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The Imperceptibility of Muslim Identity

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THE IMPERCEPTIBILITY OF MUSLIM IDENTITY

Nadia B. Ahmad[†]

ABSTRACT

This article examines the challenges facing Muslim Americans, particularly Muslim women, as they confront systemic bias, intersectional oppression, and the racialization of religion in the United States. Through personal narrative and critical legal scholarship, it explores the pervasive nature of Islamophobia in political, academic, and societal spaces, highlighting its deep entrenchment in media and public policy. The author recounts a gendered Islamophobic attack during the 2024 Democratic National Committee's Convention as an example of how prejudice and political intimidation intersect to marginalize Muslims. Using this experience as a foundation, the article critiques structural inequities reinforced through diversity, equity, and inclusion (DEI) initiatives that fail to disrupt entrenched systems of racism. It draws on emerging MusCrit scholarship, which situates Muslim identity within critical race theory, to advocate for counter-narratives that challenge reductive and racialized depictions of Islam.

The article further critiques media portrayals of Muslims and other marginalized groups, demonstrating how narratives tied to the War on Terror and War on Drugs dehumanize entire communities to sustain imperialist ideologies. It calls for transformative changes in educational and societal frameworks that foster empathy, critical thinking, and

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meaningful engagement with marginalized identities. By advocating for the reimagining of pedagogical practices and policy approaches, the article seeks to advance justice and equity. This interdisciplinary work contributes actionable insights for educators, policymakers, and legal professionals dedicated to addressing systemic inequities and fostering a truly inclusive and compassionate society.

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INTRODUCTION

On August 19, 2024, during the Democratic National Committee’s Convention (DNCC), I experienced a gender-based Islamophobic attack in the United Center that highlighted the dangerous intersection of prejudice and political expediency in American politics. As a Muslim woman holding a sign reading “Stop Arming Israel,” I was physically assaulted by three white men, members of the Laborers’ International Union of

North America (LiUNA).¹ They struck me, a hijab-wearing woman, on the head with plastic campaign signs with wooden planks inside; their actions driven by a toxic combination of Islamophobia and political intimidation. Despite filing a police report and a hate crime complaint with the Illinois Attorney General's office and calling for action, neither the Democratic Party, the City of Chicago, the State of Illinois, nor the federal government has yet to formally acknowledge or condemn the violence. The Chicago Police Department has taken no action twenty weeks later. This incident underscores the urgent need for political spaces, including those within the Democratic Party, to confront Islamophobia and protect the rights of marginalized communities.

The law professor, the student activist, the mother, the woman who will not take "no" for an answer — all those parts of me converged at that moment. The assault was not just physical; it was an attack on every role I play and every principle I stand for. Four months later, I am still suffering from post-concussion symptoms. The headaches persist, and while steroids have helped reduce the inflammation, nothing can erase the trauma but justice, and justice seems to be in short supply. I have had to slow down, as I can no longer think as quickly as I used to, and the pain continues to bother me. This attack was a symbol of the broader Islamophobia and marginalization that too often goes unchecked in political spaces.

As I looked back at my interactions with Westerners, I was struck by how those negative stereotypes reemerged from time to time. While this stereotyping of Muslims is not universal, the historical tensions present an opportunity for scholarly inquiry.² As Muslim individuals and communities undoubtedly confront their own distinct forms of oppression, education scholar Noor Ali urges the formation of MusCrit as a distinct identity within critical race theory (CRT).³ MusCrit theory argues that Muslim Americans are often viewed as a monolithic group due to the racialization of religion, leading to experiences of oppression ranging from microaggressions to outright violence and discrimination. The theory is built on six key tenets, including the systemic nature of racialized oppression, the importance of identifiability in the Muslim experience, the role of gender in oppression, the need for counter-narratives, the concept of

¹ See Kate Nagle, *VIDEO: U.S. Senator Reed Condemns Assault of Woman by Laborers' Union at DNC*, GoLOCALPROVNEWS (Sept. 6, 2024), <https://perma.cc/85D6-LUU5>.

² See generally Tariq Modood, *Multicultural Citizenship and Muslim Identity Politics*, 12:2 INTERVENTIONS: INT'L J. POSTCOLONIAL STUD. 157, 157-170 (2010) (exploring the connection between multiculturalism and Muslim identity politics).

³ Noor Ali, *Muscrit: Towards Carving a Niche in Critical Race Theory for the Muslim Educational Experience*, 45:4 INT'L J. RSCH. METHOD EDUC. 343, 350-51 (2022).

whiteness as property and norm, and the essential role of allies.⁴ I urge support for the development of MusCrit, but also consider Muslim identity more broadly beyond the constraints of race because of the strained relationship between racial and ethnic identities and religious intolerance of Muslims and other religious identities.⁵ I find the racialization of Muslims as fraught because Islam is a religion, not a race. Contorting Islam into a Western racial construct for ease of understanding furthers the inferiority of Islam and Muslim identity. I also consider how the rising anti-CRT movement paralyzes legitimate criticism of CRT as classist and anti-intellectual diversity because of fraught faith-based social dogmas.⁶

This article proceeds in four parts. First, I deconstruct problematic encounters I face in professional and ordinary spaces. Second, I map out my path to becoming a lawyer and law professor as a practicing American Muslim and the tensions between neoliberalism, neo traditionalism, and heterodox legal analysis. Third, I examine the burdens of incessant bias in media and popular culture in the War on Drugs and War on Terrorism as an extension of the state and corporatist violence of empire-building. Fourth, I turn to my daily battles of whether to quit or persist.

I. THE MILE MARKERS FOR CROSS-CULTURAL COMPETENCY

As a visible American Muslim woman and law professor of South Asian origin in the Bible Belt, I proffer this article to improve the understanding of cultural competency in response to American Bar Association Standard 303(c) that states “A law school shall provide education to law students on bias, cross-cultural competency, and racism,” and I note that Muslim identity is distinct from existing analysis and unexplored or underexplored.⁷ State, and national bar associations issue rules, resolutions, and standards on diversity, but I believe universities lack the resources and capacity to implement them.⁸ Implementation of such rules related to the instruction of bias, cross-cultural competency, and racism would

⁴ *Id.* at 349-50; MUSCRIT, <https://perma.cc/DBX3-SZKA> (last visited Dec. 2, 2024).

⁵ See SAHAR F. AZIZ, *THE RACIAL MUSLIM: WHEN RACISM QUASHES RELIGIOUS FREEDOM* 4 (2021) (discussing how racism has intersected with religion to racialize Islam followers, thereby excluding them from religious freedom protections).

⁶ See Stephen Sawchuck, *What is Critical Race Theory, and Why Is It Under Attack?*, EDUCATION WEEK (May 18, 2021), <https://perma.cc/9UHW-C86K>. See generally, Cyra Akila Choudhury, *Racecraft and Identity in the Emergence of Islam as a Race*, 91 U. Cin. L. Rev. 1 (2022).

⁷ L. SCH. ACCREDITATION STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF L. SCH., Standard 303(c) (2021) (AM. BAR ASS’N, amended 2022).

⁸ Michelle Weyenberg, *ABA Passes Revisions to Accreditation Standards*, NAT’L JURIST (Apr. 5, 2022), <https://perma.cc/6Y7F-QFXP>; L. SCH. ACCREDITATION STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF L. SCH., Standard 303(c), Interpretation 303-7 (2021) (AM. BAR ASS’N, amended 2022).

disrupt the status quo and be averse to white racial supremacy, which is ingrained in these institutions.⁹

A. *The New Crusades*

I share my story as an extension of the genre of autobiographical ethnography to fill the absence of my voice in discussions of diversity, equity, and inclusion (DEI).¹⁰ I build from Khaled Beydoun's *The New Crusades: Islamophobia and the Global War on Muslims*.¹¹ The onslaught of a campaign vilifies and demonizes us as Muslims, no matter who we are or what we achieve. A careful review of *The New Crusades* evidences the painful realities of Muslims across the world, and most notably, in contexts where War on Terror law and lexicon have been adapted to intensify preexisting, or entirely novel, persecution campaigns against Muslim populations.¹² In an evocative journey, Beydoun chronicles the harsh reality of discrimination faced by Muslims, taking us through the cities of Beirut and Washington, D.C., weaving narratives that depict starkly contrasting realities.¹³

Beydoun's latest work expanded from his earlier work, *American Islamophobia*, shows how the subtle and blatant forms of discrimination Muslims face to dehumanize them to occupy their lands, invade their countries, curtail their civil liberties, and restrict their entry into white and Western spaces.¹⁴ Beydoun's incisive analysis offers a poignant perspective on how Muslim identity has been simultaneously erased and weaponized on a global scale.¹⁵ His writing serves as a chilling reminder of the deep-seated anti-Muslim prejudices that permeate society as overlapping layers of racism and expansion of the enterprise of empire.¹⁶

⁹ Oyin Adedoyin, *Despite Renewed Commitment to Diversity, Colleges Make Little Progress, Report Says*, THE CHRONICLE OF HIGHER EDUC. (July 18, 2022), <https://perma.cc/NQA6-QJU4>.

¹⁰ See Margaret E. Montoya, *Mascaras, Trenzas, y Grenas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185 (1994) (example of an autobiographical ethnography); see also David M. Engel, *Making Connections: Law and Society Researchers and their Subjects*, 33 LAW AND SOC'Y REV. 3 (1999) (discusses how creative forms like ethnographies contribute to legal scholarship).

¹¹ See generally KHALED A. BEYDOUN, *THE NEW CRUSADES: ISLAMOPHOBIA AND THE GLOBAL WAR ON MUSLIMS* (2023) (ebook).

