EXPORTING ISLAMOPHOBIA IN THE GLOBAL "WAR ON TERROR"

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The War on Terror is far more than a domestic project aimed to deter terrorism and shore up national security. The War's policy, strategy, and accompanying epistemology, since its very inception, created opportunities for other nation states to initiate—or expand existing—domestic programs that conflated Muslim identity with terror suspicion. In turn, adopting the fundamental presumption of the War on Terror that drove American Islamophobia, feeds state-sponsored Islamophobia in states where the War on Terror was formally adopted.

This Article theorizes how Islamophobia is exported by way of the American-spearheaded War on Terror, and how it fed and still facilitates the structural Islamophobic policies in China and India—where the host governments are unleashing two of the most ominous systems of Islamophobia in the world. While led by the United States, the War on Terror gradually became a global crusade, whereby states across the world found an opportune moment to persecute and punish their own Muslim populations to achieve their ends.

INTRODUCTION

"America is not a country, it is a world."

—*Oscar Wilde*[1]

Since its inception, the "War on Terror" has been no ordinary war. Far more than a military standoff between nations, it has transcended the known bounds of diplomacy and imminent resolution, and has defied the standing conventions of *war*, as we knew it before. The War on Terror has become an illimitable crusade oriented against the amorphous threat of terrorism against the "civilized" world[2]—with the United States standing as the sentry of the latter and Islam looming as its evil opposite.

This new crusade was never intended to be America's alone. In front of a joint session of Congress, President George W. Bush implored, "This is not . . . just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom . . . . The civilized world is rallying to America's side."[3] For the Bush Administration, the 9/11 terror attacks were not only acts of war against the United States but against civilization at large.[4] This framing, coupled with the *with us or against us* ultimatum,[5] formed a geopolitical binary where countries across the world were expected to align alongside the United States, or else presumed to stand against it. To be *civilized*, according to the Manichean logic of the War on Terror, mandated aligning with the United States and *against* Islamic terrorism. There was no middle ground.

Following the geopolitical worldview theorized by Samuel Huntington in his Clash of Civilizations,[6] this new crusade positioned Islam as the archenemy of the civilized world. Far beyond al Qaeda—the terror network that inspired and enlisted the nineteen terrorists who carried out the 9/11

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[1] OSCAR WILDE, OSCAR WILDE IN AMERICA: THE INTERVIEWS 66 (Matthew Hofer & Gary Scharnhorst eds., 2010).

[2] President George W. Bush, Address to a Joint Session of Congress and the American People (Sept. 20, 2001), https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html.

[3] *Id.*

[4] *See id.*

[5] *Id.* ("Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.").

[6] *See generally* SAMUEL P. HUNTINGTON, THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER (1996). Huntington's theory, dubbed the "clash of civilizations," did not narrowly pit the United States against Islamic fundamentalism, but rather the whole of Islam. *See* Samuel P. Huntington, *The Clash of Civilizations?*, 72 FOREIGN AFF. 22, 31–32 (1993). This essay preceded Huntington's landmark book and had considerable influence over the neoconservative foreign and domestic policies of the Bush Administration.

terror attacks[7]—the War on Terror painted the world's second-largest faith group and nearly two billion of its adherents[8] as threats to non-Muslims. Mahmood Mamdani, a leading scholar on Muslims and the War on Terror, has theorized how the end of the Cold War ushered in a new crusade whereby Islam, and Muslims specifically, were oriented as the principal rival:

> Huntington's argument was built around two ideas: that since the end of the Cold War "the iron curtain of ideology" had been replaced by a "velvet curtain of culture," and that the velvet curtain had been drawn across "the bloody borders of Islam." Huntington cast Islam in the role of an enemy civilization. From this point of view, Muslims could only be bad.[9]

Huntington argued that Islam *itself* was inherently prone to violence, and that the crusade to protect civilization required a global standoff against the faith and its adherents.[10] Thus, the global threat menacing "civilization" was far bigger than al Qaeda alone, transnational terror networks, or deviant interpretations of the religion, but rather was the *whole* of Islam.[11] This presumption that Muslim identity is tethered to terror is the touchstone of "Islamophobia,"[12] the phenomenon that rushed onto the American and global

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7   *See* NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., THE 9/11 COMMISSION REPORT 240 (2004), https://govinfo.library.unt.edu/911/report/911Report.pdf.

8   The Pew Research Center counted the global Muslim population at 1.8 billion in 2015, which makes the two billion figure a modest estimate for 2019. PEW RESEARCH CTR., THE CHANGING GLOBAL RELIGIOUS LANDSCAPE 8 (2017), https://www.pewforum.org/2017/04/05/the-changing-global-religious-landscape/#global-population-projections-2015-to-2060.

9   MAHMOOD MAMDANI, GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR 21 (2004); *see also* Moutusi Paul Chaudhury, *The Sacred and the Secular: Influence of Religion on George W. Bush's Foreign Policy*, 19 JADAVPUR J. OF INT'L RELATIONS 159 (2016) (analyzing how Huntington's Clash of Civilizations, and its direct and latent appeals to religious war, influenced Bush's War on Terror strategy); Souad Smaili, The Clash of Civilizations Rhetoric in George Bush's Speeches (2015) (Degree of Magister dissertation, Mouloud Mammeri University of Tizi-Ouzou) (comprehensive compilation of President Bush's speeches, dicta, and rhetoric that cites Huntington, and appeals to the language of likeminded scholars and pundits, most notably Bernard Lewis and Francis Fukuyama).

10   Huntington, and those that subscribed to his worldview, perceived Islam as a monolithic faith and its disparate global populations as belonging to one consolidated civilization. *See generally* HUNTINGTON, *supra* note 6, at 45, 209–18.

11   *See* HUNTINGTON, *supra* note 6, at 217 ("The fundamental problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power."). For a critique of Huntington's thesis, see MAMDANI, *supra* note 9, at 20–22.

12   *See* KHALED A. BEYDOUN, AMERICAN ISLAMOPHOBIA: UNDERSTANDING THE ROOTS AND RISE OF FEAR 28 (2018) (defining Islamophobia "as the presumption that Islam is inherently violent, alien, and unassailable, a presumption driven by the belief that expressions of Muslim identity correlate with a propensity for terrorism").

scene in the immediate wake of the 9/11 terror attacks.[13]

Beyond genuine national security threats, countries across the world capitalized on the conflation of Islam with terrorism to serve discrete national interests. This *American* War on Terror furnished nations with license, and more importantly, a policing template and language to profile and persecute their Muslim minority populations. American Islamophobia,[14] buoyed by swift state action including the War in Afghanistan and the USA PATRIOT Act, manifested in a surge of vigilante violence against Muslims and "Muslim-looking" groups[15] and had global impact.[16] This American Islamophobia was exported by way of policy and propaganda around the world, as surveillance of Muslim communities, enabled by the PATRIOT Act domestically, was emulated abroad, restrictions on Muslim immigration were more closely policed, and most fundamentally, states adopted the fundamental War on Terror baseline that Muslim identity was presumptive, and predictive, of terrorism.[17] This new global crusade allowed other states

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[13]   Huntington's influence did not stop with the Bush Administration. In fact, his ideas were made more manifest in President Donald Trump's rhetoric, and more evident in his policies. *See* Carlos Lozada, *Samuel Huntington, a Prophet for the Trump Era*, WASH. POST (July 18, 2017, 11:31 AM), https://www.washingtonpost.com/news/book-party/wp/2017/07/18/samuel-huntington-a-prophet-for-the-trump-era.

