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Humanitarian Islam

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HUMANITARIAN ISLAM

Engy Abdelkader*

ABSTRACT

In the aftermath of mass shootings by violent extremists and amid increasing anti-Muslim prejudice and discrimination, many Muslim Americans have responded to these and other social, legal, and political developments with philanthropic initiatives inspired by orthodox Islamic teachings. This humanitarian impulse in Islam, which has shaped the religion since its founding, is relatively unknown to non-Muslim Americans. *Humanitarian Islam* is defined here in largely oppositional terms to so-called the “radical Islam.” In contrast to the violence, aggression, death, and destruction commonly associated with “radical Islam,” selfless volunteerism, benevolence, altruism, and charitable giving in service to others are characteristic of *humanitarian Islam*. This Article presents interdisciplinary research in its inquiry into *humanitarian Islam* and employs case studies to achieve a number of objectives. First, through the unique lens of philanthropy, it reveals the Muslim lived experience in contemporary America, from countering violent extremism to challenging discrimination. Second, it explores the minority faith community’s varied contributions in geographically diverse regions of the country. Third, this Article examines the communal relations that Muslim Americans have formed with non-Muslim Americans. Fourth, it illuminates the role, extent, and influence of Islamic faith beliefs and practices among Americans who are Muslims and a distinct perspective regarding Islam in America.

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INTRODUCTION

In the aftermath of mass shootings by violent extremists and amid increasing anti-Muslim prejudice and discrimination, many Muslim Americans have responded to these and other social, legal, and political developments with philanthropic initiatives inspired by orthodox Islamic teachings. In San Bernardino, California, for instance, an attack on a local disability center prompted Muslims to launch a national crowd funding campaign—raising more than \$200,000 within one week—to demonstrate interfaith harmony and solidarity with the victims and their families.¹ Further, in South Bend, Indiana, a local Muslim American family gifted fifteen million dollars to the University of Notre Dame, one of the nation’s most prestigious Catholic universities, to create an academic institute that promotes interreligious understanding amid intensifying anti-Muslim sentiment across the nation.² In addition, in North Brunswick, New Jersey, Muslims gathered at a local mosque on Martin Luther King Day to make sandwiches to feed the homeless.³

This humanitarian impulse in Islam, which has shaped the religion since its founding, is relatively unknown to non-Muslim Americans. *Humanitarian Islam* is defined here in largely oppositional terms to the so-called “radical Islam.” In contrast to the violence, aggression, death, and destruction commonly associated with “radical Islam,” selfless volunteerism, benevolence, altruism, and charitable giving in service to others are characteristic of *humanitarian Islam*. Interestingly, in the domestic context, *humanitarian Islam* has manifested in the past fifteen years *vis-à-vis*

¹ Melissa Chan, *American Muslims Are Raising \$1,000 an Hour for San Bernardino Victims*, TIME (Dec. 9, 2015), <http://time.com/4143416/san-bernardino-shooting-muslims-donald-trump-fundraising/>.

² Paul Sullivan, *An Unorthodox Gift to Notre Dame from Muslim Philanthropists*, N.Y. TIMES (Mar. 17, 2017), <https://www.nytimes.com/2017/03/17/your-money/norte-dame-muslim-philanthropists.html>.

³ New Brunswick Islamic Ctr., *NBIC MLK Day of Service*, FACEBOOK (Jan. 15, 2018), <https://www.facebook.com/events/281903069001956/>.

intensified philanthropy and as a response to a spectrum of developments affecting Muslim and non-Muslim Americans. Moreover, as depicted in forthcoming sections, the charitable initiatives that it has inspired support religious freedom, counter violent extremism, and facilitate inter-religious understanding. In fact, these religiously motivated efforts promote and advance American interests and values, signify positive Muslim American contributions, illuminate Islam's domestic role, and challenge pervasive misconceptions and stereotypes surrounding the minority faith community.

This work comes at a critical moment and is written with a sense of urgency. At the time of this writing, fear, derision, suspicion, and hatred obscure knowledge about and frustrate meaningful understanding of Muslims in the United States ("U.S."), and beyond. According to a recent 2016 survey from the University of Minnesota, for instance, Muslim Americans rank as the most disfavored faith group domestically.⁴ Additionally, researchers at the University of Pennsylvania found that the minority community is the most dehumanized.⁵ Further, recent research from the University of Delaware shows that a staggering seventy-one percent of Americans view Muslims as more "them" than "us."⁶

Increasingly, public perceptions of Muslims as a security threat inform such anti-Muslim sentiment. This often translates into quantifiable acts of discrimination in both the public and private

⁴ See Penny Edgell et al., *Atheists and Other Cultural Outsiders: Moral Boundaries and the Non-Religious in the United States*, 95 SOC. FORCES 607, 618 (2016).

⁵ See generally Nour Kteily & Emile Bruneau, *Backlash: The Politics and Real-World Consequences of Minority Group Dehumanization*, 43 PERSONALITY & SOC. PSYCHOL. BULL. 87 (2016).

⁶ See Univ. of Del., *Survey: Majority of Americans say Muslims are more "Them" than "Us,"* NEWSWISE (Sept. 29, 2017, 10:05 AM), <https://www.newswise.com/articles/survey-majority-of-americans-say-muslims-are-more-them-than-us>.

spheres. While the minority faith group, estimated at three⁷ to seven million,⁸ comprises just one to two percent of the entire U.S. population,⁹ it experiences disproportionate levels of religious discrimination at work, in schools, and in the public square. According to the U.S. Department of Justice, approximately forty percent of its investigations into violations of federal religious land use law—protecting houses of worship and religious institutions from discrimination by local government zoning officials—involve Muslim Americans.¹⁰ Furthermore, the most recently available statistics from the Federal Bureau of Investigations (“FBI”) confirm that anti-Muslim hate crimes increased by sixty-seven percent in 2015, and physical assaults have surpassed 2001 levels.¹¹ Additionally, data from the Equal Employment Opportunity Commission, the federal government agency tasked with enforcing civil rights laws in the workplace, reveals that Muslim Americans account for forty percent of all religious employment discrimination claims—a marked increase from twenty-five per cent in 2009 (still disproportionately high considering the minority faith group’s relative size).¹² And, forty percent of Muslim American parents report that their child has experienced bias-based bullying at

⁷ See Besheer Mohamed, *A new estimate of the U.S. Muslim population*, PEW RESEARCH CTR., (Jan. 6, 2016), <http://www.pewresearch.org/fact-tank/2016/01/06/a-new-estimate-of-the-u-s-muslim-population/>.

⁸ President Barack Obama, *The President’s Speech in Cairo: A New Beginning* (June 4, 2009).

⁹ See Mohamed, *supra* note 7.

¹⁰ See U.N. Web TV, *(Part 1) High-level Forum on Combating Anti-Muslim Discrimination and Hatred #no2hatred*, U.N. (Jan. 17, 2017), <http://webtv.un.org/watch/part-1-high-level-forum-on-combating-anti-muslim-discrimination-and-hatred-no2hatred/5285331909001>.

¹¹ See Katayoun Kishi, *Assaults against Muslims in U.S. surpass 2001 level*, PEW RESEARCH CTR. (Nov. 15, 2017), <http://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level/>.

¹² See Carol Hymowitz & Jeff Green, *The Rise of the Muslim-Friendly Workplaces in Corporate America*, BLOOMBERG NEWS (July 19, 2016, 5:00 AM), <https://www.bloomberg.com/news/articles/2016-07-19/making-u-s-workplaces-safe-for-muslims-and-deterring-lawsuits>.

school.¹³

Interestingly, most Americans recognize the religious freedom challenges confronting their Muslim counterparts. A recent study from the Pew Research Center found, for instance, that sixty-nine percent of Americans believe Muslims encounter “a lot of discrimination.”¹⁴ Yet, Islamophobia continues to intensify and several factors may account for this upwards trend.

Research shows that Americans often associate Muslims with violence and fanaticism.¹⁵ This perception problem is purposefully perpetuated by a cadre of anti-Muslim extremists engaged in a multi-million dollar industry fomenting fear, as documented by the Center for American Progress.¹⁶ Depictions of Muslims almost exclusively as the violent terrorist in reports by some news media outlets—arguably the most influential information source for Americans on Muslims—also reinforce negative associations in absence of alternative, more representative portrayals of the minority faith community as a whole. Similarly, stereotypical depictions in popular culture also obscure public understanding while depriving Muslim Americans of accurate representation. Additionally, U.S. foreign military interventions abroad also contribute to the psychological profile of Muslims as an enemy in the public imagination.

¹³ See DALIA MOGAHED & YOUSSEF CHOUHOUD, AMERICAN MUSLIM POLL 2017: MUSLIMS AT THE CROSSROADS 13 (Inst. Soc. Pol’y & Understanding 2017), <http://www.ispu.org/wp-content/uploads/2017/03/American-Muslim-Poll-2017-Report.pdf>.

¹⁴ See *How the U.S. general public views Muslims and Islam*, PEW RESEARCH CTR. (July 26, 2017), <http://www.pewforum.org/2017/07/26/how-the-u-s-general-public-views-muslims-and-islam/>.

¹⁵ See *The Great Divide: How Westerners and Muslims View Each Other*, PEW RESEARCH CTR. (June 22, 2006), <http://www.pewglobal.org/2006/06/22/the-great-divide-how-westerners-and-muslims-view-each-other/>.

¹⁶ See Wajahat Ali et al., *Fear, Inc.*, CTR. AM. PROGRESS (Aug. 26, 2011, 9:00 AM), <https://www.americanprogress.org/issues/religion/reports/2011/08/26/10165/fear-inc/>.

Set against this backdrop, this Article presents interdisciplinary research and employs case studies to achieve a number of objectives. First, through the unique lens of philanthropy, it reveals the Muslim American experience in contemporary America, from countering violent extremism to challenging intersectional and unlawful discrimination. Second, it explores the minority faith community's varied contributions in geographically diverse regions of the country. While Muslim contributions to the world are frequently understood in an exclusively historical context, the depictions here provide a fresh counter-narrative. Third, this Article examines the communal relations that Muslim Americans have formed with non-Muslim Americans. While encounters and exchanges between Muslims and non-Muslim Americans are frequently contextualized in violence or as civilized Westerners benevolently helping a backwards, aggressive, and barbarous people, the forthcoming sections reveal an alternative narrative. Fourth, it illuminates the role, extent, and influence of Islamic faith beliefs and practices among Americans who are Muslims and a distinct perspective regarding Islam in America. Many non-Muslim Americans fear Islam and its law. In the realm of counter-terrorism or countering violent extremism, for instance, Islamic belief and practice are often conflated with an increased propensity for criminality. As evidenced within these pages, however, *humanitarian Islam* is informed by the same textual legal sources with distinct results.

The first section of this Article, *Radical Islam*, sets the Article's foundation by briefly examining "radical Islam" from a historical, sociological, and normative perspective. The second section, *Repel Evil With Good*, examines philanthropic initiatives countering violent extremism. The third section is entitled *#FeedTheirLegacy* and it explores philanthropic responses to Islamophobia through the lens of the Chapel Hill Shooting involving the triple homicide of Muslim American youth. The fourth section, *Ramadan Challenge*, explores humanitarianism across the country during the Islamic holy month. The last section, *Rebuild With Love*, examines American Muslim responses to racism.

I. "RADICAL ISLAM"

On August 15, 2016, in Youngstown, Ohio,¹⁷ then Republican presidential nominee Donald J. Trump delivered a speech, *Understanding The Threat: Radical Islam and the Age of Terror*,¹⁸ to a crowd of his supporters. With Election Day just months away, the multi-million dollar businessman turned reality television star detailed his plans to "Make America Safe Again,"¹⁹ and eradicating "Radical Islamic Terrorism" featured prominently in that discussion.²⁰

Trump subsequently featured the speech on his campaign website as constituting his counter-terrorism strategy and he reiterated its key themes—the threat posed to national security and human rights—in cities across the nation. In fact, those remarks provide a useful lens through which to understand "radical Islam" in contemporary public, political, and media discourse. Indeed, to appreciate the significance of *humanitarian Islam* and the positive contributions it invariably inspires, as depicted in forthcoming sections, we must first pause and reflect upon its antithesis.

In his Ohio remarks, Trump described "radical Islam" as a formidable threat to domestic security, a familiar refrain. To support his claim, he cited domestic terrorist attacks perpetrated by self-identifying Muslims on U.S. soil since September 11, 2001.²¹ However, several months later, in January of 2017, the Triangle Center on Terrorism and Homeland Security at Duke University published a research report, *Muslim American Involvement with*

¹⁷ See *Read Donald Trump's Ohio Speech on Immigration and Terrorism*, TIME (Aug. 15, 2016), <http://time.com/4453110/donald-trump-national-security-immigration-terrorism-speech/>.

¹⁸ See President Donald J. Trump, *Understanding The Threat: Radical Islam and the Age of Terror* (Aug. 15, 2016) (transcript available at https://assets.donaldjtrump.com/Radical_Islam_Speech.pdf).

¹⁹ *Id.* at 1.

²⁰ See generally *id.*

²¹ *Id.* at 1-2.

Violent Extremism, 2016,²² that suggests that Trump may have overstated his argument. Its findings reveal, for instance, that Muslim American involvement in violent extremism decreased by forty percent in 2016²³ and that more Americans died in mass shootings by non-Muslims that year than in terror attacks by self-identifying Muslims over the course of the past fifteen years.²⁴ In other words, mass shootings by non-Muslim Americans pose a greater threat to domestic security than the average Muslim American.

A. *Etymology*

Trump's remarks demonstrate how Muslims are viewed primarily through the lens of national security and, and how the world's second largest faith tradition is consistently conflated with criminal violence. References to "radical Islam" help perpetuate such misconceptions because it directly attributes criminality perpetrated by non-state actors, such as ISIS and Al-Qaeda, to a religious tradition with more than a billion followers. A closer examination of the etymology of "radical Islam," as examined in a prior essay stemming from a presentation at Harvard University reveals that this has not always been so.²⁵

While the term "radical" dates back to 1817 when it conveyed the meaning "reformist" regarding the British Liberal Party, "Islam" describes the world's second largest religion so named

²² CHARLES KURZMAN, MUSLIM-AMERICAN INVOLVEMENT WITH VIOLENT EXTREMISM, 2016 (Triangle Ctr. on Terrorism & Homeland Sec. at Duke Univ. 2017), <https://sites.duke.edu/tcths/2017/01/26/muslim-american-involvement-with-violent-extremism-2016/>.

²³ *Id.* at 2.

²⁴ *Id.* at 2 ("The 54 fatalities caused by Muslim-American extremists in 2016 brought the total since 9/11 to 123. More than 240,000 Americans were murdered over the same period. In 2016 alone, 188 Americans were killed in mass shootings.").

²⁵ See Engy Abdelkader, *The Origins, Evolution, and Impact of the Term "Radical Islam,"* PENN. L. GLOB. AFF. BLOG, <https://www.law.upenn.edu/live/news/6593-the-origins-evolution-and-impact-of-the-term/news/international-blog.php> (last visited Mar. 21, 2017).

more than 1,400 years ago.²⁶ In contrast, “radical Islam” has a modern history as it was first referenced in January of 1979, when the New York Jewish Weekly published an article titled *Carter pushes Sadat to demand West Bank link, Jackson says*.²⁷ The author interviewed then U.S. Senator Henry Martin “Scoop” Jackson (D-WA) about the Ayatollah Khomeini’s rise in Iran.²⁸ The article quotes Jackson referring to the Ayatollah’s “anti-Christian, anti-Jewish, anti-Bahai” rhetoric as “radical Islam.”²⁹

It is not until August of 1979 that “radical Islam” was associated with death or violence, however. Specifically, the Associated Press reported on the assassinations of two of Khomeini’s supporters as having “been the work of a radical Islamic group.”³⁰ Approximately five years later, during the 1984 vice presidential debates between then Vice President George Bush and Congresswoman Geraldine Ferraro, political officials publicly identified “radical Islam” as a threat to American interests and synonymous with international terrorism. During the debate, Bush addressed the importance of strategic partnerships with “moderate Arab states” to “guard against international terror or radical Islam perpetrated by Khomeini.”³¹

At this time, “radical Islam” represented a security threat perpetrated by Khomeini’s distinct brand of religion. And, that threat was still limited to Iran. Soon, “radical Islam” would grow in its geographical reach. In 1985, for example, the Wall Street Journal first reported on “radical Islam’s” arrival in the Philippines, Thailand,

²⁶ See *id.*

²⁷ Richard Yaffe, *Carter pushes Sadat to demand West Bank link, Jackson says*, N.Y. JEWISH WEEK, 1979, at 189.33.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Associated Press, *Iran’s Troops Crush Kurdish Rebel Siege; New Fight Expected*, N.Y. TIMES, Aug. 27, 1979, at 1.

³¹ *The Bush-Ferraro Vice-Presidential Debate*, COMM’N PRESIDENTIAL DEBATES (Oct. 11, 1984), <http://www.debates.org/index.php?page=october-11-1984-debate-transcript>.

Indonesia, and Malaysia.³² Beyond Southeast Asia, in 1986, the Chicago Tribune reported on “radical Islam” in Libya and Syria.³³ In 1987, U.S. News & World Report added Egypt to that list.³⁴ In 1988, scholarship published in the Third World Quarterly described the presence of “radical Islam” in Algeria as having existed for more than a decade.³⁵

Several years later, in June 1990, an article entitled *Egypt: Success and Uncertainties* published in *American-Arab Affairs* asserted:

[T]he magnitude of human rights violations by the [Egyptian] government reflects the perceived threat posed by radical Islam, whose adherents are far and away the major targets of these measures. Because much of the public shares the government’s fear of and hostility towards radical Islamicists, it condones steps taken against them.³⁶

It is in this context that “radical Islam” now appears in Egypt. Here, “radical Islam” appears to justify state-sanctioned abuses to curb or contain its criminality. Interestingly, this narrative persists even today well beyond Egyptian borders and in the context of state response to acts of terrorism. Soon thereafter, “radical Islam” made its first appearance in America. In January 1993, the Wall Street

³² Harold Crouch, *Radical Islam’s Reach Into Malaysia, Indonesia: ASIA*, WALL ST. J., Jul. 26 1985.

³³ *Waiting for the Retaliation*, CHICAGO TRIB. (Sept. 11, 1986), http://articles.chicagotribune.com/1986-09-11/news/8603080081_1_abu-nidal-libya-moammar-gadhafi.

³⁴ See Abdelkader, *supra* note 25.

³⁵ See generally Hugh Roberts, *Radical Islamism and the dilemma of Algerian nationalism: The embattled Arians of Algiers*, 10 *THIRD WORLD Q.* 556, 556-57 (1988), <http://www.tandfonline.com/doi/abs/10.1080/01436598808420072>.

³⁶ Robert Springborg, *Egypt: Successes and Uncertainties*, 33 *AM. ARAB AFF.* 78, 89 (1990).

Journal published an article, *Egyptian Jihad Leader Preaches Holy War to Brooklyn Muslims*, about Sheik Omar Abdel-Rahman, the blind Egyptian cleric convicted for the World Trade Center bombings that same year.³⁷

B. Political Discourse

Today, “radical Islam” is a hotly contested term. During the 2016 U.S. presidential election cycle, for instance, debates not only centered on proposed policy solutions to myriad challenges confronting our nation, but the most effective language to implement and effectuate such ends. In November of 2015, Senator Marco Rubio, then a Republican presidential candidate, appeared on ABC News: This Week and questioned why former U.S. Secretary of State Hillary Clinton “wouldn’t use the term ‘radical Islam.’”³⁸ Clinton had cited concerns about alienating members of the Muslim American community as well as strategic political allies abroad.³⁹ Rubio went on to draw the following provocative analogy: “That would be like saying we weren’t at war with Nazis because we were afraid to offend some Germans who may have been members of the Nazi party, but weren’t violent.”⁴⁰ Rubio’s statements are representative of the distrust, suspicion, and animus held by some members of the broader public toward Muslims.

And, in the aftermath of the mass shooting at the Pulse Nightclub in Orlando, Florida, then Republican presidential candidate Trump publicly criticized President Obama because of the

³⁷ Peter Waldman, *Egyptian Jihad Leader Preaches Holy War to Brooklyn Muslims*, WALL ST. J., Jan. 6, 1993, at A1.

³⁸ Matt Flegenheimer, *Invoking Nazis, Marco Rubio Hits Hillary Clinton for Not Saying U.S. Is at War With ‘Radical Islam,’* N.Y. TIMES (Nov. 15, 2015, 10:56 AM), <https://www.nytimes.com/politics/first-draft/2015/11/15/invoking-nazis-marco-rubio-hits-hillary-clinton-for-not-saying-u-s-at-war-with-radical-islam/>.

³⁹ See Andrew Prokop, *Why Republicans want Obama to denounce “radical Islam” — and why he won’t do it*, VOX (Nov. 16, 2015, 9:57 PM), <https://www.vox.com/2015/11/16/9745334/obama-radical-islam-isis>.

⁴⁰ Flegenheimer, *supra* note 38.

language he used in his address to the nation.⁴¹ Essentially, Obama described the tragedy as an “act of terror and an act of hate” while omitting references to “radical Islam.”⁴² Mr. Trump went so far as to demand President Obama “step down” from the high office.⁴³ Shortly thereafter, during a September 2016 presidential town hall meeting, an audience member questioned Obama about his refusal to employ such language. Obama responded in relevant part:

[T]his is an issue that has been sort of manufactured, because there is no doubt, and I’ve said repeatedly that where we see terrorist organizations like al-Qaeda or ISIL, they have perverted and distorted and tried to claim the mantle of Islam for an excuse, for basically barbarism and death. These are people who kill children, kill Muslims, take sex slaves — there’s no religious rationale that would justify in any way any of the things that they do.

But what I have been careful about when I describe these issues is to make sure that we do not lump these murderers into the billion Muslims that exist around the world, including in this country, who are peaceful, who

⁴¹ Jaclyn Reiss, *Trump calls for President Obama to resign after Orlando shooting*, BOSTON GLOBE (June 12, 2016), <https://www.bostonglobe.com/news/politics/2016/06/12/trump-calls-for-president-obama-resign-amid-orlando-shooting/sa0cTibFFBnRL83LkDwoyH/story.html>.

⁴² Joe Mozingo, Matt Pearce & Tracy Wilkinson, *An ‘Act of terror and an act of hate’: The aftermath of America’s worst mass shooting*, L.A. TIMES (June 13, 2016, 1:27 AM), <http://www.latimes.com/nation/nationnow/la-na-orlando-nightclub-shooting-20160612-snap-story.html>.

⁴³ Reiss, *supra* note 41.

are responsible, who in this country, are our fellow troops and police officers and firefighters and teachers and neighbors and friends.

And what I learned from listening to some of these Muslim families both in the United States and overseas is that when you start calling these organizations Islamic terrorists, the way it's heard, the way it's received by our friends and allies around the world is that somehow Islam is terroristic. And that then makes them feel as if they're under attack. In some cases, it makes it harder for us to get their cooperation in fighting terrorism.⁴⁴

The ideological divide concerning the use of “radical Islam” proves to be along largely partisan lines. Significantly, this mirrors public opinion about Islam and its adherents suggesting that the way we speak about Islam impacts public understanding and literacy. During the 2016 U.S. presidential election cycle, for instance, eighty-four percent of those who supported Trump—who consistently referred to Muslims in derogatory terms—admitted to holding a negative view of Islam compared to thirty-three percent of like-minded supporters of Democratic nominee Hillary Clinton, according to findings from the University of Maryland and Brookings Center on the Middle East.⁴⁵ Additionally, sixty-six

⁴⁴ President Barack Obama, CNN Presidential Town Hall, (Sept. 28, 2016) (transcript available at <http://cnnpressroom.blogs.cnn.com/2016/09/28/transcript-cnn-presidential-town-hall-americas-military-and-the-commander-and-chief/>).

⁴⁵ SHIBLEY TELHAMI, AMERICAN ATTITUDES TOWARDS THE MIDDLE EAST 13 (BROOKINGS CTR. ON MIDDLE E. 2016), <https://sadat.umd.edu/sites/sadat.umd.edu/files/FINAL%20July%2011%20Poll%20Release%204.pdf>.

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percent of Trump supporters professed holding negative views of Muslims as compared to seventeen percent of Clinton supporters who felt the same way.⁴⁶ Consider, for instance, the following related sentiments from self-described Trump supporters revealed in a CNN report on the “Trump phenomenon.”

Lee Walter: “Hey, hey. Ho, ho. All the Muslims have to go!”

