the kind of people that the law should not protect. Under both Republicans and Democrats, the national security state has proven adept at using race, ethnicity and class like battering rams to demolish Constitutional protections. “ It is a great historical irony that the election of the First Black President has vastly accelerated the assault on the most elementary rights to due process – rights without which the rule of law simply disappears. A man who looks like the ethnic group that is most opposed to abuses of state power, a constitutional lawyer from the group that has suffered the most from arbitrary imprisonment, is leading the charge towards indefinite preventive detention of U.S. citizens. Barack Obama announced his principled support for preventive detention only a few months into his term, in the spring of 2009. He didn’t specifically include U.S. citizens in his framework of detention, back then, but once Obama took unto himself the power to assassinate his fellow Americans without trial or charge, preventive detention of citizens became inevitable. Obama has crossed a Constitutional Rubicon that would have been beyond the capacity of George Bush or any white Republican. He is, by these deeds alone, the most effective evil on the political scene, today. But Obama's nullification of the rule of law was ultimately made possible because this country remains so eager to deny Constitutional protections to Black and poor people, like the Liberty City Seven. Its citizens will sacrifice their own freedoms, just to spite the rights of darker people. And that is how they will lose those freedoms.

#### Justifications for indefinite detention, however, are not neutral. Rather, they are entrenched in the construction of the monster-terrorist-fag. Advancing notions of the monstrous terrorist enables a multiform of power that re-invents one’s identity and interests to docile modernity. The impact is radicalized acts of aggression in the name of preserving the all powerful nation state from evil.

Paur & Raj ‘2 (Jasbir K. Puar - Associate Professor of Women's & Gender Studies at Rutgers and Amit S. Rai - Senior Lecturer in New Media and Communication) “Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots”