[14]   I use this framing to distinguish the American brand of anti-Muslim animus from French or Indian Islamophobia, for example.

[15]   Muneer Ahmad describes "the 'Muslim-looking' construct [as] neither religion nor conduct-based. Rather, the profile has considerable, if not predominant, racial content and is preoccupied with phenotype rather than faith or action." This "phenotypic" approach "capture[s] not only Arab Muslims, but Arab Christians, Muslim non-Arabs (such as Pakistanis or Indonesians), non-Muslim South Asians (Sikhs, Hindus), and even Latinos and African Americans, depending on how closely they approach the phenotypic stereotype of the terrorist." Muneer I. Ahmad, *A Rage Shared by Law: Post-September 11 Racial Violence as Crimes of Passion*, 92 CALIF. L. REV. 1259, 1278–79 (2004).

[16]   *See, e.g.*, HUMAN RIGHTS FIRST, VIOLENCE AGAINST MUSLIMS: 2008 HATE CRIME SURVEY 4, 10 (2008), https://www.humanrightsfirst.org/wp-content/uploads/pdf/fd-080924-muslims-web.pdf (describing the spike in anti-Muslim violence that followed September 11, 2001, in the United States and Europe).

[17]   For surveillance of American Muslim communities, see Laurie Goodstein, *Police in Los Angeles Step up Efforts to Gain Muslims' Trust*, N.Y. TIMES (Mar. 9, 2011), https://www.nytimes.com/2011/03/10/us/10muslims.html (discussing police attempts to connect with the Muslim community in Los Angeles but noting concerns among the community with cooperating). For adoption of similar policies abroad, see Noah Feldman, *Declaring War on Terror Is Good Rhetoric, Bad Policy*, BLOOMBERG (Nov. 15, 2015, 6:30 PM), https://www.bloomberg.com/opinion/articles/2015-11-15/declaring-war-on-terror-is-good-rhetoric-bad-policy (quoting French President Francois Hollande calling the 2015 Paris attacks an "act of war," following the rhetoric of President Bush after the September 11 attacks); James McAuley, *French Muslims Enraged by Passage of Macron's Version of Patriot Act*, WASH. POST (Oct. 3, 2017), https://www.washingtonpost.com/world/europe/with-french-patriot-act-macron-enrages-french-muslims/2017/10/03/998a0af4-a841-11e7-9a98-07140d2eed02_story.html. For the presumption that Muslim identity is linked to terrorism, see Caroline Mala Corbin, *Terrorists Are Always Muslim but Never White: At the Intersection of Critical Race Theory and Propaganda*,

to intensify policing and persecution of their Muslim populations, and in some instances, advance ethnic cleansing campaigns against indigenous Muslim groups.

Using India and China as case studies, this Article examines the way that this new crusade diffused into an interconnected constellation of domestic campaigns whereby governments adopted the presumptions and conceptual and strategic frameworks of American Islamophobia to punish their Muslim populations.[18]

These nations, following in the footsteps of the American architects of the War on Terror, used counterterrorism as both an excuse and an expedient to advance desired political objectives.

Part I of this Article theorizes the legal and discursive dimensions of Islamophobia, summarizing the framework I established in previous scholarship.

Part II analyzes how the War on Terror, and the political demonization of Muslims, is strategically wielded by governmental regimes to advance political interests. In turn, this Article clarifies that Islamophobia is not exclusively rooted in irrational fear or bigotry, but is also a tool rationally deployed by governments to shore up political might and economic gain.

Finally, Part III dissects how the American War on Terror has been adopted and remade by the Chinese government to perpetuate the ethnic cleansing of indigenous Uighur Muslims, and blended with Indian Prime Minister Narendra Modi's militant Hindu nationalism to crack down on the approximately 200 million Muslims in India.[19]

I

THEORIZING ISLAMOPHOBIA

While the conflation of terror with Islam long predates the 9/11 terror attacks and the War on Terror that followed, Islamophobia emerged into a cognizable term and subject of study only recently. A range of scholars within and beyond legal academia have critically examined the demonization of Islam. Edward Said, in his book *Orientalism*, laid the intellectual

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86 FORDHAM L. REV. 455 (2017) (examining how American propaganda disseminates the idea that terrorism is exclusively a Muslim phenomenon); Sahar F. Aziz, *Caught in a Preventive Dragnet: Selective Counterterrorism in a Post-9/11 America*, 47 GONZ. L. REV. 429, 430 (2011) (describing the United States' terrorism policy as reflecting the idea that "Muslims and Arabs are inherently violent and intent on destroying the American way of life" and its impact on civil society).

18   This Article focuses on these two nations as case studies. Future scholarship, including a forthcoming book by the author, will analyze Islamophobia in a host of other nations across the world.

19   PEW RESEARCH CTR., THE FUTURE OF WORLD RELIGIONS: POPULATION GROWTH PROJECTIONS, 2010-2050, at 73 (2015), https://assets.pewresearch.org/wp-content/uploads/sites/11/2015/03/PF_15.04.02_ProjectionsFullReport.pdf.

foundation for the study of Islamophobia today.[20] The concept of Orientalism theorizes that the West came to define itself, its institutions, and its societies as the superior opposites of its counterparts in the Muslim world.[21] It is this seminal discourse that enables us to understand how Islamophobia and its many parts manifest in the global War on Terror today in the United States and beyond.

Islamophobia may very well be a novel term, but the modern phenomenon is rooted in longstanding political discourses and centuries-old tropes that link Islam to terror.[22] In short, Islamophobia is a manifestation of Orientalism.

A.   *From Orientalism to Islamophobia*

The immediate aftermath of the 9/11 terror attacks, and the entwined state and popular violence directed at Muslims that followed,[23] marked the transition from embedded Orientalism to institutionalized and enforced Islamophobia. The former rooted the popular view of Muslims as a foreign and suspicious people, while the furious emergence of the latter cast members of the faith as a caste presumptively connected to the culprits of the 9/11 terror attacks. Per the language of Huntington that saturated President Bush's War on Terror speech and the policies that followed, Muslims are seen as a rival civilization.[24]

In her landmark article *The Citizen and the Terrorist*,[25] Leti Volpp articulates the thread that ties Orientalism to what is widely known as Islamophobia today:

> We are witnessing the redeployment of old Orientalist tropes. Historically, Asia and the Middle East have functioned as phantasmic sites on which the U.S. nation projects a series of anxieties regarding internal and external threats to the coherence of the national body. The national identity of the United States has been constructed in opposition to those categorized as "foreigners," "aliens," and "others."[26]

The War on Terror, manifested by strident domestic policies, foreign wars, and counterterror coordination with global states, isolated Muslims as

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[20]   *See generally* EDWARD SAID, ORIENTALISM (1979).