Ed Campbell: “I don't want them here. Who knows what they're going to bring into this country?”

Bickie Mason: “I don't believe all Muslims are bad. But anybody can turn bad, and you've got to be able to locate them and know where they're at.”

Hoyt Wood: “Islam is not a religion. It's a violent blood cult. OK? All they know is violence, that's all they know.”

Susan Kemmelin: “We can't look at a Muslim and tell if they're a terrorist or friendly.”

Robert Engelkes: “What did we do in World War II? We put all the Japanese in internment camps. We had to do something with them.”⁴⁷

⁴⁶ *Id.* at 9.

⁴⁷ MJ Lee et al., *Why I'm voting for Trump: CNN talks to more than 150 people in 31 cities to explore what's driving the Trump phenomenon*, CNN POL. (Jan. 28, 2016), <https://www.cnn.com/2016/01/27/politics/donald-trump-voters-2016-election/index.html>.

Significantly, research has also illustrated that among Americans who have met and known at least one Muslim, positive view of the minority faith group are more likely.⁴⁸

Interestingly, the partisan divide does not merely reflect a highly polarized presidential election cycle. Research from Brookings shows, for instance, that seventy-three percent of Republicans—the political party that typically employs language such as “radical Islam” to refer to terrorism—hold unfavorable opinions about Islam.⁴⁹ This figure contrasts sharply with fifty-one percent of Democrats who view the religion in a positive light.⁵⁰ Additionally, according to the Pew Research Center, eighty-two percent of Republicans are concerned about the rise of violent extremism (by Muslims) around the world as opposed to fifty-one percent of Democrats.⁵¹ Pew Research Center also found that more than sixty percent of Republicans believe Islam is more likely to encourage violence among its adherents while forty percent of Democrats hold that negative opinion (arguably still a sizable number).⁵² In a nation where Republicans currently upset the balance of power between the branches of government, these findings are significant because they portend to the immediate future of law and policy.

⁴⁸ See, e.g., *How the US General Public Views Muslims and Islam*, PEW RESEARCH CTR. (July 26, 2017), <http://www.pewforum.org/2017/07/26/how-the-u-s-general-public-views-muslims-and-islam/>.

⁴⁹ Shibley Telhami, *What Americans really think about Muslims and Islam*, BROOKINGS (Dec. 19, 2015), <https://www.brookings.edu/blog/markaz/2015/12/09/what-americans-really-think-about-muslims-and-islam/>.

⁵⁰ *Id.*

⁵¹ *Growing Concern about Rise of Islamic Extremism at Home and Abroad: More Prioritize Security over Civil Liberties in Anti-Terror Policies*, PEW RESEARCH CTR. (Sept. 10, 2014), <http://www.people-press.org/2014/09/10/growing-concern-about-rise-of-islamic-extremism-at-home-and-abroad/>.

⁵² See Michael Lipka, *Muslims and Islam: Key findings in the U.S. and around the world*, PEW RESEARCH CTR. (Aug. 9, 2017), <http://www.pewresearch.org/fact-tank/2017/08/09/muslims-and-islam-key-findings-in-the-u-s-and-around-the-world/>.

It is interesting to note, however, that in the immediate aftermath of the September 11 terror attack, then President George W. Bush spoke of Islam favorably by explaining, “this great Nation of many religions understands, our war is not against Islam, or against faith practiced by the Muslim people; our war is a war against evil.”⁵³ According to Pew Research Center, just two months later fifty-nine percent of Americans held a favorable opinion of Islam.⁵⁴ Again, this suggests that the language used and sentiments expressed about Islam and Muslims by elected officials are influential.

Unsurprisingly, American Muslims have long expressed discomfort with religiously charged language—such as “radical Islam,” “Islamic terrorism,” and “violent jihad”—that they deem has a stigmatic effect, inadvertently rendering their faith synonymous with mayhem and violence.⁵⁵ Further, a number of national security experts and U.S. government officials argue that such terminology legitimizes criminality as divinely sanctioned thereby reinforcing violent extremist narratives that they are undertaking God’s work.⁵⁶ Clearly, this undermines counter-terrorism programs.

⁵³ President George W. Bush, Remarks at Town Hall Meeting with Citizens of Ontario (Jan. 5, 2002) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=62589;>).

⁵⁴ *Post September 11 Attitudes: Religion more prominent; Muslim-Americans more accepted*, PEW RESEARCH CTR. (Sept. 10, 2014), <http://www.people-press.org/2001/12/06/post-september-11-attitudes/>.

⁵⁵ See Engy Abdelkader, *American Muslim Philanthropy and Humanitarian Islam*, OXFORD ISLAMIC STUD. ONLINE, http://www.oxfordislamicstudies.com/Public/focus/essay1009_humanitarian_islam.html#2.

⁵⁶ See STANDING UNITED, UPHOLDING RELIGIOUS FREEDOM KEY TO NATIONAL SECURITY 1 (Hum. Rts. First), https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_Factsheet_King.pdf (last visited May 5, 2018) (citing a quote from John Brennan: “Describing our enemy in religious terms would lend credence to the lie—propagated by al Qaeda and its affiliates to justify terrorism—that the United States is somehow at war against Islam. The reality, of course, is that we never have been and will never be at war with Islam.”).

The term “radical Islam” has evolved significantly since 1979 when a congressman described the Ayatollah Khomeini’s rhetoric in Iran as unconventional or extreme.⁵⁷ Today, such language damages a minority faith community’s reputational interests, undermines the nation’s strategic interests, and frustrates understanding of terrorism’s root causes.

In addition to the rhetoric, elected officials have leveraged “radical Islam” and the national security narrative articulated in Trump’s Ohio remarks to introduce discriminatory laws and policies. Representative measures include both the original and repeatedly revised versions of the de facto “Muslim Ban” signed into law by President Trump during the course of 2017. Those Executive Orders, quickly deemed unconstitutional by numerous federal courts⁵⁸ and with a related appeal now pending before the U.S. Supreme Court,⁵⁹ attempted to bar admission of foreign nationals from primarily Muslim-majority nations.⁶⁰ Upon signing the initial order and consistent with his campaign promise calling for “a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what the hell is going on,”⁶¹ Trump declared: “I am establishing new vetting measures to keep radical Islamic terrorists out of the United States of America. . . . We don’t want them here.”⁶²

⁵⁷ See Abdelkader, *supra* note 25.

⁵⁸ See, e.g., *Hawaii v. Trump*, No. 17-17168, 2017 WL 6554184 (9th Cir. Dec. 22, 2017), *cert granted*, 138 S. Ct. 923 (U.S. Jan. 19, 2018) (No. 17-965).

⁵⁹ *Id.*

⁶⁰ See, e.g., Exec. Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 6, 2017).

⁶¹ Jenna Johnson, *Trump calls for ‘total and complete shutdown of Muslims entering the United States,’* WASH. POST (Dec. 7, 2015), https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/?utm_term=.6cffdd5fe854.

⁶² Dan Merica, *Trump signs executive order to keep out ‘radical Islamic terrorists,’* CNN POL. (Jan. 20, 2017), <https://www.cnn.com/2017/01/27/politics/trump-plans-to-sign-executive-action-on-refugees-extreme-vetting/>.

Significantly, intelligence reports from the U.S. Department of Homeland Security confirm little connection between violent extremism and a foreign national's citizenship or country of origin.⁶³ This is an important finding because it undermines the purported national security rationale informing the ban.

C. Media Discourse

Still, “radical Islam,” as a national security threat, has not just found a welcome home in the political arena but also in media discourse, as well. A lot of news coverage of terrorism is worrisome because it disproportionately focuses on the threat of “radical Islam” to the exclusion of other ignored security threats. While research shows that a greater terrorist threat—in both the U.S. and European Union (“EU”)—comes from right-wing extremists, ultra-separatist groups, and white supremacists,⁶⁴ most news reports continue to focus almost exclusively on Muslims.⁶⁵

In the EU, Muslims are viewed almost exclusively through the security lens as seen in the aftermath of the attacks in Paris in January and November of 2015, despite evidence suggesting comparable or even potentially greater threats from other sources. According to Europol's 2016 EU Terrorism Situation and Trend Report, ethno-nationalist and separatist groups were responsible for

⁶³ Rick Jervis, *DHS memo contradicts threats cited by Trump's travel ban*, USA TODAY (Feb. 24, 2017, 7:09 PM), <https://www.usatoday.com/story/news/2017/02/24/dhs-memo-contradict-travel-ban-trump/98374184/>.

⁶⁴ See, e.g., Kurt Eichenwald, *Right-Wing Extremists Are a Bigger Threat to America than Isis*, NEWSWEEK (Feb. 2, 2014, 6:02 AM), <http://www.newsweek.com/2016/02/12/right-wing-extremists-militants-bigger-threat-america-isis-jihadists-422743.html>.

⁶⁵ See Tara Boyle et al., *When Is It 'Terrorism'? How The Media Cover Attacks By Muslim Perpetrators*, NPR (June 19, 2017, 9:01 PM), <https://www.npr.org/2017/06/19/532963059/when-is-it-terrorism-how-the-media-covers-attacks-by-muslim-perpetrators>.

the most terrorist attacks in the EU.⁶⁶ There were seventeen terrorist attacks perpetrated by self-identifying Muslims in the EU in 2015,⁶⁷ as compared to sixty-five nationalist and separatist acts of terrorism.⁶⁸ That is about three to four times as many as those that are categorized as religiously inspired. Europol also noted an increase in right-wing terrorist attacks: there were nine reported incidents in 2015 as compared to none the previous year.⁶⁹ Similarly, the 2017 Europol report showed that 142 terrorist attacks occurred in the prior year.⁷⁰ Self-identifying Muslims were responsible for nine percent of those assaults.⁷¹ By comparison, separatists committed seventy percent of terror attacks in the EU.⁷² Yet, in the collective public psyche, European terrorism remains a largely Muslim phenomenon with “radical Islam” a culprit.

Analogously, American Muslims are also viewed primarily through the lens of national security. Significantly, the FBI defines terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”⁷³ According to FBI statistics, from 1980 to 2005, Muslims were responsible for only six percent of terror attacks in the

⁶⁶ EUROPOL, EUROPEAN UNION TERRORISM SITUATION AND TREND REPORT 2016 34 (Euro Police Off. ed., 2016), <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-te-sat-2016>.

⁶⁷ *Id.* at 10.

⁶⁸ *Id.* at 34.

⁶⁹ *Id.* at 41.

⁷⁰ EUROPOL, EUROPEAN UNION TERRORISM SITUATION AND TREND REPORT 2017 10 (Euro Police Off. ed., 2017), <https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report-te-sat-2017>.

⁷¹ *Id.*

⁷² *Id.*

⁷³ 28 C.F.R. § 0.85(l) (2018); FEDERAL BUREAU OF INVESTIGATION [FBI], TERRORISM 2002-2005 iv (Dep't of Justice ed., 2005), <https://www.fbi.gov/stats-services/publications/terrorism-2002-2005>.

U.S.⁷⁴ More recently, a 2017 study examining Muslim-Americans and violent extremism shows that approximately 344 Muslim-Americans have been involved in violent extremism since September 11.⁷⁵ For the sake of perspective, as of 2017, there are approximately three to seven million Muslims in the U.S.⁷⁶ In other words, the overwhelming majority of Muslim Americans have had no involvement with such criminality in the preceding sixteen years despite media depictions that would suggest otherwise. Professor Charles Kurzman, who authored that report, also notes that while those self-identifying as Muslims have taken 123 American lives over the course of the past fifteen years, more than 240,000 Americans were murdered in the same time period.⁷⁷

Additionally, in a survey conducted by the University of Maryland, state and local law enforcement officers rated sovereign citizenship groups as posing the greatest threat to domestic security.⁷⁸ Similarly, research from Duke University into threat assessments showed that law enforcement agencies considered anti-government violent extremists to pose the most dangerous threat to domestic security.⁷⁹ What is more, officials indicated the same assessment even after ISIS enhanced their recruitment efforts: their

⁷⁴ *Non-Muslims Carried Out More than 90% of All Terrorist Attacks in America*, WASH.'S BLOG (May 1, 2013), <http://washingtonsblog.com/2013/05/muslims-only-carried-out-2-5-percent-of-terrorist-attacks-on-u-s-soil-between-1970-and-2012.html>.

⁷⁵ KURZMAN, *supra* note 22, at 2.

⁷⁶ Besheer Mohamed, *New estimates show U.S. Muslim population continues to grow*, PEW RESEARCH CTR. (Jan. 3, 2018), <http://www.pewresearch.org/fact-tank/2018/01/03/new-estimates-show-u-s-muslim-population-continues-to-grow/>.

⁷⁷ KURZMAN, *supra* note 22, at 2.

⁷⁸ DAVID CARTER ET. AL., UNDERSTANDING LAW ENFORCEMENT INTELLIGENCE PROCESSES: REPORT TO THE OFFICE OF UNIVERSITY PROGRAMS, SCIENCE AND TECHNOLOGY DIRECTORATE, U.S. DEPARTMENT OF HOMELAND SECURITY 7 (Start 2014), https://www.start.umd.edu/pubs/START_UnderstandingLawEnforcementIntelligenceProcesses_July2014.pdf.

⁷⁹ CHARLES KURZMAN & DAVID SCHANZER, LAW ENFORCEMENT ASSESSMENT OF THE VIOLENT EXTREMISM THREAT 3 (Triangle Ctr. on Terrorism & Homeland Sec. at Duke Univ. 2015), https://sites.duke.edu/tcths/files/2013/06/Kurzman_Schanzer_Law_Enforcement_Assessment_of_the_Violent_Extremist_Threat_final.pdf.

top-rated threat continues to be right wing extremists.⁸⁰ According to recent data, officials at the U.S. Department of Homeland Security and the FBI are also concerned about the rise of right-wing extremists.⁸¹

If these findings sound suspect or even surprising, it is largely due to the way that some news media cover terrorism, and Muslims, respectively. A recent academic study concerning terrorist attacks in the U.S. and related news media coverage revealed intriguing findings. Researchers found that the news media extended more coverage to attacks perpetrated by self-identifying Muslims despite reduced rate of incidence.⁸² This was particularly so for foreign-born Muslim perpetrators.⁸³ They were more likely to make the news.

After examining all terrorist attacks from 2011 to 2015, the study identified eighty-nine attacks during that five-year period.⁸⁴ And, while self-identifying Muslims were implicated in a little over twelve percent of those attacks, they received forty-one percent of the news coverage.⁸⁵ While only five percent of all attacks involved a foreign-born Muslim perpetrator, they received thirty-two percent of all news media coverage.⁸⁶ In other words, attacks by a self-identifying Muslim receive four and a half times more media coverage than those committed by an individual belonging to another

⁸⁰ *Id.* at 12.

⁸¹ See Evan Perez & Wes Bruer, *DHS intelligence report warns of domestic right-wing terror threat*, CNN (Feb. 20, 2015, 3:59 PM), <http://edition.cnn.com/2015/02/19/politics/terror-threat-homeland-security/index.html>.

⁸² See Erin M. Kearns, Allison Betus & Anthony Lemieux, *Yes, the media do underreport some terrorist attacks. Just not the ones most people think of.*, WASH. POST (Mar. 13, 2017), https://www.washingtonpost.com/news/monkey-cage/wp/2017/03/13/yes-the-media-do-underreport-some-terrorist-attacks-just-not-the-ones-most-people-think-of/?utm_term=.4288c912d8e5.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

religion.⁸⁷ The researchers also found that people are more likely to view an attack as an act of terror when committed by a Muslim.⁸⁸

Rather than challenge dominant stereotypes, misconceptions and myths with more representative portrayals of Muslim Americans, some of the current media discourse may reinforce fear and suspicion by disproportionately—even if unintentionally—focusing on “radical Islam” to the exclusion of *humanitarian Islam*.

D. Popular Culture

In addition to political and media discourse, “radical Islam,” as a national security threat, is also a subject of great interest in American popular culture—particularly, television, and film. This reinforces stereotypes about Muslims in the absence of representative portrayals. Consider, for instance, the 2015 blockbuster film, *American Sniper*. The movie depicts the life of a U.S. Navy Seal, Chris Kyle, known for the highest single kill record—achieved during four tours in the Iraq War.⁸⁹ Commentators have noted that the film demonizes its Arab and Muslim characters, including three Iraqi child characters branded as terrorists.⁹⁰ Significantly, following its release, the American Arab Anti-Discrimination Committee (“ADC”) reported that anti-Muslim and anti-Arab threats—such as advocating murder—tripled.⁹¹ The popular film was nominated for

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Martin Childs, *Chris Kyle: US Navy Seal sniper*, INDEPENDENT (Feb. 6, 2013), <https://www.independent.co.uk/news/obituaries/chris-kyle-us-navy-seal-sniper-8482300.html>.

⁹⁰ See, e.g., Letter from Samer Khalaf, Esq., American-Arab Anti-Discrimination Committee President, to Bradley Cooper (Jan. 21, 2015) (on file with author); see also Alex von Tunzelmann, *Is American Sniper historically accurate*, THE GUARDIAN (Jan. 20, 2015, 8:37 EST), <https://www.theguardian.com/film/filmblog/2015/jan/20/why-american-snipers-historical-dishonesty-misleads>.

⁹¹ See Dominique Mosbergen, ‘*American Sniper*’ Triggers Flood Of Anti-Muslim Venom, Civil Rights Group Warns, HUFFINGTON POST (Jan. 24, 2015, 4:07 PM), https://www.huffingtonpost.com/2015/01/24/american-sniper-anti-muslim-threats_n_6537950.html.

six Oscars and grossed over 547 million dollars worldwide.⁹² Still, *American Sniper* is not exceptional in its stereotypical depictions of Arabs and Muslims. Muslim-American actors have reported that they are consistently forced to play terrorists in films or on television or they receive no role at all.⁹³ They cite *CSI*, *NCIS*, *Homeland*, *24*, *The Kingdom*, *Three Kings*, *True Lies*, *Law & Order: Criminal Intent*, *Iron Man*, and *Executive Decision* as representative examples.⁹⁴

According to late media scholar Jack Shaheen, the proliferation of anti-Muslim stereotyping in Hollywood is directly attributable to politics, both historically and in terms of contemporary realities, such as the rise of al-Qaeda and ISIS.⁹⁵ He cautioned that negative depictions of Muslims are now at their worst levels, risk alienating Muslim Americans, and provide fodder to recruiters for violent extremist groups.⁹⁶

E. Muslim Americans

While political, media, and public discourse so often focuses on Muslims and Islam, it does so at the intersection of religion, crime, and violence. The religious lives, perspective, and contributions of ordinary Muslims—who constitute the majority of the world's second largest faith group—have been generally neglected.

American Muslims are the most diverse of any religious

⁹² *American Sniper*, BOX OFFICE MOJO, <http://www.boxofficemojo.com/movies/?id=americansniper.htm> (last visited Mar. 22, 2018).

⁹³ See, e.g., Jon Ronson, *You May Know Me from Such Roles as Terrorist #4*, GQ (July 27, 2015), <https://www.gq.com/story/muslim-american-typecasting-hollywood>.

⁹⁴ See *id.*

⁹⁵ Hannah Allam, *Muslim stereotyping in pop culture is worse than ever*, MCCLATCHY (Apr. 26, 2016, 1:59 PM), <http://www.mcclatchydc.com/news/nation-world/national/article73969887.html>.

⁹⁶ See *id.*

group; as religiously observant as Christian Americans; and are attempting to normalize their status as religious minorities.⁹⁷ Further, 2007 data from the Pew Research Center indicates that American Muslims are largely assimilated, happy with their lives, and moderate.⁹⁸ They have a generally positive view of society at large, believe their communities are excellent or good places to live, and are American in their outlook, values, and attitudes.⁹⁹ Additionally, a 2011 Gallup research study titled *Muslim Americans: Faith, Freedom and the Future* found that American Muslims are the most likely major faith group in the U.S. to reject violent attacks against civilians.¹⁰⁰ A 2013 Pew survey similarly found that eighty-one percent find such acts as never justified.¹⁰¹

In fact, while the term “radical Islam” suggests a positive association between religiosity and violence (a perception that is reinforced as noted above), research suggests that many violent extremists are actually religious novices. An investigation by the Associated Press, for example, revealed that most ISIS recruits possessed a rudimentary understanding of Islam and that those most versed in the religious tradition were hesitant to embrace martyrdom.¹⁰²

⁹⁷ See MOGAHED & CHOUHOD, *supra* note 13, at 3-4.

⁹⁸ ANDREW KKOHUT ET AL., MUSLIM AMERICANS: MIDDLE CLASS AND MOSTLY MAINSTREAM I (Pew Research Ctr. 2007), <http://assets.pewresearch.org/wp-content/uploads/sites/12/2007/05/muslim-americans.pdf>.

⁹⁹ *Id.*

¹⁰⁰ ABU DHABI GALLUP CTR., MUSLIM AMERICANS: FAITH FREEDOM, AND THE FUTURE: EXAMINING U.S. MUSLIMS’ POLITICAL, SOCIAL, AND SPIRITUAL ENGAGEMENT 10 YEARS AFTER SEPTEMBER 11 2 (2011), <http://news.gallup.com/poll/148931/presentation-muslim-americans-faith-freedom-future.aspx>.

¹⁰¹ Luis Lugo et al., *The World’s Muslims: Religion, Politics and Society*, PEW RESEARCH CTR. (Apr. 30, 2013), <http://www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-overview/>.

¹⁰² See Aya Batrawy, Paisley Dodds & Lori Hinnant, ‘Islam for Dummies:’ IS recruits have poor grasp of faith, ASSOC. PRESS (Aug. 15, 2016), <https://apnews.com/9f94ff7f1e294118956b049a51548b33>.

They found that seventy percent of ISIS recruits indicated on the organization's recruitment form, asking individuals who had crossed into Syria in 2013 and 2014 to rank their knowledge of Islam from a scale of one to three, that they had only "basic" knowledge of Islam.¹⁰³ About twenty-four percent claimed to have "intermediate" grasp of the religion, and only five percent regarded themselves as "advanced."¹⁰⁴ To boot, a mere five recruits (of the more than four thousand studied) boasted of having memorized the Qur'an.¹⁰⁵

Most of the newly minted violent extremists could not accurately answer questions about Islam with some having purchased *The Koran for Dummies* and *Islam for Dummies* from Amazon prior to their journey to Syria.¹⁰⁶ Interestingly, this is in juxtaposition to the Muslim Americans depicted in this Article who cite religious convictions, including specific verses from sacred scripture and Prophetic tradition, as underpinning their humanitarianism.

Alternative representations of Muslims—those that do not correspond with common tropes about "radical Islam"—are woefully lacking. In fact, from organizing food pantries to global volunteerism, Americans who are Muslims are redefining their public faith identity while embracing the humanitarian dimensions to Islamic law. As revealed in the pages and sections that follow, these efforts have culminated in myriad contributions, including countering the violent extremism with which the minority faith group is so often associated.

II. "REPEL EVIL WITH GOOD"

In the past decade, U.S. government officials have allocated millions of dollars to fund a spectrum of community-based initiatives

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

to counter violent extremism,¹⁰⁷ also commonly referred to as “radical Islamic terrorism” by the current Administration. According to a popular myth surrounding the minority faith group, Muslims are not doing enough to prevent radicalism in their local religious communities.¹⁰⁸ According to Pew Research Center findings, however, the majority of Muslim Americans generally believe that suicide bombings and other criminal violence against civilians are “rarely or never justified.”¹⁰⁹ Similarly, Gallup research found that Muslim Americans are more likely than other major faith communities to reject such violence against civilians.¹¹⁰ Additionally, a study funded by the U.S. Department of Justice found that such viewpoints manifest in concrete actions: Muslim Americans are actively engaged in anti-radicalization efforts. These include public and private condemnations of extremist violence, self-policing, community-building, and political engagement.¹¹¹ The minority faith group has also issued incessant public condemnations of terrorism.¹¹² In fact, Muslim Americans represent one of the largest sources of tips to law enforcement agencies about potential terrorist plots.¹¹³ Moreover, as this section illustrates, Muslim Americans are actively waging their own battle against terrorists in the aftermath of tragic attacks domestically. And, charitable giving has often proven to be their weapon of choice.

¹⁰⁷ See, e.g., Penny Starr, *DHS to Award \$10 Million in Grants for ‘Countering Violent Extremism,’* CNS NEWS (Aug. 31, 2016, 1:54 PM), <https://www.cnsnews.com/news/article/penny-starr/homeland-security-award-10-million-grants-countering-violent-extremism>.