¹² *Id.* at loc. 14 (“[T]he war on terror was a global imperial project . . .”).

¹³ *Id.* at loc. 19-21 (“Beirut has been bombed! . . .”).

¹⁴ *Id.* at loc. 26 (“In addition to examining the roots and rise of American Islamophobia . . .”).

¹⁵ *Id.* at loc. 34 (“Juan has come to symbolize for me the new era of Islamophobia . . .”).

¹⁶ *Id.* at loc. 47 (“ . . . Islamophobia is structural . . .”); see generally Sohail Daulatzai & Junaid Rana, *WITH STONES IN OUR HANDS: WRITINGS ON MUSLIMS, RACISM, AND EMPIRE* (2018).

His experiences parallel my personal encounters with discrimination, which run the gamut from the subtle to the egregiously overt. Every interaction appears to be tainted by racism, Islamophobia, and xenophobia, but the added dimension of misogyny. The facade of politeness and tokenism on good days is no less demeaning,¹⁷ while, in my experience, the worst days bring forth a torrent of profanities and physical aggression. In the next section, I consider more closely the impact of this lens through which I am viewed but remain unseen.¹⁸

B. From Gender Trouble to the Open Casket Pulse Funeral

Having to code-switch and constantly disarm people from the threat of my Muslim identity grows tiring. I see how this circumspection around religious identity may have parallels with concerns of hiding identity in other constructs, including sexual orientation. Growing up in the Bible Belt, the notion of queerness was something happening outside my sphere, something I was removed from even if it was present without my knowing. But then I found myself in college, surrounded by intellectuals and professors who questioned every norm, every rule. Among them was the formidable Judith Butler, who was the chair of the Rhetoric Department, where I had taken classes. A pioneer in gender studies, Butler was known for her intellectual prowess. She was kind, but fierce, intimidating even, but she was a true titan, a brilliant mind that encouraged us to question, to explore, to grow through her transformative work on *Gender Trouble*.¹⁹

In an interview in the *Guardian*, Butler was asked, “Today we often hear about the importance of listening to those with a ‘lived experience’ of oppression.”²⁰ Political philosopher Olúfemi O. Táíwò has warned that noble intentions to ‘decentre’ privileged perspectives can easily backfire.”²¹ Butler responds:

Yes, it is important to acknowledge that, while a white person cannot claim to represent Black experience, that is no reason for

¹⁷ Renee Nicole Allen, *From Academic Freedom to Cancel Culture: Silencing Black Women in the Legal Academy*, 68 UCLA L. REV. 364, 374 (2021).

¹⁸ See generally DEEPA PURUSHOTHAMAN, *THE FIRST, THE FEW, THE ONLY* (2022) (ebook) (details how women of color can push back against toxic messaging and introduce valuable cultural viewpoints into the workplace).

¹⁹ See generally JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY* (1999) (ebook) (argues that the modern conception of gender is a performative and regulated social construct).

²⁰ Jules Gleeson, *Judith Butler: ‘We Need to Rethink the Category of Woman,’* THE GUARDIAN (Sept. 7, 2021), <https://perma.cc/484Z-Y6FN>.

²¹ *Id.*; Olúfemi Táíwò, *Being-in-the-Room Privilege: Elite Capture and Epistemic Deference*, THE PHILOSOPHER 1923 (2021), <https://perma.cc/H27W-K3XT>.

white people to be paralyzed on matters on race, refusing to intervene at all. No one needs to represent all Black experience in order to track, expose and oppose systemic racism – and to call upon others to do the same.

If white people become exclusively preoccupied with our own privilege, we risk becoming self-absorbed. We definitely don't need more white people making everything about themselves: that just re-centralizes whiteness and refuses to do the work of anti-racism.²²

Studying Butler's works made my understanding of LGBTQ+ rights evolve. I was freer in the classroom than in the mosque, not having to worry about where I sit or stand, where to take off my shoes, when to remain silent. Butler engaged with the idea of systemic oppression, unseen biases, the complexities of gender and sexuality. I learned to see the world through different eyes, and I felt a change within me. It was not just sympathy or passive support anymore, it became a passion, a cause to fight for, to fight for rights beyond those of my own. At Berkeley I found my voice, but it was not easy to maintain it. Later in law school it all still felt like a man's world. But Butler had taught us to take up space, to speak louder, to make our collective voices matter.

C. Pulse Nightclub Shooting

June 12, 2016, is a day that has seared itself into my memory.

His lashes rested peacefully as if he were sleeping. The stillness on his face hid the horror of what had transpired. I had never witnessed an open casket funeral. I was reminded of the funeral of Emmitt Till, whose mother left the casket open so the world could see and remember.²³ It was the first time I saw the dead bodies of men outside my family. I had seen my grandfathers as they were shrouded to be buried. However, they had met the natural end of long lives. These funerals were the result of a gruesome and horrific mass shooting.

Juan Ramon Guerrero, 22, and his 32-year-old boyfriend, Christopher "Drew" Leinonen, were among the forty-nine people who lost their lives that tragic night. I attended their joint funerals, and the impact of the horror hit too close to home. It was beyond a headline. It was a horrifying reality. My students were affected. My colleagues were mourning. The grief encompassed not only lost lives but lost love, the freedom to love,

²² Gleeson, *supra* note 20.

²³ Katie Nodjimbadem, *Emmett Till's Open Casket Funeral Reignited the Civil Rights Movement*, SMITHSONIAN MAG. (Sept. 2, 2015), <https://perma.cc/VP99-59H3>.

and the acceptance that should have been present but was not. It was a grief for the collective failure of society to protect those who loved differently. I struggled to process the multiple distressing elements of the narrative: the homophobia, failed counterterrorism efforts leading to a tragic killing spree,²⁴ and the Orlando Police Departments slow response resulting in a lawsuit.²⁵ Amid managing these complex issues, my sense of constant alertness interfered with my ability to grieve, all while a major news alert appeared on my brother's phone. My Muslim neighbor Rizwan Zaman, who had grown up down the street from me, came out as gay after the Pulse Shooting on the BBC.²⁶

Rizwan's coming out, and out so publicly, gave me hope. He is the smart type, who must act a little goofy to disarm from the label of being brainy. As a gay, Muslim man, he was also a very effective person to articulate the impact of the Pulse shooting. The calm in his voice in the BBC interview also instilled a sense that we would get through this tragedy and work to make the world a better place.²⁷

Rizwan's father had visited me after my second child was born, encouraging me to get involved in political organizing in the Democratic Party. Although I felt barely able to manage motherhood and find a career path, Rizwan's father's words came back to reawaken my desire for a more accepting world, where I was not only tolerated, but also valued.

Out of my grief over the Pulse Nightclub Shooting came a renewed determination. I resolved to use my voice, my knowledge, and my place in the legal world to fight. I would fight for the rights that people had been denied, for acceptance of those considered different, and for a world where love was just love, no matter who it was for. And that's what I do now. Because in the end, it is not about being straight or gay, man or woman, but about being human. We all deserve to love, to be loved, to be free. And that's the legacy I strive to create, one case, one law, one article, one voice at a time that I, too, belong and am human despite my faith. When I was attacked in Chicago, it was those who were queer who came first to condemn the incident as an Islamophobic hate crime, because they knew what it's like to have violence inflicted on you just for who you are. Hate crosses political lines, but does not blur the essence of human dignity.

²⁴ Frank Straub, et.al., *Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on Pulse Nightclub*, U.S. DEP'T OF JUST. (2017), <https://perma.cc/Z8PB-ZZEN>.

²⁵ See Nicole Chavez, *Pulse Shooting Victims Sue City of Orlando and 31 Officers Over Response Tactics*, CNN (June 8, 2018, 8:18 AM), <https://perma.cc/D9J3-C4KL>.

²⁶ *Muslim by Birth, Gay by Existence*, BBCNEWS (June 26, 2016), <https://perma.cc/4T6P-U44Q>.

²⁷ *Id.*

II. LAW, CULTURE, AND SELF-DEFINITION

To be woke
 is not just a political ideology,
 It is an unretractable existence.
 A contradictory remedy of healing and pain.
 The cultivation of a deep and necessary consciousness of survival
 that slices white patriarchal supremacy
 and wounds the heart
 —opening minds.
 Our eyes never shut. Our voices never seize.
 We are courageous, we are fierce, we are exhausted.
 And yet we persist. We are Alive. We are here.
 We are WOKE.²⁸

The historical trajectory for American acceptance (or assimilation) of various groups takes many decades.²⁹ Acceptance cannot be achieved in a few hours of diversity sessions. By the year 2100, which my children may live to see, we, as Muslim Americans, will be accepted in this country, *inshallah*.³⁰ I have too much on my plate to be part of corporatist DEI-trainings. Governor Ron DeSantis has declared a war on “woke,” stating in his second inaugural address, “Florida is where woke goes to die.”³¹ College professors across the state are updating their syllabi to remove certain words associated with critical race theory.³² Others have canceled classes focused on race and race relations out of fear of retaliation and reprisal.³³

²⁸ Aerial A. Ashlee et al., *We are Woke: A Collaborative Critical Autoethnography of Three “Womxn” of Color Graduate Students in Higher Education*, 19 INT’L J. OF MULTICULTURAL EDUC. 89 (2017).

²⁹ John R. Logan & Hyoun-jin Shin, *Assimilation by the Third Generation? Marital Choices of White Ethnics at the Dawn of the Twentieth Century*, 41 SOC. SCI. RSCH. 1118 (2012); see also Tomás R. Jiménez et al., *The New Third Generation: Post-1965 Immigration and the Next Chapter in the Long Story of Assimilation*, 52 INT’L MIGRATION REV. 1040, 1047 (2018).