The Monster and the Terrorist¶ To begin, let us consider the monster. Why, in what way, has monstrosity come to organize the discourse on terrorism? First, we could merely glance at the language used by the dominant media in its interested depictions of Islamic militancy. So, as an article in the New York Times points out, “Osama bin Laden, according to Fox News Channel anchors, analysts and correspondents, is ‘a dirtbag,’ ‘a monster’ overseeing a ‘web of hate.’ His followers in Al Qaeda are ‘terror goons.’ Taliban fighters are ‘diabolical’ and ‘henchmen.’”2 Or, in another Web article, we read: “It is important to realize that the Taliban does not simply tolerate the presence of bin Laden and his terrorist training camps in Afghanistan. It is part and parcel of the same evil alliance. Al-Qa’ida and the Taliban are two different heads of the same monster, and they share the same fanatical obsession: imposing a strict and distorted brand of Islam on all Muslims and bringing death to all who oppose him.”3¶ In these invocations of terrorist-monsters an absolute morality separates good from a “shadowy evil.”4 As if caught up in its own shadow dance with the anti-Western rhetoric of radical Islam,5 this discourse marks off a figure, Osama bin Laden, or a government, the Taliban, as the opposite of all that is just, human, and good. The terrorist-monster is pure evil and must be destroyed, according to this view.6 But does the monster have a mind? This begs another question: Do such figures and such representational strategies have a history? We suggest this language of terrorist-monsters should be read by considering how the monster has been used throughout history in Western discourses of normality. We could begin by remembering, for instance, that the monster was one of three elements that Foucault linked to the formation of the “abnormals.”¶ The group of abnormals was formed out of three elements whose own formation was not exactly synchronic. 1. The human monster. An Ancient notion whose frame of reference is law. A juridical notion, then, but in the broad sense, as it referred not only to social laws but to natural laws as well; the monster’s field of appearance is a juridico-biological domain. The figures of the half-human, half-animal being . . . , of double individualities . . . , of hermaphrodites . . . in turn represented that double violation; what makes a human monster a monster is not just its exceptionality relative to the species form; it is the disturbance it brings to juridical regularities (whether it is a question of marriage laws, canons of baptism, or rules of inheritance). The human monster combines the impossible and the forbidden. . . . 2. The individual to be corrected. This is a more recent figure than the monster. It is the correlative not so much of the imperatives of the law as of training techniques with their own requirements. The emergence of the “incorrigibles” is contemporaneous with the putting into place of disciplinary techniques during the seventeenth and eighteenth centuries, in the army, the schools, the workshops, then, a little later, in families themselves. The new procedures for training the body, behavior, and aptitudes open up the problem of those who escape that normativity which is no longer the sovereignty of the law.7¶ According to Foucault, the monster can be both half an animal and a hybrid gender (later in this text Foucault will go on to position the onanist as the third of the abnormals). But crucially the monster is also to be differentiated from the individual to be corrected on the basis of whether power operates on it or through it. In other words, the absolute power that produces and quarantines the monster finds its dispersal in techniques of normalization and discipline. What Foucault does, we believe, is enable an analysis of monstrosity within a broader history of sexuality. This genealogy is crucial to understanding the historical and political relays, reinvestments, and resistances between the monstrous terrorist and the discourse of heteronormativity. And that is because monsters and abnormals have always also been sexual deviants. Foucault tied monstrosity to sexuality through specific analyses of the deployment of gendered bodies, the regulation of proper desires, the manipulation of domestic spaces, and the taxonomy of sexual acts such as sodomy. As such, the sexualized monster was that figure that called forth a form of juridical power but one that was tied to multiform apparatuses of discipline as well.8¶ We use Foucault’s concept of monstrosity to elaborate what we consider to be central to the present war on terrorism: monstrosity as a regulatory construct of modernity that imbricates not only sexuality, but also questions of culture and race. Before we tie these practices to contemporary politics, let us note two things: First, the monster is not merely an other; it is one category through which a multiform power operates. As such, discourses that would mobilize monstrosity as a screen for otherness are always also involved in circuits of normalizing power as well: the monster and the person to be corrected are close cousins. Second, if the monster is part of the West’s family of abnormals, questions of race and sexuality will have always haunted its figuration. The category of monstrosity is also an implicit index of civilizational development and cultural adaptability. As the machines of war begin to narrow the choices and life chances people have here in America and in decidedly more bloody ways abroad, it seems a certain grid of civilizational progress organized by such keywords as “democracy,” “freedom,” and “humanity” have come to superintend the figure of the monster. We turn now to this double deployment of the discourse of monstrosity in “terrorism studies.”¶ Today, we find the two figures of the monster and the person to be corrected in some ways converging in the discourse of the terrorist-monster. Which is to say that the terrorist has become both a monster to be quarantined and an individual to be corrected. It is in the strategic analyses of terrorism that these two figures come together. For the past thirty years, since 1968, the Western academy has been involved in the production and implementation of a body of knowledge that took the psyche of the terrorist as its object and target: “terrorism studies.” The strategic analysis of what in the intelligence community is known as “violent substate activism” is at the moment a highly sought-after form of knowledge production. And it has direct policy relevance; hence its uneven integration into the broader field of what Edward Said once named as the disciplinary home of Orientalism: “policy studies.”9 Our own analysis has been usefully informed by the pioneering work of scholars and activists such as Said, Cynthia Enloe, Ann Tickner, Noam Chomsky, Shirin M. Rai, Edward Herman, Helen Caldicott, Philip Agee, Talal Asad, and others.10 These writers have opened a space of critique that brings the epistemological and ethical claims of terrorism studies to crisis; their rigorous and impassioned interrogation of U.S. foreign policy has not only enabled subsequent writers to make connections to ongoing domestic wars against people of color and the working poor but crucially, their critiques have enabled the countermemory of other genealogies, histories, and modes of power: for example, sexuality, colonialism, and normalization. So, for instance, in the discourse of counterterrorism the shared modernity of the monster and the delinquent comes together in the knowledge of cultures, nations, and races. As one editorial in the magazine Foreign Policy put it, “The Global Positioning System, unmanned drones, unrivaled databases, and handheld computers—much has been made of the technological resources available to the U.S. military and diplomatic establishments. But what do you do if you’re trying to wage war in or against a country where you don’t know the locals, can’t speak the language, and can’t find any reliable maps? Welcome to the front lines of the war against terrorism, likely to be waged primarily in ‘swamp states’ about which the United States knows little.”11 The writer ends the piece by drawing a particular lesson from Sun Tzu’s The Art of War: “‘If you know yourself but not the enemy, for every victory gained you will also suffer a defeat.’ If any war on terrorism is to succeed, the United States has some serious learning to do.”¶ Terrorism studies is at the forefront of this knowledge production. In an article in the Rand Corporation–funded journal, Studies in Conflict and Terrorism, Richard Falkenrath notes:¶ The literature on terrorism is vast. Most of this work focuses on the practitioners of terrorism, that is, on the terrorists themselves. Different strands within terrorism studies consider, for example, the motivations or belief systems of individual terrorists; the external strategies or . . . internal dynamics of particular terrorist organizations; or the interaction of terrorist movements with other entities, such as governments, the media, or social subgroups. . . . Terrorism studies aspires not just to scholastic respectability but to policy relevance. . . . It has helped organize and inform governmental counter-terrorism practices.12¶ Counterterrorism is a form of racial, civilizational knowledge, but now also an academic discipline that is quite explicitly tied to the exercise of state power. This knowledge, moreover, takes the psyche as its privileged site of investigation. As another article in Studies in Conflict and Terrorism put it,¶ Models based on psychological concerns typically hold that ‘terrorist’ violence is not so much a political instrument as an end in itself; it is not contingent on rational agency but is the result of compulsion or psychopathology. Over the years scholars of this persuasion have suggested that ‘terrorists’ do what they do because of (variously and among other things) self-destructive urges, fantasies of cleanliness, disturbed emotions combined with problems with authority and the Self, and inconsistent mothering. Articulate attempts at presenting wider, vaguer, and (purportedly) generalizable psychological interpretations of terrorism have been made by, among others, Jerrold M. Post, who has proposed that “ . . . political terrorists are driven to commit acts of violence as a consequence of psychological forces, and . . . their special psychologic is constructed to rationalize acts they are psychologically compelled to commit.”13¶ We should note how white mythologies such as “inconsistent mothering” (and hence the bad family structure apparently common in the East) are presented as psychological compulsions that effectively determine and fix the mind of the terrorist.¶ In this way, psychologists working within terrorism studies have been able to determine and taxonomize the terrorist mind. In a recent article in the journal Analyses of Social Issues and Public Policy, Charles L. Ruby has noted that there are two dominant frameworks in the interpretation of the terrorist “mindset”: “The first camp includes theories that portray terrorism as the result of defects or disorders in one’s personality structure. This first group of theories uses a broadly psychodynamic model. The second camp consists of theories that approach the phenomenon of terrorist behavior as a form of political violence perpetrated by people who do not have sufficient military resources to carry out conventional formsof political violence.”14 The personality defect model of terrorism holds that terrorists have fundamental and pathological defects in “their personality structure, usually related to a damaged sense of self.” Moreover, these defects result from “unconscious forces in the terrorist’s psyche.” And, of course, the psyche is the site of a familiar family romance: “Terrorism is a reflection of unconscious feelings of hostility toward parents and . . . this feeling is an outgrowth of childhood abuse or adolescent rebellion. The terrorist’s hostile focus is so great during childhood and adolescence that it continues into adulthood and becomes very narrow and extreme, ostensibly explaining the terrorist’s absolutist mindset and dedication.”¶ As a leading light in the constellation of “terrorism experts,” Jerrold Post has proposed that terrorists suffer from pathological personalities that emerge from negative childhood experiences and a damaged sense of self.15 Post argues for two terrorist personality types, depending on the specific quality of those childhood experiences. First, Post suggests, there is the “anarchic-ideologue.” This is the terrorist who has experienced serious family dysfunction and maladjustment, which lead to rebellion against parents, especially against the father. Anarchic-ideologues fight “against the society of their parents . . . an act of dissent against parents loyal to the regime.” Second, there is the terrorist personality type known as the “nationalist-secessionist”—apparently the name indicates “a sense of loyalty to authority and rebellion against external enemies.” During childhood, a terrorist of this personality type experienced a sense of compassion or loyalty toward his or her parents. According to Post, nationalistsecessionists have pathologically failed to differentiate between themselves and the other (parental object). Consequently, they rebel “against society for the hurt done to their parents . . . an act of loyalty to parents damaged by the regime.” Both the anarchic-ideologue and nationalist-secessionist find “comfort in joining a terrorist group of rebels with similar experiences.”16 The personality defect model views terrorists as suffering from personality defects that result from excessively negative childhood experiences, giving the individual a poor sense of self and a resentment of authority. As Ruby notes, “Its supporters differ in whether they propose one (Kaplan), two (Post and Jones & Fong), or three (Strentz) personality types.”17¶ What all these models and theories aim to show is how an otherwise normal individual becomes a murderous terrorist, and that process time and again is tied to the failure of the normal(ized) psyche. Indeed, an implicit but foundational supposition structures this entire discourse: the very notion of the normal psyche, which is in fact part of the West’s own heterosexual family romance—a narrative space that relies on the nor-malized, even if perverse, domestic space of desire supposedly common in the West. Terrorism, in this discourse, is a symptom of the deviant psyche, the psyche gone awry, or the failed psyche; the terrorist enters this discourse as an absolute violation. So when Billy Collins (the 2001 poet laureate) asserted on National Public Radio immediately after September 11: “Now the U.S. has lost its virginity,” he was underscoring this fraught relationship between (hetero)sexuality, normality, the nation, and the violations of terrorism.¶ Not surprisingly, then, coming out of this discourse, we find that another very common way of trying to psychologize the monster-terrorist is by positing a kind of failed heterosexuality. So we hear often the idea that sexually frustrated Muslim men are promised the heavenly reward of sixty, sixty-seven, or sometimes even seventy virgins if they are martyred in jihad. But As‘ad Abu Khalil has argued, “In reality, political—not sexual—frustration constitutes the most important factor in motivating young men, or women, to engage in suicidal violence. The tendency to dwell on the sexual motives of the suicide bombers belittles these sociopolitical causes.”18 Now of course, that is precisely what terrorism studies intends to do: to reduce complex social, historical, and political dynamics to various psychic causes rooted in childhood family dynamics. As if the Palestinian Intifada or the long, brutal war in Afghanistan can be simply boiled down to bad mothering or sexual frustration! In short, these explanatory models and frameworks function to (1) reduce complex histories of struggle, intervention, and (non)development to Western psychic models rooted in the bourgeois heterosexual family and its dynamics; (2) systematically exclude questions of political economy and the problems of cultural translation; and (3) attempt to master the fear, anxiety, and uncertainty of a form of political dissent by resorting to the banality of a taxonomy.19¶ Our contention is that today the knowledge and form of power that is mobilized to analyze, taxonomize, psychologize, and defeat terrorism has a genealogical connection to the West’s abnormals, and specifically those premodern monsters that Western civilization had seemed to bury and lay to rest long ago. The monsters that haunt the prose of contemporary counterterrorism emerge out of figures in the eighteenth and nineteenth centuries that have always been racialized, classed, and sexualized. The undesirable, the vagrant, the Gypsy, the savage, the Hottentot Venus, or the sexual depravity of the Oriental torrid zone shares a basic kinship with the terrorist-monster. As we know, in the twentieth century these disparate monsters became case studies, objects of ethnographies, and interesting psychological cases of degeneracy. The same Western, colonial modernity that created the psyche created the racial and sexual monster. ¶ In other words, what links the monster-terrorist to the figure of the individual to be corrected is first and foremost the racialized and deviant psyche. Isn’t that why there is something terrifyingly uncanny in the terrorist-monster? As one specifically liberal article in the Rand journal put it, “Members of such groups are not infrequently prepared to kill and die for their struggles and, as sociologists would attest, that presupposes a sort of conviction and mindset that has become uncommon in the modern age. Thus, not only the acts of ‘terrorism’ but also the driving forces behind them often appear incomprehensible and frightening to outsiders. Terrorism studies emerged as a subcategory within the social sciences in the early 1970s seeking to explain the resurgence of the seemingly inexplicable.”20¶ It is the figure of the inexplicable that continues to haunt all the civilizational grids that the Western war machine would deploy in its attempt to “understand the terrorist psyche.” We now turn to consider more explicitly the relationship between this will to knowledge and the practices and rituals of heteronormativity.