[21]   *Id.* at 3–18.

[22]   For a critical review of how both state and federal courts perceived Islam and Muslims from the early nineteenth century until the Civil Rights Era, see Marie A. Failinger, *Islam in the Mind of American Courts: 1800 to 1960*, 32 B.C. J.L. & SOC. JUST. 1 (2012).

[23]   *See* Ahmad, *supra* note 15 (analyzing how the shared rage of the state and popular violence descended on Muslim and "Muslim-looking" populations in the immediate wake of the 9/11 terror attacks).

[24]   *See* HUNTINGTON, *supra* note 6. *See generally* Smaili, *supra* note 9.

[25]   Leti Volpp, *The Citizen and the Terrorist*, 49 UCLA L. REV. 1575 (2002).

[26]   *Id.* at 1586.

more than just an antithetical "other."[27] As articulated by a range of scholars, most notably law scholar Natsu Taylor Saito, the War on Terror "raced" Muslims as terrorists,[28] spurring state agencies and private actors to engage in the Islamophobia that spread and swelled after the 9/11 terror attacks.[29]

Therefore, the War on Terror not only redeployed longstanding Orientalist tropes,[30] but reshaped them in the caricatured image of contemporary Islamic terror actors. Islam was conflated with the extremism espoused by al Qaeda and its spokesman, Osama bin Laden, and Muslims were categorically profiled as sympathizers of a violent ideology that wrought havoc on the United States and the "civilized" world. This shifted with subsequent presidential administrations and new transnational terror actors, principally the Islamic State of Iraq and Syria (ISIS),[31] which moved the Obama Administration to adopt new counterterror programs to police "homegrown terrorism" in the heart of Muslim-American communities[32] and closely monitor citizens and foreign nationals who adopt conservative Muslim identities, treating them as presumptive radicals.[33]

Despite the fluid remaking of counterterror policy in line with prevailing manifestations of (Islamic) terrorism, the fundamental Orientalist baseline of casting Islam as the rival other undergirded the development and deployment of Islamophobia during the War on Terror. However, popular Islamophobia transformed the Orientalist imagining of the Muslim "other"

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[27]   *See id.* at 1587 (describing the "new currency" that the 9/11 attacks gave Orientalist tropes).

[28]   Natsu Taylor Saito, *Symbolism Under Siege: Japanese American Redress and the "Racing" of Arab Americans as "Terrorists,"* 8 ASIAN L.J. 1, 12 (2001); *see also* ERIK LOVE, ISLAMOPHOBIA AND RACISM IN AMERICA (2017) (defining Islamophobia as a form of racism inflicted upon Muslims and Muslim-looking populations).

[29]   *See* Manar Waheed, *Countering Violent Extremism: Harming Civil Rights and Hurting Communities Based on a False Promise of Success*, *in* COUNTERING THE ISLAMOPHOBIA INDUSTRY: TOWARD MORE EFFECTIVE STRATEGIES 40 (Carter Ctr. ed., 2018) ("Increased discrimination against Muslims through a range of policies has emboldened harassment and attacks on Muslim communities.").

[30]   Volpp, *supra* note 25, at 1586.

[31]   *See generally* FAWAZ A. GERGES, ISIS: A HISTORY (2016) (offering a careful analysis of the historical evolution of the terror network, its political ideology, and its connection to other terror groups).

[32]   "Homegrown terrorism," the idea that individuals in the United States can be inspired to commit acts of terrorism, is "infused with the racial subtext of 'Muslim domestic terrorists.'" Aziz, *supra* note 17, at 474 (chronicling the rise of counterterrorism law enforcement strategies that selectively target Muslims).

[33]   Religious expression and identity are only one of the many metrics law enforcement takes into consideration when assessing whether a Muslim subject may become radicalized. Other factors include legal status, country of origin, foreign connections, dissident politics, and more. *See* Amna Akbar, *Policing "Radicalization,"* 3 U.C. IRVINE L. REV. 809, 869–71 (2013) (explaining that both religious observance and political speech trigger law enforcement scrutiny).

into the modern Muslim terrorist.[34] More than just a precedent discourse,[35] Orientalism loomed and fueled Islamophobia—the familiar phenomenon with a new name—during the global War on Terror, reifying deeply embedded anti-Muslim tropes to justify contemporary fears of Muslim terrorism.

B.   *Defining Islamophobia*

The War on Terror framing of an Islamic and Muslim threat intensified animus toward Muslim individuals, institutions, and states.[36] This animus ultimately came to be known as Islamophobia, the "fear, suspicion and violent targeting of Muslims" by individuals and private and state actors.[37] More than merely hatred or fear, Islamophobic action can be driven by rational or irrational motives. Understanding how it is wielded rationally is critical for understanding how foreign governments seize upon Islamophobia as an expedient to further their political objectives. Thus, more than simply animus or bigotry, fear or hatred, Islamophobia is also a political *tool*—and must be understood as such when examining the War on Terror, and how nation states deploy it today.

Islamophobia is comprised of three distinct dimensions: private, structural, and dialectical Islamophobia. First, private Islamophobia is the fear, suspicion, or violent targeting of Muslims by private actors.[38] Incidents like arsonists intentionally setting a New Haven mosque on fire,[39] a teacher pulling the hijab off of the head of a Muslim student,[40] or the violent murder of three Muslim college students in Chapel Hill, North Carolina in February 2015[41] are examples of private Islamophobia.

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[34]   *See generally* EVELYN ALSULTANY, ARABS AND MUSLIMS IN THE MEDIA: RACE AND REPRESENTATION AFTER 9/11 (2012) (providing a critical examination of the most prominent terror stereotypes of Muslim men and women in the wake of the 9/11 terror attacks).

[35]   By precedent discourse, I am referring to the standing epistemological framework that oriented Islam as oppositional to Western civilization. This view is a theoretical cornerstone of Orientalism, which I classify as the mother discourse that enabled the rise and entrenchment of Islamophobia after 9/11.

[36]   "Islamic" refers to an entity tied to the religion of Islam, while "Muslim" refers to an adherent of the religion of Islam.

[37]   Khaled A. Beydoun, *Islamophobia: Toward a Legal Definition and Framework*, 116 COLUM. L. REV. ONLINE 108, 111 (2016) [hereinafter Beydoun, *Toward a Legal Definition and Framework*].

[38]   *Id.*

[39]   *See* Mihir Zaveri, *Fire at New Haven Mosque Was Intentionally Set, Fire Chief Says*, N.Y. TIMES (May 13, 2019), https://www.nytimes.com/2019/05/13/nyregion/new-haven-mosque-fire.html.

[40]   *See Teacher Pulls off Student's Hijab at Fairfax County High School*, NBC 4 WASH. (Nov. 16, 2017, 5:01 PM), https://www.nbcwashington.com/news/local/student-teacher-ripped-hijab-off-my-head-at-school/32496.

[41]   BEYDOUN, *supra* note 12, at 23–28.