³⁰ Insha Allah means “if God wills” in Arabic. Abdullah Shhipar, *Are Better Things Coming? Inshallah*, N.Y. TIMES (Jan. 26, 2022), <https://www.nytimes.com/2022/01/25/magazine/inshallah.html>.

³¹ Matt Dixon & Gary Fineout, *‘Where Woke Goes to Die’: DeSantis, With Eye Toward 2024, Launches Second Term*, POLITICO (Jan. 3, 2023, 2:24 PM), <https://www.politico.com/news/2023/01/03/desantis-2024-second-term-00076160>.

³² Daniel Golden, *Muzzled by DeSantis, Critical Race Theory Professors Cancel Courses or Modify Their Teaching*, PROPUBLICA (Jan. 3, 2023, 7:00 AM), <https://perma.cc/M5SN-FPNS>.

³³ *Id.*

Despite these academic fears, Florida is where woke is being resuscitated. Florida birthed the Black Lives Matter and Dream Defenders movement following the 2012 murder of Trayvon Martin, and the 2013 acquittal of the man who shot him.³⁴ Historian Ibram X. Kendi wrote the National Book Award-winning *Stamped from the Beginning* as a professor at the University of Florida.³⁵ Florida is the living, breathing iteration of woke, because the racism is so thick.³⁶ Woke is a reflex and survival tactic, not a *flex*. In fact, companies have incorporated the idea of woke-washing into their brand marketing, because they know they can capitalize on it.³⁷

I consider the song, “Life is Good,” by the rapper Future, a valuable resource for legal professionals seeking to comprehend the complexities and subtleties of the legal system.³⁸ The song emphasizes the difficulties and obstacles that one faces on the path to success.³⁹ These lessons can also be of value to law students and early career lawyers. “Life is Good” provides a lens into social inequality and class distinctions through the music video.⁴⁰ This comprehension can motivate law students to use their legal knowledge and skills to advocate for those who are marginalized or disadvantaged and to create a more equitable legal system. The song’s emphasis on appreciating life’s positive moments can also serve as a reminder to law students to maintain a healthy work-life balance. It is essential for aspiring legal professionals to prioritize their mental health and well-being due to the often-overwhelming demands of legal education and the legal profession. By recognizing the significance of personal

³⁴ Stewart Moore, *How Trayvon Martin’s Death Led to the Birth of the Black Lives Matter Movement*, WESH (Feb. 28, 2022, 6:21 PM), <https://perma.cc/GSV7-MVLN>; *Black Lives Matter Movement to Mark 10 Years of Activism, Renews Call to Defund the Police*, ASSOC. PRESS (July 13, 2023, 12:26 AM), [\[https://perma.cc/SYC8-U45\]](https://perma.cc/SYC8-U45).

³⁵ Sophie Feinberg, *Ibram X. Kendi Returns to Gainesville*, WUFT (Nov. 22, 2019, 11:21 AM), <https://perma.cc/Q4PT-KXFN>.

³⁶ TEHAMA LOPEZ BUNYASI & CANDIS WATTS SMITH, *STAY WOKE: A PEOPLE’S GUIDE TO MAKING ALL BLACK LIVES MATTER* 32-33 (2019); *Virgil Hawkins Story*, UNIVERSITY OF FLORIDA, [\[https://perma.cc/WT27-ZDG6\]](https://perma.cc/WT27-ZDG6) (last visited Dec. 20, 2024) (source discusses Virgil Hawkins, who challenged the University of Florida College of Law’s denial of admission for African American students).

³⁷ Nicolai Foss & Peter Klein, *Why Do Companies Go Woke?*, 37 ACAD. MGMT. PERSP. 351, 353 (2022); Francisca Sobande, *Woke-Washing: “Intersectional” Femvertising and Brand “Woke” Bravery*, EUR. J. MKTG. 2723, 2729 (2019).

³⁸ FUTURE FT. DRAKE, *LIFE IS GOOD* (Epic Records, 2020).

³⁹ Robert K. Cooper, *Applying Emotional Intelligence in the Workplace*, TRAINING & DEV., Dec. 1997, at 32-33.

⁴⁰ Epic Records, *Life is Good*, YOUTUBE (Jan. 9, 2020), <https://perma.cc/LB34-ECA6>.

satisfaction and self-care, law students can cultivate a more fulfilling and sustainable legal career.⁴¹

A. *Leveling the System*

“You kill a dog; you go to jail. You kill a little black boy, and nothing happens.”⁴²

—Attorney Ben Crump

Two days after I was admitted to The Florida Bar, I attended the 2006 Diversity Summit at Florida A&M University (FAMU) College of Law where I met Karen Kirksey, who worked for The Florida Bar Association. She introduced me to the two other event organizers: attorney Ben Crump, who served on the Conference Program Committee, and Ruth Witherspoon, the FAMU Law Associate Dean at the time. Over the years, I learned to trust and rely on Karen, Ben, and Ruth.

Ben Crump, often called “Black America’s Attorney General,” is the civil rights attorney known for representing the families of Ahmaud Arbery, George Floyd, Andre Hill, Breonna Taylor, Daunte Wright, Joshua Wright, Michael Brown, and Trayvon Martin.⁴³ He also represented Randy Cox, who was partially paralyzed in the custody of New Haven police.⁴⁴ Crump helped secure a \$45 million settlement on behalf of Cox.⁴⁵ He sought to dismantle police brutality by making it financially unsustainable.⁴⁶ I did not know who Ben Crump was when I met him, but

⁴¹ Ronald Tyler, *The First Thing We Do, Let’s Heal All the Law Students: Incorporating Self-Care into a Criminal Defense Clinic*, 21 BERKELEY J. CRIM. L. 1, 30 (2016).

⁴² Ben Crump, *Lawyers of Color*, LAWYERS OF COLOR (Feb. 26, 2021), <https://perma.cc/Z866-ESCF>.

⁴³ Sheree R. Curry, *Who is Ben Crump? “Black America’s Attorney General” on Justice, Equality, and Accountability*, USA TODAY (Feb. 2, 2023, 5:00 AM), <https://perma.cc/DVC7-83HD>.

⁴⁴ Paul Bass et al., *Civil Rights Leaders Call for Justice After New Haven Police Incident*, THE CT MIRROR (June 28, 2022, 4:25 PM), <https://perma.cc/88QR-BWUF>; James Baldwin, *A Report from Occupied Territory*, THE NATION (July 11, 1966), <https://perma.cc/BDZ8-WJPL> (“And the police are simply the hired enemies of this population. They are present to keep the Negro in his place and to protect white business interests, and they have no other function. They are, moreover—even in a country which makes the very grave error of equating ignorance with simplicity—quite stunningly ignorant; and, since they know that they are hated, they are always afraid. One cannot possibly arrive at a more surefire formula for cruelty.”).

⁴⁵ Ana Ley, *Man Left Paralyzed in Police Encounter Gets \$45 Million Settlement*, N.Y. TIMES (June 11, 2023), <https://www.nytimes.com/2023/06/11/nyregion/andy-cox-new-haven-police-45-million.html>.

⁴⁶ Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. 2740, 2797 (2014) (“For these inquisitors, what matters over time is the way elite actors ultimately give meaning to the actions of non-elite activists. We are arguing that the reverse is often closer to the truth. The elite actors often

he appears effortless and powerful. He was unassuming, but dripped with justice. I was in complete awe of him.

In him, I saw someone I could finally admire; he spoke to my soul. Ben Crump was a counter-narrative to the preconceived notion of a lawyer. The month before I met him, Crump represented the family of 14-year-old Martin Lee Anderson, who was killed in a Panama City Boot Camp. Over a year-long battle, Crump worked to obtain a \$5 million settlement for the family and the statewide closure of all Department of Juvenile Justice boot camps.⁴⁷ Crump constantly organized cases, plans, contacts, and events. And he did not mince words while doing so. Later, I learned that other attorneys would go to The Florida Bar Convention just so they could see Crump. He kept a level head even in the heat of the moment. He spent time, effort, and energy to motivate all, from those entrenched in the system to those just starting out.

B. Straddling Multiple Worlds

Before LinkedIn and other social media, employers didn't know what I looked like until I showed up for the interview. Even though they overcame their implicit bias of my Muslim name, they could not handle the reality of having a woman in hijab at their law firm. After 9/11, law schools blacklisted activist Muslim students, and law firms blacklisted practicing Muslims and those who associated with the Muslim Law Students Association, where I was elected to serve as national president in 2004.⁴⁸ After graduation, I landed a job at a large litigation defense firm in Tampa. All the new associates at my first legal job looked like they had walked off the fashion runway or the pages of *GQ*. I figured they had hired me because they needed someone to do the work. I was the super associate mega-billing at the highest associate rate, but I did not know that I was also supposed to go to happy hour cocktails with the partners. A partner in the law firm told me to avoid doing "diversity work," but the diversity work was the only work that I enjoyed. I organized a program for diversity in continuing legal education, co-sponsored by more than five voluntary bar associations and held in the conference room of Holland & Knight's Tampa office. I put all this effort into organizing a program on diversity, but when I went back to work, my colleagues barely acknowledged me. The only social interaction I had at the firm was when

derive the social meaning of their actions from the efforts of non-elite activists like Fanny Lou Hamer and all of the others standing behind and beside her.").

⁴⁷ Brent Kallestad, *State Considers \$5 Million for Boot Camp Teen's Family*, HERALD-TRIBUNE, (Apr. 7, 2007, 12:00 AM), <https://perma.cc/8AHB-XGZC>.