#### Fear of the monstorous as a justification strengthens the power of ugly. Empirically used to exclude and eliminate entire populations, the dominate power deploys ugly as a weapon against bodies that evade rigid classification, identifying them as monstorous and a target to be eliminated.

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” <http://www.gla.ac.uk/media/media_180322_en.pdf>)

Ugly Specimen II: The Monstrous Body ¶ Monstrosity denotes anything that is horrifying, ambiguous, or ¶ hybridized, “the in between, the mixed, the ambivalent‟ (Braidotti ¶ 1997, p.61). Monstrosity may be characterized by excess or ¶ absence; it is ¶ excess, lack, or displacement […] [t]here can be too ¶ many parts or too few; the right ones in the wrong ¶ places or duplicated at random. (Braidotti 1999, p.290) ¶ Monsters are also unpredictable; it “will never be known what the ¶ next monster is going to look like‟, it “moves, flows, changes‟ ¶ (1999, p.300). Thus, like ugliness, the monstrous is culturally ¶ contingent, reflecting cultural anxieties, fears, and fascinations. It is ¶ a category of ambivalence, “both horrible and wonderful, object of ¶ aberration and adoration‟ (1997, p.61-62). Finally, monsters share ¶ with one another an inherent capacity to blur boundaries and ¶ binaries. ¶ Many monsters are category errors; they contradict ¶ standing cultural concepts. They may be living and dead ¶ at the same time […] or they may be incongruous ¶ fusions of the animate and inanimate. (Carroll 2000, ¶ p.40) ¶ Because they do not at all fit into binary oppositions but rather occupy ambiguous spaces in between, monsters also imply that pre- established categories are a farce, and altogether useless. In this sense, monsters are themselves “failed repetitions‟, “de-formities‟, they are embodied failures of re-production (Butler, 2006, p.173, 179).¶ But I wish to emphasize that monsters are both representations and actual bodies. For instance, women are particularly monstrous, because their bodies are subject to dramatic changes in pregnancy and childbirth. Women’s bodies deny a set form and are prone to leaking and transforming, they are “morphologically dubious‟ (Braidotti 1997, p.64). Also, monsters are tied to the feminine because a search for their origin always leads to the maternal body (Braidotti, 1999, p.291). Women’s monstrous bodies can only be understood in the context of hierarchical binaries, which privilege the fantasy of a whole, impermeable male subject at the price of a perceived leaky, unstable woman’s body. The monstrous body is feared because it does not conform to binarical systems. It exists in the interstices of binaries, between categories. For instance, woman’s body at childbirth denies easy binary divisions confusing inside/outside and self/other; it is a confusion of two bodies, which were recently one. Women’s bodies, as sites of binary and boundary blurring are “ugly‟ and disturbing.¶ Like women, “racialized‟ bodies are likewise often figured in terms of ugly monstrosity. Nöel Carroll speculates that “nonbeauty [ugliness] [...] is somehow an inadequate instantiation of the concept of human being‟ which, when applied to “racial others‟, is indicative of them figuring as “beneath or outside ethics‟ (2000, p.37, 52). Ugliness here becomes a mark of racial sub-humanity or “primitivism‟. One specific historical instance of the application of “monstrosity‟ and “ugliness‟ to an actual black body is the case of Saartjie Baartman (anglicized as Sarah Bartman), the “Hottentot Venus‟. Originally from the cape of South Africa, Baartman was brought to London in 1810 to be publically displayed on account of her large buttocks, which was medically stigmatized as “steatopygia‟ (Hobson 2003, p.88). Janell Hobson emphasizes that the popularity of the London and Paris shows, which featured Baartman, is a result of the performative situating of her as a “freak‟ (2003, p.90). Significantly, Baartman was regarded as emblematic of black women in general and “Baartman [...] came to signify the “ugliness” of her race‟ (2003, p.94, emphasis in original). Anne Fausto- Sterling likewise observes that Baartman’s popularity as a “specimen‟ or “spectacle‟ was possible because of current-day anxieties about women and the “savage other‟ (2001, p.361). Thus, Baartman’s perceived monstrous ugliness was part and parcel of the larger mechanisms of colonization and racism. Understanding black bodies, such as Baartman’s, as “ugly‟ allowed them to be exploited without moral regret, since their monstrosity enabled them to be viewed as subhuman, “beneath or outside ethics‟ (Carroll 2000, p.52). Interestingly, Jasbir Puar and Amit Rai observe that labels of monstrosity are similarly deployed against Muslims in the post- September 11 context to justify politics of racial hatred and quarantining:¶ The monsters that haunt the prose of contemporary counterterrorism emerge out of figures in the eighteenth and nineteenth centuries that have always been racialized, classed, and sexualized. The undesirable, the vagrant, the Gypsy, the savage, the Hottentot Venus [...] shares a basic kinship with the terrorist-monster. (2002, p.124) Bodies which we perceive as monstrously ugly also include those disfigured by illness or circumstance. According to Braidotti, such productions of monstrosity are connected to environmental, technological, or toxicity-based causes (1999, p.292). Again, these bodies are perceived as monstrous and ugly not because they are “aesthetically displeasing‟ but because they are jarring, because they unsettle hierarchical binaries through inhabiting ambiguous spaces in between. As Wendell argues, in the context of the visibly disabled, such bodies are “constant reminders to those who are currently measuring up that they might slip outside the standards‟ (2009, p.247). Thus not only do they blur binaries and boundaries, but disfigured bodies also remind us of the impermanence of life, the reality of mortality, and the fact that sooner or later each one of us will become “ugly;‟¶ “everyone who does not die suddenly will become a member of the subordinated group‟ (p.249, emphasis in original). Charles Feitosa, in an unpublished essay, puts it even more bluntly: “[w]e oppose ugliness as we oppose death; in opposing ugliness we are fighting against our own mortality‟ ([n.d.], p.4).¶ Monstrous ugliness is thus in a certain way, the most disheveling ugliness, an ugliness with the greatest power to shock. The ugliness of monstrosity and monstrous bodies is politically transgressive in two senses. First, it serves as an index for global and personal traumas (wars, pollution, and illness). Thus it is an embodied sign reminding us of various illnesses, viruses, and political unrest. Second, it reminds us of our own mortality, and the inability to remain “beautiful‟ permanently. In this way it demonstrates the regulatory aspect of normative ideals, the actual impossibility of conforming to these ideals, and the limits of hierarchical binaries. Monstrous bodies are ugly because they resist simple classification and demonstrate the limits of systems of classification (such as binaries). Also, monstrous bodies serve as embodiments of failed performativity. They actually are living reminders of the “regulatory fiction‟ of body and beauty ideals (Butler 2006, p.185).

#### At home these constructions create a broader state of violence against Islamic bodies and bodies that are racially marked to look like them, resulting in xenophobic profiling and immigration policies