Structural Islamophobia is state-sponsored "fear and suspicion of Muslims on the part of institutions–most notably, government agencies–that is manifested through the enactment and advancement of policies,"[42] legislation, and other modes of formal and informal state action. The U.S. war launched in Iraq in 2003, France's 2004 "headscarf ban" in schools,[43] and China's detainment of Uighur Muslims in internment camps,[44] closely examined in Section III.A of this Article, are vivid examples of structural Islamophobia.

Private and structural Islamophobia do not unfold on separate tracks but are bound together to form a phenomenon called dialectical Islamophobia. *Dialectical* Islamophobia is a "systematic, fluid, and deeply politicized dialectic between the state and its polity: a dialectic whereby the former shapes, reshapes, and confirms popular views or attitudes about Islam and Muslim subjects inside and outside of America's borders."[45] State action that endorses the notion that Islam and Muslims are tied to terrorism drives the popular discourse that incites private Islamophobia, and during times of crises, rising animus against Muslims and perceived Muslims.[46]

As this Article illustrates, American War on Terror propaganda and policy expand the scope of this dialectic, reaching foreign governments keen on policing and persecuting their Muslim populations as a strategic political expedient. Structural Islamophobic action on the part of the United States, manifested both by standalone policies and by the global War on Terror as a whole, "legitimize[s] prevailing misconceptions, misrepresentations, and tropes"[47] that enable foreign governments to implement policies on a faith group cast as presumptive terrorists.

This dialectic tied American state action to a primed audience, not only of private actors, but also global governments. On the global landscape, it emboldened foreign governments to capitalize on the global climate of Islamophobia as a tool to achieve desired political ends. In short, the United States is leading the project of policing and profiling Muslims on account of

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42   Beydoun, *Toward a Legal Definition and Framework*, *supra* note 37, at 114.

43   CODE DE L'ÉDUCATION [EDUCATION CODE] art. 141-5-1 (Fr.). *But see* Adrien Katherine Wing & Monica Nigh Smith, *Critical Race Feminism Lifts the Veil?: Muslim Women, France, and the Headscarf Ban*, 39 U.C. DAVIS L. REV. 743, 767 (2006) (explaining that some Muslim women in France consider the headscarf to be oppressive).

44   *See* John Sudworth, *China's Hidden Camps*, BBC (Oct. 24, 2018), https://www.bbc.co.uk/news/resources/idt-sh/China_hidden_camps.

45   Beydoun, *Toward a Legal Definition and Framework*, *supra* note 37, at 119.

46   *See, e.g.*, Leila Fadel, *Coping with the Persistent Trauma of Anti-Muslim Rhetoric and Violence*, NPR (Mar. 19, 2019, 6:32 PM), https://www.npr.org/2019/03/19/704893569/coping-with-the-persistent-trauma-of-anti-muslim-rhetoric-and-violence (explaining that American Muslims have been subjected to "a constant barrage of anti-Muslim rhetoric" since September 11, 2001, and rising numbers of hate crimes).

47   *Id.*

their religious identity, and foreign governments that view their Muslim populations as political pariahs were sure to follow suit.

II
RATIONALISM, ISLAMOPHOBIA, AND INTEREST CONVERGENCE

As recent global events illustrate, Islamophobia was seized upon as a political tool to carry forward governmental interests. Debunking the notion that Islamophobia is narrowly driven by individuals' fear or hate and inflicted solely by private hatemongers enables us to understand it as a political instrument. Irrational motives may be a principal driver of private Islamophobic behaviors, but structural Islamophobic actions or systems—particularly those implemented by the state—are deployed to bring about desired outcomes. The theoretical framework outlined above distills the practice and utility of "rational Islamophobia" by private and state actors, who capitalize on popular fear and suspicion of Muslims as an expedient to promote and procure individual or collective objectives.

American War on Terror policy, both domestically and globally,[48] vividly illustrates the development and deployment of structural Islamophobia as a political tool. Globally, the wars launched in Afghanistan and the zealous private Islamophobia that gripped the American people in the wake of the 9/11 terror attacks made the war in Iraq possible.[49] These wars enabled the Bush Administration to strengthen America's foothold in the region. The War in Iraq, which contemporaneous polls showed was widely deemed an unjust war,[50] manifests how the Bush Administration capitalized on the national fervor against Muslims to promote an eight-year-long campaign that sought to further political interests unconnected to countering terrorism or shoring up national security: toppling Saddam Hussein's government and installing a pro-American transitional government.[51] Therefore, the Bush Administration and successive

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[48]   For a comprehensive analysis of the domestic national security and immigration policies the Bush Administration installed after 9/11, see generally Susan M. Akram & Kevin R. Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 N.Y.U. ANN. SURV. AM. L. 295 (2002).

[49]   Legal scholar Muneer Ahmad writes, "A desire for vengeance found broad support among the American public, and ultimately found expression in American foreign policy," likening the War on Terror and the War in Afghanistan to crimes of passion. Ahmad, *supra* note 15, at 1300.

[50]   *See, e.g.*, Dalia Sussman, *Poll Shows View of Iraq War Is Most Negative Since Start*, N.Y. TIMES (May 25, 2007), https://www.nytimes.com/2007/05/25/washington/25view.html (explaining that sixty-one percent of Americans polled in 2007 thought that the United States should not have gone into Iraq).

[51]   Hussein was a secularist with no direct links to al Qaeda, and the Administration's claims that he maintained stockpiles of weapons of mass destruction—at least at the time of the invasion—were unsubstantiated. *See* Kevin M. Woods & James Lacey, IRAQI PERSPECTIVES PROJECT: SADDAM AND TERRORISM: EMERGING INSIGHTS FROM CAPTURED IRAQI DOCUMENTS, INSTITUTE

administrations exploited the Islamophobic fears and attitudes of their citizenry to enforce structural policies and wage wars against Muslims inside and outside of the country, providing a template for other states to emulate.

Interest convergence theory provides another window into understanding how rational Islamophobia operates on a global plane. It crystallizes how isolating Muslims, and demonizing the religion of Islam,[52] offers a potent tool for expediting desired political outcomes. Through the lens of racial integration and shifting geopolitics during the landmark *Brown v. Board of Education* controversy, Derrick Bell theorized how the Supreme Court's unanimous ruling in favor of integrating American public schools was influenced by the American foreign policy aspiration of absorbing majority-Black-and-brown nations into its expanding sphere of influence.[53] This theory, echoed by law scholar Mary Dudziak,[54] can be broadened to apply to multiple states (instead of different institutions within the same state) to articulate how American War on Terror goals not only align with that of other nations, but more potently, authorize these nations to implement even harsher policies against their Muslim communities.

In the United States, the Bush Administration swiftly restructured its counterterror institutions to grapple specifically with Islam[55] and took strident action to police Muslims on the home front and punish them abroad.[56] More than a corpus of policies or institutional culture within the Department of Homeland Security, American structural Islamophobia defined the discourses around immigration, domestic policing, war, foreign

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FOR DEFENSE ANALYSES (Nov. 2007), https://fas.org/irp/eprint/iraqi/v1.pdf; *Iraq WMD Timeline: How the Mystery Unraveled*, NPR (Nov. 15, 2005), https://www.npr.org/templates/story/story.php?storyId=4996218.