⁴⁸ See *Targets of Suspicion, The Impact of Post-9/11 Policies on Muslims, Arabs and South Asians in the United States*, IMMIGR. POL. IN FOCUS, May 2004, at 15.

I joined the online fantasy football league, and people wondered why the random new associate was doing so well in her football picks. Then I would meet them in person and they could not understand that I was the same person in the top of the standings. I was breaking into their turf, and they found that unsettling.

During my first year as an attorney, I kept an envelope in my office addressed to The Florida Supreme Court. I kept it there because I hated the insurance defense work that I was doing, and had decided that I needed to quit being an attorney. I would mail back my bar card and surrender my law license. Technically, it would not work like that, but it would be a symbolic gesture.

I gave up on the idea to quit being an attorney when I bumped into Orlando radio DJ Johnny Magic in the parking lot of a local gym in 2007. He asked me how I was and what I was doing. I had met him ten years earlier at a high school career day. I told him I was an attorney, but I hated being one and did not want to be one anymore. He laughed and smiled like only Johnny Magic can.

“Maaan, people dream of being an attorney. Don’t quit! Find something’.”

I thought he was right, so I turned my sights on becoming a law professor. It would take seven years, a master’s degree, and four published law review articles before I landed my first academic teaching gig.

When I transitioned into the legal academy, I worked to organize conference panels for Florida Bar Association events, including a program in 2016 on the intersections of privacy law, private business, and media. The panelists, including Ben Crump, analyzed how drones, body cams, and hidden cameras were changing the legal landscape. I wanted to help elevate the debate on law enforcement’s disparate targeting and raise public consciousness of the issue. In media law, there is a saying that “sunlight is said to be the best of disinfectants.”⁴⁹ Sunshine, though, cannot wash away the pain and torture of police brutality. Instead, we are left with the ache of emotions.⁵⁰

⁴⁹ Andrew Berger, *Brandeis and the History of Transparency*, SUNLIGHT FOUND. (May 26, 2009), <https://perma.cc/7866-FABY>.

⁵⁰ *Id.*; see generally Saru M. Matambanadzo, *Embodying Vulnerability: A Feminist Theory of the Person*, 20 DUKE J. GENDER L. & POL’Y 45, 74 (2012) (“Vulnerability, according to many, is a condition which emerges in part from embodied human needs and in part from the destabilizing forces of globalization, forces that upend traditional support systems and coping mechanisms. The origin of vulnerability studies has been intertwined with international human rights laws and analyses of the economic and social impact of globalization.”).

In 2023, the City of Memphis released the body cam video of the brutal beating of a 29-year-old African American male, Tyre Nicholas.⁵¹ I heard his three painful cries to his mother as five police officers punched, kicked, tased, and pepper-sprayed him for three minutes on the street not far from his mother's home.⁵² He died three days later. The president of the ACLU and law professor Deborah Archer wrote on X (formerly Twitter): "Yes, the . . . [former] . . . officers are Black. It's still about white supremacy. Structural racism and white supremacy are about a social order that uses physical and economic violence to keep Black people in 'their place' – denying economic opportunity, education, basic dignity, and safety."⁵³ Archer adds, "[M]ore diversity does not equal systemic change. You can change the face, but not change the racism woven into the system. The system itself must change. Black officers, Black police chiefs, Black mayors are not going to fix that system."⁵⁴ The narrative of Tyre Nicholas' unjust treatment shares a common thread with immigration status: the dynamics of systemic oppression and the forceful imposition of the "other" status on marginalized groups. Both the tragedy of police brutality and immigrants' experiences underline how deeply entrenched structures of power can perpetuate violence and discrimination. Whether in the case of racial injustice or the scapegoating of immigrants, these situations reveal the systemic dimensions of exclusion and the urgent need for a comprehensive shift in societal structures.

C. Anti-Subordination as Strategy

The immigrant is traditionally located in the inter/national imagination through the prism of the laborious moves of statism to project an image of the world divided along territorially discontinuous and separated sovereign spaces, each supposedly enclosing homogeneous cultures and impervious essences. From this line of vision, the immigrant is always the outsider, the abnormal, the other. The historical record of the modern inter/national system, however, suggests a different point of departure focusing on the

⁵¹ Jaclyn Diaz et. al, *The City of Memphis Releases Videos of Tyre Nichols' Arrest and Beating*, NPR (Jan. 27, 2023), <https://perma.cc/UZ7S-LY4A>.

⁵² Noah Zucker, *'Heinous Beating' Tyre Nichols Screams for his Mom in Horrifying Bodycam Video . . .* THE U.S. SUN (Jan. 27, 2023), <https://perma.cc/BVJ8-6NJE>.

⁵³ Deborah N. Archer (@DeborahNArcher), X (Jan. 27, 2023, 6:42 PM), <https://perma.cc/4STN-YFH9>.

⁵⁴ *Id.*

interlocking processes of capitalism, colonization, and migration.⁵⁵

—Tayyab Mahmud, LatCrit Scholar

In Mahmud's passage, he asserts that immigrants are seen as outsiders or anomalies. This perception is born out of a sense of nationalism and patriotism, where non-natives are considered "different" and potentially threatening to the established culture and order.⁵⁶ Mahmud suggests that the traditional view oversimplifies the reality of immigration. He posits that it is more accurate and revealing to consider immigration as part of broader systems and historical processes, such as capitalism and colonization.⁵⁷ These processes are interconnected, each influencing and shaping the others. For instance, the development and spread of capitalism often involves migration (for labor or economic opportunity), and colonization frequently involves the displacement and movement of people.

As for myself, my identity will always be as the daughter of immigrants. I am also the wife of an immigrant and the mother of an immigrant's children. Those identities, along with my being Muslim, will follow me in all professional and academic spaces.

Becoming a law professor is a complicated form of inside baseball. It does not take very much to be a law professor. If you know the hidden rules of the game, you can make it in. Landing the first teaching gig is based on scholarship and curricular demands, but also connections.

I am reminded of the bellowing voice from the back of the room at my first Society of American Law Teachers (SALT) meeting, saying "[w]e cannot remain silent." For the uninitiated, SALT and LatCrit host conferences, seminars, and writing workshops.⁵⁸ These events nurture early-career scholars and aspirational law professors in their quest to join the legal professoriate. When I attended my first SALT conference in Baltimore in 2012, I found the cheapest hotel and walked a mile back and forth to the conference. At one meeting, law professor Audrey McFarlane shared insights about the "poor door" controversy of mixed-income housing.⁵⁹ As I walked through a working-class neighborhood in Baltimore, I did not fear for my safety, but instead thought of how developers and

⁵⁵ Tayyab Mahmud, *Migration, Identity, & the Colonial Encounter*, 76 OR. L. REV. 633, 690 (1997).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ See generally Margaret E. Montoya & Francisco Valdes, "Latinas/os" and Latina/o Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Legal Models of Knowledge Production, 4 FIU L. REV. 187, 218 (2008).

⁵⁹ Audrey McFarlane, *The Properties of Integration: Mixed-Income Housing as Discrimination Management*, 66 UCLA L. REV. 1140, 1148-59 (2019).

investors would swoop in over time to take over these properties. I heard another conference participant describe the neighborhood as “rough,” which is a euphemism for Black. Three years later, Baltimore would explode following the death of Freddie Gray from a spinal injury in a police van.⁶⁰ I carry move with vigilance against the police. I constantly avoid anyone with a badge at all costs. There is a different set of laws that apply to my community. The police will harm us before they protect us.

But I did learn one very important thing at the conference. During an intense discussion, a man stood up from the back of the room like an oracle. He was a law professor at the University of Miami, Francisco “Frank” Valdes. He was the first person I met who had gone to Berkeley undergrad and the University of Florida law school, like me. We had the combination of degrees that were an equation for “watch out” and a magnet for debilitating racism that other people did not see or experience.

“Abuse happens in private. You have to call it out. We cannot remain silent,” Valdes said. Everyone nodded their heads in agreement. Despite the fact that Francisco Valdes’ advice from a decade ago resonated with me, I knew that its implementation would have to be delayed for the time being. I found the silence safer.

D. The Burden of Silence

Being the only woman of color on a team can be extremely taxing. You’re torn between authenticity and assimilating. In the face of this tension, women of color often opt out of happy hour and other social events and rarely share the personal details of their lives as openly as their white and male counterparts.⁶¹

—Zuhairah Washington and Laura Morgan Roberts

Consider the following scenarios for purposes of cross-cultural competency and how my response to unwelcoming information and comments is usually non-responsiveness. Consider also how my sensibilities may be shaped by my cultural experiences and faith in ways that are different from others.

In my days as a student at UC Berkeley, when I worked in *The Daily Cal* newsroom, I avoided the backroom banter by arriving early and submitting articles ahead of deadlines. I chose to avoid the casual conversations that could veer into inappropriate territory later in the day, as writers

⁶⁰ German Lopez, *The Baltimore Protests Over Freddie Gray’s Death, Explained*, VOX (Aug. 18, 2016), <https://perma.cc/M4B5-24ZX>.

⁶¹ Zuhairah Washington & Laura Morgan Roberts, *Women of Color Get Less Support at Work. Here’s How Managers Can Change That*, HARVARD BUS. REV. (Mar. 4, 2019), <https://perma.cc/5APL-X2CX>.

and editors struggled to meet deadlines. This approach helped me maintain a more professional and focused environment, especially during high-pressure periods. By limiting these interactions, I could prevent potential issues that might arise when stress levels increased and people became more likely to say things they would regret. It was a combination of personal religious beliefs or sensitivities. Looking back, those college students were still more respectful than my law professor colleagues.