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To illustrate how race can be socially constructed, I will use myself as an example. In the United States, I am considered African American or Black American, with the defacto second class status that designation still implies. My parents and grandparents were all considered Black, even though some of them had very light skin. The most recent white person whom we can determine is an ancestor is my great-great grandfather, Confederate General Pierre Gustave Toutant Beauregard.35 We even have members of the African American group who look white, yet are still considered part of the Black group. In South Africa, where I have taught many times, I was considered part of the historically mixed race group known as Coloured, due to my light skin, wavy hair and other characteristics. 7 During the apartheid era, this group had a buffer status between the de jure most privileged whites and the least privileged black Africans.3 " In Brazil, I learned that my same features would classify me as White, with all the defacto privileges that the designation still brings in that society.39 The pan-ethnicity term "Arab" and the religious signifier "Muslim" have been socially constructed as a synonymous "race" in the United States.4° While there are over 1.2 billion Muslims worldwide, only 15% are Arab.41 In the U.S., it is unclear, but there maybe between 4-8 million Muslims, of whom 22.4% are U.S. born and 23.8% are African American.42 There may be 3 million Arabs in the U.S., originating from 22 countries,43 and the Arab American Institute has revealed the little known fact that nearly three quarters of Arab Americans are Christians." In an important case, St. Francis College v. Al-Khazraji, the Supreme Court acknowledged that Arabs can be discriminated against on account of their race. Interestingly, those who merely look like Arabs or Muslims may be racially profiled on that basis as well. The double group can thus be considered larger than the number of actual members. According to one commentator, there may be, in this country, 7 million Arabs, 8 million Muslims, and 1.6 million South Asians, Latinos, and African Americans who could look "Arab," probably at least 10 million people,46 which I think even that is a vast underestimate of the numbers of the Blacks and Latinos in America who could pass as Arab. One African American radio personality stated that French citizen Zacharias Moussaoui, native of Morocco, who may have been the twentieth September 11 hijacker, looks like "a brother from around the way.' When my sons and I travel abroad, we are often mistaken for Arabs or Muslims. My partner James, who is a dark brown skinned Christian African American, often wears a kufi or skull cap to express his cultural affinity for Africa. He is always taken for a Muslim, although not an Arab. Sadly, I have told my NYU student son, who can phenotypically pass for Arab, that he has to be careful when flying so that he will not be mistaken for an Arab. Dressing in the popular ghetto styled baggy pants coupled with corn rowing his hair, and the use of an Ebonics dialect,48 helps ensure that he is not racially profiled as an Arab. Of course, when he lands in New York, his failure to be able to hail a cab indicates he is clearly seen as a Black - too risky to pick up.49 These two overlapping and socially constructed-as-synonymous groups, Arabs and Muslims, have come to be regarded in some of the negative ways that have historically characterized African Americans. While Arabs and Muslims are often stereotyped as dangerous, evil, sneaky, primitive, and untrustworthy, much as Blacks are, the criminality has a twist-they are considered potential or actual terrorists." They are forever "foreign, disloyal and imminently threatening,"'" whether they are citizens or not. Arabs and Muslims were racially profiled, victimized, and demonized as terrorists well before September 11 2 These activities have included: physical attacks by individuals and pro-Israel groups such as the Jewish Defense League; political attacks by pro-Israel lobby AIPAC and the Anti-Defamation League ofB'nai Birth, as well as many other Democratic and Republican Party affiliated entities; blacklisting of prominent Arab American intellectuals such as Columbia professor Edward Said and Harvard professor Walid Khalidi; as well as vicious stereotypes in films and television that would not be tolerated if used to characterize other groups.53 For example, Jack Shaheen surveyed a number of movies and found the following characterizations of Arabs and Muslims: "assholes," "bastards," "camel-dicks," "pigs," "devil-worshipers," "jackels," "rats," "rag-heads," "towel-heads," "scum-buckets," "sons-of-dogs," "buzzards of the jungle," "sons-of-whores," "sons-of-unnamed goats," and "sons-of-she-camels." 4 It is difficult to imagine the movie industry applying those sorts of labels to Blacks or Jews today. Arab American campaign contributions have been returned as if Arab citizens have no right to participate in American politics 5 3 Anti-Arab and anti-Muslim activities have intensified during periods of high tensions in the Middle East, such as the 1980 Iran Hostage situation, 1980-88 Iran-Iraq war, 1986 war against Libya, and the 1991 Gulf war.56 "The Supreme Court has upheld immigration laws discriminating against noncitizens on the basis of race, national origin and political affiliation that would patently violate the constitution if the rights of citizens were at stake."57 The cases include Harisiades v. Shaughnessy," Nguyen v. US.,59 Reno v American-Arab AntiDiscrimination Committee,6 ' Sale v. Haitian Centers Council, Incorporated,6 ' and The Chinese Exclusion cases.62 The plenary power doctrine has historically provided immunity from judicial scrutiny of immigration judgments, whether by Congress or the Executive branch. Many Americans assumed the Oklahoma City bombing of the Murrah federal building had to be done by Arabs or Muslims, rather than by white Christian militia member Timothy McVeigh.' After that incident, even though Arabs and Muslims were not involved, draconian immigration laws were passed in 1996 which singled out those groups. 65 Unfortunately, what happened to Arabs and Muslims under these 1996 laws was not unique. According to Kevin Johnson, these laws are part of a history of attempts to stiffle dissent that includes the Alien and Sedition Acts of the 1790s and the Palmer Raids after World War 1.66 In that period after the war, the U.S. imprisoned people for years for speaking out against the war effort.67 During the cold war Red Scare, many people lost jobs and were subject to investigation, or were even imprisoned, because of rumored association with the Communist party.6 According to Jerry Kang, "wartime coupled with racism and intolerance creates particular types of mistakes. Specifically we overestimate the threat posed by racial 'others,' in WWlI, Japanese Americans; today, Arab Americans, Muslims Middle Easterners, immigrants and anyone who looks like 'them . ,9, ? The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)70 made it a crime to contribute to foreign groups deemed as terrorist, and created special deportation procedures, including the formation of special courts to evaluate secret evidence. 7 ' The Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA)72 supplemented AEDPA. That act prevents federal courts from reviewing a variety of immigration cases, with very limited exceptions. 3 These two laws "either explicitly-or according to INS interpretation, impliedly-authorize the use of classified evidence to exclude an 'alien terrorist' under special removal proceedings,74 to summarily remove an alien who is a 'national security' risk,7 and to deny bond to aliens in removal proceedings."76 Pursuant to these statutes, the Immigration and Naturalization Service (INS) deported or attempted to deport more than two dozen people on the basis of secret evidence-almost all were Muslim, mainly Arabs. 77 Ironically, in 2000, Republican Presidential candidate George W. Bush accused the Clinton administration of racial profiling when it used secret evidence.78 After September 11 the situation affecting Arabs and Muslims dramatically worsened,79 and there have been profound effects on their civil rights.8 " Before that fateful date, 80% of Americans considered racial profiling wrong.8 After September 11, the polls reversed and 60% said profiling was fine, especially if directed against Arabs and Muslims. 82 U.S. Congressman John Cooksey of Louisiana likely expressed the sentiments of many when he stated on the radio, "If I see someone come in and he's got a diaper on his head and a fan belt around that diaper on his head, that guy needs to be pulled over and checked." 3 A survey done soon after September 11 said that nearly half would be in favor of having Arabs, including citizens, carry a special identification card.8 There were early reports that some Blacks and Latinos welcomed the law enforcement targeting of Arabs and Muslims.85 When I heard that comment, it reminded me that I preferred that my sons not be mistaken for Arabs when flying. On the other hand, I also realized that increased racial profiling of Arabs and Muslims has not meant that the long term racial profiling of African Americans has stopped. It merely means that my sons may be doubly profiled depending on the context. At the airport, they may be regarded as Arab terrorists, while at the taxi stand or ATM machine, they may be regarded as Black criminals.8 6 After September 11, Muslims and Arabs and people who look like them have been under siege." Over 1000 incidents of hate crimes were reported by February 2002.8 Even President Bush's Arab secret service agent was removed from an American Airlines plane. 9 Of five people who were killed, including a Sikh Indian, a Pakistani Muslim, an Egyptian Coptic Christian, and an Indian Hindu,9 none of them was a Muslim Arab, but all were socially constructed as such. The U.S. Justice Department opened up more than 380 investigations into violence or threats, which have taken the form of "telephone, internet, mail and face-to-face threats; minor assaults, assaults with dangerous weapons, and assaults resulting in serious injury or death; and vandalism, shootings, and bombings directed at homes, businesses, and places of worship."9 ' About 70 state and local criminal prosecutions were instigated against 80 defendants. 