¹⁰⁸ This is reflected in the recurrent questions: “Why aren’t Muslims condemning terrorism? Where are the moderate Muslims?”

¹⁰⁹ See Lipka, *supra* note 52.

¹¹⁰ See Lymari Morales, *Muslim Americans Express Optimism, Loyalty to U.S.,* GALLUP NEWS (Aug. 2, 2011), <http://news.gallup.com/opinion/queue/173321/muslim-americans-express-optimism-loyalty.aspx>.

¹¹¹ Charles Kurzman et al., *Muslim American Terrorism Since 9/11: Why So Rare?*, 101 MUSLIM WORLD 464, 473-81 (2013).

¹¹² See generally, MUSLIMS CONDEMN, <https://muslimscondemn.com/> (last visited Mar. 22, 2018).

¹¹³ See Kurzman et al, *supra* note 111, at 467.

A. *Countering Violent Extremism*

By way of background, countering violent extremism (“CVE”) programs arise from the 2007 *Implementation Plan for Empowering Local Partners to Prevent Violent Extremism* in the U.S.¹¹⁴ According to the U.S. Department of Homeland Security, the program has three broad objectives. First, it maintains that we must understand violent extremism by assessing the threat it poses to our national security.¹¹⁵ Second, it highlights the significant role that local communities play in countering violent extremism and seeks to strengthen grass-roots organizational capacity to prevent radicalism.¹¹⁶ Third, it ensures institutional and financial support for local law enforcement agencies to undermine violent extremist recruitment efforts.¹¹⁷

While such programs appear facially neutral, encompassing all ideologies in theory, CVE has focused almost exclusively on Muslim Americans in practice. CVE’s pilot programs were initially launched in Boston,¹¹⁸ Los Angeles,¹¹⁹ and Minneapolis.¹²⁰ Some

¹¹⁴ U.S. DEP’T OF HOMELAND SEC., STRATEGIC IMPLEMENTATION PLAN FOR EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES 2 (U.S. Dept. of Homeland Sec. ed., 2016), https://www.dhs.gov/sites/default/files/publications/2016_strategic_implementation_plan_empowering_local_partners_prev.pdf.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ Shelley Murphy, *Boston to host anti-extremist pilot program: Aims to deter recruitment by violent groups*, BOSTON GLOBE (Sept. 24, 2014), <https://www.bostonglobe.com/metro/2014/09/23/boston-site-program-prevent-residents-from-joining-extremist-groups/YpEppq2cYvITZ6u8AFkbarL/story.html>.

¹¹⁹ Press Release, Asian Americans Advancing Justice, Los Angeles Based Groups Serving American Muslim Communities Question Federal Government’s “Countering Violent Extremism” Programs as Ill-Conceived, Ineffective, and Stigmatizing (Nov. 13, 2014) (available at <https://www.advancingjustice-la.org/sites/default/files/20141113%20-%20MR%20-%20CVE%20Statement.pdf>).

¹²⁰ See Amanda Sperber, *Somalis in Minnesota question counter-extremism program targeted at Muslims*, THE GUARDIAN (Sept. 14, 2015, 8:00 PM), <https://www.theguardian.com/us-news/2015/sep/14/somali-muslims-minnesota-counter-extremism-program>.

commentators have accurately observed that sizeable Muslim American populations, including poor and working-class subsets of the minority faith community, can be found in each city.¹²¹

Muslim community advocates and civil libertarians have set forth a number of critical concerns about the program. First, CVE stigmatizes Americans who are Muslim by virtue of its singular focus on that minority religious community.¹²² Essentially, official scrutiny signals to the public that Muslims are criminally suspect and prone to violence. As a result, Muslims are more vulnerable to private acts of discrimination by misguided Americans acting out of a sense of patriotism. If mosques are viewed as bastions of extremism subject to warrantless surveillance by law enforcement, for instance, some Americans will object to mosque construction projects in their neighborhood because of the perceived link to terrorism. In fact, research from the Public Religion Research Institute (“PRRI”) reveals that nearly one half of Americans are uncomfortable with a mosque being built in their neighborhood.¹²³ Ironically, research shows that religious identity and mosque attendance contribute to higher levels of civic engagement¹²⁴ and serve as a guard *against* violent extremism.¹²⁵

Second, advocates argue that CVE relies on flawed models

¹²¹ See, e.g., Khaled Beydoun, *Between Indigence, Islamophobia, and Erasure: Poor and Muslim in “War on Terror” America*, 104 CAL. L. REV. 1463 (2016).

¹²² See, e.g., Debi Kar, *Countering Violent Extremism, (CVE)*, MUSLIM ADVOCES. (Mar. 9, 2015), <https://www.muslimadvocates.org/cve-countering-violent-extremism/>.

¹²³ See Amelia Thomson-DeVeaux, *Number of U.S. Mosques Doubled in the Past Decade*, PUB. RELIGION RESEARCH INST. (Mar. 1, 2012), <https://www.prii.org/spotlight/number-of-u-s-mosques-doubled-in-the-past-decade/>.

¹²⁴ See Dana Karam et al., *Mosques as American Institutions: Muslim Incorporation in American Politics*, 2(4) AMER. POL. SCI. ASSOC. 504, 515 (2011).

¹²⁵ DAVID SCHANZER ET AL., ANTI-TERROR LESSONS OF MUSLIM AMERICANS 2 (2010), <https://fds.duke.edu/db/attachment/1255>.

for predicting violent extremism.¹²⁶ They are concerned that too many law enforcement agents continue to conflate constitutionally protected religious or political activity with a propensity for criminality. When a Muslim man embraces Islamic faith practices—abandoning alcohol consumption, ending a pre-marital relationship, and grooming a beard, for instance—such manifestations of First Amendment protected activity is mistaken for evidence of an increased likelihood to hold hostile intentions towards the U.S. In fact, such law enforcement tactics, tantamount to religious profiling as opposed to effective policing, have culminated in litigation raising challenges under the U.S. Constitution.

In 2012, for instance, the Associated Press revealed in a Pulitzer Prize winning series that the New York Police Department's ("NYPD") Intelligence Unit employed such discriminatory policies for years.¹²⁷ In its warrantless surveillance of Muslim American community leaders, student associations, mosques, organizations, restaurants, cafes, and businesses along the Northeast Corridor, officers selected Muslim subjects for surveillance in the absence of any prior evidence of criminal wrongdoing. In 2013, the American Civil Liberties Union ("ACLU"),¹²⁸ Muslim Advocates,¹²⁹ Center for Constitutional Rights,¹³⁰ and others subsequently filed lawsuits, challenging the constitutionality of such pervasive unwarranted surveillance practices against the minority faith community.

¹²⁶ See, e.g., FAIZA PATEL & MEGHAN KOUSHIK, COUNTERING VIOLENT EXTREMISM 26 (2017), https://www.brennancenter.org/sites/default/files/publications/Brennan%20Center%20CVE%20Report_0.pdf.

¹²⁷ See *Highlights of AP's Pulitzer Prize-Winning Probe into NYPD Intelligence Operations*, ASSOC. PRESS, <https://www.ap.org/about/awards-and-recognition/highlights-of-aps-pulitzer-prize-winning-probe-into-nypd-intelligence-operations> (last visited Mar. 22, 2018).

¹²⁸ Press Release, American Civil Liberties Union, Rights Groups File Lawsuit Challenging NYPD's Muslim Surveillance Program (June 17, 2013) (on file with the author).

¹²⁹ See *Hassan v. City of New York*, CTR. CONST. RTS, <https://ccrjustice.org/home/what-we-do/our-cases/hassan-v-city-new-york> (last updated Feb. 3, 2017).

¹³⁰ *Id.*

According to the ACLU lawsuit, NYPD officers and informants attended religious sermons, documented those in attendance, and positioned video surveillance outside mosques to track congregants without any prior indication of unlawful activity.¹³¹ The lawsuit, which has since settled, also alleged that officers infiltrated Muslim student organizations, even attending a white-water rafting outing where they documented conversations and the frequency with which students prayed.¹³² According to the legal settlement, recently approved by a federal court in 2017, the NYPD is prohibited from conducting investigations in which race, religion, ethnicity, or national origin is a substantial or motivating factor and must have prior evidence of possible unlawful activity prior to an investigation into political or religious activity.¹³³

It is interesting to note that President Trump has publicly endorsed the religious profiling of Muslims. On the 2016 U.S. presidential campaign trail, then GOP candidate Trump lauded the profiling tactics employed by the NYPD. He supported the unwarranted surveillance¹³⁴ and closures¹³⁵ of mosques even though research evidence demonstrates that radicalization occurs largely online¹³⁶ rather than in houses of worship. In fact, the evidence

¹³¹ See Complaint at para. 2, *Raza v. City of N.Y.*, 998 F. Supp. 2d 70 (E.D.N.Y. 2013) (No. 13 Civ. 3448).

¹³² *Id.* paras. 2, 33, 133.

¹³³ *Raza v. City of N. Y. - Legal Challenge to NYPD Muslim Surveillance Program*, ACLU, <https://www.aclu.org/cases/raza-v-city-new-york-legal-challenge-nypd-muslim-surveillance-program> (last updated Aug. 3, 2017).

¹³⁴ See Jeremy Diamond, *Trump doubles down on calls mosque surveillance*, CNN POLITICS (June 15, 2016, 8:10 PM), <http://www.cnn.com/2016/06/15/politics/donald-trump-muslims-mosque-surveillance/index.html>.

¹³⁵ See Nick Gass, *Trump: 'Absolutely no choice' but to close mosques*, POLITICO (Nov. 18, 2015), <https://www.politico.com/story/2015/11/trump-close-mosques-216008>.

¹³⁶ See generally Maeghin Alarid, *Recruitment and Radicalization: The Role of Social Media and New Technology*, in *IMPUNITY: COUNTERING ILLICIT POWER IN WAR AND TRANSITION* 313 (Michelle Hughes & Michael Miklaucic eds., 2016).

suggests that a strong religious identity¹³⁷ serves as a barrier against, rather than a precursor to, such radicalization among Muslim-Americans. Muslim-American leaders argue that most of those who perpetrate terrorist attacks are not active members of mosques and are radicalizing *vis-à-vis* new media and the Internet with minimum to no contact with the larger Muslim community.¹³⁸

Third, advocates argue that federal CVE funding for grassroots organizations erode community trust and contribute to a prevailing climate of suspicion.¹³⁹ Such groups help identify individuals prone to radicalism, leading some community members to engage in self-censorship. Additionally, some federally funded Muslim American organizations are providing interpretations of religious scripture frequently manipulated by violent extremists to support terrorism.¹⁴⁰ When those institutions are in receipt of federal funding, however, it inadvertently creates the appearance of a state-sanctioned version of religion that is likely to be viewed with suspicion by the very community it seeks to influence.

Fourth, many Muslim American community leaders prioritize worsening anti-Muslim discrimination, rather than violent extremism, as the most formidable threat confronting the minority

¹³⁷ Alan Travis, *M15 report challenges views on terrorism in Britain*, THE GUARDIAN (Aug. 20, 2008, 2:01 PM), <https://www.theguardian.com/uk/2008/aug/20/uksecurity.terrorism1>.

¹³⁸ See, e.g., Michael Kaplan, *Are Mosques Conduits for Extremism? How Muslim Leaders Are Fighting Terrorism*, INT'L BUS. TIMES (Dec. 4, 2015, 12:16 PM), <http://www.ibtimes.com/are-mosques-conduits-extremism-how-muslim-leaders-are-fighting-terrorism-2210772>.

¹³⁹ See, e.g., Ron Nixon et al., *Pointing to Trump, Groups Reject U.S. Aid to Fight Extremism*, N.Y. TIMES (Feb. 3, 2017), <https://www.nytimes.com/2017/02/02/us/politics/trump-muslim-groups-aid-extremism.html>.

¹⁴⁰ See, e.g., Letter from ACLU et al., to The Honorable Lisa O. Monaco, Assistant to the President for Homeland Sec. & Deputy Nat'l Sec. Adviser (Dec. 18, 2014) (on file with author).

faith group.¹⁴¹ To better understand their assessment, consider the related empirical data detailed above.

The CVE program's singular focus on Muslim Americans suggests that the minority represents an unparalleled threat to national security interests. As previously discussed, however, data shows otherwise. As a result of such security narratives, Muslim men, women, and even children are more likely to be stereotyped as probable terrorists and treated with suspicion, derision, and hostility.

What is more, despite the popular perception that the minority faith community is not doing enough to curb radicalism, Muslim Americans are countering violent ideologies through philanthropic campaigns inspired by their faith teachings as detailed further below. Prior to discussing those initiatives, however, it is significant to note the role of charitable giving in the Islamic faith tradition.

B. The Significance of Charity in Islam

The significance of charitable giving in Islam cannot be overstated. In fact, *zakat*, a mandatory two percent tithe on one's wealth, is one of five pillars¹⁴² of the faith tradition including daily ritual prayers, an annual monthly fast, a religious pilgrimage to Makkah, and the testimony of faith.¹⁴³ As set forth by Noel J. Coulson in *A History of Islamic Law*, *zakat* or almsgiving, as practiced in Muslim-majority countries and diaspora communities around the world, is referenced repeatedly in Qur'anic injunctions and constitutes an obligation toward God to be fulfilled annually.¹⁴⁴

¹⁴¹ See, e.g., Lisa Wangsness, *New Generation of Muslim Leaders Rises to the Fore*, BOSTON GLOBE (July 1, 2015), <https://www.bostonglobe.com/metro/2015/07/01/new-generation-muslim-leaders-rises-fore-boston/77lrvP7afdJNqUqK2U4QxJ/story.html>.

¹⁴² See AMY SINGER, CHARITY IN ISLAMIC SOCIETIES 18 (2008).

¹⁴³ See *Pillars of Islam*, OXFORD ISLAMIC STUD. ONLINE, <http://www.oxfordislamicstudies.com/article/opr/t125/e1859> (last visited Apr. 21, 2018).

¹⁴⁴ See NOEL J. COULSON, A HISTORY OF ISLAMIC LAW 19, 124 (1964).

The Qur'an, regarded by Muslims as the literal word of God and a primary source for legal, spiritual, and moral guidance, provides in relevant part: "Establish the Salah (*five time daily prayers*) and pay the Zakah (*obligatory charity*)."¹⁴⁵ As such, a person who fulfills this Divine commandment will be rewarded in this temporal life and the Hereafter.

Pursuant to such injunctions, every Muslim who possesses a minimum amount of wealth is obligated to pay *zakat*.¹⁴⁶ Religious scholars have opined that its wisdoms are many, including the purification of the human soul from the vices of stinginess and greed, comforting the poor, fulfilling the needs of the distraught and deprived, and limiting the inflation of wealth among those who possess it.¹⁴⁷ It is important to note that the Qur'an also describes those who are eligible to receive *zakat*: "[T]he sadaqat (*Zakah – Obligatory Charity*) collection is for the poor, the helpless, those employed to administer the funds, those whose hearts need to be won over to the truth, ransoming the captives, helping the destitute who is in debt, in the Way of Allah and for the wayfarer."¹⁴⁸

Regarding the first category—the poor and the needy—*zakat* is used to ensure basic human dignity by providing food, shelter, and healthcare to those who lack sufficient means to fulfill these needs for oneself and dependents. Some scholars have argued that the poor and needy encompass Jews and Christians in addition to Muslims.¹⁴⁹ In fact, Caliph Umar ibn al-Khattab, revered from Islamic history as one of the "rightly guided" leaders, provided alms to non-Muslim minorities during his administration.¹⁵⁰

¹⁴⁵ MUHAMMAD FAROOQ-I-AZAM MALIK, ENGLISH TRANSLATION OF THE MEANING OF AL-QUR'AN: THE GUIDANCE FOR MANKIND 678 (Inst. Islamic Knowledge 2013) [hereinafter MALIK].

¹⁴⁶ See COULSON, *supra* note 144, at 124.

¹⁴⁷ See generally OMER FARUK SENTURK, CHARITY IN ISLAM: A COMPREHENSIVE GUIDE TO ZAKAT (ISLAM IN PRACTICE) (Erdinc Atasever trans., 2d ed., 2016).

¹⁴⁸ MALIK, *supra* note 145, at 263.

¹⁴⁹ See, e.g., SENTURK, *supra* note 147, at 13.

¹⁵⁰ *Id.* at 141.

Regarding those “whose hearts are to be reconciled,” this category also encompasses non-Muslims. It includes those who may harbor hostility, aggression, or bitterness toward Islam and Muslims.¹⁵¹ During the lifetime of the Prophet Muhammad, for example, he offered pagans *zakat* in order to repel their potential for injuring the early community of believers.¹⁵² This inclusion is significant for purposes of this Article. Increasingly, although not explicitly articulated as an underlying motivation, Muslim Americans appear to be reviving this practice to mollify those who may harbor anti-Muslim sentiment, thus, facilitating greater social peace, religious freedom, and interfaith understanding.

Interestingly, while *zakat* is commonly understood as benefiting recipients, the Qur’an illuminates the rewards to the benefactor, as well. Specifically, it depicts *zakat* as a means of extending compassion to the created so as to attract the compassion of one’s Creator. The Qur’an sets forth in relevant part: “My mercy encompasses everything. I will ordain *special mercy* for those who are righteous, who pay Zakah (*obligatory charity*) and who believe in Our revelations,”¹⁵³ and “Establish Salah (*prayers*), pay Zakah (*obligatory charity*) and obey the Rasool, so that you may be shown mercy.”¹⁵⁴

Arguably, these verses suggest that, by exercising compassion and mercy toward others, Muslims and non-Muslims are more likely to find the same with the Divine. The particular theme of mercy will be revisited further below in the context of Muslim-American responses to countering violent extremism.

It is important to note that *zakat* is distinct from *sadaqa*. The

¹⁵¹ See *id.* at 114-120.

¹⁵² See *id.*

¹⁵³ MALIK, *supra* note 145, at 240.

¹⁵⁴ MALIK, *supra* note 145, at 404.

term *sadaqa* in the Qur'an is commonly interpreted as "charity."¹⁵⁵ Yet, some commentators have observed that the word communicates extreme kindness, benevolence, and a duty to refrain from behavior that harms others. While often used interchangeably with *zakat*, it signifies voluntary giving—an individual act of sincere charity—that the primary textual legal sources strongly encourage for those who are able.¹⁵⁶ In fact, generosity is emphasized as a noble character and stinginess as a metaphorical disease requiring spiritual purification. The Qur'an explains in relevant part: "So for him who gives in *charity*, fears *Allah* and testifies to goodness, We shall facilitate for him the Path to good. As for him who is a stingy and considers himself independent of *Allah* and rejects the goodness, We shall facilitate for him the Path to evil."¹⁵⁷ And further:

Whatever you spend in charity or whatever vow you make, surely Allah knows it. The wrongdoers shall have no helpers. To give charity in public is good, but to give to the poor in private is better and will remove from you some of your sins. Allah is aware of your actions. *O Prophet*, you are not responsible for their guidance, it is Allah Who guides whom He pleases. Whatever wealth you spend in charity, it is to your own advantage; provided you give to seek pleasure of Allah. Whatever wealth you spend for the sake of Allah, will be paid back to you in full, and you will not be

¹⁵⁵ Shakeel Ahmad, *CHARITY: Quranic Verses on Sadaqa (Sadaqah)*, BIHAR ANJUMAN, <http://www.biharanjuman.org/charity.htm> (last visited Mar. 27, 2018).

¹⁵⁶ KIMBERLY HART, AND THEN WE WORK FOR GOD: RURAL SUNNI ISLAM IN WESTERN TURKEY 78 (2013).

¹⁵⁷ MALIK, *supra* note 145, at 726.

wronged.¹⁵⁸

These verses suggest that God knows of each person's deeds, including an individual act of charity performed in secret, and He rewards so long as the underlying intention is sincere. It is significant to note that the Prophet Muhammad, regarded by Muslims as the last in a long line of Messengers starting with Adam, also emphasized this virtue. According to the Hadith literature, canonical collections of narrations depicting prophetic sayings, conduct and omissions that represent the second textual source for Islamic moral and legal guidance, charitable giving is rewarded by the Divine:

Verily God is Generous and loves generosity. He loves noble character and He hates disgraceful behavior.¹⁵⁹

There should be no envy except in the case of two: A man whom God gives wealth, so he is able to spend it on charity, and a man whom God gives wisdom so he judges and teaches with it.¹⁶⁰

Do not withhold your money, (for if you did so) Allah would with-hold His blessings from you.¹⁶¹

Based upon the foregoing, arguably both *zakat* and *sadaqa* are critical aspects to Islamic faith practices in Muslim-majority contexts as well as diaspora communities around the world, including the U.S. Yet, since September 11, 2001, domestic counter-

¹⁵⁸ MALIK, *supra* note 145, at 145-46.

¹⁵⁹ Abu Bakr Jabir al-Jazairy, *Kindness and Generosity*, ISLAAM.NET (Feb. 1, 2005), <http://www.islaam.net/purification-of-the-soul/islamic-manners/kindness-and-generosity/>.

¹⁶⁰ SAHIH AL-BUKHARI, VOL. 2, BOOK 24, HADITH 490.

¹⁶¹ SAHIH AL-BUKHARI, VOL. 2, BOOK 24, HADITH 515.

terrorism policies and practices have undermined such constitutionally protected rights.

C. Muslim Charitable Giving in the Post 9/11 Era

From politicians to journalists, Muslim charitable giving has sometimes been associated with terrorist financing since the events of September 11, 2001. As discussed in this subsection, this is most evident in the legal and political spheres.

In 2002, for example, during a congressional hearing entitled *The Role of Charities and NGO's in the Financing of Terrorist Activities*, U.S. Senator Evan Bayh stated:

Cutting off the financing of terrorist organizations is a critically important component of the war against terror and to protect America. But it is often an invisible part of that war. When we cut off the finances of these organizations, we in many cases are literally taking weapons out of their hands. But it is not as obvious as a bombing run or a capture mission. Unfortunately, charities are an important part of the financing picture. . . . It is particularly galling and outrageous when funds generated in the United States by what I assume are predominantly legal and patriotic U.S. citizens, are being diverted to assisting attacks upon America and harming or, in some cases, as we have tragically learned, killing

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Americans.¹⁶²

In another representative statement, U.S. Senator Michael B. Enzi added: “We cannot allow charitable organizations to paint themselves as tools of goodwill when they are nothing more than facilitators of evil.”¹⁶³

During the course of the past fifteen or so years, despite little to no evidence, such anxieties prompted increased surveillance of American Muslim civil society groups, closure of some charities, and even criminal prosecutions. Newly enacted anti-terrorism laws facilitated this process despite findings from The 9/11 Commission Report that the attacks were funded primarily through criminal activity rather than the charitable sector’s abuse or misallocation of funds.¹⁶⁴

For instance, the USA Patriot Act, enacted in the immediate aftermath of September 11, amended the International Emergency Economic Powers Act (“IEEPA”) to bar material support to terrorist organizations, including the provision of services, training, and expertise to designated entities, and only carved out exemptions for medicine and religious materials.¹⁶⁵ Violators are subject to both civil and criminal penalties. Notably, the USA Patriot Act authorizes officials to freeze an organization’s assets without a formal terrorist designation, which is an open investigation into whether or not such a designation is warranted is sufficient.¹⁶⁶

Additionally, Executive Order No. 13,224, also signed immediately following the terrorist attacks to amend IEEPA,

¹⁶² *The Role of Charities and NGO’s in The Financing of Terrorist Activities: Hearing Before the Subcomm. on Int’l Trade and Fin. of the Comm. on Banking, Hous., and Urban Aff. U.S. S., 107th Cong. 2 (2002)* (statement of Senator Evan Bayh).

¹⁶³ *Id.* at 4 (statement of Senator Michael B. Enzi).

¹⁶⁴ *See generally* THE 9/11 COMM’N, THE 9/11 COMMISSION REPORT (2004).

¹⁶⁵ *See* USA PATRIOT Act of 2001, Pub. L. No. 107-56, § 805, 115 Stat. 272 (2001).