When I first began teaching, I conducted informational interviews with my colleagues, attended their courses, and set up lunch meetings to learn about their teaching methods. During one such interaction, a senior colleague informed me that he could not join me for lunch because “Muslim women are not allowed to eat with men.” The same professor routinely invited other colleagues for meals. This colleague also frequently expressed his belief that critical legal studies would harm legal education, whereas I found critical legal studies to be a guiding light. This imbalanced treatment highlighted distinct tenure trajectories, one for me and another for those resembling them. The message was clear: assure their tenure, facilitate their advancement, and allow them to enjoy academic privileges.

When I expressed interest in starting a visiting program with students from the United Arab Emirates or organizing a trip there for our students, a professor stated that it would constitute a security threat, implying that Muslims and Arabs posed such risks.

During my third pregnancy, a member of staff advised me not to have eight children as their sister-in-law had done. This remark suggested that Islam subjugated women and promoted a negative stereotype regarding reproductive options and use of contraception.

Due to the frequent discussion of Islam in a national security course, a senior professor invited me to deliver a guest lecture on the topic of Islam. Nonetheless, I opted not to deliver the usual counterterrorism lecture that sensationalizes Islam. Instead, I spoke about climate change as a threat multiplier to national security, challenging the notion that Muslims are inherently dangerous. A junior professor asked me to come speak about human rights in Saudi Arabia and Iran to an international law course. Being the counter to all things Muslim or Muslim world is not in the job description for associate professor.

These encounters left me disturbed and perplexed for months, prompting me to consider potential changes. Nevertheless, given the other demands on my time, I chose to disregard these instances and maintain my concentration on my own writing, research, and teaching — the activities that did not involve contributing to the perpetuation of sensationalism in counterterrorism discourse.

In each of the above encounters, I did what I do best – kept my mouth shut. Why? I wanted tenure. I know my place. Stay quiet and do not get in trouble. There are two syllables a South Asian upbringing etches in the mind from an early age: “be-have.” On the other hand, law professor Tay-yab Mahmud called this strategy, “duck and cover.”

I had been in this place before, which is why I would not sit back and ignore it. “This place” being a macroaggression or institutional abuse. I was trained culturally to ignore the slights, to put my head down and just do the work.

Faculty members have a heightened duty to speak out about inappropriate behavior because of their position of authority and influence within the academic community. As educators, they are responsible for creating a safe and respectful learning environment for their students, and this includes addressing and preventing inappropriate behavior by their colleagues and other students. Failing to speak out about inappropriate behavior can have serious consequences for both the individual who is harmed and the academic community, perpetuating a culture of silence and complicity, allowing inappropriate behavior to continue unchecked.

E. Shackles of Freedom

“[I]t is only after slavery and prison that the sweetest appreciation of freedom can come.”⁶²

—Malcolm X

Removing the history of racism from social studies books does not erase it; instead, it is buried. Basic physics tells us that when forces are restrained and contained, they tend to reach a pressure point and boil over or explode. These scientific conditions also apply to social movements. Even if some administrators and faculty acquiesce to anti-woke demands, a critical mass of students will resist. The same principle also translates to music and entertainment: I think of popular cultural depictions which exhibit anti-subordination and subversive messages, and disregard industry norms and customs, while also perpetuating existing stereotypes.⁶³

It is too late. Students have already been “indoctrinated” by iTunes, Hulu, HBO, and Spotify. Any attempt to suppress wokeness in the academic context is unlikely. The more a message is forced underground, the more likely it will ooze to the surface and erupt like a volcano.⁶⁴ Popular

⁶² MALCOLM X, *THE AUTOBIOGRAPHY OF MALCOLM X* 437 (Alex Haley ed., 1965).

⁶³ See generally Elena Nicolaou, *How The Cast Of Narcos: Mexico Compares to the Real People*, *REFINERY* 29 (Feb. 13, 2020), <https://perma.cc/HVY8-G5F7>.

⁶⁴ See generally *V FOR VENDETTA* (Warner Bros. 2006) (a movie in which Natalie Portman plays a vigilante fighting against a fascist government).

culture impacts students' perceptions. To me it appears that younger generations are less tolerant of white supremacy. At the same time, people of color carry intergroup tensions.

In 2000, I attended the Roots Conference at UC Berkeley and started writing an article based on the research of Sylviana Diouf and Allen Austin.⁶⁵ Legal theorization lacks analysis of intersectionality despite the emphasis on race and inequality. This lack of intersectionality is also based on problematic stereotypes of Muslims as a foreign and marauding group.⁶⁶ The dominant narrative about Muslims often portrays them as a monolithic, homogeneous group, erasing the diversity of experiences and identities within Muslim communities.⁶⁷ This oversight can lead to a lack of nuanced understanding of the ways in which Muslim communities intersect with other marginalized groups, such as Latina/o/x individuals. The stereotypes and biases that exist about Muslims can contribute to the erasure of the experiences and perspectives of Muslim individuals in legal and academic discourse. This exclusion can lead to a lack of attention to the ways in which Muslim communities are impacted by systemic issues such as racism, Islamophobia, and xenophobia, as well as the unique ways in which these issues intersect with other forms of oppression. Further, in my experiences, the racial marginalization of African Americans in the U.S. because of their more visible racial identity on account of color allows for more solidarity with American Muslims than other racial minorities, including Latina/o/x. This more developed solidarity is encrypted in the American Muslim experience because of the prominent African American Muslim voices of Muhammad Ali and Malcolm X.

The concept of intersectionality, which emphasizes the ways in which multiple forms of oppression intersect and impact marginalized groups, has been increasingly recognized as a crucial framework for understanding the experiences of marginalized communities.⁶⁸ However, this framework is not always integrated into traditional legal theorization, which can lead to a limited understanding of the complex and intersectional experiences of Muslim individuals and communities. Incorporating an intersectional analysis into legal and academic discourse helps to address these limitations by centering the experiences and perspectives of

⁶⁵ See generally Sylviane A. Diouf, *Muslims in America: A Forgotten History*, AL JAZEERA, <https://perma.cc/X5Z2-TWAW> (last visited Jul 22, 2023).

⁶⁶ See generally Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STANFORD LAW REV. 1241 (1991) (Crenshaw's article describes the theory of intersectionality, in which different aspects of a person's identity overlap to create a unique experience).

⁶⁷ Beydoun, *supra* note 11, at loc. 36 ("Orientalism spawned the corollary view . . .").

⁶⁸ See generally KIMBERLÉ CRENSHAW & NEIL GOTANDA, *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* (1995).

marginalized communities and recognizing the complex ways in which systems of oppression intersect and impact individuals and communities.

Nonetheless, the praxis of Islam— the way it is practiced and interpreted by individuals and communities— can be restrictive for understanding the biases that Muslims face. Cultural, social, or doctrinal factors exist within the context of Muslim identity and Muslim religious practices that limit the complete expression and comprehension of religion as understood in a Judeo-Christian sense. These restrictions can vary across Islamic regions, factions, and interpretations. They may be influenced by patriarchal norms, conservative traditions, or political ideologies. Islam must be seen with nuance and sensitivity, recognizing the diversity of the Muslim community and avoiding generalizations. By engaging in dialogue, the cultivation of critical thinking, and the facilitation of interfaith and intrafaith discussions, an opportunity arises to question and transcend the constraints of Muslim praxis, thereby fostering a more comprehensive and adaptable comprehension of the religion. This reorientation entails the incorporation of the views and viewpoints of marginalized factions within the Muslim community, including women, LGBTQ+ individuals, ethnic minorities, and religious minorities. These groups often face additional challenges when striving to practice their faith genuinely.

F. The Neoliberal and Neocolonial Equalizing

In 2021, based on my own inquiries, archival searches, and requests for information to the University President's office, I realized that I had likely become the first hijabi professor at Yale Law School and all of Yale University. Knowing that my actions would have wider ramifications was a significant and somewhat disconcerting experience. As a Visiting Associate Professor at Yale, I gained invaluable knowledge and insights, which made it harder for me to maintain my own complicity in the legal enterprise. I witnessed the complexities of unrestricted expression, which are frequently associated with the ivory tower of academia.⁶⁹ Yale was a place where I could intellectually relax and free myself of some of the academic stresses, and I felt surprisingly at ease there. I no longer had to speak slowly and distinctly to be understood, as an extraordinary level of competence was assumed for anyone at Yale.

During a reception for women at Yale, the speaker discussed the achievements of women professionals and the obstacles they had to overcome, including personal obstacles. I began to scrutinize how I framed my own struggles, particularly within oppressive and marginalizing

⁶⁹ See generally Joe Patrice, *Yale Law School Free Speech Crisis Mainly Fake News*, ABOVE THE L. (Mar. 22, 2022), <https://perma.cc/R3M2-SJEX> (questioning the validity of media creating a narrative around a "Free Speech Crisis" at Yale University).

systems. While acknowledging personal achievements is empowering, recognizing the external forces that may have constrained or limited us is also impactful. The illusion of meritocracy through the disregard of systemic barriers and inequalities persists when difficulties are framed as purely personal obstacles.⁷⁰ Seeing the influence of external forces on our experiences enables us to comprehend our own privilege and empathize with those who face various forms of marginalization. This comprehension can nurture unity and contribute to collective liberation. Constantly achieving a balance between recognizing our agency and resiliency and acknowledging systemic influences is a challenge.

Yale Law has served as a breeding ground for neoliberal and neo-conservative ideologies that have influenced countless policies, including Supreme Court decisions. It perpetuates the expansionist neocolonial processes associated with the New World Order and the Great Game.⁷¹ The freedom to express and share one's ideas is a classic ivory tower motif.