92 According to Bill Hing, Arabs and Muslims, whether citizens or not, are literally and figuratively being de-Americanized, which is "a twisted brand of xenophobia that is not simply hatred of foreigners, but also hatred of those who may not be foreigners but whom the vigilantes would prefer being removed from the country anyway."93 A member of the U.S. Civil Rights Commission has even said that in the event of another terrorist attack, the American government might consider interning Arab Americans,"4 reminiscent of the treatment of 120,000 Japanese and Japanese Americans in World War II.9 ' The legal position of Arabs and Muslims has especially declined since the exceptionally speedy passage of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act),96 which subjects noncitizens to guilt by association, ideological exclusion, unilateral executive detention, and racial profiling.97 Aliens are deportable for innocent association, without any proof that they supported terrorist activity.98 Noncitizens are now subject to the resurrection of ideological exclusion, that is that they will be denied a visa on the basis of pure speech if they are seen as endorsing or espousing terroristic activity or persuading others to support activity or a group.99 Aliens can be detained without any hearing or showing that they pose a threat to national security or are a flight risk. The defendant in a normal criminal proceeding can be held without bail only if he is a danger to the community or a flight risk. " Aliens can now be held not only during the proceeding which can take years, but also afterwards, indefinitely, even if the proceeding says they should not be removed from the country!!lo Rules that effect citizens and noncitizens alike include the authorization of secret searches and wiretaps without any probable cause as would normally be required by the Fourth Amendment. 0 2 Under the USA Patriot Act, over 1000 people were held for weeks or months with no charges in mass preventive detention. 03 They did not have access to lawyers and, in many cases, their families were not told where they were."° Some people were held as material witnesses, i.e. they might have information. Even they have been treated harshly.'0 5 Some have challenged that detention in court. While federal judges have found that the use of material witness warrants to detain individuals for potential testimony before a grand jury is unlawful,'0 6 otherjudges have held the opposite. 1 7 According to Jerry Kang, [we] should not be surprised if courts determine that national security in the face of terrorism is-in the lingo of constitutional law- a 'compelling interest' and that rude forms of racial profiling, notwithstanding its over and under-inclusiveness, are 'narrowly tailored' to furthering that interest. It would be foolish to think that the courts will necessarily save us from the excesses of the more political branches, r' Little research has been done as to how all this has affected women in the Arab and Muslim communities, as many of the men detained were the sole or major breadwinners for their families as well as respected business owners, religious leaders, and community activists." These women are usually stereotyped as voiceless and passive, needing to be liberated from the all encompassing Afghanistan burqa or even the more modest varieties of head scarves many wear in the United States."' Some of them may not speak English, may not have been working, or even had a visa to work, if foreign born." In November 2001, the Bush Justice Department said it would interview some 5000 young men, solely based on age, date of arrival, and country of origin. Virtually all were Arabs or Muslims." 2 Some police departments refused to assist the federal government as they believed the policy constituted racial profiling."' They knew that law enforcement works best if it positively involves the community rather than terrorizes it."4 Needless to say, the affected groups have been outraged by the targeting."5 Some months later, the Justice Department announced it would interview 3000 additional men from countries with an Al Qaeda presence." 6 When the Justice Department announced the Absconder Apprehension Initiative in February 2002, they decided to prioritize the deportation of 6000 aliens out of the 300,000 foreigners who remained in the country after being ordered deported. Needless to say, these men were from Arab countries." 7 In April 2002, the Justice Department announced that it would put into effect a provision from IIRIRA, which gives the police the authority to enforce immigration laws."' This was controversial not only in immigrant communities, but with police concerned about racial profiling. "'We've spent decades establishing trust... with our very diverse communities,' says a San Diego spokesman. 'If there is an immigration emergency tied to criminal activity, of course we'll assist. But if it is simply an immigration violation.., we will not be involved.""" In June 2002, the Entry-Exit Registration System was established which now requires men from age 16 up, from 25 countries including nationals of Iraq, Iran, Libya, Sudan and Syria, to register and be photographed, fingerprinted, interviewed, or else be deported.2 Over 1200 men have been detained under this program.' For example, in December 2002, 400 men from Iraq, Iran, Sudan, and Syria were detained in Los Angeles under this program, and Amnesty International reported their harsh treatment included being shackled, hosed down with cold water, forced to sleep standing up, and kept from contacting family or legal counsel.'22 The Lawyers Committee for Human Rights has called for a dismantling of this registration system since it is "discriminatory in nature, ineffective and inefficient as a law enforcement strategy, and creates widespread ill-will in Arab American and Muslim communities across the country."'2 Of course, the inadequacy of all such profiling is shown by the fact that the airplane "shoe bomber" Richard Reid is a citizen of Great Britain;24 the "American Taliban" John Walker Lindh is a Muslim convert, white upper middle class native of Main County, California; ' 25 potential "dirty bomber" Jose Padilla is a Puerto Rican, former Chicago gangbanger; 12 6 and alleged twentieth hijacker Zacharias Moussaoui, who was captured before September 11, is a citizen of France.' 7 None of them would have been identified through profiling on the basis of nationality. It is interesting to look at the disparate legal treatment of these men. Lindh, captured in Afghanistan, got a public trial, whereas hundreds of foreign born Arabs and Muslims, also captured there, are being held in incommunicado detention in Guantanamo Bay, Cuba.'28 The President issued a military order that Al Qaeda members and other noncitizens could be tried in military tribunals or commissions without appeal to civilian courts, an action which has been heavily criticized by various scholars,'29 as well as our allies.130 At least two federal courts have denied habeas petitions filed by lawyers representing some of the detainees, refusing to assert jurisdiction over the cases. 13 1 There may be approximately 650 suspects from 43 countries in Cuba, and officials are preparing accommodations for up to 2000 inmates.13 1 Some scholars and government officials have suggested that detention and prosecution of captured suspects should not even be governed by international law. 1 3 Harvard law professor Alan Dershowitz and others have argued that such persons could be tortured without violating any laws binding the U.S. 34 Padilla, also known as Abdullah al-Muhajir, is a former Chicago Latin Kings gang member who converted to Islam.' He was picked up by authorities as he returned from Pakistan and was allegedly planning to set off a dirty bomb containing radioactive materials. 36 He is now being held in incommunicado detention in a U.S. military prison as an "enemy combatant," without access to counsel or any court-military or civilian, and may never be tried. 1 37 In December 2002, U.S. District Court for the Southern District of New York judge Michael Mukasey issued a 102 page opinion affirming Padilla's right to consult counsel, but the government continues to resist the court's order. 38 Another U.S. citizen, Yaser Hamdi, born in Louisiana of Saudi descent, who was captured by Northern Alliance in Afghanistan, is also being held as an enemy combatant, after being discovered among the Guantanamo prisoners. 139 The U.S. government in both the Padilla and Hamdi cases is resisting petitions for habeas corpus and saying that courts should just accept the President's determinations as to their status.140 Ironically, putting U.S. citizens under military jurisdiction without access to legal counsel places them in a legal limbo where they have less rights than foreigners Reid or Moussaoui 14 1 In October 2002, Reid ultimately pleaded guilty and was sentenced to life imprisonment by Judge William G. Young of the U.S. District Court in Boston. 142 In Seattle last August, an African American thirty-six year old, Earnest James Thompson, now known as James Uj aama, was accused of lending assistance to Al Qaeda by founding a training camp in Bly, Oregon in 1999.43 He was also alleged to have run a militant Islamic web site in Great Britain, and was allegedly linked to Abou Hamza Masri, a London Muslim and alleged recruiter for Bin Laden.'" Investigators hope to "squeeze some information out of him, "and he is being tried in a civilian court.145 In March 2003, the INS was dissolved and folded into the new Department of Homeland Security along with 21 other federal agencies. The implications are ominous, as one commentator has stated. "Placing all of the INS's functions into a department focused primarily on national security suggests that the United States no longer views immigrants as welcome contributors, but as potential threats viewed through a terrorist lens."'146 At the time of this writing, it is alleged that the U.S. government has drafted in secret Patriot II, the Domestic Security Enhancement Act of 2003.147 The proposed law would authorize secret arrests, overturning the federal court decision requiring the government to release the names of all those detained since September 11. 148 Additionally, the law would permit the U.S. to extradite even American citizens for trial to countries with which we do not have extradition treaties, such as Saudi Arabia, Syria and Libya, which are well known for torture. 149 International and current U.S. law prohibit sending a person to a country where there is likelihood of torture. 50 Constituting a new level of invasion of privacy, a proposed Terrorist Identification database would authorize the collection of DNA of any suspect and of all noncitizens suspected of having an association with a "terrorist organization."'' The most extraordinary proposal would possibly strip Americans of citizenship as a form of punishment for giving material support to terrorist groups.15 2