¹⁶⁶ *Id.* § 806.

authorized the Secretaries of State and Treasury to designate persons and entities as ‘Specially Designated Global Terrorists’ (“SDGT”), allowing the government to freeze their assets and impose civil and potentially criminal penalties.¹⁶⁷ The Executive Order’s designation criteria are vague and lack evidentiary standards extending officials broad discretion, thus creating fertile ground for discriminatory practices.¹⁶⁸ It allows for a formal terrorist designation without hearing or notice or even a statement of reasons underlying the decision to the impacted party.¹⁶⁹ Treasury has since taken the position that it merely needs reasonable suspicion that the entity provided “financial, material, or technological support for, or financial services to” or is “otherwise associated with” an SDGT to make such a designation.¹⁷⁰ In 2006, this latter aspect was found to be unconstitutional and has since been revised in pertinent regulations.¹⁷¹

Notably, among nine U.S.-based charities whose assets have been seized following an SDGT Treasury designation, seven are Muslim.¹⁷² At minimum, six American Muslim charities have been subject to government investigation or raided by law enforcement officials.¹⁷³ Approximately three have been criminally prosecuted with one conviction for terrorism related charges.¹⁷⁴ Significantly,

¹⁶⁷ See Exec. Order No. 13,224, 66 Fed. Reg. at 49,080, § 1(d).

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Oversight of the Department of the Treasury: Hearing Before the House Fin. Servs. Subcomm. on Oversight & Investigations*, 112th Cong. 4 (2011) (Testimony of Daniel L. Glaser, Deputy Assistant Secretary, Office of Terrorist Financing and Financial Crimes, U.S. Dept. of Treasury), https://financialservices.house.gov/media/file/hearings/111/final_glaser_testimony_on_charities.pdf.

¹⁷¹ See *Humanitarian Law Project v. Gonzales*, 380 F. Supp. 2d 1134 (C.D. Cal. 2005).

¹⁷² See ACLU, *BLOCKING FAITH, FREEZING CHARITY: CHILLING MUSLIM CHARITABLE GIVING IN THE “WAR ON TERRORISM FINANCING”* 8 (June 2009), <https://www.mintpressnews.com/wp-content/uploads/2018/02/blockingfaith.pdf>.

¹⁷³ *See id.*

¹⁷⁴ *See id.*

during the Bush Administration, the assets of the three largest U.S. based Muslim charities were frozen, including the United Holy Land Foundation for Relief and Development, the Benevolence International Foundation, and the Global Relief Foundation, as well as millions of dollars in U.S. charitable funds have been seized.¹⁷⁵ Since Trump prevailed in the 2016 presidential elections, Muslim-American charities are anticipating many more such investigations, raids, and seizures.

In his historic June 2009 Cairo Address, President Obama seemed to acknowledge the adverse impact such developments had on constitutionally protected rights when he observed: “[I]n the United States, rules on charitable giving have made it harder for Muslims to fulfill their religious obligation. That’s why I’m committed to working with American Muslims to ensure that they can fulfill zakat.”¹⁷⁶

In addition to frustrating a critical religious tenet, such developments have also chilled donations to Muslim charities and organizations due to fear of potential scrutiny and harassment for allegedly providing “material support” to terrorism. Muslim donors have been subject to tax audits, denial of citizenship applications, and FBI requests for interviews.¹⁷⁷ Some organizations reported up to fifty percent decreases in donations post 9/11.¹⁷⁸ As Professor Malick W. Ghachem observed: “The designation of charitable organizations as ‘specially designated global terrorists’ [] has fundamentally altered the Muslim philanthropic landscape.”¹⁷⁹ This

¹⁷⁵ See Stephen Lendman, *Targeting Muslim Charities in America*, BALT. CHRON. & SENTINEL (Nov. 23, 2009), <http://www.baltimorechronicle.com/2009/112309Lendman.shtml>.

¹⁷⁶ President Barack Obama, *The President’s Speech in Cairo: A New Beginning* (June 4, 2009).

¹⁷⁷ See Sahar Aziz, *Countering Religion of Terrorism: Selective Enforcement of Material Support Laws Against Muslim Charities*, 47 INST. SOC. POL’Y & UNDERSTANDING (2011).

¹⁷⁸ See Zahra Jamal, *Charitable Giving Among Muslim Americans: Ten Years After 9/11*, 46 INST. SOC. POL’Y & UNDERSTANDING (2011).

¹⁷⁹ Malick W. Ghachem, *Of ‘Scalpels’ and ‘Sledgehammers’: Religious Liberty and the Policing of Muslim Charities in Britain and America Since 9/11*, 9 UCLA J. NEAR E. & ISLAMIC L. 25, 27 (2010).

not only frustrates the First Amendment and undermines the growth, advancement, and success of Muslim civil society, but also exacerbates the plight of the indigent who would have benefited from such philanthropy.

Ultimately, it is against this evolving social, political, and legal landscape that Muslim Americans have adapted charitable giving practices while concurrently responding to violent extremism domestically.

D. LaunchGood

While the public is well acquainted with “radical Islam,” as discussed in the previous section, the humanitarian impulse in Islam, which has shaped the religion since its founding, is arguably less familiar. In the wake of mass shootings and criminality by perceived co-religionists, and amid increasing levels of anti-Muslim prejudice and discrimination, members of the minority faith group have responded with philanthropic acts consistent with orthodox Islamic teaching. In contrast to the death and destruction commonly associated with “radical Islam,” selfless volunteerism and charitable giving are distinctive qualities of *humanitarian Islam*. Representative are Muslim American responses to mass shootings perpetrated by co-religionists in Orlando, Florida, Chattanooga, Tennessee, and San Bernardino, California.

1. Case Study: Muslims United for Victims of Pulse Shooting

On June 12, 2016, Omar Mateen, who was twenty-nine years old, opened fire on the Pulse nightclub in Orlando, Florida, killing forty-nine victims, wounding sixty-eight, and dying in a shootout with law enforcement officials.¹⁸⁰ Prior to his demise, Mateen spoke to an emergency dispatcher and expressed support for multiple terrorists and groups, including ISIS.¹⁸¹ He also visited Facebook to

¹⁸⁰ See *Orlando Gay Night Club Shooter: Who Was Omar Mateen?*, BBC (June 14, 2016), <http://www.bbc.com/news/world-us-canada-36513468>.

¹⁸¹ *Id.*

check reactions as he committed the atrocity.¹⁸² His ex-wife described Mateen as physically abusive,¹⁸³ and suffering from bipolar disorder.¹⁸⁴ The FBI interviewed him twice prior to the assault on the Pulse nightclub without further investigation.¹⁸⁵ According to his father, Mateen reacted angrily when he witnessed two men engaging in acts of intimacy in Miami several months prior to the assault.¹⁸⁶ He explained to the press: “This has nothing to do with religion.”¹⁸⁷

Significantly, in a public address to the nation, President Obama referred to the Pulse shootings as “an act of terror and an act of hate.”¹⁸⁸ The President’s insistence on religiously neutral language prompted strong rebuke from politically conservative corners, including then presumptive Republican presidential nominee Donald Trump. Referencing President Obama’s “disgraceful” omission of the phrase “radical Islam,” Mr. Trump demanded that he “step down.”¹⁸⁹ The controversy occupied news media discourse,

¹⁸² Denver Nicks, *Orlando Shooter Checked Facebook to See if His Attack Went Viral*, TIME (June 16, 2016), <http://time.com/4371910/orlando-shooting-omar-mateen-facebook/>.

¹⁸³ See Michael Safi, *Omar Mateen: Orlando killer’s ex-wife says he beat and held her hostage*, THE GUARDIAN (June 13, 2016, 6:48 PM), <https://www.theguardian.com/us-news/2016/jun/13/orlando-massacre-omar-mateens-ex-wife-says-he-beat-her-and-held-her-hostage>.

¹⁸⁴ See Ben Fox et al., *Orlando shooter was bipolar, ‘mentally unstable’, says ex-wife*, TORONTO SUN (June 13, 2016), <http://torontosun.com/2016/06/13/orlando-shooter-was-bipolar-mentally-unstable-says-ex-wife/wcm/e23a8940-1d82-4a1a-9e09-3cbbacb1ad63>.

¹⁸⁵ See *id.*

¹⁸⁶ Braden Goyette, *Omar Mateen got ‘very angry’ seeing two men kissing, father tells NBC*, L.A. TIMES (June 12, 2016, 9:40 AM), <http://www.latimes.com/nation/la-na-orlando-nightclub-shooting-live-omar-mateen-got-very-angry-seeing-two-1465749495-htmstory.html>.

¹⁸⁷ *Orlando shooter’s father to NBC News: ‘This has nothing to do with religion,’* L.A. TIMES (June 12, 2016, 8:16 AM), <http://www.latimes.com/nation/la-na-orlando-nightclub-shooting-live-orlando-shooter-s-father-to-nbc-news-1465744484-htmstory.html>.

¹⁸⁸ Nolan D. McCaskill, *Obama: ‘An act of terror and an act of hate,’* POLITICO (June 12, 2016, 2:07 PM), <https://www.politico.com/story/2016/06/obama-orlando-224238>.

¹⁸⁹ Reiss, *supra* note 41.

from CNN to The New York Times.

In the wake of the attack, in addition to numerous condemnations from Muslim leaders and institutions, a spectrum of Muslim American organizations launched an initiative on the crowd-funding platform LaunchGood for the victims and their families. The campaign, *Muslims United for Victims of Pulse Shooting*, cites a Qur'anic verse and hadith to encourage participation.¹⁹⁰ The campaign achieved its initial goal of \$25,000 within hours and its second goal of \$50,000 within two days.¹⁹¹ In less than two weeks, it collected in excess of \$75,000 in charitable contributions.¹⁹² As of this writing, the campaign collected more than \$100,000 in donations from Americans who are Muslims.¹⁹³

By way of background, Chris Blauvelt,¹⁹⁴ an American Muslim who resides in Dearborn with his wife and daughter, founded LaunchGood in 2013.¹⁹⁵ Blauvelt hoped the platform would empower Muslims.¹⁹⁶ As the first Muslim crowd funding site, the platform not only supports entrepreneurial ideas, but it now represents a vehicle through which the minority faith community exercises agency on both a local and global scale. It allows

¹⁹⁰ See *Muslims United for Victims of Pulse Shooting*, LAUNCHGOOD, https://www.launchgood.com/project/muslims_united_for_victims_of_pulse_shooting#!/ (last visited Mar. 28, 2018).

¹⁹¹ See Frances Kai-Hwa Wang, *Muslim Organizations Raise Funds for Victims of Orlando Massacre*, NBC NEWS (June 16, 2016, 9:09 AM), <https://www.nbcnews.com/news/asian-america/muslims-organizations-raise-funds-victims-orlando-massacre-n593586>.

¹⁹² See *id.*

¹⁹³ See *Muslims United for Victims of Pulse Shooting*, *supra* note 190.

¹⁹⁴ See *Chris Abdur-Rahman Blauvelt*, MUSLIMS AM. PROGRESS, <https://www.muslimsforamericanprogress.org/chris-abdur-rahman-blauvelt> (last visited Mar. 2018).

¹⁹⁵ See Chris Blauvelt, LAUNCHGOOD, <https://www.launchgood.com/about-us#!/> (last visited Apr. 22, 2018).

¹⁹⁶ See, e.g., Zeky Ahmed, *Interview: LaunchGood CEO, Chris Blauvelt on Muslim Entrepreneurship*, WEALTHINISLAM, <http://www.wealthinislam.com/interview-launchgood-ceo-chris-blauvelt-on-muslim-entrepreneurship/> (last visited Apr. 22, 2018).

individuals and groups to “launch good” *vis-à-vis* diverse projects that collect small amounts of donations from numerous people and also allows Muslim Americans to express support in favor of a social, political, or legal cause, such as countering violent extremism.¹⁹⁷

The platform has thus far collected five million dollars for more than four hundred projects.¹⁹⁸ Arguably the site—not to mention the numerous campaigns it has helped launch—manifests the humanitarian impulse in Islam. Blauvelt explains: “After 9/11, we had a rude awakening. We realized we had to do more than get good jobs as doctors and engineers and buy houses in the suburbs. We have to give back to the communities we live in, the American community.”¹⁹⁹

While many believe that Muslim Americans engage in humanitarian efforts in spite of Islam, the *Muslims United for Victims of Pulse Shooting* organizers’ statements—in addition to the religious scripture referenced on the campaign webpage—reveal the faith-based inspiration for the crowd funding campaign.²⁰⁰ One of the organizers explained the religion’s influential role in this way:

Our faith is our guidance to be the best human beings we can possibly be, and in a moment like this, our faith calls on us to support and mourn with the families of the victims, to act in whatever way we can to manifest the light and togetherness of community,

¹⁹⁷ See, e.g., *How It Works*, LAUNCHGOOD <https://www.launchgood.com/how-it-works#!/> (last visited Apr. 22, 2018).

¹⁹⁸ See *About Us*, LAUNCHGOOD, <https://www.launchgood.com/about-us#!/> (last visited Mar. 27, 2018).

¹⁹⁹ Teresa Watanabe, *American Muslims raise more than \$100,000 for families of San Bernardino shooting victims*, L.A. TIMES (Dec. 8, 2015, 5:15 PM), <http://www.latimes.com/local/lanow/la-me-ln-muslim-fundraise-20151208-story.html>.

²⁰⁰ See *Muslims United for Victims of Pulse Shooting*, *supra* note 190.

rather than division and hate.²⁰¹

Significantly, the attack occurred during the first week of Ramadan, the holiest month in the Islamic calendar when Muslims around the world observe a daily fast from sunrise to sunset to help cultivate self-control, gratitude, God-consciousness, and empathy for the poor and needy. A number of American Muslim leaders found the assault's timing particularly reprehensible with one commenting, for instance:

While fasting [for Ramadan], Muslims are ordered to abstain from food and all worldly pleasures. They are not supposed to even get into any arguments or petty fights. They are not supposed to hurt anyone's feelings through harsh words. Anyone perpetrating the acts of violence is not following the tenets of Islam. They are doing it to promote their own political agenda²⁰²

Other Muslims noted the holy month's impact on popular responses to the tragedy. According to an Orlando resident who worked with the Muslim American institutions to launch the fundraising campaign, Ramadan motivated fasting Muslims into action: "I don't think the fact that it's Ramadan has . . . stopped us

²⁰¹ Carol Kuruvilla, *American Muslims Send a Powerful Message of Solidarity to Orlando Victims*, HUFFINGTON POST (June 13, 2016, 6:43 PM), https://www.huffingtonpost.com/entry/american-muslims-send-a-powerful-message-of-solidarity-to-orlando-victims_us_575ef3d4e4b071ec19ee9f9be.

²⁰² Bryna Zumer, *Harford Muslims, community leaders voice support for Orlando victims*, BALTIMORE SUN (June 13, 2016, 2:43 PM), <http://www.baltimoresun.com/news/maryland/harford/belair/ph-ag-orlando-harford-reaction-0615-20160613-story.html>.

from doing what we should, but it's actually done the opposite."²⁰³ Another volunteer stated: "In this holy month of Ramadan many Muslims will be offering their fasting and prayers for them and their families. The vile criminal who perpetrated this does not represent Islam nor the American Muslim community."²⁰⁴

A time for spiritual reflection and increased charitable giving, many fasting Muslims also donated blood to save victims in response to the tragedy.²⁰⁵ Other fasting Muslims participated in marches to promote peace and demonstrate solidarity against hatred and violence. Approximately one hundred people gathered in Springfield, Florida, for instance, for an interfaith walk coordinated by the Miami Valley Islamic Association; organizers also raised more than ten thousand dollars for the victims.²⁰⁶ Participants carried placards that read: "United we stand," "Terrorism has no religion," and "Islam means peace."²⁰⁷ Others stressed the sanctity of life.²⁰⁸

2. Case Study: Muslims United for San Bernardino Families

Prior to the attack on the Pulse nightclub, there was the 2015 mass shooting in San Bernardino, California. By way of background, on December 2, Syed Rizwan Farook and Tashfeen Malik, attacked the former's office holiday party at the Inland

²⁰³ Bethany Rodgers, *For Orlando Muslims, Pulse cast grief's shadow over holy month*, ORLANDO SENTINEL (July 1, 2016, 4:47 PM), <http://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-nightclub-islamic-community-ramadan-20160701-story.html>.

²⁰⁴ Wang, *supra* note 191.

²⁰⁵ Jessica Durando, *After Orlando shooting, Muslim Americans show support for victims*, USA TODAY (June 12, 2016, 2:48 PM), <https://www.usatoday.com/story/news/nation/2016/06/12/orlando-nightclub-muslim-reaction/85790320/>.

²⁰⁶ Allison Whichie, *Springfield Muslim group promotes peace, support for Orlando victims*, SPRINGFIELD NEWS-SUN (June 27, 2016, 7:00 PM), <http://www.springfieldnewssun.com/news/local/springfield-muslim-group-promotes-peace-support-for-orlando-victims/zdFg14xBUnt3q8TnksvL2L/>.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

Regional Center, killing fourteen victims and wounding twenty-two.²⁰⁹ Both shooters met their ultimate demise in a violent confrontation with law-enforcement officials, leaving behind a six-month-old daughter.²¹⁰

Almost immediately, diverse American Muslim institutions responded to the attack with philanthropy. The fundraising campaign, *Muslims United for San Bernardino Families*,²¹¹ cited a Qur'anic verse and Prophetic narration to encourage monetary contributions.²¹² It requested that Muslims “combat hate with charity and love,” collecting in excess of \$200,000 in charitable contributions within seven days—the equivalent of one thousand dollars an hour—to help ease the financial burden of grieving families.²¹³

Dr. Faisal Qazi helped lead the campaign.²¹⁴ He is a Muslim American neurologist who resides with his wife and children in California where he provides healthcare at no cost to low-income patients through the award-winning charitable organization MiNDS.²¹⁵ He initiated efforts prior to learning of the perpetrator's identities because the center catered to many of his patients' families.²¹⁶

²⁰⁹ See Saeed Ahmed, *Who were Syed Farook and Tashfeen Malik*, CNN (Dec. 4, 2015, 7:23 PM), <http://www.cnn.com/2015/12/03/us/syed-farook-tashfeen-malik-mass-shooting-profile/index.html>.

²¹⁰ See Joel Achenbach & Sari Horowitz, *What happens next to the baby orphaned by the San Bernardino shooters?*, WASH. POST (Dec. 14, 2015), https://www.washingtonpost.com/news/post-nation/wp/2015/12/14/what-happens-next-to-the-baby-orphaned-by-the-san-bernardino-shooters/?utm_term=.a1cebad7fa63.

²¹¹ See *Muslims United for San Bernardino*, LAUNCHGOOD, https://www.launchgood.com/project/muslims_united_for_san_bernardino#!/ (last visited Mar. 28, 2018).

²¹² *Id.*

²¹³ See *id.*

²¹⁴ See Watanabe, *supra* note 199.

²¹⁵ This information is based on the author's conversations with Dr. Faisal Qazi.

²¹⁶ See Watanabe, *supra* note 199.

Within hours of the assault, he created a webpage for the fundraising campaign on LaunchGood. The initial goal was to collect \$20,000, but when local religious scholars learned of the initiative as well as the shooters' religious identity, they persuaded Qazi to transform the campaign into a national one.²¹⁷ He raised the goal to \$140,000.²¹⁸ It was endorsed by a number of mosques, organizations, and leaders across the nation.²¹⁹ During the Friday congregational sermon, for instance, Imams incorporated references to the initiative in their remarks while encouraging worshippers to show "kindness and compassion" to the victims and their families.²²⁰

Ultimately, the initiative became one of the most successful crowd-funding campaigns that Muslim-Americans have coordinated for the broader non-Muslim American community. In four days, more than one thousand donors around the nation, from Florida to Tennessee, helped raise more than \$100,000 for the shooting victims and their families.²²¹

Regarding motivations, Qazi recognized his faith as "the biggest inspiration for the work [he does]."²²² He describes how "taxing" it is to "defend Islam and Muslims against scrutiny and negative assertions" and expressed hope in "a new generation of American Muslims being emotionally and physically invested in whatever transpires in society."²²³

In fact, in the days following the San Bernardino shooting, controversy erupted when then Republican presidential nominee

²¹⁷ See Ben Brumfield, *Muslim Americans' fund to help San Bernardino attack victims tops \$100,000*, CNN (Dec. 11, 2015, 11:18 AM), <http://www.cnn.com/2015/12/09/us/san-bernardino-muslim-american-fund-raiser/index.html>.

²¹⁸ *Id.*

²¹⁹ See Watanabe, *supra* note 199.

²²⁰ See *id.*

²²¹ See Brumfield, *supra* note 217.

²²² *Id.*

²²³ *Id.*

Donald J. Trump called for “a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what the hell is going on.”²²⁴ Despite the heightened anti-Muslim political rhetoric during the 2016 U.S. presidential election cycle, Qazi insisted, that it was important to remain “focused on things that are important and the people that need to be taken care of.”²²⁵

Many of these sentiments seemed to be mirrored by donors, as well. According to one American Muslim college student from California who contributed fifty dollars to the campaign, for instance, she wanted to show solidarity with the victims.²²⁶ She credited her faith for teaching the importance of generosity and stressed that she did not want to be associated with violent extremists in the public mind.²²⁷ Another American Muslim donor who serves as a domestic violence counselor in Washington, D.C., explained that she felt strongly about assisting victims of violence: “This really hit me hard. It didn’t happen in my backyard, and I didn’t know how to engage being so far away. But, I felt I had to do something . . . it was so horrific.”²²⁸ And, a trauma anesthesiologist in Phoenix, Arizona who made a \$15,000 gift to the campaign, observed: “It’s really all about helping your neighbors here. What we can do as Muslims is be that much more graceful and better versions of ourselves.”²²⁹

3. Case Study: United for Chattanooga Families

In addition to San Bernardino and Pulse, the humanitarian side of the world’s second largest religion also emerged in Tennessee in July of 2015 after an American Muslim with a history of mental

²²⁴ Johnson, *supra* note 61.

²²⁵ Ryan Rifai, *Muslims raise funds for families of California victims*, AL JAZEERA (Dec. 6, 2015), <https://www.aljazeera.com/news/2015/12/muslims-raise-funds-families-california-victims-151206141134887.html>.

²²⁶ See Watanabe, *supra* note 199.

²²⁷ See *id.*

²²⁸ See *id.*

²²⁹ Chan, *supra* note 1.

illness murdered five people in Chattanooga.²³⁰ Mohammad Youssuf Abdulazeez, who was twenty-four years old, was killed in a violent confrontation with police officers after he attacked a military recruiting office and Naval reserve station.²³¹ Former U.S. presidential hopeful and Louisiana Governor Bobby Jindal said the Chattanooga shooting “underscores the grave reality of the threat posed to us by radical Islamic terrorism.”²³²

In response, the perpetrator’s family immediately rejected the attack and offered their condolences and prayers to the victims’ families.²³³ In addition, the local Muslim community initiated a philanthropic initiative on LaunchGood, *United for Chattanooga Families*, collecting \$20,000 in contributions for the victims and their families.²³⁴ A local Imam, a Muslim spiritual leader akin to a rabbi or priest, at the Islamic Center of Murfreesboro, urged potential donors: “Our communities need to come together and support the victims’ families. By coming together, no matter where you live or what religion you practice, you can be a part of something making our community a better place. Please give and support this important effort.”²³⁵

²³⁰ See *Muslims Raise Funds For Chattanooga Victims*, MUSLIM OBSERVER (July 30, 2015), <http://muslimobserver.com/muslims-raise-funds-for-chattanooga-victims/>.

²³¹ See *Mohammad Youssuf Abdulazeez: What we know about Chattanooga gunman*, BBC (July 17, 2015), <http://www.bbc.com/news/world-us-canada-33562142>.

²³² *Statement by Governor Bobby Jindal on the Chattanooga Shooting*, AM. PRESIDENCY PROJECT (July 16, 2015), <http://www.presidency.ucsb.edu/ws/index.php?pid=112073>.

²³³ *Family of Chattanooga shooter Muhammad Youssef Abdulazeez releases statement*, THE TENNESSEAN (July 2015), <http://www.tennessean.com/story/news/local/2015/07/19/chattanooga-abdulazeez-family-statement/30380915/> (“There are no words to describe our shock, horror, and grief. The person who committed this horrible crime was not the son we knew and loved. For many years, our son suffered from depression. It grieves us beyond belief to know that his pain found its expression in this heinous act of violence.”).

²³⁴ *United for Chattanooga Families*, LAUNCHGOOD, https://www.launchgood.com/project/multifaith_fundraiser_for_families_of_chattanooga_shooting#!/ (last visited Dec. 2017).