During my first in-person visit as my hybrid teaching experience at Yale, I saw posters advocating for the release of Guantanamo Bay detainees and later signs highlighting the plight of Uyghur Muslims in China. These occurrences induced unease and a sensation of detachment from my role as a professor. I perceived a commodification of the Muslim struggle, in which I was both a study subject and a recipient.⁷² Muslims have lesser liberties due to national security concerns.⁷³ The campus developed a high-end laboratory for lawyer training and amicus brief

⁷⁰ Daniel Markovits, *THE MERITOCRACY TRAP: HOW AMERICA'S FOUNDATIONAL MYTH FEEDS INEQUALITY, DISMANTLES THE MIDDLE CLASS, AND DEVOURS THE ELITE* (2019).

⁷¹ See generally Parag Khanna, *The Second World: Empires and Influence in the New Global Order* (2008); Kevin Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 NYU ANN. SURV. AM. L. 295 (2002); see also Carmen G. Gonzalez, *Bridging the North-South Divide: International Environmental Law in the Anthropocene*, 32 PACE ENVTL. L. REV. 407, 414 (2015) ("In the decades following World War II, decolonization movements in the global South liberated most of Asia and Africa from colonial rule.").

⁷² "The market's commodified version of 'Islamic law' has tangible consequences for the production of knowledge. By way of example, U.S. legal academics recently focused disproportionate attention on the reference to 'Islamic law' as a source of law in the drafting of the Egyptian and Tunisian constitutions." Lena Salaymeh, *Commodifying "Islamic Law" in the U.S. Legal Academy*, 63 J. LEGAL EDUC. 640, 645 (2014); see also Asifa Quraishi, *What if Sharia Weren't the Enemy?: Rethinking International Women's Rights Advocacy on Islamic Law*, 22 COLUM. J. GENDER & L. 173, 228 (2011) ("[O]ne of the unfortunate consequences of aggressive western-originated women's rights activism in Muslim countries is that it directly disempowers those Muslims (especially women) who are working for women's rights from a Muslim perspective.").

⁷³ Susan Akram & Kevin Johnson, *Race, Civil Rights, and Immigration Law after September 11, 2001: The Targeting of Arabs and Muslims*, ISLAM. L. 34 (2020).

filing.⁷⁴ Teaching Environmental Law on a campus that produced the architects of the War on Terror prompted me to wonder why the focus was on habeas petitions rather than defunding Guantanamo or dismantling the system. My perception of Yale Law was that it produced laws that endangered, isolated, incarcerated, impoverished, and harmed my community. A Muslim law student described it appropriately as “the belly of the beast.”

To convey the impact of 9/11’s aftermath on my community, I collaborated with the Muslim Students Association and Arab Students Association chapters at Yale. The Belonging at Yale grant enabled us to coordinate a three-part webinar series on Social Justice in National Security. We invited former Guantanamo detainees Mohamedou Ould Slahi and Moazzam Begg, who are now renowned authors, activists, and analysts, as well as other academics, attorneys, and authors, to share their experiences via webinars.

At Yale, the students and I sought to highlight the stories of the former detainee-clients, to share the human element instead of a discussion on the legal machinations of torture. We worked with two men who had endured the worst of the War on Terror and had overcome the trauma. What they experienced dwarfed whatever racism we experienced. We saw the power of narrative, truth-telling, and vulnerability.⁷⁵ Slahi literally wrote his way out of Guantanamo Bay. Slahi’s 466-page book, *Guantanamo Diary*, is the first memoir written by a still-imprisoned Guantanamo detainee.⁷⁶ His book was translated to many languages, published in over twenty-five countries, and in 2021 adapted to a film, *The Mauritanian*, starring Tahar Rahim and Jodie Foster.⁷⁷ Slahi wrote only so that he could see his family again. While he was prepping for the Belonging at Yale webinar, I asked Slahi if he might not be so gentle and instead express his anger more. He said that he could not—that he had already washed away the anger in his heart. He then spoke of learning the news of losing his mother while he was incarcerated.⁷⁸

⁷⁴ See generally SAMUEL MOYN, *HUMANE: HOW THE UNITED STATES ABANDONED PEACE AND REINVENTED WAR* (Farrar, Straus & Giroux 2021) (book chronicles changes in American military tactics that create more harm in an effort to seem “humane”).

⁷⁵ Gerald Torres, *Translation and Stories*, 115 HARV. L. REV. 1362, 1395 (2002); see generally LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* 34-38 (Harvard University Press 2002) (analyzing the power of grand narratives).

⁷⁶ Husna Haq, “*Guantanamo Diary*,” *the First Gitmo Account by a Detainee Still Imprisoned, Will be Published*, THE CHRISTIAN SCIENCE MONITOR (Aug. 12, 2014), <https://perma.cc/5J9Y-MYTA>.

⁷⁷ *The Mauritanian*, (Wonder Street et al. 2021) <https://perma.cc/2WHW-TZYF>.

⁷⁸ Yale Law School, *Social Justice in National Security Forums: Twenty Years Post 9/11 Part 2*, VIMEO (Jan. 25, 2022), <https://vimeo.com/669957415>.

When Moazzem Begg spoke at the Belonging at Yale webinar in 2021, he described the unseen forces that led to his unjust incarceration: from the betrayal of Pakistan's intelligence-military apparatus to the cowardice and double dealings of Pakistan's leaders.⁷⁹ Before his captivity, he was a language instructor with an Islamic bookshop in England.⁸⁰ His father, Azmat Begg, appealed to the British and American governments for his release. The National Council of Churches, Amnesty International, and the American Civil Liberties Union organized an event to raise awareness of the fact that the U.S. Supreme Court was set to hear arguments about the "foreign 'enemy combatants' . . . being held incommunicado at the military prison" to determine "whether the prisoners may challenge their detention in U.S. courts."⁸¹ Pakistani intelligence seized Begg from his home in front of his children in February 2002 and handed him over to the U.S. military, who held him in Bagram, Afghanistan. He was transferred to the Guantanamo Bay military prison until his release in January 2005. Begg recognized that his positionality as a British citizen had helped secure his release. I could not synthesize the law, as all the rulings on Guantanamo came during my time as a law student. It made sense to me only if I saw it as an attempt to control and maintain the military-industrial complex. It was a system that was in place to detain, incarcerate, maim, beat, and subvert people who looked like us.⁸²

At an event regarding sentencing and pardons, the only one who greeted me was a formerly incarcerated Black man. I heard an unmistakable, "Assalamu alaikum, Sister." For a few seconds, I felt seen by his brave solidarity. Islam provides comfort in prisons and in the solitariness of the Ivory Tower. Even those who are not Muslim learn to appreciate and respect Islam in prison walls. I was ashamed of what my profession had done to him in the name of justice. Yet, he was there, providing me with a sense of "Belonging at Yale." Years upon years of his life were taken away behind cold prison walls. Conversely, I experienced the privilege of the dank air of universities, burning a listless flame to deliver a

⁷⁹ Yale Law School, *Social Justice in National Security Forums: Twenty Years Post 9/11 Part I*, VIMEO (Oct. 5, 2021), <https://vimeo.com/623732510>.

⁸⁰ Ian Cobain, *The UK's "Torture Island,"* THE GUARDIAN (Feb. 1, 2007), <https://perma.cc/3HQW-JCN>.

⁸¹ *Id.*

⁸² Shirin Sinnar, *Hate Crimes, Terrorism, and the Framing of White Supremacist Violence*, 110 CAL. L. REV. 489, 544–45 (2022) ("Formed by the National Security Act of 1947, most national security agencies arose out of a World War II-era belief in the vulnerability of the United States and the need for a strong state that could address threats during both war and peace, even at the risk of infringing on civil liberties. Security agencies have often shielded controversial programs from public knowledge or accountability, invoking expansive classification schemes and legal doctrines to justify the secrecy.").

lost dream. What I learned from those three formerly incarcerated men was the barbarity of the legal system that served as my chosen profession.

III. THE INTERPLAY OF MEDIA, VIOLENCE, AND EMPIRE

“Say my days are numbered, but I keep wakin’ up.”⁸³

—Drake

I initially resisted attending a mandatory DEI Training in 2021, feeling emotionally overwhelmed and exhausted by the topic of discrimination, which I confront daily. The persistent presence of microaggressions, microinsults, and microinvalidations in my life made me reluctant to engage in diversity discussions that seemed to address the issues only temporarily. Yet my perspective shifted when I received distressing text messages about my aunt’s sudden health emergency, reminding me of the fragility of life and the importance of human connection. These personal experiences highlighted the need for more meaningful inclusion.

Meanwhile, the overlap between media, violence, and empire is untouched in diversity circles, because these concerns require more complexities and considerations of nuances. Media representations can serve purposes of empire-building to inflate dominance and subservient processes. Critiquing media representations allows for a deeper examination of power dynamics and systemic structures, ultimately facilitating more meaningful and effective strategies for dismantling discrimination and promoting genuine inclusivity in media. For example, music consumers relish in anti-Black racism, and the industry perpetuates these harmful stereotypes because the bottom line is that higher record sales, downloads, and streams builds a better brand. These problematic stereotypes also illustrate how these same types of biases are accentuated in the legal space. Further, these cultural configurations exhibit how problematic stereotypes of Muslims are prevalent as well but are met with complacency. This lack of effective nexus between SALT/LatCrit/CRT and Muslim identity demonstrates how harmful Black and Latino/a/x stereotypes are politically incorrect, but negative stereotypes of Muslims are politically salient.