#### Even abroad this prejudice shapes US policy—notions of western superiority are a critical tool to drum up support for militaristic and elitist interventions

Kumar 13 [09/11/13, Deepa Kumar is an Associate Professor of Media Studies and Middle Eastern Studies at the Rutgers University. She is the author of Islamophobia and the Politics of Empire and Outside the Box: Corporate Media, Globalization, and the UPS Strike being interviewed by Jessica Desvarieux, The Real News Network, “Twelve Years Post 9/11, Islamophobia Still Runs High”, http://truth-out.org/video/item/18759-twelve-years-post-9-11-islamophobia-still-runs-high]

KUMAR: Absolutely not. I think it is true that larger numbers of conservative voters are racist. They are racist not just in terms of their attitude towards Arabs and South Asians, but also to a whole host of other groups. So it's true that this idea sort of concentrated within those ranks. But in fact Islamophobia is far more systemic than that. That is to say, the idea of a Muslim enemy, the idea of a terrorist enemy is one that actually goes back a couple of decades but was brought to light after 9/11 by the political elite, by our political leaders. So in fact it is built into the system of U.S. foreign policy in this country. And to simply look at the far right and to ignore the fact that it has larger implications in terms of justifying U.S. foreign policy would be really to have only an incomplete picture of what is at work in this form of racism. DESVARIEUX: Okay. Let's talk about the mass media and how they depict Islam since 9/11. Can you describe for us how the mass media has depicted Islam? KUMAR: Well, basically, the trauma of 9/11, the fact that, you know, 3,000 Americans died meant that it enabled the U.S. media to actually draw on stereotypes that have been, you know, propped up by Hollywood, by the news media, and so on for a few decades before that. And that was the idea that these are crazy, irrational people. They are all apparently driven by Islam to violence. And so we should lock them up, we should be suspicious of them, we should detain them at airports, and so on and so forth. And so that's what you saw in the immediate aftermath of 9/11. And this show called 24, which your viewers may know, is--it's about a lot of things [incompr.] that it's about justifying the building of a national security state and justifying practices like torture and so on and so forth. DESVARIEUX: Okay. And also the story of the day, of course, is Syria, and everyone's attention is drawn to Syria. Can you describe for us just how does Islamophobia play a role in any of the arguments for intervention in Syria, really? KUMAR: Okay. It doesn't play a direct role in that. It is--the idea of humanitarianism has a long history in the United States. The idea that there are victims all over the world, that the U.S. government has then got to make war in order to, you know, somehow defend them, this goes back all the way to the Spanish-American war of 1898, which was supposed to be about rescuing Cubans. And similarly, you see these sorts of justifications given. You know, Vietnamese need to be defended. In Iraq, it was babies, apparently, who were being bayoneted in Kuwait, and therefore the U.S. needed to intervene and defeat Iraq in 1991. So this idea of humanitarianism has a long history within the foreign policy establishment. But what makes it particularly potent in this case is that after 9/11 what you see is the Bush administration projecting this idea of clash of civilizations, which is basically the notion that we in the West are democratic, we are rational, we are civilized, we are, you know, all things wonderful, and they in the East are barbaric, they're misogynistic, and so on and so forth, and therefore we have an obligation, what used to be called the white man's burden, to go off and rescue them. And so you see some of that language, which is the idea that Arabs cannot bring democracy by themselves, they cannot make change, and so we need to intervene. So it's a combination both of the victim narrative, which has a long history, combined with this language of clash of civilizations. DESVARIEUX: Okay. And how does this fit into domestic policy? How do they work Islamophobia into domestic policy? KUMAR: Right. I mean, the comparison I make in the book and that I'm actually working on in the next book is that the U.S. government, and U.S. imperialism in particular, always needs an enemy. That is, when there is no humanitarian cause, an enemy is an extremely useful way to justify wars abroad, as well as the policing of dissent at home. So, for instance, during the Cold War we had been menacing enemy of the Soviet Union, against whom both a hot and a Cold War had to be waged. And, of course, this justified, then, McCarthyism, because there's always a reflection of the external enemy inside, and these people have to be rounded up, blacklisted, and so on and so forth. So that's the logic back then, and, of course, it was entirely about a politics of fear. Today we have the same sort of thing. After 9/11, the war on terror comes into being precisely about fighting endless wars. Remember, back in 9/11 the Bush administration was going to start with Afghanistan, go to Iraq, and then Iran, Syria, and so on and so forth. It didn't work out that way. But the idea was to drum up this fear of this menacing terrorist enemy, which justified wars all over the world in order to gain the U.S.'s interest in [incompr.] particularly in the oil-rich region in the Middle East. You asked me about domestic politics. Always there was a reflection of the domestic in terms of the international threat. And so what you've seen is innocent Muslims--and often actually not even Muslims, people from the Middle East, North Africa and South Asia, some of them Sikhs, some some of them Hindus, some of them Christians, and so on, being racially profiled because that is the logic that comes out of this. I have a whole chapter in the book about how the legal system has been reworked so as to justify things like indefinite detention, things like torture, things like deportation. And, frankly, the infiltration of agents into our schools, into my school, into colleges, and so forth. So, you know, it's truly horrific the extent to which Muslim Americans and people who look Muslim have been demonized since 9/11.

#### Therefore, The United States Federal Government should restrict presidential war powers by ruling that anyone indefinitely detained at the will of the United States has right to Habeas and that Habeas mandates release.

#### Centering our praxis in this space is key—interrogating islamophobia in educational settings is critical to establish a critical consciousness that enables larger political projects

Housee 12, Senior Lecturer in Sociology [Jan. 04 2012, Shirin Housee works at the School of Humanities, Languages and Social Sciences, University of Wolverhampton, UK “What’s the point? Anti-racism and students’ voices against Islamophobia”, Volume 15, Issue 1]

Having reflected on the two seminar sessions on Islamophobia and the student comments, I am convinced that the work of anti-racism in university classrooms is fundamentally important. As one student said racism is real. Through racism people suffer physically, psychologically, socially, educationally and politically. Our work in university classrooms is just the beginning of this challenge against racisms and other oppressions. Classroom discussions and general teaching form a very important contribution to this work of anti racism in education. There are no short cuts or painless cuts; the work of anti-racism is a difficult one. As educators we should make use of classroom exchanges; students’ engaged learning could be the key to promoting anti-racism in our class. My goal is to teach in a way that engages students and leads them to reflect on the socio-economic political/religions issues that surrounds theirs (our) lives. This article argues for making anti-racist thinking possible in class. The student voice, that critiques mainstream thinking as found in the media and elsewhere, is a starting point for this political work. I argue that teaching and learning in our classroom should encourage the critical consciousness necessary for pursuing social justice. Whilst I acknowledge the limits of doing anti-racist campaign in university spaces, I argue that this is a good starting point. And who knows, these educational exchanges may become (as with my own story) the awakening for bigger political projects against injustices in our society. In conclusion I endorse social justice advocates, such as Cunningham (cited in Johnson-Bailey 2002, 43) who suggest that educators re-direct classroom practices and the curriculum, because: ‘if we are not working for equity in our teaching and learning environments, then…educators are inadvertently maintaining the status quo.’ In conclusion I argue that a classroom where critical race exchanges and dialogues take place is a classroom where students and teachers can be transformed. Transformative social justice education calls on people to develop social, political and personal awareness of the damages of racism and other oppressions. I end by suggesting that in the current times of Islamophobic racism, when racist attacks are a daily occurrence, in August and September 2010 alone, nearly 30 people have been racially abused and physically attacked (Institute of Race Relations 2010). The point of studying racism, therefore, is to rise to the anti-racist challenge, and for me, a place to start this campaign is within Higher Education Institutions, optimistic as it might sound, I believe, as asserted by Sheridan (cited in Van Driel 2004) that: ‘Education can enlighten students and promote positive attitudes…. Education settings can be the first arena in which battles can be fought against Islamophobia. It is to education that our attention should be directed.’ (162)

#### Specifically, habeas demands force the state to acknowledge the individuals’ inherent humanity and shifts accountability to the state rather than the individual, decreasing instances of violence

Ahmad 9, Professor of Law¶ [2009, Muneer I. Ahmad is a Clinical Professor of Law, Yale Law School, “RESISTING GUANTÁNAMO: RIGHTS AT THE BRINK OF DEHUMANIZATION”, Northwestern University Law Review, Vol. 103, p. 1683, American University, WCL Research Paper No. 08-65]

