

12-19-2015

Demonizing Muslims Only Benefits IS

Jennifer Moore
University of New Mexico

Follow this and additional works at: https://digitalrepository.unm.edu/law_facultyscholarship

 Part of the [Law Commons](#)

Recommended Citation

Jennifer Moore, *Demonizing Muslims Only Benefits IS*, *The Albuquerque Journal* (2015).
Available at: https://digitalrepository.unm.edu/law_facultyscholarship/373

This Article is brought to you for free and open access by the School of Law at UNM Digital Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.



**SCHOOL
OF LAW**

**SMALL SCHOOL.
BIG VALUE.**

<https://www.abqjournal.com/693486/demonizing-muslims-only-benefits-is.html>

Demonizing Muslims only benefits IS

By Jennifer Moore

Albuquerque Journal

Saturday, December 19th, 2015 at 12:02am

In recent days, Republican presidential candidate Donald Trump has called for a policy of excluding Muslims from entry into the United States in response to the Dec. 2 ISIS-inspired terrorist attack in San Bernardino, Calif.

Trump's call for barring people from entry on the basis of religion has been condemned by a broad spectrum of pundits and politicians, including both Republican and Democratic presidential candidates, as unworkable, counterproductive, unconstitutional and un-American.

It has also resonated with a certain portion of the electorate for its decisive response to the fear of future terrorist attacks.

The antidote to Islamophobia and scapegoating Muslims for ISIS-inspired terrorist attacks on civilians is to reassert constitutional and international legal principles and cultural values shared by Americans and people of countries around the world.

The case against religious litmus tests is based in common sense and humanitarian principles, as the most compelling arguments always are. Our political and legal policies are strongest when grounded in who we are as people.

Anti-Muslim sentiment in the political sphere is the work of crass political demagogues, but it also expresses fear of indiscriminate violence. In saying no to anti-Muslim immigration policies, we need to acknowledge this fear rather than fan it.

It is wrong to marginalize Muslims in part because such attitudes intensify the very dangers they purport to alleviate. Simply put, Islamophobia feeds ISIS-inspired terrorism.

If we scapegoat, exclude or monitor all Muslims, whether refugees, immigrants or citizens, we drive more people, Muslim or not, into the ideological arms of ISIS and other violent groups. This is both a humanitarian and a utilitarian argument. Americans, in rejecting the demonization of Muslims, engage in an enlightened form of self-interest.

Anti-Muslim sentiment is unconstitutional.

The U.S. Constitution, like the French Constitution and the constitutions around the world, gives pride of place to religious freedom, enshrined in the very First Amendment of the U.S. Bill of Rights.

Freedom of religion, along with the equal protection and due process clauses of the Fourteenth Amendment, form a secular trinity of core legal values equally offended by the arbitrary exclusion of persons on the basis of religious affiliation. If we scapegoat, exclude or monitor all Muslims in the name of national security, we risk destroying our constitutional liberties in a cynical or misguided campaign to save them.

Anti-Muslim sentiment offends the core principles of international human rights law.

The International Covenant on Civil and Political Rights, ratified by the United States and countries around the world, protects freedom of conscience, freedom of religion and the principle of non-discrimination.

Some ICCPR articles, such as freedom of expression and personal liberty, are subject to limited derogations in time of declared national emergency. But certain fundamental norms are exempt from derogation, including freedom of conscience, freedom of religion and freedom from discrimination.

According to (articles 2, 4 and 18 of) the Civil and Political Covenant, discrimination on the basis of religion is never justified, even in time of national crisis.

Finally, anti-Muslim sentiment is antithetical to our pluralistic society.

Americans are Muslims, as we are agnostics, atheists, and members of a rainbow spectrum of faiths and spiritual communities. The hashtag #JeSuisAhmed (“I am Ahmed”), tweeted after the Charlie Hebdo attacks, is as true in the United States as in France.

Ahmed was a victim and not a perpetrator of terrorist violence. In our vulnerability, we need to come together.

When we demonize Muslims, we destroy ourselves. Embracing Muslims as part of our political community is to acknowledge and nurture the health of our democracy and the vibrancy of our global society.

Copyright © 2017 Albuquerque Journal | Albuquerque, N.M.