²³⁵ *Id.*

Ultimately, the local Chattanooga Muslim community donated \$22,500 to the victims and their families.²³⁶ In addition to the monetary donation, the local Muslim community also canceled Eid-ul-Fitr celebrations marking the end of the Islamic holy month of Ramadan, scheduled for that day.²³⁷ Rather, Chattanooga Muslims joined the broader non-Muslim American community in their collective grieving, and to show their respect for the victims. For the sake of perspective, this is analogous to cancelling Christmas or Hanukkah. In lieu of partaking in religious festivities, more than 150 Muslims attended an interfaith service at the Mount Olivet Baptist Church.²³⁸

E. Humanitarian Islam: "Repel Evil With Good"

As discussed, charitable giving is a central tenet of the Islamic faith. *Zakat*, or almsgiving, is obligatory upon Muslims, and is viewed as a form of social responsibility and the purification of one's surplus wealth. In the American Muslim context, *zakat* is generally cited when providing relief for the poor and homeless. Both the Quran and Hadith literature reference *zakat* extensively, highlighting the spiritual emphasis placed upon charitable giving in Islamic tradition.

At first glance, one might suspect that this traditional emphasis dating back to the advent of Islam motivated the philanthropic responses to the mass shootings in Florida, California,

²³⁶ *See id.*

²³⁷ Andrew Buncombe, *Chattanooga shooting: Muslims at suspect's mosque mourn four slain Marines*, THE INDEPENDENT (July 17, 2015, 3:28 PM), <http://www.independent.co.uk/news/world/americas/chattanooga-shooting-muslims-at-suspects-mosque-mourn-four-slain-marines-10397349.html>.

²³⁸ *See* Dave Urbanski, 'We Just Feel Very Lucky to be in a City Like This': Chattanooga Muslims Mourning, Anxious After Shootings, THEBLAZE (July 18, 2015, 4:42 PM), <http://www.theblaze.com/news/2015/07/18/we-just-feel-very-lucky-to-be-in-a-city-like-this-chattanooga-muslims-mourning-anxious-after-shootings>.

and Tennessee. Interestingly, at least two of these initiatives rely upon distinct Islamic legal authority that makes no explicit mention of *zakat* or even *sadaqa*. This suggests that the organizers, and perhaps even the contributors, viewed their philanthropy through an alternative or additional lens.

In Orlando and San Bernardino, for instance, organizers relied on a prophetic saying focused on *mercy*. Recall the discussion above contextualizing almsgiving, and philanthropy more generally, as culminating in divine mercy. Specifically, the campaigns enjoined: “Have mercy to those on earth, and the One in the Heavens (God) will have mercy upon you.”²³⁹ One of the organizers articulated the underlying intention motivating the San Bernardino effort: “This campaign was about much more than charity. It was showing the American Muslim community was sharing in the grieving with the rest of America and so this helped frame the campaign not as a call to donations but ‘Compassion to Action.’”²⁴⁰

Arguably, these sentiments counter stereotypes depicting Muslims as barbaric, subhuman, unfeeling, and un-American while also undermining the narrative that a strong American and Muslim identity is irreconcilable.²⁴¹ In addition, organizers have used the following verse from the Qur’an, regarded as the literal word of God and authoritative source for Muslims seeking moral—and legal—guidance: “Repel evil by that which is better.”²⁴² A closer examination of the text reveals that this is a partial quote. The Qur’anic verse reads in its entirety: “Good deeds are not equal to the evil ones. Repel *other’s* evil deeds with *your* good deeds. You will see that he with whom you had enmity, will become as if he were

²³⁹ See *Muslims United for Victims of Pulse Shooting*, *supra* note 190; see also *Muslims United for San Bernardino*, *supra* note 211.

²⁴⁰ Abdelkader, *supra* note 55 (quoting Interview with Chris Blauvelt, Organizer with the *Muslims United for San Bernardino* Campaign (June 26, 2016)).

²⁴¹ See generally *id.*

²⁴² *Id.*

your close friend..”²⁴³

According to the Qur’anic exegesis from 14th century Sunni scholar Ismail Ibn Kathir, the verse means that evil is distinct from good.²⁴⁴ And, if one responds to mistreatment with kindness, it will lead to empathy, love, and friendship.²⁴⁵ Here, the clearest evil is arguably violent extremism. But are there additional evils? In an interview with Time, one of the San Bernardino organizers explained: “We’re tired of being grouped together with extremists and people who commit these monstrous acts. . . . We wanted to show that American-Muslims are active contributors to society and that we want to build what the extremists are trying to destroy.”²⁴⁶

American Muslims are actively countering violent extremism as well as anti-Muslim prejudice and discrimination. As discussed above, anti-Muslim sentiment has increased exponentially in public and private contexts. In response to the scourge of Islamophobia, Muslim Americans are becoming increasingly philanthropic.

III. #FEEDTHEIRLEGACY

In 2015, Craig Hicks murdered his American Muslim neighbors, a young newlywed couple and a visiting family member, in their home near the University of North Carolina-Chapel Hill (“UNC”) campus.²⁴⁷ While local law enforcement authorities investigating the murders cited an allegedly long-standing parking dispute as the probable motive, the victims’ families pointed to a particularized fear that at least one of them had previously

²⁴³ MALIK, *supra* note 145, at 526.

²⁴⁴ Abdelkader, *supra* note 55.

²⁴⁵ *Id.*

²⁴⁶ Abdelkader, *supra* note 55; Melissa Chan, *American Muslims Are Raising \$1,000 an Hour for San Bernardino Victims*, TIME (Dec. 9, 2015), <http://time.com/4143416/san-bernardino-shooting-muslims-donald-trump-fundraising/>.

²⁴⁷ Amanda Holpuch, *Craig Hicks indicted over North Carolina shootings of three Muslim students*, THE GUARDIAN (Feb. 16, 2015, 3:44 PM), <https://www.theguardian.com/us-news/2015/feb/16/craig-hicks-indicted-over-north-carolina-shooting-of-three-muslim-students>.

articulated.²⁴⁸ Many Muslim American advocates and activists highlighted the gruesome fashion in which the three youth, who volunteered with a number of humanitarian initiatives and inspired many more posthumously, were killed and argued that the triple homicide was an anti-Muslim hate crime.²⁴⁹ The Chapel Hill Shooting did not happen in isolation but rather is representative of intensifying anti-Muslim prejudice, discrimination, and violence in contemporary America. Though the event was a manifestation of Islamophobia in its most violent form, the American Muslim community's response to the tragedies was to further exemplify humanitarian Islam.

A. Anatomy of a Hate Crime

“He was a humanitarian. He had a passion for doing something greater than himself,” explained Dr. Saleha Rehman about Deah Barakat.²⁵⁰ Deah met his untimely demise when his neighbor, Craig Hicks, shot him execution-style in his home on February 10, 2015.²⁵¹ A dental student at the UNC, Deah volunteered at dental relief clinics to serve those in need.²⁵² In fact, prior to his murder, Deah launched an online fundraising campaign to return to Turkey

²⁴⁸ Jonathan M. Katz, *In Chapel Hill, Suspect's Rage Went Beyond a Parking Dispute*, N.Y. TIMES, (Mar. 3, 2015), <https://www.nytimes.com/2015/03/04/us/chapel-hill-muslim-student-shootings-north-carolina.html>.

²⁴⁹ Ben Brumfield, *Chapel Hill shooting: When is a crime a 'hate crime'?*, CNN (Feb. 13, 2015, 2:25 AM), <http://www.cnn.com/2015/02/12/us/chapel-hill-shooting-hate-crime-explainer/index.html>.

²⁵⁰ Kimber Solana, *After tragedy, honoring North Carolina shooting victims through charity*, AM. DENTAL ASS'N (Mar. 20, 2015), <http://www.ada.org/en/publications/ada-news/2015-archive/march/after-tragedy-honoring-north-carolina-shooting-victims>.

²⁵¹ *Man indicted on 3 counts of murder over North Carolina Muslim shootings*, AL JAZEERA AM., (Feb. 16, 2015, 1:58 PM), <http://america.aljazeera.com/articles/2015/2/16/man-indicted-on-3-counts-of-murder-in-nc-deaths-of-muslims.html>.

²⁵² Michael Pizzi, *Deah Barakat's death brings Syria's dental health crisis to light*, AL JAZEERA AM., (Feb. 17, 2015, 5:00 AM), <http://america.aljazeera.com/articles/2015/2/17/a-tragic-death-brings-light-to-syrias-dental-health-crisis.html>.

on a dental relief mission.²⁵³ He was collaborating with the Miswak Foundation, a nonprofit founded by American Muslim dentists and dental students that serve underprivileged patients through oral health education, prevention, and service.²⁵⁴

Deah, who was only twenty-three-years-old, was with his new bride, Yusor Abu-Salha, and sister-in-law, Razan, when they were murdered.²⁵⁵ Deah and Yusor had just married in December, approximately two months prior to what became known nationally and internationally as the Chapel Hill Shooting.²⁵⁶ Yusor, who was twenty-one-years-old, was a member of UNC's incoming dentistry class.²⁵⁷ After Deah organized a fundraiser for the Syrian refugees in Turkey, Yusor traveled with her mother to assist with the dental relief clinic, as well.²⁵⁸ Her experience solidified her intention to pursue a career in dentistry.²⁵⁹ Yusor and her friends had also worked with Deah on other humanitarian initiatives, such as feeding the homeless and coordinating a health fair.²⁶⁰ Additionally, she

²⁵³ *American Student Dental Association Saddened by Murder of Dental Student Deah Barakat*, ASDA (Feb. 2015), <https://www.asdanet.org/utility-navigation/about-asda/asda-101/press-releases/press-release/american-student-dental-association-saddened-by-murder-of-dental-student-deah-barakat>.

²⁵⁴ *Id.*

²⁵⁵ Margaret Talbot, *The Story of a Hate Crime*, NEW YORKER (June 22, 2015), <https://www.newyorker.com/magazine/2015/06/22/the-story-of-a-hate-crime>.

²⁵⁶ See Mike Hayes, *Chapel Hill Shooting Victims: A Tale Of Love, Marriage, And Tragedy*, BUZZFEED (Feb. 11, 2015, 10:56 PM), https://www.buzzfeed.com/mikehayes/the-love-story-of-yusor-and-deah?utm_term=.mgEEp0d7Y#.pb93vJDMn.

²⁵⁷ *Dental community mourn victims of Chapel Hill, N.C. shooting*, ADANEWS (Feb. 11, 2015), <https://www.ada.org/en/publications/ada-news/2015-archive/february/ada-dental-community-mourn-victims-of-chapel-hill-nc-shooting>.

²⁵⁸ See *Family and friends remember Chapel Hill shooting victims as heroes*, AL JAZEERA AM. (Feb. 11, 2015, 1:44 PM), <http://america.aljazeera.com/articles/2015/2/11/chapel-hill-shooting-victims-remembered-as-selfless.html>.

²⁵⁹ *Id.*

²⁶⁰ *Id.*

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volunteered for Habitat for Humanity and tutored children.²⁶¹ A college friend observed:

Yusor was the meaning of her name, ‘ease.’ Everything she embodied was simple, yet powerful. . . . [She] helped everyone she could. My freshman year, we were both involved in United Muslim Relief. Yusor . . . would meet me in the library once a week to discuss how she wanted to start a health bus that would travel to impoverished communities.²⁶²

Razan, Yusor’s younger sister, was also committed to serving others. At nineteen years old, she would often volunteer in downtown Raleigh to make sandwiches for the homeless.²⁶³ Razan, a sophomore design student at North Carolina State University, had been training for her first marathon—Raleigh Rock ‘n’ Roll Half Marathon—at the time of the shooting.²⁶⁴ Both sisters wore hijabs.²⁶⁵

All three—Deah, Yusor, and Razan—had attended Al-Iman School, a private Islamic school that strives to follow the Qur’an and Sunnah (or Prophetic model) and works to cultivate high morals and exemplary citizenship through its curriculum.²⁶⁶ In addition to learning math, social studies, and science, Deah, Yusor, and Razan

²⁶¹ *Feeding Their Legacy: Charity Efforts Honor Chapel Hill Shooting Victims*, WUNC N.C. PUB. RADIO (Mar. 5, 2015), <http://wunc.org/post/feeding-their-legacy-charity-efforts-honor-chapel-hill-shooting-victims#stream/0>.

²⁶² Humaira Siddiqui, *For Who We Are and How We Look* 35, ISLAMIC HORIZONS, May 4, 2015, at 35.

²⁶³ *Our Three Winners*, OUR THREE WINNERS FOUND., <https://www.ourthreewinners.org/d-y-r> (last visited Dec. 2017).

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ See *Brief History of Al-Iman School*, AL-IMAN SCH., <http://alimanschool.org/about-us/> (last visited Dec. 2017).

also studied Arabic, Qur'an, and Islamic studies as children.²⁶⁷ Mussarut Jabeen, the school's principal who knew all three for more than a decade, observed: "They did not go around talking about Islam. They lived it. It's the way they led their lives that showed their Islamic values. They were always involved in community service and helping others, and they did charitable work for both non-Muslims and Muslims alike."²⁶⁸

Deah had been a resident in the apartment complex for about two years prior to the shooting.²⁶⁹ He was aware of Hicks' parking sensitivities and had even distributed a map of the parking lot that highlighted permissible spaces to visiting friends and family.²⁷⁰ Deah was also aware that Hicks carried a holstered gun at his belt, attended Durham Tech Community College as an aspiring paralegal, and was an "anti-theist" who wanted "religion to go away."²⁷¹ In December of 2015, Yusor moved in with Deah and Hicks began to visit their home and complain with increased intensity.²⁷² Yusor believed that Hicks hated them. Prior to the triple homicide, she confided in her father, "Daddy, I think it is because of the way we look and the way we dress."²⁷³

On February 10, 2015, a neighbor telephoned 911 reporting that she heard shots fired and "kids screaming."²⁷⁴ When law enforcement arrived, Deah, Yusor and Razan's lifeless bodies were found inside their home.²⁷⁵ Hicks later turned himself into local law enforcement.²⁷⁶ Police found more than a dozen guns, including four

²⁶⁷ *Id.*

²⁶⁸ Siddiqui, *supra* note 262, at 35.

²⁶⁹ Talbot, *supra* note 255.

²⁷⁰ *Id.*

²⁷¹ Catherine Thompson, *5 Points To Know About Craig Hicks, Man Accused Of Killing 3 Muslim Students*, TPM (Feb. 11, 2015, 12:57 PM), <https://talkingpointsmemo.com/fivepoints/craig-stephen-hicks-guns-anti-theism>.

²⁷² Talbot, *supra* note 255.

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.*

handguns, two shotguns, and six rifles, including a military-style AR-15 carbine.²⁷⁷ They would eventually issue a public statement claiming that the triple homicide was likely “motivated by an ongoing neighbor dispute over parking.”²⁷⁸ The victims’ families were convinced it was a hate crime, however. Deah’s sister, Suzanne, a resident physician at San Francisco General Hospital, explained: “It’s time people started talking about how real Islamophobia is – that it’s not just a word tossed around for political purposes but that it has literally knocked on our doorstep and killed three of our American children.”²⁷⁹

In North Carolina, American Muslims were familiar with anti-Muslim prejudice and discrimination. At Wake Forest University, alumnus had accused the chaplain for Muslim life of being a “radical jihadist.”²⁸⁰ At Duke University, an announcement that the Muslim call to prayer would be broadcast from the university chapel’s bell tower met with a firestorm of controversy, including death threats, leading the university to reverse its decision.²⁸¹ At North Carolina State University, following the Chapel Hill Shooting, many students who observed hijab reported feeling unsafe.²⁸²

At the funeral services, where more than five thousand mourners were in attendance, Razan and Yusor’s father insisted that intensifying anti-Muslim prejudice played a role in the shooting:

We have no doubt why they died. We are not seeking any revenge. Our children are much more valuable than any revenge. When we say that this was a hate crime, it’s all about

²⁷⁷ *See id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ Madeline Will, *Across North Carolina, Muslim Students Take Stock of a Trying Semester*, CHRON. HIGHER EDUC. (Mar. 11, 2015), <https://www.chronicle.com/article/Across-North-Carolina-Muslim/228327>.

²⁸¹ *Id.*

²⁸² *Id.*

protecting all other children in the U.S.A. – it is all about making this country that they loved and where they lived and died peaceful for everybody else. We need to identify things as they really are.²⁸³

The alleged motive was not the only point of controversy. News media coverage of the triple homicide was woefully lacking, causing tens of thousands of people to tweet using the hash tags #MuslimLivesMatter and #ChapelHillMurders.²⁸⁴ Some criticized what they viewed as a double standard—if the perpetrator had been Muslim, such violence would have received considerable coverage as an act of terrorism. Noted journalist Glenn Greenwald tweeted: “Unknown what motivated Chapel Hill murders, but it’s obviously striking how this would be talked about - quickly - if identities were reversed.”²⁸⁵ As a result of the social media firestorm, journalists began reporting on the shooting while citing the motive provided by law enforcement, a long-standing parking dispute. For instance, FOX News claimed: “UNC shooting deaths sparked by parking dispute.”²⁸⁶

Three days later, President Obama made a statement about the murders. Echoing Yusor’s sentiments to her father, while intimating the bias motive underlying the triple homicide, Obama

²⁸³ Talbot, *supra* note 255.

²⁸⁴ See, e.g., *Chapel Hill Triple Murder Sends #MuslimLivesMatter Trending*, NBC NEWS (Feb. 11, 2015, 10:53 AM), <https://www.nbcnews.com/news/asian-america/chapel-hill-triple-murder-sends-muslimlivesmatter-trending-n304401>; see also *Why is #ChapelHillShooting trending worldwide?* (BBC television broadcast, Feb. 11, 2015) <http://www.bbc.co.uk/programmes/p02jcnqg>.

²⁸⁵ Siddiqui, *supra* note 262, at 41.

²⁸⁶ *U.S. gunman kills three young Muslims in parking spat – police*, FIRSTPOST (Feb. 12, 2015), <http://www.firstpost.com/world/u-s-gunman-kills-three-young-muslims-in-parking-spat-police-2094117.html>; *Police: UNC shooting deaths sparked by parking dispute*, FOX NEWS (Feb. 2015), <http://video.foxnews.com/v/4045216906001/?#sp=show-clips>.

informed the nation: “No one in the United States of America should ever be targeted because of who they are, what they look like or how they worship.”²⁸⁷

In addition to the controversy surrounding the glacial pace at which journalists reported on the Chapel Hill Shootings, there was also broader criticism of the media discourse surrounding Muslims and terrorism, respectively. People complained that consistently unrepresentative portrayals of Muslims culminated in their dehumanization.²⁸⁸ It is significant to note again that according to research from the University of Pennsylvania and Northwestern University, Muslims are the most dehumanized group in the nation today.²⁸⁹ Yusor and Razan’s father, Mohammad Abu-Salha, a psychiatrist, accused news media outlets of feeding Americans a toxic dosage of images related to “Islamic terrorism” that helps create anti-Muslim hatred.²⁹⁰ He told the media: “So if somebody has any conflict with you, and they already hate you, you get a bullet in the head.”²⁹¹

As discussed above, media discourse contributes to public anxieties about Islam as well as anti-Muslim bigotry and prejudice.

²⁸⁷ Press Release, Statement by the President, The White House Off. of the Press Sec’y (Feb. 13, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/02/13/statement-president>.

²⁸⁸ See, e.g., Mohamad Elmasry, *Chapel Hill shooting, bigotry and the media*, MUSLIM VILLAGE (Feb. 12, 2015) <https://muslimvillage.com/2015/02/12/62900/chapel-hill-shooting-bigotry-media/>.

²⁸⁹ *Study Finds Troubling Consequences for Anti-Muslim and Anti-Mexican Attitudes and Actions*, U. PA. ANNENBERG SCH. COMM. (Feb 6, 2017), <https://www.asc.upenn.edu/news-events/news/troubling-consequences-of-anti-muslim-and-anti-mexican-attitudes> (citing Nour Kteily & Emile Bruneau, *Backlash: The Politics and Real-World Consequences of Minority Group Dehumanization*, 43 SAGE JOURNALS 87 (2016)).

²⁹⁰ Crimesider Staff, *Alleged N.C. shooter had prior armed run-ins with neighbors*, CBS NEWS (Feb. 12, 2015, 10:56 AM), <https://www.cbsnews.com/news/alleged-north-carolina-shooter-had-prior-armed-run-ins-with-neighbors/>.

²⁹¹ *Id.*

While some Muslims may be able to recognize stereotypical depictions and narratives surrounding their faith and community, many non-Muslim Americans may not. Rather, it may seem that news stories about Muslims and Islam are generally contextualized in violence because journalists are simply “doing their job” and conveying information accurately even when research evidence suggests such portrayals are unrepresentative of the vast majority of Muslim Americans.

In North Carolina, Hicks was charged with and indicted for first-degree multiple murder and, if convicted, the Durham County prosecutor intends to pursue the death penalty.²⁹² Notably, local prosecutors did not bring hate crime charges.²⁹³ Federal law enforcement officials initiated an inquiry into the possibility that Hicks violated the Shepard Byrd Hate Crimes Prevention Act, a federal law rendering homicides committed on account of racial or religious bias a hate crime.²⁹⁴ Since local county prosecutors already intend to pursue the death penalty against Hicks, some experts have questioned the utility of a hate crime conviction.²⁹⁵ But, as Yusor’s father noted at the funeral: “We need to identify things as they really are.”²⁹⁶

While officials cited an alleged long-standing parking dispute as the probable motive, friends and family of the victims pointed to other facts to support their claim that the triple homicide was nothing short of an anti-Muslim hate crime. First, Hicks’ complaints

²⁹² Mary Ann Georgantopoulos, *Prosecutors Will Seek Death Penalty For Craig Hicks In Shooting Deaths Of UNC Students*, BUZZFEED NEWS (Apr. 6, 2015, 2:47 PM), https://www.buzzfeed.com/maryanngeorgantopoulos/prosecutors-will-Seek-death-penalty-against-craig-hicks-charge?utm_term=.sanMZMV5M#.kl5bObKNb.

²⁹³ See Siddiqui, *supra* note 262, at 35–36; Talbot, *supra* note 255.

²⁹⁴ See *FBI examining 3 slain in NC after Muslims claim hate crime*, S.C. PUB. RADIO (Feb. 12, 2015), <http://www.scpr.org/news/2015/02/12/49763/parking-dispute-sparks-3-north-carolina-killings-p/>.

²⁹⁵ Siddiqui, *supra* note 262, at 35.

²⁹⁶ Talbot, *supra* note 255.

increased after Yusor moved in with her new husband, with half a dozen visits in the month preceding the shootings.²⁹⁷ He even left a note on the hijab-clad student's car, they argue, while he had never done so for Deah.²⁹⁸ Second, none of the victims were parked in Hicks's spaces at the time of the shooting making the motive posited by local police implausible.²⁹⁹ In fact, his parking space was empty.³⁰⁰ Third, many argued, the manner in which the youth were murdered—prompting Obama to describe the tragedy as “brutal” and “outrageous”—evidenced excessive violence reflective of a bias motive.³⁰¹ He shot them all in the head and eight shell-casings were recovered at the scene.³⁰² Fourth, neighbors reported similar parking disputes with Hicks but he only murdered three Muslim American students, and he did so shortly after Yusor, who observes conspicuous religious attire, relocated to the neighborhood.³⁰³ Still, at the time of publication of this Article, no state or federal hate crime charges have been brought against Hicks.

In the aftermath of the Chapel Hill Shootings, thousands of UNC students gathered for a vigil on campus in remembrance of their fallen classmates.³⁰⁴ Around the country, American Muslim and Arab American community groups responded to the tragedy claiming the incident was a hate crime and representative of increasing Islamophobia in contemporary America.³⁰⁵ Furthermore, across the nation, Muslim Americans organized numerous initiatives—from launching food drives to creating scholarship funds—to help ensure that the humanitarian causes that Deah, Yusor, and Razan valued continued to live.³⁰⁶

²⁹⁷ Siddiqui, *supra* note 262, at 34.

²⁹⁸ Talbot, *supra* note 255.

²⁹⁹ *Id.*; Siddiqui, *supra* note 262, at 34.

³⁰⁰ Talbot, *supra* note 255.

³⁰¹ See Statement by the President, *supra* note 287.

³⁰² Siddiqui, *supra* note 262, at 34.

³⁰³ See *id.*

³⁰⁴ Will, *supra* note 280.

³⁰⁵ *Id.*

³⁰⁶ *Id.*; Talbot, *supra* note 255.