52 Law scholar Lauren Sudeall Lucas's "protective-projective framework" is instructive in distinguishing assertions of religious identity that compromise, or castigate, another religion (projective expressions of religion). Lauren Sudeall Lucas, *The Free Exercise of Religious Identity*, 64 UCLA L. REV. 54, 95–96 (2017). Contrary to projective claims, "protective claims are those that aim to preserve individuals' or groups' ability to define and pursue their religious identity within the confines of their own sphere." *Id.* at 89.

53 *See* Derrick A. Bell, Jr., Comment, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524 (1980).

54 *See* Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61 (1988) (contextualizing desegregation with regards to American foreign policy during the Cold War).

55 *See* Charles Perrow, *The Disaster After 9/11: The Department of Homeland Security and Intelligence Reorganization*, 2 HOMELAND SECURITY AFF. (Apr. 2006) (describing the alternatives to reorganize elements of the intelligence community to deal with terrorist threats following 9/11).

56 *See* Maha Hilal, *The War on Terror Has Targeted Muslims Almost Exclusively*, INST. FOR POLICY STUDIES (Sept. 14, 2017), https://ips-dc.org/the-war-on-terror-has-targeted-muslims-almost-exclusively; FAIZA PATEL & RACHEL LEVINSON-WALDMAN, BRENNAN CTR. FOR JUSTICE, THE ISLAMOPHOBIC ADMINISTRATION 1 (2017), https://www.brennancenter.org/sites/default/files/2019-08/Report_BCJ_Islamophobic_Administration.pdf ("President George W. Bush built, and President Barack Obama allowed to stand, national security laws and policies that treat American Muslims as suspects, subjecting them to widespread surveillance and preemptive prosecution.").

policy, and electoral politics, injecting the War on Terror and fear of Islamic terrorism into virtually every gradient of the American experience. Commitment to the War on Terror, and its fixation on Islamic threat, continued into the Obama[57] and Trump Administrations, with the latter marking a moment of intensified rhetoric and strident policy.[58]

Capitalizing on the global animus toward Muslims that proliferated after the 9/11 attacks, governments across the globe have enacted structural Islamophobic policies as a political expedient. The structural Islamophobia established and extended by three American presidential administrations embraced the fundamental assumption that Muslims were presumptive terrorists. Governments around the world interpreted American policy as a green light to adopt this presumption, and subsequently to implement their own policies and programs designed to police, punish, and prosecute their Muslim minority populations en masse.[59] With America as the global ringleader of the War on Terror, institutionalizing the conflation of terrorism and Muslim identity through law, propaganda, and wars, countries around the world that viewed their Muslim communities as obstacles to coveted political aims were encouraged to follow suit. During every phase of the protracted War on Terror, from the Bush to the Trump Administration, the United States exported Islamophobia into nations keen on absorbing it to meet their aligned objectives.

III

BETWEEN POPULISM, INTERNMENT, AND ISLAMOPHOBIA

The reach of American hegemony, both in its soft and principally its hard power,[60] is global, and penetrates the outlook of foreign societies and

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57   *See* Alexia Underwood, *What Most Americans Get Wrong About Islam*, VOX (Apr. 6, 2018), https://www.vox.com/2018/4/6/17169448/trump-islamophobia-muslims-islam-black-lives-matter (pointing to state actions from Presidents Obama and Bush as examples of Islamophobia).

58   Christi Parsons & W.J. Hennigan, *President Obama, Who Hoped to Sow Peace, Instead Led the Nation in War*, L.A. TIMES (Jan. 13, 2017), https://www.latimes.com/projects/la-na-pol-obama-at-war. For an analysis of the Trump Administration's signature Islamophobic policy, the travel ban, see Michael D. Shear, *New Order Indefinitely Bars Almost All Travel from Seven Countries*, N.Y. TIMES (Sept. 4, 2017), https://www.nytimes.com/2017/09/24/us/politics/new-order-bars-almost-all-travel-from-seven-countries.html; *see also* Brian Klaas, *A Short History of President Trump's Anti-Muslim Bigotry*, WASH. POST (Mar. 15, 2019), https://www.washingtonpost.com/opinions/2019/03/15/short-history-president-trumps-anti-muslim-bigotry (detailing further instances of Islamophobic actions by President Trump).

59   *See, e.g.*, Austin Ramzy & Chris Buckley, *'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019), https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html (citing President Xi Jinping calling for his party "to emulate aspects of America's 'war on terror' after the Sept. 11 attacks"). For a more complete discussion of China's and India's adoption of American policy, see *infra* Part III.

60   By "American hegemony," I am referring to the United States' global political and economic

the policies of foreign governments.[61] The War on Terror, a crusade that has strengthened its political and economic foothold in the Middle East and beyond, globalized Islamophobia and provided foreign states with an American-sanctioned blueprint to punish their own Muslim populations.

This Part will examine two nations, China and India, as case studies of how American Islamophobia has been adopted to sanction and facilitate structural Islamophobic programs against Muslim minority populations.

A.   *China: Islamophobia and Internment*

The beginning stages of the War on Terror converged with another budding geopolitical rivalry: the United States and China, and the latter's emergence as the second global superpower rapidly closing ground on American hegemony. However, the emerging standoff between Washington, D.C. and Beijing found exception with regard to Islam, which opened the door of opportunity for China to intensify its own War on Terror campaign against its Muslim population.[62]

Roughly one month after making the "War on Terror" speech in Washington, D.C., President Bush traveled to China, where he met a president and an administration assessing how to handle its Uighur Muslim "problem" in Xinjiang province.[63] China's President, Jiang Zemin, adopted the crusade's existential binary of "civilization" versus "terrorism,"[64] a framing the regime deployed to counter China's eleven million Uighur

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might, which until recently separated it as the world's lone superpower. "Hard power" refers to state action, exercised through conventional means (law, policy, and military aggression), while "soft power" encompasses influence extended through state and popular propaganda, media, and culture.

[61]   For a popular article on the effect and future trajectory of American global hegemony, see Daniel W. Drezner, *The Uncertain State of American Hegemony*, WASH. POST (Apr. 4, 2019), https://www.washingtonpost.com/outlook/2019/04/04/uncertain-state-american-hegemony.

[62]   *See* Akbar Shahid Ahmed, *China Is Using U.S. 'War on Terror' Rhetoric to Justify Detaining 1 Million People*, HUFFPOST (Dec. 2, 2018), https://www.huffpost.com/entry/china-is-justifying-its-biggest-human-rights-crisis-in-decades-with-made-in-the-usa-war-on-terror-rhetoric_n_5bae375be4b0b4d308d2639c ("Beijing saw an opportunity early. Millions of Uighurs and other non-Han Chinese groups in its northwestern region of Xinjiang had been asking for greater autonomy for decades.").

[63]   *See* Robin Wright & Edwin Chen, *Bush Says China Backs War on Terror*, L.A. TIMES (Oct. 18, 2001), https://www.latimes.com/la-101901bush-story.html (recounting President Bush's meeting with President Jiang where Bush stated that China stands "side by side with American people").