A. *Media and Violence: Narcos and the Narco-Terrorist*

A few years ago, a Colombian American student in my Business Organizations class raised concerns about the treatment of the Revolutionary Armed Forces of Colombia (FARC) and the Colombian government in the context of violence, corruption, and U.S. interference. My Business Organizations casebook discussed the controversy surrounding Chiquita

⁸³ FUTURE FTG. DRAKE, *LIFE IS GOOD*, at 00:37 (Epic Records 2020).

Bananas and the U.S. corporations' support of rebel fighters as security forces.⁸⁴ I shared an article from the *American Journal of International Law* concerning the Colombian peace accord.⁸⁵ We engaged in a conversation and exchange outside of class, and we discussed our different opinions of the legal implications.

During the pandemic, I dubbed my Business Organizations class "The American Cartels." I explained that American businesses and transnational corporations operate similarly to oil cartels in the Middle East, and drug cartels in South America, Central Asia, and American cities. I acknowledged the discriminatory portrayals and stereotypes of the characters in shows such as *Homeland* and *Narcos* to the class. Yet I saw value in using these examples as a counter-narratives to standard notions of justice and corporatization. Amanda Vicary, a criminal psychologist, discovered that 70% of Amazon reviews for true crime books are written by women, and noted that murder media can help people manage their concerns.⁸⁶ True crime accounts can aid women in coping with horrifying situations and distant dangers, and teach survival techniques to prevent them from becoming victims.⁸⁷ A woman may listen to true accounts of intimate partner violence that turned fatal in order to recognize warning signs in her boyfriend's behavior.⁸⁸ Women aspire for the criminal justice system to rule and decide in their favor, an outcome which is uncommon, particularly for indigenous and minority women.⁸⁹

People can investigate their "dark side" in a socially acceptable manner through murder media.⁹⁰ The prevalence of media and cultural representations of oil and drug cartels supports my claim that American business interacts in a cartel-like fashion. In addition to discriminatory racial undertones, the show *Narcos* has an anti-American capitalist undertone. Drug smugglers and drug traffickers are challenging Big Pharma.⁹¹ Cocaine trafficking has resulted in the displacement of indigenous people

⁸⁴ *Chiquita Brands International Pleads Guilty to Making Payments to a Designated Terrorist Organization And Agrees to Pay \$25 Million Fine*, USDOJ, <https://perma.cc/Y6KB-2E66> (last visited July 22, 2023).

⁸⁵ Nelson Camilo Sanchez Leon, *Could the Colombian Peace Accord Trigger an ICC Investigation on Colombia?* AJIL UNBOUND 110, 172-177 (2017).

⁸⁶ Wistar Murray, *Why Do People Like True Crime Before Bedtime? Murder Media as a Psychological Coping Strategy*, THRIVEWORKS (July 13, 2021), <https://perma.cc/5Q47-ZGLB>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *See Drug Trafficking: A Business Affecting Communities Globally*, UNITED NATIONS OFF. ON DRUGS & CRIME (Aug. 13, 2012), <https://perma.cc/M7MV-TZPQ> (addressing drug trafficking, touching on Big Pharma when discussing a "wide variety of precursor chemicals").

from their territory as well as the loss of land and forest cover.⁹² Removed from my everyday reality, on the screen, I tolerate these problems associated with the illegal drug trade as entertainment. Nonetheless, the violence, homicide, mayhem, human trafficking, and other issues associated with the drug trade also occur in other corporate sectors. The oil and gas sector, the biofuel industry, and the weapons manufacturing industry are part of the dark aspect of the American capitalist economy and the rise of white supremacy. I see little distinction, except one industry is outlawed and leads to high instances of incarceration and public health issues.

In another instance, when I mentioned the murder of indigenous rights activist Berta Caceres, a student confided in me that her family was from Honduras. She said that before I had discussed Berta in class, the protesters were viewed by her and her family and relatives abroad as people making “trouble in the jungle.” After the class, she expanded her perspective. Seeing the business practices involved with illicit crimes can inform how more complex financial crimes, including insider trading, occur. The criminalization of illicit drugs also depicts a double standard as to how other presumably unfair financial transactions are treated, including the bank run and collapse of Silicon Valley Bank.⁹³

I see in *Narcos* how drug smugglers handle border patrol, DEA agents, and double agents in their own ranks. If anyone breaches that duty of loyalty to the cartel, the consequences are swift and unforgiving. The narco-dramas also evidence the power dynamics among the organizational levels of *narcos* in different geographic regions as well as what is needed to stay in charge and be a top drug producer, while overcoming supply chain concerns and labor disputes. The underground tunnels that the *narcos* use for smuggling drugs are of sheer brilliance for demonstrating how large-scale drug operations evade detection through ingenuity for long-term gain. El Chapo even escaped from a Mexican prison in 2015, similarly to the prison break celebrated in Hollywood’s *The Great Escape*.⁹⁴

Narco-terrorists live plush, whereas Middle Eastern terrorists are seen as backward losers, even in Bollywood’s latest action thriller,

⁹² Enrique Vera, *Indigenous Territories Taken Over by Organized Crime in the Central Peruvian Rainforest*, AMAZON WATCH (Nov. 12, 2021), <https://perma.cc/MJ79-7XTD>.

⁹³ Allison Morrow & Matt Egan, *Silicon Valley Bank Collapses After Failing to Raise Capital*, CNN (Mar. 10, 2023, 11:08 PM) <https://perma.cc/S9UG-TFWU>.

⁹⁴ Noah Hurowitz, *The Story of El Chapo’s Escape from Prison in a Laundry Cart and his Triumphant Return to Sinaloa*, BUSINESS INSIDER (July 31, 2021, 12:22 PM), <https://perma.cc/W5EC-LZLR>; Ridika Chalasani, *Drug Lord Joaquin “El Chapo’s” Prison Tunnel Escape*, CBS NEWS (July 14, 2015), <https://perma.cc/U9P4-4SKW>.

Pathaan.⁹⁵ If there is a gradient of bad guys, *narcos* even like those shown in *Scarface* are on a higher rung, as anti-heroes with character depth.⁹⁶ If someone considers the depiction of *narcos* troubling, welcome to my world.⁹⁷ The portrayal of *narcos* is more three dimensional than the beast-like, barbarian-esque portrayal of Muslims as terrorists in Hollywood and Bollywood films.⁹⁸ The idea of the stratified villain assumes racial connotations in ways similar to those of traditional racial and class hegemonic ordering. Scholar Charles Tilly contends convincingly that violence is essential to the formation of the modern state, even comparing state formation to organized crime.⁹⁹ In addition, he argues that war has been essential to the establishment of the modern European state and the monopolization of legitimate violence.¹⁰⁰ This discussion raises the question of whether violence is an aberration or a necessary component of nation-building.

Academics have long been interested in the relationship between violence and the formation of national consciousness, especially considering recent nationalism surges and conflicts such as the Ukrainian war.¹⁰¹ Look at India as a case study.¹⁰² Violence and nation-building are linked.¹⁰³ The mainstream Indian national movement was founded on nonviolence, which paradoxically emphasizes the importance of violence in the construction of the “Indian nation.” Despite India’s independence for more than seventy-five years, an increase in vigilante attacks is

⁹⁵ Lachmi Deb Roy, *Explained: How Shah Rukh Khan’s Pathaan Broke the Stereotype of Muslim Representation in Bollywood*, FIRSTPOST (Feb. 24, 2023, 6:40 PM), <https://perma.cc/2FRE-VHD7>.

⁹⁶ See generally *SCARFACE* (Martin Bregman Productions 1984).

⁹⁷ See generally Ellie Harrison, *Claire Danes Responds to Claims that Homeland is Racist*, THE INDEPENDENT (Apr. 5, 2020, 12:19 PM), <https://perma.cc/65DJ-237V> (discussing the problematic Muslim stereotypes present in the show *Homeland*).

⁹⁸ Claudia Hachenberger, *Narcos and the Promotion of a U.S. (Informal) Cultural Empire Based on Processes of Stereotyping and Comparison* (2019), <https://perma.cc/6LMZ-2ZEJ>; Azad Essa, *How Shah Rukh Khan’s Pathaan Will Strengthen Hindu Nationalism*, MIDDLE EAST EYE (Feb. 3, 2023, 12:17 PM), <https://perma.cc/Y3EC-EEEM>.

⁹⁹ *SASC Colloquium Series: Nation and Violence: Reflections on recent vigilante violence in India*, Kazuya Nakamizo, YALE MACMILLAN CTR. SOUTH ASIAN STUD., <https://perma.cc/UDK7-7XWN> (last visited Jul 30, 2023).

¹⁰⁰ *Id.*

¹⁰¹ POLITICAL VIOLENCE AND THE CONSTRUCTION OF NATIONAL IDENTITY IN LATIN AMERICA 19 (Will Fowler & Peter Lambert eds., 2006).

¹⁰² Anushka Sharma, *Ethnic Cleansing and Brewing Civil War in the Case of India’s Manipur*, LSE HUM. RTS. (Mar. 14, 2024), <https://perma.cc/3WN3-CL8X>.

¹⁰³ See Stephen Kearse, *Mahmood Mamdani on Why the Nation-State Is Obsolete*, THE NATION (Apr. 15, 2021), <https://perma.cc/LYR7-3J7R>.

frequently linked to sectarian politics as well as recurring instances of small-scale violence in minority communities.¹⁰⁴

Expanding upon the investigation of violence and nation-building, my own research examined the interrelationships between climate change, migration, the criminal justice system, and social movements such as Extinction Rebellion in the context of the coronavirus pandemic. By referencing Cicero's maxim "summum jus summa injuria," I investigated how environmental degradation and climate change contribute to mass migration and the emergence of new forms of carceral control. In addition, I investigated the function of music, particularly the work of the rapper 21 Savage, in reflecting and responding to these interrelated issues. This analysis illuminated the difficulties and opportunities activists, student leaders, and movement builders face in forging solidarity and resistance across ostensibly disparate domains.