B. Worsening Anti-Muslim Prejudice and Discrimination

On February 3, 2016, during his first presidential visit to an American mosque in his last year in office, President Obama observed:

There are voices who are constantly claiming you have to choose between your identities. . . . Do not believe them. . . . You fit in here. Right here. You're right where you belong. You're part of America, too. You're not Muslim or American, you're Muslim and American. And don't grow cynical.³⁰⁷

His speech at the large Islamic Society of Baltimore came in the midst of increasing anti-Muslim political rhetoric from largely Republican candidates during the 2016 U.S. presidential election cycle. As he celebrated American Muslim contributions in a historic speech that some criticized as overdue, the minority faith community was experiencing increased discrimination: increased opposition to mosque construction projects, increased bias-based bullying in schools, increased religious employment discrimination, and increased anti-Muslim hate crimes.³⁰⁸

Suzanne Barakat, Deah's older sister, attended the historic event and pre-speech roundtable at the mosque where she sat next to President Obama.³⁰⁹ Since the Chapel Hill Shooting, which Obama

³⁰⁷ Michelle Boorstein, *At Baltimore mosque, President Obama encourages U.S. Muslims: 'You fit in here'*, WASH. POST (Feb. 3, 2016), https://www.washingtonpost.com/news/acts-of-faith/wp/2016/02/03/president-obamas-mosque-visit-will-spotlight-a-new-generation-of-muslim-americans/?utm_term=.81ef7e84dda3.

³⁰⁸ *Id.*

³⁰⁹ Staff Report, *Obama visits U.S. mosque for first time as president*, TECHNICIAN (Feb. 3, 2016), http://www.technicianonline.com/news/article_94ae1f66-caf8-11e5-ba97-9baacf52afd1.html.

mentioned in his address, she has become a vocal advocate against Islamophobia.³¹⁰ At a candlelight vigil, Suzanne spoke to those in attendance, saying: “These were three all-American kids who were taken from us. They were model examples of American citizens who were doing good things for other people. Their all-American-ness did not save them.”³¹¹

Later in the election cycle, Suzanne challenged then GOP presidential candidate Donald J. Trump to a meeting after he spoke of killing “Islamic terrorists” with bullets dipped in pigs’ blood.³¹² According to that debunked myth, told and retold by Trump on the presidential campaign trail, shortly after the Spanish-American War, U.S. General John J. Pershing purportedly used bullets dipped in pigs’ blood to execute Muslim prisoners in the Philippines and eradicated terrorism.³¹³ Trump delivered his remarks at a South Carolina rally the day prior to winning the state’s Republican primary.³¹⁴ What is more, he repeated it at rallies across the country and even after transitioning to the White House despite knowing that the story is fabricated.³¹⁵

The twenty-eight-year-old physician believed that such political vitriol dehumanized Muslims and left them vulnerable to

³¹⁰ Tim Peeler, ‘*A Day of Light*’ Honors Slain Students, N.C. STATE NEWS (Feb. 4, 2016), <https://news.ncsu.edu/2016/02/a-day-of-light/>.

³¹¹ *Id.*

³¹² Liam Stack, *Trump’s Remarks on Pigs’ Blood Elicit Challenge from Sister of Chapel Hill Victim*, N.Y. TIMES (Feb. 22, 2016), <https://www.nytimes.com/2016/02/23/us/politics/trump-pigs-blood-sister-chapel-hill-victim-barakat.html>.

³¹³ Louis Jacobson, *Donald Trump cites dubious legend about Gen. Pershing, pig’s blood and Muslims*, POLITIFACT (Feb. 23, 2016, 4:02 PM), <http://www.politifact.com/truth-o-meter/statements/2016/feb/23/donald-trump-cites-dubious-legend-about-gen-pershi/>.

³¹⁴ *Id.*

³¹⁵ Louis Jacobson & Aaron Sharockman, *Donald Trump retells Pants on Fire claim about Gen. Pershing ending terrorism for 35 years*, POLITIFACT (Aug. 17, 2017), <http://www.politifact.com/truth-o-meter/statements/2017/aug/17/donald-trump/donald-trump-retells-pants-fire-claim-about-gen-pe/>; Tessa Berenson, *Trump Repeats False Pig’s Blood Story at California Rally*, TIME (Apr. 29, 2016), <http://time.com/4312131/donald-trump-pigs-blood-muslim-story/>.

violent attacks. Academic research shows that acts and threats of violence against real or perceived Muslims during the presidential contest, strife with such anti-Muslim political rhetoric, were three to five times higher than pre-election cycle levels.³¹⁶ Suzanne would later note in a speech regarding the Chapel Hill Shooting: “They were murdered by their neighbor because of their faith, because of a piece of cloth they chose to don on their heads, because they were visibly Muslim.”³¹⁷

Suzanne’s reference to the religious attire worn by Yusor and Razan is notable because it highlights the gendered dimension to anti-Muslim prejudice and discrimination. According to 2017 research, Muslim women are more likely to report experiencing discrimination as well as fear for their safety from white supremacist groups than their male counterparts.³¹⁸ Yet, they are no more likely to alter their physical appearance to be less identifiably Muslim.³¹⁹ Of course, not all discrimination claims are reported due to a host of reasons. Consider workplace discrimination, for instance, research surrounding which also demonstrates the differentiated experience of Muslim American women.³²⁰ Research from Carnegie Mellon found that Americans who are conspicuously Muslim, such as those observing a hijab or headscarf, on Facebook and LinkedIn are less likely to receive an interview than Christian counterparts with identical credentials.³²¹ Relatedly, University of Hawaii researchers found that observing hijab in the same manner as Yusor and Razan,

³¹⁶ ENGY ABDELKADER, WHEN ISLAMOPHOBIA TURNS VIOLENT: THE 2016 U.S. PRESIDENTIAL ELECTIONS 3 (Bridge Initiative 2016), <http://bridge.georgetown.edu/wp-content/uploads/2016/05/When-Islamophobia-Turns-Violent.pdf>.

³¹⁷ *After A Horrible Hate Crime, How Do You Not Hate Back?*, NPR (Dec. 16, 2016, 8:45 AM), <https://www.npr.org/templates/transcript/transcript.php?storyId=505579486>.

³¹⁸ See MOGAHED & CHOUHOUD, *supra* note 13, at 4.

³¹⁹ *Id.*

³²⁰ ALESSANDRO ACQUISTI & CHRISTINA M. FONG, AN EXPERIMENT IN HIRING DISCRIMINATION VIA ONLINE SOCIAL NETWORKS 1 (Carnegie Mellon Univ. 2015), <http://dx.doi.org/10.2139/ssrn.2031979>.

³²¹ *Id.*

negatively impacts all aspects of the hiring process.³²² Those Americans will never have the opportunity to avail themselves of equal protection under local, state, and federal anti-discrimination laws. While they may suspect that their stagnant employment status is related to religious animus, for instance, they simply lack the evidence to proceed.

Research suggests that Islamophobia adversely impacts Muslim youth, as well.³²³ According to 2017 research, approximately forty-two percent of American Muslims with children enrolled in public schools reported bias-based bullying compared to twenty-three percent of Jews, twenty percent of Protestants, and six percent of Catholics.³²⁴ In one in four such cases, a teacher or school official was the perpetrator.³²⁵

Intensifying anti-Muslim discrimination discussed here and above also mirrors increasingly unfavorable public opinion polling on Islam and Muslims. According to PRRI poll from 2015, the year of the Chapel Hill shootings, fifty-six per cent of Americans believed that “Islamic values” conflict with the American way of life.³²⁶ The following section examines those values.

C. Case Study: #FeedTheirLegacy

In the wake of the Chapel Hill Shooting, Muslim Americans across the nation organized numerous initiatives—from launching food drives to creating scholarship funds—to help ensure that even in the face of senseless violence and anti-Muslim hatred, the humanitarian causes that Deah, Yusor, and Razan valued continued

³²² See *Study finds Muslim women wearing headscarfs face job discrimination*, UNIV. OF HAW. (May 2013), <http://www.manoa.hawaii.edu/news/article.php?aId=5783>.

³²³ MOGAHED & CHOUHHED, *supra* note 13, at 4.

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ BETSY COOPER ET AL., ANXIETY, NOSTALGIA, AND MISTRUST: FINDINGS FROM THE 2015 AMERICAN VALUES SURVEY 4 (PRRI 2015), <https://www.prii.org/research/survey-anxiety-nostalgia-and-mistrust-findings-from-the-2015-american-values-survey/>.

to live.

Prior to their deaths, the three students had volunteered their time to both Muslim and non-Muslim charities. One of Deah's last social media posts included a photo he had taken while providing dental supplies to the homeless.³²⁷ He also made a video about the dental relief clinic he was organizing to serve Syrian refugees in Turkey.³²⁸ He named it *Project Refugee Smiles*.³²⁹ Within a month of his death, his initial fundraising goal of \$20,000 was met, and by the end of the campaign, donations exceeding half a million dollars had been accumulated in his memory.³³⁰ The funds were used to open new dental clinics in the Middle East as well as Raleigh.³³¹ The families have since come together and founded the *Our Three Winners Endowment Fund* to help fund similar projects that will preserve and honor their legacy of dedication to service and education for years to come.³³²

UNC, where Deah and Yusor were students, created the *Our Three Winners* scholarship fund—endowed in perpetuity—for students who personify their values.³³³ The local Muslim Student Association there continues to host their annual *Dunking for Deah*

³²⁷ See Sasha Goldstein, *Chapel Hill triple-murder victims were newlyweds and a sister well-known for good works in Raleigh-Durham area*, N.Y. DAILY NEWS (Feb. 11, 2015, 11:43 AM), <http://www.nydailynews.com/news/national/chapel-hill-murder-victims-newlyweds-sister-good-article-1.2110944>.

³²⁸ *Project Refugee Smiles*, YOU CARING, <https://www.youcaring.com/medical-fundraiser/syrian-dental-relief/206249> (last visited Dec. 2017).

³²⁹ *Id.*

³³⁰ See generally *id.*

³³¹ Anne Blythe, *Food drive honors legacy of Chapel Hill shooting victims*, NEWS & OBSERVER (Mar. 7, 2015, 7:36 PM), <http://www.newsobserver.com/news/local/counties/wake-county/article12959363.html>.

³³² *Our Three Winners Endowment Fund*, OUR THREE WINNERS FOUND., <https://www.ourthreewinners.org/programs-1> (last visited Dec. 2017).

³³³ *Partnerships*, OUR THREE WINNERS FOUND., <https://www.ourthreewinners.org/partnerships> (last visited Dec. 2017).

event, a basketball tournament that raises funds for *Project Refugee Smiles*.³³⁴ Deah created the tournament years earlier when he was an *Multicultural Student Affairs* member at UNC.³³⁵ In addition, the college's student government coordinated *Run for Razan*, a 5K fundraiser that honors the former student who was training for her first half marathon at the time of her murder.³³⁶ Proceeds from donations are given to the *Our Three Winners Foundation*. Lastly, every year, the UNC School of Dentistry now holds an annual day of service for Deah and Yusor.³³⁷ A university official told Fox News: “[W]e all still deeply feel Deah’s absence. As a school we strive to continue his spirit of service and giving back, and have adopted a mantra of ‘Live like Deah.’”³³⁸

But the impact of the tragedy was not just felt by the victims’ families or the local schools Deah, Yusor, and Razan attended. It reverberated well beyond. To honor the youth’s legacy, some Muslim American organizational representatives discussed how one of Deah’s final posts on Facebook showed him feeding the homeless and distributing dental supplies in Durham.³³⁹ The humanitarian sentiment embodied in that moment inspired a national grassroots campaign, *FeedTheirLegacy*, to care for the homeless and to counter anti-Muslim hatred with kindness, compassion, and community support.³⁴⁰ A campaign representative explained:

While we mourn the loss of three

³³⁴ Inez Nicholson, *Vigil to honor Our Three Winners, other events to come*, TECHNICIAN (Feb. 10, 2016), http://www.technicianonline.com/news/article_85d63282-cfba-11e5-8a27-3b8cd4e7cc4b.html.

³³⁵ *Id.*

³³⁶ *Partnerships*, *supra* note 333.

³³⁷ *Id.*

³³⁸ Terace Garnier, *Suspect in Muslim college students’ killings faces victims’ relatives in court*, FOX NEWS (Mar. 15, 2017), <http://www.foxnews.com/us/2017/03/15/suspect-in-muslim-college-students-killings-faces-victims-relatives-in-court.html>.

³³⁹ *About*, FEED THEIR LEGACY, <http://www.feedtheirlegacy.com/> (last visited Dec. 2017).

³⁴⁰ *Id.*

young and extraordinary American Muslims and the brutal way they were killed, the Quran instructs us to respond to evil with good. With extremists like ISIS dominating headlines daily, we want America to see that it's Muslims like Deah, Yusor and Razan who truly represent us. They were killed by a neighbor, but we'll respond by feeding our neighbors. By doing so, we feed their legacy of serving others.³⁴¹

In approximately one month, the national campaign resulted in 90,000 meals for food pantries through 290 food drives with more than 172,000 cans in thirty-three states.³⁴² It has raised more than \$20,000 with almost 300 mosques and Muslim student organizations participating.³⁴³ The can and financial contributions were enough to feed the entire homeless population of North Carolina eight times over.³⁴⁴

One year later, the victims' families were continuing to heal from the tragedy that took loved ones from their life. In remembrance that year, U.S. Congressman Keith Ellison, the first American Muslim elected to Congress, delivered a statement on the House floor, remarking:

These murders are heartbreaking and

³⁴¹ Natasha Dado, *Michigan Muslims participate in food drive to honor Chapel Hill victims*, ARAB AM. NEWS (April 17, 2015, 2:01 AM), <http://www.arabamericannews.com/2015/04/17/Michigan-Muslims-participate-in-food-drive-to-honor-Chapel-Hill-victims/>.

³⁴² #FeedTheirLegacy, FEED THEIR LEGACY, <http://www.feedtheirlegacy.com/> (last visited Dec. 2017).

³⁴³ *Feed Their Legacy Canned Food*, LAUNCHGOOD, https://www.launchgood.com/project/feedtheirlegacy_national_charity_food_drive#!/ (last visited Dec. 2017).

³⁴⁴ Dado, *supra* note 341.

they should be heartbreaking to every American. They show us a stark reality that bigotry is alive and well and that good people have to stand against it. That hate speech and scapegoating have real life consequences. Children are bullied in school, houses of worship are vandalized, and people are killed for the way they dress and how they pray.³⁴⁵

On the shooting's two year anniversary, in the midst of President Trump's First 100 Days tainted by a de facto Muslim ban, the *Our Three Winners Foundation* called on Americans to #LoveThyNeighbor by performing "an act of kindness, service, or solidarity for a neighbor - on your street, where you work, at school, on the bus or train . . . anywhere."³⁴⁶ The campaign asked people "to stand against hatred, xenophobia and prejudice" and shared talking points for imams, priests, and rabbis to use during prayer services throughout the weekend.³⁴⁷

D. Humanitarian Islam

In the days, weeks and months following the Chapel Hill Shooting, family, friends, and members of the broader Muslim American community responded to the tragedy not with the anger, violence, or hatred with which they are so often stereotypically associated, but rather with patience, kindness, and charity. For example, a prominent theme that emerged in response to the Chapel Hill Shooting emphasized generosity to neighbors. As highlighted by the *FeedTheirLegacy* organizers, the Muslim American response

³⁴⁵ Becky Ceartes, *Rep. Ellison Floor Statement on 1 Year Anniversary of Chapel Hill Shooting*, N. CAROLINIANS AGAINST GUN VIOLENCE (Feb. 13, 2016), http://www.ncgv.org/rep_ellison_floor_statement_on_1_year_anniversary_of_chapel_hill_shooting.

³⁴⁶ See *Our Three Winners*, FACEBOOK (Feb. 13, 2017) <https://www.facebook.com/ourthreewinners/posts/847841978687103>.

³⁴⁷ This information is contained in the author's email correspondence.

to a hate crime by a non-Muslim American neighbor was to feed non-Muslim American neighbors across the nation. It is significant to note that both the Qur'an and Hadith literature stress the importance of such benevolent conduct: "[A]nd be good to your parents, relatives, orphans, the helpless, near and far neighbors who keep company with you" ³⁴⁸ The Prophet Muhammad said: "Gabriel impressed upon me (kind treatment) towards the neighbour (so much) that I thought as if he would confer upon him the (right) of inheritance."³⁴⁹ The Prophet Muhammad also said to Abu Dharr: "Abu Dharr, if you cook some stew, make a lot of it and fulfil your duty to your neighbors."³⁵⁰

In fact, the *FeedTheirLegacy* campaign organizers utilized several such Prophetic traditions to galvanize national support for their philanthropic initiative, including: "A man is not a believer who fills his stomach while his neighbour is hungry."³⁵¹ As illustrated above, Islam's primary textual sources teaches Muslims to treat their neighbors with kindness. When a neighbor becomes ill, for example, one is encouraged to visit them. When a neighbor seeks assistance, a Muslim should provide it. While encounters and exchanges between Muslims and non-Muslim Americans are commonly contextualized in violence—acts of terrorism or anti-Muslim hate crimes—the Muslim American response to the Chapel Hill Shooting reveals an alternative narrative depicting Islamic humanitarianism toward non-Muslim Americans. Here, the philanthropic initiatives inspired by humanitarian Islam promoted social peace, compassion, and interreligious understanding, themes revisited in the forthcoming case studies, as well.

IV. RAMADAN CHALLENGE

On July 4th, 2016, as other Americans celebrated the nation's birthday at barbecues, parks, and beaches, some Muslims—while observing a Ramadan fast—gathered at one of New Jersey's largest

³⁴⁸ MALIK, *supra* note 145, at 177.

³⁴⁹ ṢAḤĪḤ MUṢLIM, BOOK 45, HADITH 182.

³⁵⁰ AL-ADAB AL-MUFRAD, BOOK 6, HADITH 14.

³⁵¹ AL-ADAB AL-MUFRAD, BOOK 6, HADITH 112.

mosques to prepare six hundred meals subsequently delivered to the hungry and homeless nearby.³⁵² In Michigan, where the nation's most populous Muslim community resides, a number of those fasting volunteered at community food banks and collected canned donations at their local mosque to benefit food insecure households.³⁵³ By month's end, Michigan Muslims had distributed over forty tons of food to community members.³⁵⁴ In recent years, tens of thousands of Muslim Americans across the nation participated in LaunchGood's annual *Ramadan Challenge*, an international crowd funding initiative encouraging philanthropy throughout the Islamic holy month.³⁵⁵ Most recently, in 2017, the platform's faith-based campaign culminated in excess of one million dollars in charitable giving in the span of thirty days.³⁵⁶ This section explores humanitarian efforts by American Muslims during the Islamic holy month of Ramadan, the ninth month of the Muslim lunar calendar.

A. *Ramadan*

One of the Five Pillars of Faith or core tenets of Islam, *sawm* or fasting, means to abstain.³⁵⁷ In the context of Ramadan, Muslims abstain from food, drink, and marital relations from the break of

³⁵² Pamela MacKenzie, *Celebrating Ramadan and Independence Day*, MYCENTRALJERSEY (July 4, 2016, 5:58 PM), <https://www.mycentraljersey.com/story/news/local/outreach/caring-communities/2016/07/04/celebrating-ramadan-and-independence-day/86614234/>.

³⁵³ Niraj Warikoo, *During Ramadan month, local Muslims help feed the hungry*, DETROIT FREE PRESS (June 5, 2016, 12:07 AM), <https://www.freep.com/story/news/local/michigan/2016/06/05/ramadan-muslims-feed-hungry/85337748/>.

³⁵⁴ *See id.*

³⁵⁵ *See Ramadan Challenge 2017*, LAUNCHGOOD, https://www.launchgood.com/community/ramadan_challenge_2017#!/ (last visited Dec. 2017).

³⁵⁶ *Id.*

³⁵⁷ *See Pillars of Islam*, OXFORD ISLAMIC STUD. ONLINE, <http://www.oxfordislamicstudies.com/article/opr/t125/e1859> (last visited Apr. 21, 2018).

dawn through dusk.³⁵⁸ In the Qur'an and according to the Hadith literature, Muslims who are healthy and not traveling, menstruating, pregnant, breastfeeding, or on medication are required to observe the annual month-long fast.³⁵⁹ These primary textual sources provide in relevant part: "Therefore, anyone of you who witnesses that month should fast therein"³⁶⁰ The Prophet Muhammad stated: "Islam was built upon five [pillars]: The testimony that none has the right to be worshipped except God and Muhammad is the Messenger of God, the establishment of the prayer, paying Zakah, pilgrimage [Hajj] to the House [the Ka'bah] and fasting Ramadan."³⁶¹

Pursuant to the Islamic teachings, Ramadan enjoys privileged status on the lunar calendar for a number reasons. Muslims believe God revealed the Qur'an's first words to the Prophet Muhammad through the Archangel Gabriel in that month. The Qur'an itself elaborates:

It was the month of Ramadan in which the Qur'an was revealed, a guidance for mankind with clear teachings showing the Right Way and a criterion of *truth and falsehood*. Therefore, anyone of you who witnesses that month should fast therein, and whoever is ill or on a journey shall fast a similar number of days later on. Allah intends your well-being and does not want to put you to hardship. He wants you to complete the prescribed period so that you should glorify His Greatness and render thanks to Him for giving you

³⁵⁸ *See id.*

³⁵⁹ *See, e.g., Reasons for which one may be excused from fasting during Ramadan*, ISLAMQ, <https://islamqa.info/en/23296> (last visited Apr. 24, 2018).

³⁶⁰ MALIK, *supra* note 145, at 133.

³⁶¹ SAHIH AL-BUKHARI, VOL. 1, BOOK 2, HADITH 8.

guidance.³⁶²

Regarding the month's sanctity, the Prophet Muhammad similarly emphasized in a sermon to the nascent Muslim community:

Indeed, ahead of you is the blessed month of God. A month of blessing, mercy and forgiveness. A month, which is the best of months, with God. Its days; the best of days; its nights; the best of nights, and its hours; the best of hours. It is the month, which invites you to be guests of God and invites you to be one of those near Him. Each breath you take glorifies Him; your sleep is worship, your deeds are accepted and your supplications are answered. So ask God, your Lord; to give you a sound body and an enlightened hear so you may be able to fast and recite His book, for only he is unhappy who is devoid of God's forgiveness during this great month. . . . Repent to God for your sins and raise your hands in supplication during these times, for they are the best of times and God looks toward [H]is creatures with kindness, replying to them during the hours and granting their needs if He is asked.³⁶³

³⁶² MALIK, *supra* note 145, at 133.

³⁶³ *The Sermon of the Holy Prophet (pbuh) on the Last Friday of Sha'ban*, IMAM AHDI ASS'N MARJAEYA (May 26, 2017, 11:00 AM), <https://www.imam-us.org/sermon-prophet-last-friday-shaban/>.

The fast's purpose is manifold. Significantly, it is intended to cultivate self-discipline and self-restraint. Indeed, the Qur'an specifically states: "O believers! Fasting is prescribed for you as it was prescribed for those before you, so that you may become pious."³⁶⁴

The fast is intended as a means of spiritual rejuvenation and self-purification. Commonly associated with abstaining from food and drink, the Ramadan fast also includes important spiritual dimensions. According to the medieval Islamic scholar Abu Hamid al Ghazzali, abstention from carnal pleasures is the most basic level of the prescribed fast.³⁶⁵ The spiritually superior fast also entails abstaining from all sights, sounds, and utterances that may earn God's displeasure.³⁶⁶ In fact, a Prophetic tradition admonishes that the following acts compromise their Ramadan fast: falsehood, backbiting, slander, abusive speech, obscenity, hypocrisy, and enmity.³⁶⁷ Illustrative Hadith include:

Whoever does not give up false statements (i.e. telling lies), and evil deeds, and speaking bad words to others, Allah is not in need of his (fasting) leaving his food and drink.

Fasting is a shield. When any one of you is fasting on a day, he should neither indulge in obscene language, nor raise the voice; or if anyone reviles him or tries to quarrel with him he should say: I am a person

³⁶⁴ MALIK, *supra* note 145, at 133.

³⁶⁵ AL GHAZALI, THE INNER DIMENSIONS OF ISLAMIC WORSHIP ch. 3 (2012).

³⁶⁶ *See id.*

³⁶⁷ *See id.*

fasting.³⁶⁸

Muslims learn that abstaining from the full spectrum of one's desires and base inclinations helps cultivate patience and self-restraint. Both are character traits that facilitate the God-consciousness and self-discipline necessary to observe Divine commandments faithfully during the remainder of the year.