[64]   This binary was drawn along chiefly ethno-religious lines, orienting the Uighur Muslim population against the (controlling) Han, the latter of which are cast as authentic people of China. *See* Angel Difan Chu, *The "Clash of Civilizations" Between Muslims and the Han Within China*, NATO ASS'N OF CAN. (Jan. 26, 2015), http://natoassociation.ca/the-clash-of-civilizations-between-muslims-and-the-han-within-china (describing large scale projects by the Chinese government encouraging the migration of Han Chinese to the region which was once overwhelmingly Uighur but now is half Chinese).

Muslims striving for self-determination.[65] Uighur Muslims are indigenous to Xinjiang,[66] an autonomous region in northwest China with a considerable segment of its population striving for independence since it was annexed by Beijing in 1949.

Following the commencement of the global War on Terror, China strategically blurred the quest for Uighur independence with terrorism by using the language and strategy formulated in Washington:

> The 9/11 terror attacks in the United States created new possibilities for China to suppress its Uighur Muslim population beyond demographic engineering. Lockstep, Beijing adopted the American Islamophobia enshrined by the Bush Administration, and seized upon a "War on Terror" that conflated Islam with terrorism. With much of the world suspicious of Islam and the Global War on Terror fully deployed, China seized upon a ripe geopolitical landscape that enabled a relentless and robust crackdown on Uighur Muslims.[67]

China moved swiftly after 9/11, and President Jiang used his meeting with President Bush in October of 2001 to rally "international backing for its efforts to quell Muslim separatists" in Xinjiang.[68] His lobbying proved effective, particularly in Washington, with the Treasury Department placing Uighur Muslims in China on the terror list and allowing Chinese counterterror officials to interview Uighur detainees in Guantanamo Bay,[69] signaling early cooperation between the two rival governments and American facilitation of China's structural Islamophobia. Buoyed by this support from Washington, China expanded its institutional persecution of its Uighur Muslim population in subsequent years, enforcing mass arrests in the region, cracking down on observance of Ramadan,[70] and climaxing by confining at least one million Uighur and non-Han Muslims into internment camps,[71] a state-sponsored Islamophobic campaign that continues today.

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[65]   For an analysis of the Uighur Muslim quest for independence, see Iman Jafarynejad, *Economic Incentives Preempt Independence Movements: A Case Study of the Xinjiang Uyghur Autonomous Region in China*, HUM. RTS. & HUM. WELFARE 84 (2008), https://www.du.edu/korbel/hrhw/researchdigest/china/IndependenceChina.pdf.

[66]   *See* Khaled A. Beydoun, *China Holds One Million Uighur Muslims in Concentration Camps*, AL JAZEERA ENG. (Sept. 13, 2018), https://www.aljazeera.com/indepth/opinion/china-holds-million-uighur-muslims-concentration-camps-180912105738481.html ("Uighur ethnicity resembles and overlaps with that of its Central Asian neighbors, such as Kyrgyzstan, Kazakhstan, and other countries populated with predominantly Turkic people. The region [Xinjiang] is still called East Turkistan by Uighur Muslims.").

[67]   *Id.*

[68]   Wright & Chen, *supra* note 63.

[69]   Ahmed, *supra* note 62.

[70]   *China Bans Xinjiang Officials from Observing Ramadan Fast*, BBC (July 2, 2014), https://www.bbc.com/news/world-asia-china-28123267.

[71]   *See* Nick Cumming-Bruce, *U.N. Panel Confronts China over Reports that It Holds a Million Uighurs in Camps*, N.Y. TIMES (Aug. 10, 2018),

Akin to the American War on Terror fear of Muslim "radicalization," Beijing frames Islam as a "mental illness" that prompts "extremism and violent terrorist ideology."[72] Following the Islamophobic logic of counter-radicalization policing in the United States,[73] Beijing equates expressions of Uighur Muslim identity with the threat of separatism, which wholly conflates it with terrorism and extremism.[74] Classifying Uighur Muslims, as a whole, as extremists (or potential extremists) afflicted with the Islamic illness enables China to carry forward a mass internment program that dwarfs the internment of Japanese Americans following the Pearl Harbor attacks in scale.[75] This classification allows China to justify "lengthy internments and future interventions any time officials deem Islam a threat."[76]

The goal of mass internment, the new signature program of China's domestic War on Terror, is to destroy the Uighur quest for self-determination—not to combat terrorism.[77] Connections between the Uighur independence movement and transnational terror networks, like Al Qaeda and ISIS, are tenuous at most.[78] Violence by Uighur Muslims has been driven

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https://www.nytimes.com/2018/08/10/world/asia/china-xinjiang-un-uighurs.html (discussing U.N. experts' alarm over credible reports of the detention of a million or more ethnic Uighurs). In addition to Uighur Muslims, other ethnic Muslim groups, including Hui Muslims, have also been detained. *See* Gene A. Bunin, *Xinjiang's Hui Muslims Were Swept into Camps Alongside Uighurs*, FOREIGN POL'Y (Feb. 10, 2020, 10:29 AM), https://foreignpolicy.com/2020/02/10/internment-detention-xinjiang-hui-muslims-swept-into-camps-alongside-uighur.

72   Sigal Samuel, *China Is Treating Islam Like a Mental Illness*, ATLANTIC (Aug. 29, 2018), https://www.theatlantic.com/international/archive/2018/08/china-pathologizing-uighur-muslims-mental-illness/568525 (citing Radio Free Asia).

73   Counter-radicalization policing refers to a counterterror policing model formally adopted by the Obama Administration which proposes "that the path from Muslim to terrorist is a predictable one produced by . . . [the] religious and political culture of Muslim communities." Akbar, *supra* note 33, at 811. This counterterror policing model constructs "an identifiable and predictable process by which a Muslim becomes a terrorist." *Id.* at 820.

74   *See* Ramzy & Buckley, *supra* note 59 (citing leaked documents from China quoting President Xi Jinping in 2014 calling for a "struggle against terrorism, infiltration and separatism" regarding Uighurs).

75   Approximately 117,000 people of Japanese descent were interned after President Franklin D. Roosevelt signed Executive Order 9066. *Japanese Relocation During World War II*, NAT'L ARCHIVES, https://www.archives.gov/education/lessons/japanese-relocation (last visited Feb. 8, 2020). The executive order was upheld as constitutional in *Korematsu v. United States*, 323 U.S. 214, 217–18 (1944) ("[W]e are unable to conclude that it was beyond the war power of Congress and the Executive to exclude those of Japanese ancestry from the West Coast war area at the time they did."), *overruled by* Trump v. Hawaii, 138 S. Ct. 2392, 2423 (2018).

76   Samuel, *supra* note 72.

77   *See* Lindsay Maizland, *China's Repression of Uighurs in Xinjiang*, COUNCIL ON FOREIGN REL. (Nov. 25, 2019), https://www.cfr.org/backgrounder/chinas-repression-uighurs-xinjiang (describing how China has detained up to two million Uighurs and forced them into reeducation camps, where they must pledge loyalty to the Chinese Communist Party and swear to renounce Islam).