Rights as Resistance.—Habeas corpus, whose history has been explored exhaustively by others,297 translates as ―show me the body,‖ and captures the communitarian, corporeal, and testimonial dimensions of not just rights claims, but citizenship. For a judge to order the government to produce a defendant for the purposes of considering the legality of his detention is to recognize the defendant‘s a priori membership in the community. To require that the defendant himself—his corpus—be produced, and not just reasons for his detention proffered, is to acknowledge the physicality and inescapably human experience of an otherwise abstract liberty interest. And to permit the defendant to not only attend his own hearing, but to speak on his own behalf, is to credit his standing as an actor and agent. Taken together, the communitarian, corporeal, and testimonial bespeak a shared concern: human dignity. It is this human dignity, the human as distinguished from the merely biological, with which Arendt was fundamentally concerned. For Arendt, rights are indispensable to humanity, a protective membrane poised between the state and the individual. What she saw, and Giorgio Agamben has recently revived,298 is the idea that a confrontation between the state and the individual unmediated by rights reduces the individual to bare life, or naked life,299 which is life without humanity. It is this unmediated, unmitigated confrontation that both requires and enables the rendering of the human inhuman, animal, and savage.300 It is this rights-free confrontation that permits torture—the hand of the state encumbered by no law other than the laws of physics. And it is this unmediated confrontation that permits the transmogrification of a child into a terrorist. For Arendt, to be a citizen is to be human, and to be anything else is merely, and barely, life. The conception of rights as a bare protection interposed between the individual and state violence is intuitively familiar to the anti-death penalty advocate301 and to criminal defense lawyers generally. But the American legal embodiment of citizenship as rights is Dred Scott.302 While Scott was suing for his freedom from slavery, the case turned upon his citizenship. The Supreme Court found that Scott was not a ―citizen of a State,‖ and therefore, under the jurisdictional limits of Article III of the Constitution, could not bring suit in federal court.303 Thus, the case removed Scott‘s right even to be heard, by removing him from the polity. Like the Guantánamo prisoners, he had no right to have rights, and the negation of his political citizenship condemned him to the unmitigated violence of slavery. The denial of habeas to Omar and the other prisoners similarly placed them outside the communitarian consent ¶ that rights require. This expulsion from the polity authorizes the expulsion from humanity that torture represents. Here, we must remember that this expulsion was prefigured by the state iconography that placed the prisoners outside the realm of human understanding, and therefore outside of humanity itself.304 Stripped of the mediation of rights, Guantánamo reveals the essential and inescapable violence of law. Politics may dictate who is entitled to mediation and what form it will take, but all are subject to the force of the state that, fundamentally, animates law. The demand for rights is a plea to blunt state force, and not to fundamentally reorganize the structure of power. With this understanding of rights in mind, I return to the litigation strategy we adopted in Omar‘s case. By invoking rights, we sought recognition of Omar in a polity of significance. In this way, rights hailed Omar into the community, though his admission would depend upon community consent. As Arendt‘s analysis suggests, the demand for recognition is tantamount to a claim to humanity. To be human, to rise above biological existence and to secure political and social life, requires rights. And yet, once more, this bid was subject to political forces. No amount of rights-claiming could overcome a political will to deny the prisoners‘ humanity. In light of this, our strategy can be understood in a third way: rights as resistance. By this account, the rights claim sought not to escape the violence of the state, but to make that violence more costly to the state. To continue its brutal regime at Guantánamo, the government first would have to do violence to rights; to lay its hands on Omar again, the state would have to crash through his rights claims. Rather than avoid the state‘s confrontation with the individual, this strategy seeks to expose it. The onus then shifts from the prisoner trying to establish the existence of rights to the state establishing their nonexistence, from the individual establishing harm done to the state justifying its own violence. In some respects, this strategy has worked. So long as it could avoid any discussion of Guantánamo, as it long attempted to do, the government could enact violence without political cost. But rights claims force the government into discourse in which the violence of the state is put on display and must be justified. The claim of rights itself may interpose a membrane between the state and the individual even if the right itself ultimately is found not to exist. Thus, our rights-based strategy could be understood as interposing a protective membrane between Omar and the state. In this way, we wanted to mediate, and moderate, the relationship between the state and Omar, with the hope of ultimately transforming the relationship from one of potentate and biological mass to one more recognizable as warden and prisoner. This was a form of resistance to Omar‘s mistreatment, which required the state either to stop its violence or to engage in it in the public forum of the court. This approach had some success, as the worst of the mistreatment of Omar and the other prisoners stopped once the government was forced to grapple with it in the daylight of federal court.305 And yet, Omar‘s other fundamental material conditions—indefinite detention, and trial before a substandard tribunal—remained the same, just as the fundamentals of Guantánamo have remained largely the same for the hundreds of other prisoners. At the end of the day, I believe our approach has not proven more successful because the fundamental question of political citizenship has not been resolved in the prisoners‘ favor, and as I have argued, the success of even first-order rights depends upon a priori political membership. When I have rehearsed these arguments for others, particularly lawyers, the response I have often gotten is that we did the best that we could, and that there was no alternative. To argue the existence of rights, and to do so forcefully, is to fulfill the professional obligation of a lawyer. But this strikes me as too weak a conception of professional obligation. I believe that the rights-based approach has been worthy and necessary, but not merely because it was a form of last-resort lawyering. Rather, the rightsbased lawyering has performed an essential role of mounting resistance to the unbridled exercise of state violence, essential not because there is nothing else to be done, but because of the opportunities and potentialities that resistance creates. This is consistent with what Scott Cummings has termed ―constrained legalism,‖ 306 for it capitalizes on what law can accomplish, even as it recognizes what law cannot.

#### Deconstructing and interrogating flawed assumptions behind Islamphobia is critical to establish a transformative and liberatory pedagogy that enables us as agents to challenge racist dynamics