According to the Pew Research Center, approximately ninety-three percent of Muslims observe Ramadan across the globe, while seventy-seven percent of those in the U.S. describe the sacred month as "very important to them."³⁶⁹ In addition to the fast, Muslims are also instructed to increase other devotional acts, such as charitable giving during the sacred month. In fact, many pay their *zakat*, the obligatory poor tax during this time, while others engage in increased *sadaqa*, or voluntary charitable giving. The Hadith literature provides the following related prophetic instruction: "The best charity is given during Ramadan."³⁷⁰ The literature further instructs:

Whoever feeds a person who is breaking his fast with food and drink from that which is lawful, the angels pray for blessings upon him during the hours of the month of *Ramadan* and *Jibril* prays for blessings upon him during the Night of Decree

³⁶⁸ SAHIH AL-BUKHARI, BOOK 78, HADITH 87; SAHIH MUSLIM, BOOK 13, HADITH 212.

³⁶⁹ *Most Muslims say they fast during Ramadan*, PEW RES. CTR. (July 9, 2013), <http://www.pewresearch.org/fact-tank/2013/07/09/global-median-of-93-of-muslims-say-they-fast-during-ramadan/>.

³⁷⁰ *Charity In Ramadhan*, MISSION ISLAM, <https://www.missionislam.com/ramadan/charity.htm> (last visited May 5, 2018).

(laylatul qadr).³⁷¹

Whoever relieves a believer's distress of the distressful aspects of this world, God will rescue him from a difficulty of the difficulties of the Hereafter. Whoever alleviates [the situation of] one in dire straits who cannot repay his debt, God will alleviate his lot in both this world and in the Hereafter. Whoever conceals [the faults of] a Muslim, God will conceal [his faults] in this life and the Hereafter. God is helping the servant as long as the servant is helping his brother.³⁷²

These statements underscore the significance of charitable acts, not merely in monetary terms but also with respect to serving and fulfilling the needs of others. In fact, one of the benefits of fasting is the cultivation of empathy for the poor and hungry. As a result of such teachings, many Muslims engage in increased philanthropy in hopes that such an act of kindness will result in blessings. According to Islamic Relief, the largest Muslim American charitable entity in the nation, fifty percent of all monetary donations it receives throughout the year derive from those made in the single month of Ramadan.³⁷³

³⁷¹ *The virtue of Righteousness and Goodness During Ramadhan*, WORLD PRESS (Aug. 14, 2009), <https://uncoveredtreasures.wordpress.com/2009/08/14/the-virtue-of-righteousness-and-goodness-during-ramadhan/>.

³⁷² *Hadith 36: Alleviating Debt*, WORLD PRESS (July 10, 2011), <https://honeyfortheheart.wordpress.com/2011/07/10/hadith-36-alleviating-debt/>.

³⁷³ See Sachi Hujimori, *Withstanding Scrutiny, Islamic Relief Funnels Donations to the Needy*, ISLAMIC RELIEF USA, <http://irusa.org/withstanding-scrutiny-islamic-relief-funnels-donations-to-the-needy/> (last visited Apr. 24, 2018).

In fact, it is through the lens of Muslim American charitable giving during the Islamic holy month that one attains deeper insight into communal relations between and among Muslim and non-Muslim Americans as well as the role of *humanitarian Islam* in America. Specifically, this section examines campaigns led by the Muslims Against Hunger Project, Michigan Muslim Community Council, and the ILM Foundation.

B. Case Study: Muslims Against Hunger Project

The *Muslims Against Hunger Project* is a community based not-for-profit organization based in New Jersey that strives to alleviate hunger among Americans irrespective of religious identity or affiliation.³⁷⁴ With a network of more than five thousand volunteers in twenty cities around the country, its mission is to educate the Muslim American and broader community about poverty, hunger, and homelessness while facilitating enhanced community engagement *vis-à-vis* direct services.³⁷⁵

To that end, it coordinates a daily soup kitchen for senior citizens and those living on a fixed income where they serve halal cuisine—prescribed in accordance to Islamic law—that is also hot and nutritious.³⁷⁶ Its Hunger Van, a mobile soup kitchen, makes warm nutritious meals accessible to hundreds who may not otherwise be able to avail themselves of a shelter or distribution center due to an absence of reliable transportation.³⁷⁷

The van's volunteers generally convene at a mosque, church, or home where they assemble healthy vegan meals subsequently distributed to local populations.³⁷⁸ The diverse cuisine enables them

³⁷⁴ *About MAH*, MUSLIMS AGAINST HUNGER, <http://mahop.org/about/> (last visited Dec. 2017).

³⁷⁵ *Id.*

³⁷⁶ *Id.*

³⁷⁷ *Id.*

³⁷⁸ *Zamir Hassan - Hunger Warrior - Engaging Good People to Do Good Together*, ZAMIAR HASSAN.ORG, <https://www.zamirhassan.org/> (last visited Apr. 28, 2018).

to bridge a cultural divide. Significantly, the program has expanded internationally to Canada, India, Pakistan, Haiti, and Nigeria.³⁷⁹ Additionally, *Muslim Against Hunger Project* volunteers also coordinate with *Faiths Against Hunger*, an interfaith movement that provides those living in poverty with a means and path to self-sufficiency.³⁸⁰ Volunteers, many of whom are Muslims of Arab, Indian, and Pakistani heritage, visit interfaith soup kitchens on a monthly basis where they may cook ethnic cuisine which they subsequently serve to guests.³⁸¹

The organization's founder, Zamir Hassan, cites his Islamic faith beliefs as the primary motivation informing his decision to establish the entity in 2000.³⁸² Hassan emigrated from Pakistan to the U.S. in 1973 and pursued graduate studies at Cornell University.³⁸³ Growing up in Pakistan, he recalls how his mother would prepare additional meals for an indigent widow who resided nearby.³⁸⁴ He now resides in an affluent New Jersey suburb where hunger and homelessness remain invisible. One day he chaperoned his son's elementary school excursion to a community soup kitchen.³⁸⁵ The experience deeply impacted him and, together with his Islamic beliefs, inspired the *Muslims Against Hunger Project*.³⁸⁶

Specifically, regarding the organization's founding, he references the following Prophetic narrations:

³⁷⁹ See *About MAH*, *supra* note 374.

³⁸⁰ See *id.*

³⁸¹ See *About MAH*, *supra* note 374.

³⁸² Johanna Ginsberg, *Muslims and Jews band to fight hunger*, N.J. JEWISH NEWS (Sept. 18, 2013), <http://njewishnews.com/article/18457/muslims-and-jews-band-to-fight-hunger#.WteeLNiWyUk>.

³⁸³ Lisa Rose, *N.J. Islamic food bank prepares Thanksgiving feast with halal turkey*, NJ.COM (Nov. 24, 2010, 8:00 AM), http://www.nj.com/news/index.ssf/2010/11/islamic_food_bank_of_somerset.html.

³⁸⁴ See *id.*

³⁸⁵ See *About MAH*, *supra* note 374.

³⁸⁶ See *id.*

He is not a Muslim who goes to bed
satiated while his neighbor goes
hungry. . . .³⁸⁷

Now retired and in his sixties, the father of three children incorporates these traditions into his speeches at myriad feeding events.

While the organization remains operational throughout the year, it coordinates initiatives during the month of Ramadan specifically while attempting to capitalize upon fasting Muslims' heightened spiritual sense of charity. In 2016, for instance, when the Fourth of July coincided with observance of the sacred month, *Muslims Against Hunger Project* coordinated a New Jersey feeding event culminating in 1500 meals prepared by fasting Muslims for the homeless.³⁸⁸ Approximately 250 American Muslims convened at the Islamic Society of Central Jersey.³⁸⁹ While the event coincided with the Fourth of July in 2016, *Muslims Against Hunger Project* has been sponsoring the *Ramadan Sharing Initiative* at the mosque annually for almost a decade.³⁹⁰ Organizers decided to conduct the event on the date of the national holiday so as to celebrate both American and Islamic values.³⁹¹

C. Case Study: Michigan Muslim Community Council

Michigan is home to the *Michigan Muslim Community Council* ("MMCC") and America's largest Muslim population.³⁹² A large umbrella organization representing the state's numerous Muslim religious, civic, and educational institutions, the *MMCC*

³⁸⁷ Alia Abdullah, *Zamir Hassan the Hunger Warrior*, EXTRAORDINARY MUSLIMS, <https://extraordinarymuslims.com/2016/06/20/zamir-hassan-the-hunger-warrior/amp/> (last visited Apr. 24, 2018).

³⁸⁸ MacKenzie, *supra* note 352.

³⁸⁹ *Id.*

³⁹⁰ *See id.*

³⁹¹ *Id.*

³⁹² *See History*, MICH. MUSLIM CMTY COUNCIL, <https://www.mimuslimcouncil.org/> (last visited Dec. 2017).

coordinates activities, initiatives, and programs that serve disadvantaged populations.³⁹³ Illustrative is *MMCC*'s Ramadan program. A number of *MMCC* members not only abstain from food and drink from the break of dawn through dusk, but also strive to feed the poor by organizing food drives at their local mosque and volunteering at soup kitchens.³⁹⁴

To alleviate the plight of those living in poverty, volunteers have worked in partnership with a variety of organizations, such as the *Forgotten Harvest*, a nonprofit dedicated to relieving hunger, to re-pack nutritious meals in family-sized containers for low-income families.³⁹⁵ Additionally, *MMCC* member mosques have organized canned food drives and provided dinner every evening at the end of the daily fast.³⁹⁶ Still, others packed hundreds of boxes of food for at-risk families at *MMCC* member institution, *Zaman International Hope for Humanity* ("Zaman"), a not-for-profit organization that has served marginalized women and their children, including those who are homeless, live in cars, or reside in food insecure households.³⁹⁷ In past years, *Zaman* has purchased \$25,000 in food donations that volunteers have helped package and distribute to impoverished women.³⁹⁸

D. Case Study: ILM Foundation

Over the course of two decades, ILM Foundation has

³⁹³ *Id.*

³⁹⁴ See Press Release, Mich. Muslim Cmty Council, Michigan Muslims Welcome Ramadan by Fighting Hunger Across Michigan (June 2, 2016) (on file with author).

³⁹⁵ Mark Hicks, *Metro Detroit Muslims give back during Ramadan*, DETROIT NEWS (June 9, 2017, 8:04 PM), <https://www.detroitnews.com/story/news/local/michigan/2017/06/09/metro-detroit-muslims-give-back-ramadan/102689430/>; <https://www.nbcnews.com/news/asian-america/michigan-muslims-use-ramadan-fight-hunger-n590006>.

³⁹⁶ Warikoo, *supra* note 353.

³⁹⁷ *Id.*; see also *Bayt Al-Zahra: The House of Light and Hope Urgent Needs Program*, ZAMAN INT'L HOPE FOR HUMANITY, <http://www.zamaninternational.org/programs.php?p=4> (last visited Dec. 2017).

³⁹⁸ Warikoo, *supra* note 353.

sponsored an annual *Humanitarian Day* in Los Angeles, California to provide direct and social services to low-income families and the county's homeless population irrespective of race, religion, and social identity.³⁹⁹ ILM Foundation is a faith-based not-for-profit that strives to facilitate intellectual and economic empowerment to underprivileged youth and adults.⁴⁰⁰ Scheduled during Ramadan by design, organizers work to “convert charity into health fairs.”⁴⁰¹ During *Humanitarian Day*, characterized by organizers as “a pious effort to serve,” volunteers provided meals, hygiene kits, backpacks, school supplies, and clothing to those who requested assistance.⁴⁰² Additionally, volunteer physicians from the University Muslim Medical Association (“UMMA”) Community Clinic performed medical screenings for indigent participants while others provided pediatric dental services to children.⁴⁰³ Umar Hakim, who serves as ILM Foundation's executive director and coordinates the annual event, explained his motivations: “We are Angelenos, we are Americans, we are Muslims and we are goodwill ambassadors living the values of our Islamic faith through service to those in need.”⁴⁰⁴

In addition to Los Angeles, ILM Foundation concurrently hosts *Humanitarian Day* in six cities around the state.⁴⁰⁵ Beyond *Humanitarian Day*, since 1998, the ILM Foundation has worked to

³⁹⁹ *ILM Foundation*, HUMANITARIAN DAY, <http://www.h219humanitarianday.com/ilm-foundation/> (last visited Dec. 2017).

⁴⁰⁰ *ILM Foundation Mission/Vision/Values*, HUMANITARIAN DAY, <http://www.humanitarianday.com/ilm-foundation/mission-vision-values/> (last visited Dec. 2017).

⁴⁰¹ *ILM Foundation About*, HUMANITARIAN DAY, <http://www.humanitarianday.com/about/> (last visited Dec. 2017).

⁴⁰² Brittny Mejia, *L.A.-area Muslims to help homeless on skid row in final days of Ramadan*, L.A. TIMES (June 17, 2017, 12:55 PM), <http://www.latimes.com/local/lanow/la-me-ln-humanitarian-day-20170617-story.html>.

⁴⁰³ *Id.*

⁴⁰⁴ *Id.*

⁴⁰⁵ See Frances Kai-Hwa Wang, *Michigan Muslims Use Ramadan to Fight Hunger*, NBC NEWS (June 10, 2016, 5:55 PM), <https://www.nbcnews.com/news/asian-america/michigan-muslims-use-ramadan-fight-hunger-n590006>.

serve the local population in Los Angeles by developing career or entrepreneurial skills and providing them with necessary resources and educational opportunities.⁴⁰⁶ Its core founding Islamic values, according to its website, include intellect, love, and mercy.⁴⁰⁷ These values inform programming, such as an athletic mentorship program designed to prepare inner city students for college by emphasizing self-respect and integrity.⁴⁰⁸ Every summer, the program caters to approximately 150 high school students who engage former and current NFL athletes as mentors.⁴⁰⁹ Additionally, *Social Empowerment Educational Development* (“SEED”) is a distinct personal development and character building program that caters to African American, Latino, and Muslim youth who are underperforming academically.⁴¹⁰ By augmenting middle and high school instruction, SEED volunteers facilitate college admissions and sustainable employment for such struggling students.

It is significant to note that similar to the *Muslims Against Hunger Project* and MMCC, ILM Foundation’s *Humanitarian Day* exemplifies the role of Islam in America and provides a lens through which to view communal relations between Muslim and non-Muslim Americans. Here, too, we identify Islam’s influence in motivating charitable actions and programs particularly during the holy month of Ramadan but throughout the year as well.

E. Humanitarian Islam

The role of *humanitarian Islam* in inspiring charitable giving to Muslim and non-Muslim Americans during the Islamic holy month is evident. While Muslim Americans are often perceived as

⁴⁰⁶ ILM Foundation Mission/Vision/Values, *supra* note 400.

⁴⁰⁷ See ILM Foundation, *supra* note 399.

⁴⁰⁸ ILM Foundation Go Beyond The G.A.M.E., HUMANITARIAN DAY (Apr. 21, 2015), <http://www.humanitarianday.com/ilm-foundation/programs/go-beyond-the-g-a-m-e/>.

⁴⁰⁹ *Id.*

⁴¹⁰ ILM Foundation Social Empowerment Educational Development (SEED), HUMANITARIAN DAY, <http://www.humanitarianday.com/ilm-foundation/programs/s-e-e-d/> (last visited Dec. 2017).

making positive social contributions despite faith beliefs, these vignettes demonstrate the positive relationship between Islam's primary textual legal sources and philanthropy that benefits diverse causes.

As discussed, charitable giving is a central tenet of the Islamic faith. *Zakat*, or almsgiving, is obligatory upon Muslims, and is viewed as a form of social responsibility and the purification of one's surplus wealth. In the American Muslim context, *zakat* is generally cited when providing relief for the poor and homeless. Both the Quran and Hadith literature reference *zakat* extensively, highlighting the spiritual emphasis placed upon charitable giving in Islamic tradition. Significantly, many of the philanthropic initiatives described in this section were characterized as “*zakat* eligible”—donors could satisfy their religious obligation by making a qualifying contribution. Still, many of these initiatives emphasized distinct Islamic legal authority.

In New Jersey, for instance, *Muslims Against Hunger Project* founder Zamir Hassan repeatedly referenced the following Prophetic narrations to contextualize the inspiration for his public service, to cultivate compassion in and volunteerism among co-religionists and to educate non-Muslim Americans concerning related Islamic values: “He is not a Muslim who goes to bed satiated while his neighbor goes hungry.”⁴¹¹

The consistent references to and reliance upon Islam's primary textual legal sources highlights the influential role religion plays in the lives of Muslim Americans who seek the pleasure of the Divine even in acts of benevolence, charity, and volunteerism that benefit diverse populations. This is the essence of *humanitarian Islam*.

⁴¹¹ Abdullah, *supra* note 387.

V. "REBUILD WITH LOVE"

In June and July of 2015, half a dozen fires of predominantly black churches erupted in the South following a mass shooting by a white supremacist at a bible study meeting in Charleston, South Carolina. In response, American Muslims initiated a fundraising campaign to rebuild the churches explaining that: "All houses of worship are sanctuaries – a place where all should feel safe"⁴¹² This section examines Muslim American humanitarian responses to the enduring scourge of racism through the lens of this campaign.

A. *An Act of Hate and Terror*

On June 17, 2015, a white supremacist murdered nine people—including a state senator—at the Emmanuel African American Episcopal Church in Charleston, South Carolina, with the intention of fomenting a "race war."⁴¹³ Dylann Roof,⁴¹⁴ who was only twenty-one-years-old, was a stranger to the church but on that fateful summer day parishioners welcomed the young white man warmly with a Bible, sheet of scripture, and a seat next to a senior pastor.⁴¹⁵ Approximately forty-five minutes later, following the completion of study, Roof employed a semiautomatic weapon to wreak mayhem and havoc on the group of unsuspecting worshippers.⁴¹⁶ After Roof's relatives subsequently identified him on account of related news media reports, law enforcement officials

⁴¹² Faatimah Knight, *Rebuild with Love: Rebuild Black Churches & Support Victims of Arson across the South*, LAUNCHGOOD (July 2015), https://www.launchgood.com/project/rebuild_with_love_rebuild_black_churches_support_victims_of_arson_across_the_south#!/.

⁴¹³ Polly Mosendz, *Dylann Roof Confesses: Says He Wanted to Start 'Race War,'* NEWSWEEK (June 19, 2015, 9:38 AM), <http://www.newsweek.com/dylann-roof-confesses-church-shooting-says-he-wanted-start-race-war-344797>.

⁴¹⁴ Ray Sanchez & Ed Payne, *Charleston church shooting: Who is Dylann Roof?* CNN (Dec. 16, 2016 3:13 PM), <http://www.cnn.com/2015/06/19/us/charleston-church-shooting-suspect/index.html>.

⁴¹⁵ Mosendz, *supra* note 413.

⁴¹⁶ *Id.*

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arrested him.⁴¹⁷

The assault on a historic Black church following the ascension of the first African American to the U.S. presidency served as a traumatic reminder that the U.S. is far from being a post-racial society. During President Obama's first term, from 2008 to 2012, the number of anti-government "Patriot" organizations increased in excess of 800 to 1,360 percent.⁴¹⁸ The attack against Mother Emanuel inspired renewed debate around racism as well as public discourse at the intersection of terrorism, race, and religion. In addition to this national conversation, civil rights activism and related litigation ensued, striving to remove government-sanctioned Confederate symbols from public spaces across the South.⁴¹⁹ At the time of the Charleston shooting, more than seven hundred monuments honoring the legacy of white supremacy stood across the country.⁴²⁰ In regards to the intersection of terrorism, race, and religion, advocates, academics, journalists, and others were critical of the disparity in treatment between Roof, who happened to be Christian, and similarly situated extremists who self-identified as Muslim.⁴²¹ They not only highlighted the politics surrounding the perpetrators' identity—where "terrorist" is synonymous with "Muslim"—but of the victims, as well.⁴²²

⁴¹⁷ Sanchez & Payne, *supra* note 414.

⁴¹⁸ *New Report: Radical Antigovernment Movement Continues Explosive Growth; SPLC Urges Government to Review Resources Devoted to Domestic Terrorism*, S. POVERTY L. CTR. (Mar. 4, 2013), <https://www.splcenter.org/news/2013/03/05/new-report-radical-antigovernment-movement-continues-explosive-growth-splc-urges-government>.

⁴¹⁹ *Whose Heritage? Public Symbols of the Confederacy*, S. POVERTY L. CTR. (Apr. 12, 2016), <https://www.splcenter.org/20160421/whose-heritage-public-symbols-confederacy>.

⁴²⁰ *Id.*

⁴²¹ See, e.g., Anthea Butler, *Shooters of color are called 'terrorists' and 'thugs.' Why are white shooters called 'mentally ill'?*, WASH. POST (June 2015), https://www.washingtonpost.com/posteverything/wp/2015/06/18/call-the-charleston-church-shooting-what-it-is-terrorism/?utm_term=.28584ee1ab86

⁴²² *Id.*; Elijah T. Ezeji-Okoye, *Terrorism is Terrorism, Period*, HARV. CRIMSON (Oct. 10, 2017), <http://www.thecrimson.com/article/2017/10/10/ezeji-okoye-terrorism-is-terrorism-period/>; Jenna McLaughlin, *Why Wasn't Dylann Roof Charged with Terrorism*, THE INTERCEPT (July 22, 2015, 5:43 PM), <https://theintercept.com/2015/07/22/departments-justice-didnt-charge-dylan-roof-domestic-terrorism/>.

Indeed, violent assaults against Muslims and African-Americans are rarely characterized as acts of terrorism. Officials described the attack on Mother Emanuel, for instance, as a hate crime despite the political motivations, violent extremist ideology, and innocence of civilians involved.⁴²³ On news media, the public posted related observations, such as: “#CharlestonShooting terrorist wore an Apartheid flag on his jacket. If a Muslim man wore an ISIS flag, he wouldn’t get past mall security;”⁴²⁴ and “A white supremacist massacres 9 black people in Charleston. It is a hate crime, it is terrorism, it is America 2015.”⁴²⁵

As previously discussed, terrorism is frequently associated with international organizations or non-state actors, such as ISIS and al-Qaeda, but here many, including civil rights advocates, argued that the church shooting qualified as terrorism and reflected a history of white supremacist groups, such as the Ku Klux Klan, “terrorizing” African-Americans.⁴²⁶ Richard Cohen, president of the Southern Poverty Law Center, observed: “[Roof] represents the modern face of domestic terrorism: the extremist who acts alone after being radicalized online.”⁴²⁷ And, Cornell William Brooks, then National Association for the Advancement of Colored People’s President, stated: “This was an act of racial terrorism and must be treated as

⁴²³ Sanchez & Payne, *supra* note 414.

⁴²⁴ Samuel Sinyangwe (@samswey), TWITTER (June 18, 2015, 10:49 AM), <https://twitter.com/samswey/status/61159163406555457>.

⁴²⁵ Remi Kanazi (@Remroum), TWITTER (June 17, 2015, 10:05 PM), <https://twitter.com/Remroum/status/611399391103066112>; Rick Gladstone, *Many Ask, Why Not Call Church Shooting Terrorism?* N.Y. TIMES (June 18, 2015), <https://www.nytimes.com/2015/06/19/us/charleston-shooting-terrorism-or-hate-crime.html?mtrref=undefined> (quoting Remi Kanazi).

⁴²⁶ See, e.g., Ezeji-Okoye, *supra* note 422.

⁴²⁷ Nick Valencia et al., *Dylann Roof trial: Will he get the death penalty?*, CNN (Dec. 16, 2016, 3:07 PM), <http://www.cnn.com/2016/12/15/us/dylann-roof-murder-trial/index.html> (last updated Jan. 10, 2017, 7:52 PM).

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such.⁴²⁸

According to Professor Jelani Cobb, “[t]he first anti-terrorism law in U.S. history was the Klan Control Act, so really, this has been the definition of terrorism.”⁴²⁹ In 1871, in fact, Congress passed the Act in a series known as the Enforcement Acts protecting the civil rights of African Americans.⁴³⁰ The Act authorized President Ulysses S. Grant to declare martial law, levy penalties against terrorist organizations, and use military force to suppress the KKK.⁴³¹ President Grant stated in relevant part: “[I]nsurgents were in rebellion against the authority of the United States.”⁴³² As a result of the new legislation, martial law was declared in nine counties of South Carolina, where Mother Emmanuel was attacked, and Klansmen were tried.⁴³³ Still, it is intriguing that a massacre of parishioners at an African American church by a white supremacist also inspired debate in the media, political, and public discourse surrounding Muslims and terrorism, a popular subject revisited throughout these sections.