78   *See* Chien-peng Chung, *China's "War on Terror": September 11 and Uighur Separatism*, FOREIGN AFF., Jul.-Aug. 2002, at 8, 8 ("The latest wave of Uighur separatism has been inspired not by Osama Bin Laden but by the fall of the Soviet Union.").

purely by insular political motives,[79] not transnational terror objectives linked to transnational terror networks. As a result, drawing on the language of terrorism shaped in Washington, Muslim identity—a proxy for Uighur identity—has been cast as a justification to police, incarcerate, and separate Uighur children from their families.[80] Indeed, American Islamophobia has provided Beijing with a template to imprison Uighur Muslims en masse, and the license to seek to "eradicate Muslim ethnic minorities and forcefully assimilate them into the Han Chinese majority."[81]

B. *India: Trumping Up Hindu Nationalism*

In 2014, Narendra Modi, a strongman who peddled nationalism and nativism as a pathway to power, was elected as India's Prime Minister, rising from the ranks of the right-wing Rashtriya Swayamsevak Sangh Party (RSS) to the highest rung of political power of the world's second most populous nation. For Hindu nationalists, Modi's regime symbolized the promise of Hindu supremacy,[82] while marking a moment of emboldened structural and private Islamophobia for the country's nearly 200 million Muslims.[83]

The rises of Modi, Trump, and other populists were not isolated parallel phenomena. Rather, a decade of Islamophobia and the War on Terror helped give rise to the global wave of populism that swept through Europe,[84] the

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79   *See* Dana Carver Boehm, *China's Failed War on Terror: Fanning the Flames of Uighur Separatist Violence*, 2 BERKELEY J. MIDDLE E. & ISLAMIC L. 61, 63, 66 (2009) (arguing that China's persecution of its Uighur Muslim population has incited much of the violence against the state).

80   *See* John Sudworth, *China Muslims: Xinjiang Schools Used to Separate Children from Families*, BBC (July 4, 2019), https://www.bbc.com/news/world-asia-china-48825090 (describing how China is separating Muslim children from their families in Xinjiang).

81   Samuel, *supra* note 72 (citing Tahir Imin, a U.S.-based scholar of Uighur origins).

82   *See* Dexter Filkins, *Blood and Soil in Narendra Modi's India*, NEW YORKER (Dec. 2, 2019), https://www.newyorker.com/magazine/2019/12/09/blood-and-soil-in-narendra-modis-india (examining Modi's demonization of India's 200 million Muslims as a vehicle to promote his populist vision of a Hindu state).

83   *See* Ananya Vajpeyi, *The Triumph of the Hindu Right: Freedom of Speech and Religious Repression in Modi's India*, FOREIGN AFF., Sept.-Oct. 2014, at 150, 151 ("[Modi's] victory represents the culmination of decades of Hindu nationalist ideological development and political activism . . . ."); Shikha Dalmia, *India Comes Down with a Virulent Strain of Nativism*, WEEK (Aug. 26, 2019), https://theweek.com/articles/859839/india-comes-down-virulent-strain-nativism (tracing the history of anti-Bangladeshi sentiment in India and arguing that "Modi . . . is riding the nativist wave around the world to advance his faith-cleansing agenda"); Prashant Waikar, *Reading Islamophobia in Hindutva: An Analysis of Narendra Modi's Political Discourse*, 4 ISLAMOPHOBIA STUD. J. 161 (2018) (conceptualizing Modi's Islamophobia by studying his speeches, interviews, and podcasts); *see also* Jeff Diamant, *The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Population*, PEW RES. CTR. (Apr. 1, 2019), https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations.

84   *See* SHADI HAMID, FOREIGN POLICY AT BROOKINGS, THE ROLE OF ISLAM IN EUROPEAN

Americas, and Asia, where Islam is commonly framed as the enemy of national security and the foil of national belonging.[85] The American War on Terror spawned new divisions within nations, and in the case of India, exacerbated existing religious rifts such that Islam was cast as a national pariah.[86] Modi's revitalized Hindu nationalism was, in part, enabled by a War on Terror that cast Muslims as a global pariah.

Modi ushered in a culture of Indian Islamophobia through political populism and policy. Abetted by the global War on Terror, Modi isolated Indian Muslims—who comprise fifteen percent of the population (the second largest Muslim population in the world[87])—as obstacles to his vision of "mak[ing] India a Hindu state."[88] To further this vision, Modi wielded Hindu nationalist ideas and imagery, which has had the (dialectical) effect of authorizing and emboldening an unprecedented culture of vigilante violence against Indian Muslims. In short, the Modi Administration's brazen structural Islamophobia has exacerbated private Islamophobia in India, spurring conspicuous attacks on Muslims and mass lynching.[89]

Undergirding this state and societal Islamophobic bind is the dis-identification of Indian Muslims as bona fide Indians. As Volpp observes in relation to the American War on Terror, Muslim identity alone is a proxy for Indian officials to question the "loyalty [and] allegiance"[90] of Indian

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POPULISM: HOW REFUGEE FLOWS AND FEAR OF MUSLIMS DRIVE RIGHT-WING SUPPORT 2 (2019), https://www.brookings.edu/wp-content/uploads/2019/02/FP_20190226_islam_far_right_hamid.pdf (describing how the presence of Muslims in Western democracies "has become one of the defining issues of the populist era").

[85] In other words, the War on Terror was an essential ingredient for fomenting the racial nationalism that enabled the rise of President Trump, and for spurring the Hindu nativism Modi capitalized on to shore up his power.

[86] *See* Smita Narula, *Overlooked Danger: The Security and Rights Implications of Hindu Nationalism in India*, 16 HARV. HUM. RTS. J. 41, 58 (2003) (discussing the passage of the Prevention of Terrorism Act, which was aimed at protecting Hindus by targeting minorities and political opponents, namely Muslims).

[87] Carin Zissis, *India's Muslim Population*, COUNCIL ON FOREIGN REL. (June 22, 2007), https://www.cfr.org/backgrounder/indias-muslim-population.

[88] Jeffrey Gettleman et al., *Under Modi, a Hindu Nationalist Surge Has Further Divided India*, N.Y. TIMES (Apr. 11, 2019), https://www.nytimes.com/2019/04/11/world/asia/modi-india-elections.html.

[89] *Id.* ("Hindu lynch mobs began to pop up [in 2014] across the landscape, killing Muslims and lower-caste people suspected of slaughtering cows, a sacred animal under Hinduism."); *see also India's Muslims Fear for Their Future Under Narendra Modi*, BBC (May 16, 2019), https://www.bbc.com/news/world-asia-india-48278441 (detailing multiple attacks on Muslim Indians which the government has alternatively ignored or supported); *'Obvious Religious Hatred': Muslim Man in India Lynched on Video*, AL JAZEERA ENG. (June 25, 2019), https://www.aljazeera.com/news/2019/06/religious-hatred-muslim-man-india-lynched-video-190624141020360.html (reporting on the mob lynching of Tabrez Ansari, a twenty-four-year-old Muslim man from Jharkhand state).