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As an anti-racism scholar and educator, fellow colleagues and I realized from as early as September 12 that there was an urgency to frame a critical pedagogical response to address and challenge the rampant Islamophobia affecting the realities of Muslims from all walks of life and social conditions. Among the most vulnerable were children and youth, who received little support from schools in dealing with the backlash that many were experiencing on a routine basis. Most schools were reluctant to engage in any response beyond the politically neutral arena of “crisis management.” Among the school districts that I was in contact with, there was a clear resistance to addressing or even naming issues of racism and Islamophobia. In fact, the discursive language to name and define the experiences that Muslims were encountering on a day-to-day basis did not even exist within the educational discourse. While schools were reluctant to name specific incidents as racism – part of an all-too-common denial – the notion of “Islamophobia” did not have any currency at all. In fact, it was not a part of the language or conceptual constructs commonly used by educators, even by those committed to multicultural and antiracist pedagogy. I realized the urgency to map a new epistemological and pedagogical terrain by creating an educational framework for addressing Islamophobia. Within the existing equity-based educational frameworks, one could find the conceptual and pedagogical tools to address issues of racism, classism, sexism, homophobia, ableism, and anti-Semitism. However, the discursive foundations for dealing with Islamophobia and the accompanying educational resources simply did not exist. Developing a new framework to fill this gap involved coining a new term: “Anti-Islamophobia Education.” Being able to name and define the experience of Muslims as the result of Islamophobia was critical to shaping the kind of interventions that would take place from a critical educational standpoint. Before outlining a methodology for conducting anti-Islamophobia education, it was necessary to develop some discursive foundations, arrive at a definition of Islamophobia, and create an understanding of what it was that we sought to challenge and resist. From a socio-psychological standpoint, the notion of Islamophobia is often loosely translated as an “attitude of fear, mistrust, or hatred of Islam and its adherents.” However, this definition presents a narrow conceptual framework and does not take into account the social, structural, and ideological dimensions through which forms of oppression are operationalized and enacted. Applying a more holistic analysis, far from being based on mere “ignorance,” Islamophobic attitudes are, in fact, part of a rational system of power and domination that manifests as individual, ideological, and systemic forms of discrimination and oppression. The idea that discrimination, be it based on race, class, gender, sexuality, ability, or religion, simply stems from “ignorance” allows those engaged in oppressive acts and policies to claim a space of innocence. By labeling Islamophobia as an essentially “irrational” fear, this conception denies the logic and rationality of social dominance and oppression, which operates on multiple social, ideological, and systemic levels. Therefore, to capture the complex dimensions through which Islamophobia operates, it is necessary to extend the definition from its limited conception as a “fear and hatred of Islam and Muslims” and acknowledge that these attitudes are intrinsically linked to individual, ideological, and systemic forms of oppression that support the logic and rationale of specific power relations. For example, individual acts of oppression include such practices as name-calling or personal assault, while systemic forms of oppression refer to the structural conditions of inequality regulated through such institutional practices as racial profiling or denying jobs or housing opportunities. These exclusionary practices are shored up by specific ideological underpinnings, among them the purveyed notions designed to pathologize Muslims as “terrorists” and impending threats to public safety. Understanding the dimensions of how systems of oppression such as Islamophobia operate socially, ideologically, and systemically became a key component of developing educational tools that would help build the critical skills needed to analyze and challenge these dynamics. From a discursive standpoint, I locate anti-Islamophobia education within a integrative anti-racism framework5 that views systems of oppression based on race, class, gender, sexuality, ability, and religion as part of a multiple and interlocking nexus that reinforce and sustain one another. Based on this understanding, I have mapped some key epistemological foundations for anti-Islamophobia education.6 This includes the need to “reclaim the stage” through which Islam is represented from the specter of terrorists and suicide bombers to a platform of peace and social justice. “Reclaiming the stage” requires adopting a pedagogical approach that shifts the popular media discourse away from the negative, essentialized referents and tropes of abject “Otherness” ascribed to Muslims. This move involves presenting a critical counter-narrative in order to reframe the Manichean worldview and “clash of civilizations” narratives typically being purveyed in order to present a more nuanced, reasoned, and critical perspective of the global sociopolitical realities that Muslim individuals and societies are confronting, engaging, and challenging. Another foundational aspect of anti-Islamophobia education involves interrogating the systemic mechanisms through which Islamophobia is reinforced, by analytically unraveling the dynamics of power in society that sustain social inequality. Racial profiling, which targets groups on the basis of their race, ethnicity, faith, or other aspects of social difference, and similar issues are major systemic barriers that criminalize and pathologize entire communities. In schools, the practice of “color-coded streaming,” whereby a disproportionate number of racially and ethnically marginalized youth are channeled into lower non-academic level streams, is another example of institutionalized racism. Negative perceptions held by teachers and guidance counselors toward racialized students have often led to assumptions of failure or limited chances for success, based on such false stereotypes as the notion that “Islam doesn’t value education for girls” or “Black students won’t succeed.” These negative attitudes are relayed to students through the “hidden curriculum” of schooling and lead to lower expectations being placed upon youth from specific communities.7 Developing critical pedagogical tools to analyze and develop challenges to these systems of domination is part of building a transformative and liberatory pedagogy, one geared toward achieving greater social justice in both schools and society. Another key goal of anti-Islamophobia education involves the need to demystify stereotypes. Since 9/11, renewed Orientalist constructions of difference have permeated the representation of Muslims in media and popular culture. Images of fanatical terrorists and burqa-clad women are seen as the primary markers of the Muslim world. Deconstructing and demystifying these stereotypes is vital to helping students develop a critical literacy of the politics of media and image-making. Critically examining the destructive impact of how these images create the social and ideological divide between “us” and “them” is important to exposing how power operates through the politics of representation.

#### Habeas extension acts as a means to presence traditionally ugly bodies in public. This abandons the ugly/beauty binary, allowing for an active, deconstruction of beauty regimes

Przybyło 2010 (Ela, currently completing a PhD in Women's Studies at York University, “The Politics of Ugliness” <http://www.gla.ac.uk/media/media_180322_en.pdf>)

Butler‟s „performativity‟, which acknowledges the necessarily laborious and repetitive nature of identity construction, is a meaningful way of thinking about both ugliness and deconstruction. It reminds us that binaries exist as long as we collectively and individually repeat them. If, on the other hand, we turn our back on binaries through turning them on their side, we partake in an active and strategic deconstructive process. Butler uses drag as the example par excellence of gender binary deconstruction, suggesting that the body in drag performs gender „differently‟ and thus engages in a temporary and dramatic binary confusion – „parodic repetition‟ (2006, p.186, 189). I see the possibility for ugliness to be also deployed in this way. Rivero observes this performative aspect of ugliness in the Colombian Ugly Betty, noting that ugliness is rendered in the sitcom as a „staged representation‟, „an impersonation‟ (2003, p.72). While the characters in the show shift from performances of „ugliness‟ to performances of „beauty‟ in problematic ways that suggest „everyone can be beautiful‟, the show unwittingly emphasizes the constructedness of beauty and ugliness.¶ Deploying ugliness strategically, in ways that engage in binary deconstruction, may take several forms. First, there is something already transgressive about the presence of „ugly‟ bodies in the public. Certain bodies in certain places function as „space invaders‟, according to Nirmal Puwar, because they disrupt the homogeneity of those spaces and challenge the position of the male body as the somatic norm (2004, p.67). Thus, the presence of a monstrous, dirty, or unaltered body in certain contexts is actually deconstructive and disruptive to binaries in itself. As Mary Russo, writing on the carnivalesque indicates,¶ in the everyday indicative world, women and their bodies, certain bodies, in certain public framings, in certain public spaces, are always transgressive –¶ dangerous, and in danger. (1997, p.323) Second, ugliness may be deployed strategically, through an active and exaggerated performance of ugliness in public spaces. Since the production of beauty requires not only a specific appearance but also a certain code of behaviours, feminists may strategically enact „ugly‟ behaviours as a means of deconstructing binaries such as beauty/ugliness, clean/dirty, public/private, and man/woman. Bartky refers to „disciplinary practices that produce a body which in gesture and appearance is recognizably feminine‟ (1990, p.65, emphasis added). These disciplinary practices function to prescribe the¶ body‟s sizes and contours, its appetite, posture, gestures and general comportment in space and the appearance of each of its visible parts. (p.80)¶ An excessive performance, performative confusion, or complete disregard of these normative behaviours and practices thus allows for a disruption of the conventions of beauty. Karina Eileraas, in „Witches, Bitches, and Fluids‟, explores the performed ugliness of punk and rock girl bands such as Hole. They deploy ugliness through ugly shrieks and wails (1997, p.127), ripped stockings and smudged make-up (p.129), ugly stage aggression (p.129), and the presence of ugly, dirty bodily fluids (p.132). In such ways, Eileraas argues, some girl bands perform ugliness, dismember femininity and normative feminine behaviours, and actively deconstruct spaces of beauty/ugliness and masculinity/femininity through „parad[ing], parrot[ing], and parody[ing]‟ (1997, p.135). It is exactly such multidimensional and excessive performances of ugliness, which create spaces of binary ambiguity and flux. Through acting ugly, and „doing‟ ugly, ugliness is privileged as a site of expression and as an effective feminist tool for unsettling prescriptive norms of behaviour.¶ Finally, ugliness can be deployed strategically through the very act of performative self-naming. At the beginning of this essay, I discussed Kincaid‟s strategy of deploying ugliness against neo- colonizers. Edwidge Danticat, on the other hand, provides an instance of the reappropriation or „embrace‟ of the category of ugliness through a deployment of it onto herself. Speaking of the multiple oppressions that Haitian women face, she rallies around a Haitian idiom:¶ we must scream this as far as the wind can carry our voices. “Nou lèd, nou la!” We are ugly, but we are here! (2003, p.27, emphasis added)¶ Through applying the label of ugliness onto herself (and „her people‟), Danticat immobilizes anyone who might want to hurt her by way of using the term „ugly‟ against her. She performs ugliness strategically, through „embracing‟ the category, deploying it in her own name, and reassembling it as something to be proud of. Acknowledging the political implications behind „ugliness‟ – such as racism, colonialism, sexism, and poverty – Danticat refuses to be immobilized by ugliness or by people who may use the term against her. Instead, she exploits it to her own uses, performs it, and deconstructs its meaning through reconfiguring it as a site of pride: as a site of presence, struggle, and endurance.