Ultimately, a state grand jury indicted Roof for murder and attempted murder charges; subsequently, he pled guilty to the state

⁴²⁸ Hailey Branson-Potts, *NAACP president calls Charleston shooting ‘an act of racial terrorism,’* L.A. TIMES (June 19, 2015, 2:37 PM), <http://www.latimes.com/nation/la-na-naacp-charleston-shooting-20150619-story.html>.

⁴²⁹ Jelani Cobb (@jelani9), TWITTER (June 18, 2015, 2:21 AM), <https://twitter.com/jelani9/status/611418560947208193?ref>; see also Dara Lind, *Why calling the Charleston shooting terrorism is important to so many people*, VOX, <https://www.vox.com/2015/6/18/8803721/charleston-terrorism-racism> (last updated June 19, 2015, 2:52 PM) (quoting Jelani Cobb).

⁴³⁰ *Landmark Legislation: The Enforcement Acts of 1870 and 1871*, U.S. SENATE, <https://www.senate.gov/artandhistory/history/common/generic/EnforcementActs.htm> (last visited Dec. 2017).

⁴³¹ *Id.*

⁴³² RICHARD WORMSER, *THE RISE AND FALL OF JIM CROW* 25 (St. Martin's Press 2004).

⁴³³ *Ku Klux Act passed by Congress*, HISTORY, <https://www.history.com/this-day-in-history/ku-klux-act-passed-by-congress> (last visited May 5, 2018).

murder charges.⁴³⁴ Since South Carolina is one of half a dozen states without a hate crimes statute, Roof was also prosecuted pursuant to the federal hate crimes law, Shepard Byrd Hate Crimes Prevention Act.⁴³⁵ A federal grand jury charged him with thirty-three counts, including hate crimes, obstruction of exercise of religion, and use of firearm to commit murder.⁴³⁶ He is the first person to be sentenced to death pursuant to the federal hate crimes statute signed into law by the nation's first African American president in 2009.⁴³⁷

B. Burning Black Churches

Around the country, a number of white supremacists publicly applauded Dylann Roof's attempt to foment a "race war."⁴³⁸ Morris Gulett, the leader of the Aryan Nations, for instance, approved of the mass shooting and encouraged others to model Roof's behavior:

I, for one, am very glad to see young people like Dylan Roof acting like men instead of the old 60's era hippies stoned on weed and interracial love. We had better see much more of this

⁴³⁴ See Jay Croft & Tristan Smith, *Dylann Roof pleads guilty to state charges in church massacre*, CNN, <http://www.cnn.com/2017/04/10/us/dylann-roof-guilty-plea-state-trial/index.html> (last updated Apr. 10, 2017).

⁴³⁵ Jenny Jarvie, *Jurors find Dylann Roof guilty of all 33 counts in hate-crime shootings at South Carolina church*, L.A. TIMES (Dec. 15, 2016), <http://www.latimes.com/nation/la-na-south-carolina-dylann-roof-20161215-story.html>.

⁴³⁶ Dustin Waters & Kevin Sullivan, *Dylann Roof guilty on 33 counts of federal hate crimes for Charleston church shooting*, WASH. POST, https://www.washingtonpost.com/national/dylann-roof-guilty-on-33-counts-of-federal-hate-crimes-for-charleston-church-shooting/2016/12/15/0bfad9e4-c2ea-11e6-9578-0054287507db_story.html?utm_term=.5dfba1767810.

⁴³⁷ Emily Shapiro et al., *Dylann Roof Sentenced to Death, 1st to Get Death Penalty for Federal Hate Crimes*, ABC NEWS (Jan. 10, 2017, 6:01 PM), <http://abcnews.go.com/US/charleston-church-shooter-dylann-roof-sentenced-death/story?id=44674575>.

⁴³⁸ Bill Morlin, *Aryan Nations Throws Its Racist Support Behind Dylann Roof*, S. POVERTY L. CTR. (June 24, 2015), <https://www.splcenter.org/hatewatch/2015/06/24/aryan-nations-throws-its-racist-support-behind-dylann-roof>.

type of activism if we ever expect to see our America return to it's [sic] rightful place in the world and our children grow up in a clean safe healthy enviroment [sic].⁴³⁹

In the week following the mass shooting at Mother Emmanuel, and against a backdrop of popular discourse regarding the removal of state-sanctioned symbols of the Confederacy from public spaces, a number of black churches were set ablaze across the South in the span of days, including College Hill Seventh Day Adventist Church in Knoxville, Tennessee; God's Power Church of Christ in Macon, Georgia; Briar Creek Road Baptist Church in Charlotte, North Carolina; Glover Grove Baptist Church in Warrenton, South Carolina; Fruitland Presbyterian Church in Gibson County, Tennessee; and Mount Zion AME Church in Greeleyville, South Carolina.⁴⁴⁰ Prior to exploring the Muslim American response, it is important to first note briefly the historical significance of such violent attacks directed against the Black church.

It is important to note that black churches have enjoyed a powerful role in African American history. From laboring as slaves to mobilizing around civil rights, religious sermons incorporated Biblical stories that related to African American experiences of and

⁴³⁹ *Id.*

⁴⁴⁰ See Lindsey Bever, *Five predominantly black Southern churches burn within a week; arson suspected in at least three*, WASH. POST (June 29, 2015), https://www.washingtonpost.com/news/morning-mix/wp/2015/06/29/six-predominately-black-southern-churches-burn-within-a-week-with-arson-suspected-in-at-least-three/?utm_term=.b25a9563c3dc; Alissa Greenberg, *Another Black Church Burns in the South, the 8th in 10 Days*, TIME (July 1, 2015), <http://time.com/3942688/black-church-burning-mount-zion-ame-south-carolina/>; Sam Sanders & Will Huntsberry, *Investigators Probe Fires At 6 Black Churches In 5 Southern States*, NPR (June 29, 2015, 5:05 AM), <https://www.npr.org/2015/06/29/418490411/arsonists-hit-6-black-churches-in-5-southern-states>; Joy-Ann Reid, *Why are black churches burning?*, MSNBC (July 1, 2015, 7:03 PM), <http://www.msnbc.com/msnbc/south-carolina-black-residents-ask-whos-burning-black-churches>.

struggles against inequality.⁴⁴¹ During the initial period of slavery, many white Americans opposed religious gatherings because they were fearful of and felt threatened by the potential consequences of the African American religious experience.⁴⁴² As such, many African Americans were prohibited from participation in church or meetings. Even after Emancipation, the Black church represented community, a place of potential political empowerment and a refuge from the racial oppression with which members continued to struggle.⁴⁴³ As black churches flourished and worked to empower their members to counter systemic oppression, racially motivated arsons became a popular tactic.⁴⁴⁴ Employed to terrorize the African-American community, they were used as a tool of suppression and control.⁴⁴⁵

But, church arsons are not simply remnants of a distant past. Between 1954 and 1968, approximately one hundred black churches, considered spaces for activism during the civil rights movement, were set ablaze in racially motivated arsons or bombings.⁴⁴⁶ Such racial animus was similarly visible in the 1990s when arsonists attacked black churches again.⁴⁴⁷ In 1996, Congress held hearings that examined increased arsons at houses of worship, found that such extra-legal violence disproportionately impacted black churches in the South, and enacted legislation enhancing related criminal penalties.⁴⁴⁸ U.S. President Bill Clinton signed into law the Church Arson Prevention Act and established the National Church Arson

⁴⁴¹ Michele M. SimmsParris, *What Does It Mean to See a Black Church Burning? Understanding the Significance of Constitutionalizing Hate Speech*, 1 U. PA. J. CONST. L. 127, 135 (1998).

⁴⁴² *Id.* at 136.

⁴⁴³ *Id.* at 133-35.

⁴⁴⁴ *Id.* at 139.

⁴⁴⁵ *Id.* at 139-42.

⁴⁴⁶ *Id.*

⁴⁴⁷ Moira Lavelle, *The Fire Last Time: The 1990s wave of 145 church burnings* — Map, PRI'S THE WORLD, <https://www.pri.org/stories/2015-07-02/fire-last-time-1990s-wave-145-church-burnings-map> (last updated July 3, 2015, 8:15 AM).

⁴⁴⁸ *Id.*

Task Force (“NCTAF”).⁴⁴⁹ Between 1995 and 1998, the task force investigated “670 arsons, bombings [and] attempted bombings” on “houses of worship.”⁴⁵⁰

As such, when white nationalists set fires at black churches in the aftermath of the Charleston Shooting, they did not merely engage in the physical destruction of property but revived a history of racial violence and oppression.

C. Case Study: “Rebuild with Love”

The Charleston Shooting occurred during the Islamic holy month of Ramadan, commonly described as the “Month of Mercy,” during which increased charitable giving is encouraged among Muslims, as discussed in the preceding section. Notably, in response to the tragedy that fatally injured nine Christians, the Muslim Anti-Racism Collaborative (“MuslimARC”), a faith-based community group described in greater detail below, led a crowd funding campaign titled *Rebuild With Love: Rebuild Black Churches & Support Victims of Arson Across the South*.⁴⁵¹

On July 2, they created the initiative on LaunchGood with an initial monetary goal of \$10,000 and concluded on July 18, which coincided with the communal celebration of Eid-ul-Fitr, marking the end of the Islamic holy month.⁴⁵² The campaign by the minority faith community, comprising just one to two percent of the U.S. population, collected in excess of \$100,000.⁴⁵³ For the sake of perspective, a distinct interfaith campaign by churches, synagogues,

⁴⁴⁹ *Id.*; H.R. 3525, 104th Cong. (1996) (enacted).

⁴⁵⁰ JANET RENO & ROBERT E. RUBIN, SECOND YEAR REPORT FOR THE PRESIDENT, U.S. DEP’T. OF JUSTICE, U.S. DEP’T. OF TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, FED. BUREAU OF INVESTIGATION (Oct. 1998), <https://www.justice.gov/crt/image-report-cover>.

⁴⁵¹ Knight, *supra* note 412.

⁴⁵² *See id.*

⁴⁵³ *See* Carol Kuruvilla, *Muslims Raise Over \$100,000 to Help Rebuild Black Churches in the South*, HUFFINGTON POST (Jan. 5, 2017) https://www.huffingtonpost.com/entry/muslims-raise-over-100000-to-help-rebuild-black-churches-in-the-south_us_55ad4be7e4b0d2ded39fac57.

and others raised \$200,000.⁴⁵⁴

Faatimah Knight, who led the initiative on behalf of MuslimARC, is a young African American Muslim woman who was pursuing a graduate degree at the Chicago Theological Seminary at that time.⁴⁵⁵ Then twenty-three years old, she described the church arsons on the campaign site as “attacks on Black culture, Black religion and Black lives,” and asked President Obama to reconvene the National Church Arsons Taskforce, originally established by President Clinton, as depicted above.⁴⁵⁶ Notably, Faatimah had previously persuaded the Muslim American community to donate hundreds of dollars in monetary donations to send collective condolences to Mother Emmanuel in the aftermath of the Charleston shooting.⁴⁵⁷

The Charleston shooting and subsequent arsons impacted many Muslims due to the multiple dimensions of their identity as it relates to social categories, such as race, class, gender, to name a few. Note the following statement from Faatimah expressing this to the news media about the *Rebuild With Love* campaign, for instance: “I’m a black person and I do identify with the wider black community at that level. Historically, the black community has been vulnerable.”⁴⁵⁸

In fact, the organizers explicitly highlighted (and emphasized with bold-faced type) this intersectionality on the *Rebuild With Love* campaign site:

**We must always keep in mind that
the Muslim community and the**

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.*

⁴⁵⁶ Knight, *supra* note 412.

⁴⁵⁷ Faatimah Knight, *From Muslims to Emanuel AME Church, With Love*, LAUNCHGOOD (July 2015), https://www.launchgood.com/project/from_muslims_to_emanuel_ame_church_with_love#!/.

⁴⁵⁸ Knight, *supra* note 412.

black community are not different communities. We are profoundly integrated in many ways, in our overlapping identities and in our relationship to this great and complicated country. We are connected to Black churches through our extended families, our friends and teachers, and our intertwined histories and convergent present.⁴⁵⁹

In fact, whereas references to Muslim Americans and Arab Americans are often employed interchangeably, African Americans comprise approximately twenty percent of the minority faith group.⁴⁶⁰ Muslim Americans trace their presence to even before this country's founding as well as myriad contributions throughout American history through Black Muslims. In *A History of Islam in America*, for example, scholar Kambiz Ghanea Bassiri notes:

From the time Christopher Columbus crossed the Atlantic, West and North Africans served as involuntary servants to Europeans arriving in the Americas. The most notable of them in early American history was Estevanico de Dorantes, "a black Arab originally from Azamor," Morocco. He is recognized as possibly the first African and the first person of Muslim heritage to travel in the Southwest U.S. and the first non-native to enter the Zuni Pueblos in

⁴⁵⁹ *Id.*

⁴⁶⁰ *Demographic portrait of Muslim Americans*, PEW RESEARCH CTR. (July 26, 2017), <http://www.pewforum.org/2017/07/26/demographic-portrait-of-muslim-americans/>.

New Mexico and Arizona.⁴⁶¹

Additionally, a significant segment of African slaves—from 600,000 to 1.2 million—in Antebellum South subscribed to the Islamic faith.⁴⁶² Many were originally from West Africa, where numerous tribes and groups had adopted the religion as early as the ninth century, and were forcibly removed to the Americas.⁴⁶³ According to historians, these early Muslim slaves practiced the tenets of their faith, such as observing the daily prayer and Ramadan fast, but privately.⁴⁶⁴

More recently, many Black Muslims embraced Islam as converts during the civil rights movement. Bassiri explains the development:

Within African American Muslim communities, the chasm between the realities of discrimination and the democratic ideals through which America self-identified after WWII was a powerful example not only of hypocrisy but also of the fact that nearly a century after the Civil War, black Americans still remained outside America's national narrative. In this context, black nationalist Muslim movements' critique of Christianity as a "white man's religion" and their appropriation of Islam as the national religion of

⁴⁶¹ KAMBIZ GHANEA BASSIRI, *A HISTORY OF ISLAM IN AMERICA* 10 (Cambridge Univ. Press 2010).

⁴⁶² Khaled A. Beydoun, *African Slaves Were the 1st to Celebrate Ramadan in America*, THE ROOT (July 3, 2014, 3:01 AM), <https://www.theroot.com/african-slaves-were-the-1st-to-celebrate-ramadan-in-ame-1790876253>.

⁴⁶³ *See id.*

⁴⁶⁴ *See id.*

African America proved very appealing. It attracted numerous converts and ensconced Islam in black America as a religion of liberation. During the Civil Rights Movement, it Islamicized a significant segment of African America.⁴⁶⁵

To better understand the significance of racial equality in Muslim American discourse and activism, and the resonance that *Rebuild With Love* would have within the minority community, one must understand the place of race in Islamic law and history. According to both the Qur'an and Sunnah, all human beings enjoy equality and the single differentiating factor between them in the sight of the Divine is piety (as reflected in the spiritual status of one's heart as opposed to outward appearances which may prove deceptive). Illustrative is the following Qur'anic verse, for instance:

O mankind! We created you from a single *pair of* a male and a female, and made you into nations and tribes that you might get to know one another. Surely the noblest of you in the sight of Allah is he who is the most righteous. Allah is All-Knowledgeable, All-Aware.⁴⁶⁶

Further, during his final sermon to the first community of Muslims preceding his ultimate demise some 1400 years ago, the Prophet Muhammad specifically stressed the significance of racial equality: "All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white except by piety (taqwa) and good

⁴⁶⁵ BASSIRI, *supra* note 460, at 228.

⁴⁶⁶ MALIK, *supra* note 145, at 573.

action.”⁴⁶⁷

Still, in contemporary America, Black Muslims continue to struggle against bigotry and discrimination at the intersection of race, religion, gender, socio-economic status, among other markers of identity. In response to the realities of such lived experiences, they have established institutions to fulfill spiritual, cultural, and political needs. MuslimARC, through which Faatimah Knight led the *Rebuild With Love* crowd funding campaign, is one such organization.

Established in 2014, MuslimARC focuses on human rights education “to uproot racism” by “raising awareness and training Muslim communities” about “internalized, interpersonal and institutional racism.”⁴⁶⁸ They seek to do so by drawing upon Islamic law and tradition and the historical legacy of Black empowerment.⁴⁶⁹ Among its substantive areas of concentration are mass incarceration and police brutality, criminalization of immigrants, and inner city poverty, to name a few.⁴⁷⁰ Representative educational initiatives include a series of new media campaigns featuring the positive contributions of Black Muslims during Black History Month as well as guidance to the larger Muslim American community about the Black Lives Matter movement.⁴⁷¹

It is within this context that MuslimARC sponsored the *Rebuild with Love* campaign to assist the Black churches set ablaze in the South with monetary donations.⁴⁷² In its appeal to the

⁴⁶⁷ See, e.g., *The Last Sermon (Khutbah) of Prophet Muhammad (Farewell Sermon)*, IQRASENSE, <http://www.iqrasense.com/about-islam/the-last-sermon-khutbah-of-prophet-muhammad-farewell-sermon.html> (last visited Apr. 24, 2018).

⁴⁶⁸ *Areas of Focus*, MUSLIM ANTI-RACISM COLLABORATIVE (Feb. 10, 2014), <http://www.muslimarc.org/>.

⁴⁶⁹ See *id.*

⁴⁷⁰ *Id.*

⁴⁷¹ See *id.*

⁴⁷² *Rebuild With Love*, MUSLIM ANTI-RACISM COLLABORATIVE (July 8, 2015), <http://www.muslimarc.org/respondwithlove/>.

American Muslim community, they highlighted the historic significance of Black church arsons, as discussed. While noting the role that mosques play during the holy month of Ramadan as spaces for fast breaking, worship and congregation, the site asserted: “ALL houses of worship are sanctuaries, a place where all should feel safe, a place we can seek refuge when the world is too much to bear.”⁴⁷³

Previous sections discussed the increasing anti-Muslim prejudice and discrimination. Arguably, such experiences with bigotry and religiously motivated violence may have cultivated an enhanced sense of empathy towards Christians and African Americans in the context of the Charleston Shooting. Indeed, the organizers noted on the site: “As Muslims we know the importance of protecting the vulnerable and respecting people who call on God in their various tongues. We want for others what we want for ourselves: the right to worship without intimidation, the right to safety, and the right to property.”⁴⁷⁴

The *Rebuild With Love* campaign is significant for a number of reasons. First, it reflects the nature of Muslim and Christian encounter and exchange in the U.S. While Islam and the West are often viewed as oppositional, *Rebuild With Love* exemplifies Islam in the West and how each influences the other. For instance, socio-political movements against structural racism—such as the Black Lives Matter movement—have resulted in organizations like MuslimARC leveraging Islamic textual legal and moral sources to highlight how such injustices undermine religious precepts surrounding racial equality and to mobilize related support and activism. Conversely, the use of Islamic texts to engender such support and humanitarian aid has positively impacted non-Muslims and their institutions, such as Black Christians, in America.

Second, the *Rebuild With Love* campaign is a lens through which to understand the historic contributions and presence of

⁴⁷³ Knight, *supra* note 412.

⁴⁷⁴ *Id.*

Muslims in America, the complexity of contemporary Muslim American identity and the mixed experiences informed by intersectionality. Third, such intersectionality influenced the founding of and activities by Muslim American institutions, such as MuslimARC, in an ongoing dialectic. *Rebuild With Love* is a representative result of that process. Finally, the fact that the campaign successfully collected in excess of \$100,000 from the Muslim American community highlights the common thread—a commitment to compassion, mercy and benevolence—found in each of these sections.

D. Humanitarian Islam

On July 15, 2015, in a published presidential statement extending celebratory greetings to the Muslim community on the occasion of Eid-ul-Fitr, an Islamic holiday marking the end of Ramadan, then President Obama described the *Rebuild With Love* campaign.⁴⁷⁵ More specifically, he recognized Faatimah Knight's leadership in coordinating the successful crowd funding initiative for Black churches while noting, "Americans of all faiths and beliefs must stand together to protect our democracy and strengthen our country as a whole."⁴⁷⁶

To better understand how faith beliefs influenced the philanthropic endeavor, it is important to at least glimpse the African American Muslim woman responsible for it. Faatimah is a native of Brooklyn, New York, and a child to converts of Caribbean heritage.⁴⁷⁷ She first began observing Islamic religious attire, hijab, voluntarily when she was nine-years-old and she describes it as "an act of love that eclipses feelings of obligation" as well as one of

⁴⁷⁵ Press Release, Statement by the President on the Occasion of Eid-ul-Fitr, The White House (July 16, 2015) (on file with author).

⁴⁷⁶ *Id.*

⁴⁷⁷ Melanie Elturk, *Hijabi of the Month – Faatimah Knight*, HAUTE HIJAB (Apr. 3, 2016), <https://www.hautehijab.com/blogs/hijab-fashion/146397191-hijabi-of-the-month-march-faatimah-knight>.

many that draws her closer to God.⁴⁷⁸

After graduating high school, she attended a Muslim liberal arts college in the U.S. in 2008 but only after declining offers of admission from the University of Chicago and Smith College.⁴⁷⁹ Ultimately, she graduated in 2014 with a major in Islamic Law and Theology, and left college inspired to study and teach Islam.⁴⁸⁰ At the time of the *Rebuild With Love* campaign, she was pursuing a graduate degree in religious studies at the Chicago Theological Seminary.⁴⁸¹ Regarding the campaign, Faatimah explains:

For me the initiative was about giving hope in a time of fear, and showing up for those who've suffered injustice. It was really moving to see the positive and loving responses I received from supporters of the project. It was also empowering to be a part of something that turned out so successfully. It gave me confidence to think about how I might move forward with other initiatives and I hope it gave other people confidence to take their ideas off the ground.⁴⁸²

The *Rebuild With Love* campaign site cited verses from the Qur'an, neither of which explicitly reference *zakat* or *sadaqa*.⁴⁸³ One verse states, for instance, "Had Allah repelled some people by the might of others, the monasteries, churches, synagogues, and mosques in which Allah's praise daily celebrated, would have been utterly demolished. Allah will certainly help those who help His cause;

⁴⁷⁸ *Id.*

⁴⁷⁹ *Id.*

⁴⁸⁰ *Id.*

⁴⁸¹ *Id.*

⁴⁸² *Id.*

⁴⁸³ Knight, *supra* note 412.

most surely, Allah is Mighty, Powerful.”⁴⁸⁴

In explanation, the Qur’anic exegesis or interpretation from 14th century Sunni scholar Ismail Ibn Kathir elaborates on the verse’s meaning: “God repels one group of people by means of another and restrains the evil of some towards others through means by which He creates, and had this not been so, corruption would prevail and those of superior strength would vanquish the weak.”⁴⁸⁵ Here, Muslims Americans are being alluded to as a potential force of good that may choose to assist Black Churches so as to stop evil and corruption.

It is important to note that the *Rebuild With Love* campaign was not only focused on communal relations with non-Muslims. In various interviews with news media, Faatimah stressed that the campaign was also designed as an oppositional response to racism or what she previously depicted as “attacks on Black culture, Black religion and Black lives.”⁴⁸⁶

As discussed, the primary legal sources—Qur’an and Sunnah—provide for racial equality as a matter of faith. Here, the humanitarian impulse in Islam and Muslim communities is arguably clear. Faatimah, who studied Islamic Law and Theology at a Muslim American liberal arts college, leveraged religious textual sources to encourage philanthropy that benefited non-Muslims during a period of despair created by racially motivated violence. That positive Muslim American contribution, similar to others inspired by humanitarian Islam and explored elsewhere in this Article, earned presidential recognition.

CONCLUSION

In exploring American Muslim philanthropy, this Article reveals *humanitarian Islam’s* influence and impact in America as

⁴⁸⁴ MALIK, *supra* note 145, at 384.

⁴⁸⁵ TAFSIR IBN KATHIR (ABR.), Vol. 6 at 585 (Darrusalam 2000).

⁴⁸⁶ Knight, *supra* note 412.

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Muslims counter unlawful discrimination, battle violent extremism, and reclaim the narrative about themselves. *Humanitarian Islam* reveals a minority faith group distinct from the caricatured outsider holding hostile intentions toward Western civilization generally or Americans more specifically. Rather, through the unique lens of charitable giving, the reader observes Muslims advancing national interests as Americans *because* of Islamic beliefs, laws, and values—not despite of them.