[90] Leti Volpp, *Citizenship Undone*, 75 FORDHAM L. REV. 2579, 2583 (2007); *see also* Harrison Akins, *How Hindu Nationalists Politicized the Taj Majal*, ATLANTIC (Nov. 27, 2017),

Muslims, which can be used to "undo" claims of belonging and citizenship.[91] Therefore, this War on Terror discourse of allegiance and belonging compels Indian Muslims, like it does Muslim Americans,[92] to perpetually prove their patriotism and perform fidelity to the state. This encompasses under-performance of Muslim identity,[93] over-compensatory acts of nationalism,[94] and the burden of having to outwardly condemn every act of terrorism.[95]

This performance, prompted by Modi and the resentment his Administration has fomented on the ground throughout India, has suppressed exercise of Islam and created a culture of fear among the country's Muslims.[96] This fear is linked to zealous vigilantism, but also amended citizenship laws that prohibit Muslim immigrants from becoming naturalized and seek to strip bona fide Muslim citizens of their status.[97] Following the Indian Parliament's enactment of the Citizenship Amendment Bill, the author observed:

> Modi's India is one where citizenship is not a technical status, but a

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https://www.theatlantic.com/international/archive/2017/11/taj-mahal-india-hindu-nationalism/546374 (describing how Hindu nationalists routinely "question Muslims' loyalty and right to their homeland"); Corbin, *supra* note 17 (challenging the narrative that terrorism is a phenomenon exclusive to Muslims).

91   *See* Volpp, *supra* note 90, at 2583 (discussing cases where the United States government has sought to denaturalize Muslim Americans accused of supporting terrorist organizations).

92   *See* Karen Engle, *Constructing Good Aliens and Good Citizens: Legitimizing the War on Terror(ism)*, 75 U. COLO. L. REV. 59 (2004) (arguing that War on Terror propaganda and policy created a binary which tasked Muslims with performing their patriotism, in ways that compromised their First Amendment liberties, in order to be deemed "good Muslims" and legitimately American); *see also* MAHMOOD MAMDANI, GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR (2004) (examining the genesis of the good-bad Muslim binary and its global application).

93   *See* Khaled A. Beydoun, *Acting Muslim*, 53 HARV. C.R.-C.L. L. REV. 1 (2018) (describing an identity performance by Muslim Americans in which they strategically underperform their religious identity publicly in order to mitigate state suspicion).

94   For instance, in India, many Muslims feel pressured to show their support for India's cricket team when it plays Pakistan as a way to prove their loyalty. *See* Akins, *supra* note 90. In the United States, many Muslim families placed an American flag outside of their homes after the 9/11 terror attacks to stave off suspicion. DEVON W. CARBADO & MITU GULATI, ACTING WHITE? RETHINKING RACE IN "POST-RACIAL" AMERICA 168 (2013).

95   *See* TODD H. GREEN, PRESUMED GUILTY: WHY WE SHOULDN'T ASK MUSLIMS TO CONDEMN TERRORISM (2018) (offering a trenchant critique of the political and popular burden often placed on Muslims to condemn any and every act of terror committed by a Muslim culprit).

96   *See India's Muslims Fear for Their Future Under Narendra Modi*, *supra* note 89 (examining the culture of fear gripping Muslims during the Modi regime).

97   *See* Khaled A. Beydoun, *Modi's Crusade: Citizenship Amendment Bill Paves the Way for an India Without Islam*, NEW ARAB (Dec. 13, 2019), https://www.alaraby.co.uk/english/comment/2019/12/13/modis-crusade-building-an-india-without-islam ("The CAB [Citizenship Amendment Bill] when signed into law, will prohibit Muslim immigrants from three neighbouring states – Afghanistan, Bangladesh, and Pakistan – from becoming naturalised citizens. Manifesting its specific intent to discriminate against Muslims, the law creates specific exemptions for Hindus, Buddhists, Sikhs, Christians, Jains and members of other faiths.").

religious status. For him, Islam is inimical to Indian identity – whether observed in Kashmir, Assam, and every major city and remote town beyond   and   in   between   these   assailed   areas. Revising the secular foundation of the nation and remaking citizenship in the image of his rabid Hindu nationalism, Modi's crusade against Islam marches forward. This time, with violent momentum and the marching culture of rage that makes India an insufferable home for Muslims.[98]

For Modi and his immediate base, Hindu identity is synonymous with Indian citizenship, and being Muslim is a disqualifier that, harkening back to the country's bloody partition along religious lines,[99] renders one Pakistani or Bangladeshi—ultimately not *really* Indian.

Modi's India illustrates how Islamophobia has been strategically maneuvered to shore up Hindu nationalism. This political aim mirrors the Han nationalist vision pushed by Beijing, and the "Make America Great Again" populism peddled by President Trump.[100] All three visions are tied to distinct policies that link Muslim identity to presumptive terrorism or subversion, deployed rationally to further discrete political aims. In Trump, Modi sees more than a political ally but also a populist made in a kindred image, and in his revved-up Islamophobia, the political fuel to drive forward a renewed culture of Indian separatism that casts Islam as foreign, and subordinates Muslims from within.

The prominence of Islamophobia in India is, in large part, contingent upon the United States' commitment to enforcing the global War on Terror. The more robust and explicit the latter is, the more intense and extreme Indian Islamophobia is poised to be.

CONCLUSION

The American War on Terror, and the Islamophobia it endorsed and emboldened, created a policing template for foreign governments to follow. Amid a geopolitical landscape where the United States pushed the War on Terror over the course of three presidential administrations, governments that viewed their Muslim minority populations as societal pariahs or obstacles to national interests were granted expanded license to impose draconian policies against them. The lexicon and strategy of the War on Terror, and its concomitant structural Islamophobia, were adopted and

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98   *Id.*

99   For an analysis of India's partition following independence from Britain that ties this history to the nation's contemporary turbulence along religious lines, see generally NISID HAJARI, MIDNIGHT'S FURIES: THE DEADLY LEGACY OF INDIA'S PARTITION (2015).

100   This populist message appealed to claims that the United States was a white, Christian nation, and in the words of scholar Samuel Huntington, "founded as a Protestant society" and based upon the "American Creed" that characterizes the identity of the United States. SAMUEL HUNTINGTON, WHO ARE WE? THE CHALLENGES TO AMERICA'S NATIONAL IDENTITY 62 (2004).

adapted by foreign governments to achieve their discrete objectives, as illustrated in the two case studies—China and India—examined in this Article and others to be investigated in future work.

The War on Terror, a crusade with no imminent end date, has transitioned into its third decade. And with President Trump, its third and most harmful administration, the War on Terror has been nourished by potent rhetoric including "Islam Hates Us"[101] and Islamophobic executive actions—most notably, the "Muslim Ban."[102] With the War on Terror as robust as ever in the nation that spawned it, one can only expect that nations across the world seeking to scapegoat their Muslim populations will follow America's Islamophobic lead.

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[101] Jenna Johnson & Abigail Hauslohner, *'I Think Islam Hates Us': A Timeline of Trump's Comments About Islam and Muslims*, WASH. POST (May 20, 2017), https://www.washingtonpost.com/news/post-politics/wp/2017/05/20/i-think-islam-hates-us-a-timeline-of-trumps-comments-about-islam-and-muslims.

[102] Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).