English and Chicano/Latino Studies professor Héctor Tobar wrote about Hollywood's obsession with cartels: "The cartel operative—be he a kingpin or a hit man or a small-time drug dealer—has become the dominant image of Latino people in American television and cinema."¹⁰⁵ Tobar goes on to criticize how these negative depictions of Latino/as overlook their everyday experiences: "The dominant story among the more than 57 million Latino people in the United States is not the drug war: It is inequality, immigrant ambition and the wounds caused by the separation of extended families."¹⁰⁶ Tobar overlooks that the War on Drugs is the dominant policy narrative between South and Central America and the United States, building on politics of fear played out in media depictions.¹⁰⁷ The "inequality, immigrant ambition, and wounds" of family separation are the result of racism stemming from the War on Drugs. Similarly, the "Muslim Ban," dashed dreams, and family separation faced by Muslims is the result of a policy of vilifying Muslims through the War on Terror. Muslims are banned from the country, or allowed in following strict security clearance, through an arduous and tedious process. Ignoring the War on Drugs in the Latino experience, or the War on Terror in the

¹⁰⁴ Sumitra Badrinthan, et. al, *Misinformation and Support for Vigilantism: An Experiment in India and Pakistan*, AM. POL. SCI. REV., (2024) at 1.

¹⁰⁵ Héctor Tobar, *Hollywood's Obsession with Cartels*, N.Y. TIMES (Jan. 5, 2019), <https://www.nytimes.com/2019/01/05/opinion/sunday/latinos-cartels-trump-narcos-hollywood.html> ("Meanwhile, in real life, Latinos are acting out their own human foibles, and trying to build their own private empires, in fields that don't involve criminal activity. They manage your local Walmart, study law, get divorced, attend cosplay conventions, and do all sorts of things you rarely see them do in mainstream American television and film.").

¹⁰⁶ *Id.*

¹⁰⁷ Michael L. Rosino, et. al., *Racial Discourse and Identity Construction in Mass-mediated Debates on the "War on Drugs,"* 4 SOC. CURRENTS 246, 248-50, 258-60 (2017).

Muslim experience, is an impossible fantasy. I cannot wish away the War on Terror.

President Ronald Reagan's War on Drugs had a similar impact as President George W. Bush's War on Terror, in terms of criminalizing entire communities of Latino/as and Muslims/Arabs/South Asians. However, not all believe so.¹⁰⁸ The War on Drugs was an antagonistic construct that perpetuated an "us" versus "them" narrative. Further, most television and movies tend to exhibit high levels of violence.¹⁰⁹ *Narcos* is a counter to the Eurocentric *Game of Thrones*, which invaded law schools during the time it aired.¹¹⁰ In the abstract, *Narcos* better illustrates the issues present at the border than *Games of Thrones*.¹¹¹ *Narcos* is also a move away from English-speaking-only TV series. Netflix's head of content acquisition, Ted Sarandos, has asserted that *Narcos* is more popular than *Game of Thrones* across all streaming platforms, including those that have not been accounted for.¹¹² *Narcos* is "produced by a French company, shot in Colombia with Brazilian stars, and is hugely popular in Germany," and is described as "the first flavor of what global television can be."¹¹³

I recently came across a piece of news that caught my attention: El Chapo's wife received a three-year sentence instead of a more extended prison term.¹¹⁴ This news made me reflect on my beliefs about decarceration, as well as reminding me of *Narcos*, the Netflix show which sparked crucial conversations about the War on Drugs. Diego Luna, one of the show's stars, emphasizes the importance of having a dialogue and

¹⁰⁸ Madison Standon, *Applying the "War on Terror" to the "War on Drugs:" The Legal Implications and Benefits of Recategorizing Latin American Drug Cartels as Foreign Terrorist Organizations*, 22 SAN DIEGO INT'L L.J. 365 (2021); see generally Emma Bjornehed, *Narco-Terrorism: The Merger of the War on Drugs and the War on Terror*, 6 GLOBAL CRIME 305-24 (2004), <https://perma.cc/44S8-ZVDG> (offering a comparison, outlining similarities and differences in narcotics trafficking and terrorism).

¹⁰⁹ Patrick E. Jamieson & Daniel Romer, *Violence in Popular U.S. Prime Time TV Dramas and the Cultivation of Fear: A Time Series Analysis*, 2 MEDIA & COMM. 31-41 (2014).

¹¹⁰ Karen Sloan, "Game of Thrones" Invades Law Schools, YAHOO (Apr. 9, 2019) <https://perma.cc/L4KG-ZSX4>.

¹¹¹ See generally David Weber, *Legal Structures in a Game of Thrones: The Laws of the First Men and Those That Followed*, 70 S.C. L. REV. (July 9, 2018) (displaying the author Weber's Eurocentric view when he refers to Game of Thrones as "The Laws of the First Men" as if African and Asian structures do not exist).

¹¹² Jack Shepherd, *Netflix Claims Narcos is More Popular Than Game of Thrones*, INDEPENDENT (Dec. 8, 2015), <https://perma.cc/EN7L-5WTG>. Given Netflix's significantly larger subscriber base compared to HBO, it likely reaches a wider audience, though "more viewers" may not be the most precise terminology.

¹¹³ *Id.*

¹¹⁴ Alan Fuer, *El Chapo's Wife Sentenced to Three Years in Prison*, N.Y. TIMES (Nov. 30, 2021), <https://www.nytimes.com/2021/11/30/us/politics/el-chapo-wife-emma-coronel-aispuro-sentenced.html>.

discussion on the matter. The show sheds light on the complexities and consequences of the War on Drugs, inviting viewers to critically analyze and question the policies and strategies implemented to combat drug trafficking. Luna says the show promotes dialogue and discussion on the War on Drugs: “It’s a debate we need to be having.”

Academic scholarship is replete with the “Law of *Narcos*,” through discussions of cartels as a rational business strategy, multinational enterprises and international cartels, the narrative of narcos, narcos’ investment in rural land, and narcos on the migrant trail.¹¹⁵ Narcos are part of the human condition and similar to the way modern corporate America operates.¹¹⁶

In contrast, Spanish-language *Narcos* dramas have gained immense popularity in recent years, captivating audiences not only in Latin America but also around the globe. These dramas explore political corruption, drug trafficking, and the complex relationship between violence and authority. Even though some anti-capitalist academicians may find resonance with their critique of capitalist systems and the consolidation of power, it is crucial to recognize that the appeal of these dramas is multifaceted. Beyond strictly political or ideological motives, aesthetics, storytelling techniques, and cultural context contribute to their widespread popularity.

The ways in which cultural stereotypes and biases can shape the portrayal of different communities in media are significant. This understanding can be particularly impactful for marginalized communities who have historically been subject to negative stereotypes and discrimination. While Spanish language *narcos* dramas may not include negative portrayals of Muslims, Arabs, and South Asians with the same level of racism and discrimination as dramas in English, Urdu, or Hindi, encounters with Arab, Muslim, and South Asians in *narcos* also have negative stereotypes. But the characters are minor, so the encounters are limited. Meanwhile, the overall portrayal of Latinx communities in *Narcos* is problematic and

¹¹⁵ See, e.g., John M. Connor & Robert H. Lande, *Cartels as Rational Business Strategy: Crime Pays*, 34 CARDOZO L. REV. 427 (2012); Peter J. Buckley & Mark Casson, *Multinational Enterprises and International Cartels: The Strategic Implications of De-globalization*, 17 MGMT & ORG. REV. 968-88 (2021) <https://perma.cc/MGQ4-BLKA>; GABRIELA POLIT DUENAS, *NARRATING NARCOS: CULIACAN AND MEDELLIN* (University of Pittsburgh Press 2013); Kendra McSweeney et al., *Why Do Narcos Invest in Rural Land?* 16 J. LATIN AM. GEOGRAPHY 3 (2017); OSCAR MARTINEZ, *THE BEAST: RIDING THE RAILS AND DODGING NARCOS ON THE MIGRANT TRAIL* (Verso 2013).

¹¹⁶ See generally CARL BOGGS, *DRUGS, POWER, AND POLITICS: NARCO WARS, BIG PHARMA, AND THE SUBVERSION OF DEMOCRACY* 268 (1st ed. 2015); *Cali cartel boss Gilberto Rodríguez Orejuela dies in US Prison*, THE GUARDIAN (June 1, 2022), <https://perma.cc/PY9S-7BLB>.

perpetuates harmful stereotypes or erasure of diverse Latinx experiences and identities for commercial benefit and perpetuation of harmful stereotypes. In addition, adopting an abolitionist position on incarceration and the criminalization of migration highlights the need to dismantle detrimental systems and institutions, such as prisons and immigration enforcement agencies. This strategy promotes empathy, challenges misperceptions, and seeks more just and equitable solutions to the problems posed by the War on Drugs, widespread incarceration, and the criminalization of migration.

Narcos examines the failure of the War on Drugs and offers a critical perspective on the policies and actions taken to combat the global narcotics trade. The show highlights the inefficiency and flaws of the American law enforcement and justice systems, illustrating how these institutions frequently fail to safeguard society from the devastating effects of drug trafficking. *Narcos* raises concerns about the true motivations and objectives of the War on Drugs by depicting Americans as incompetent, inept, powerless, and worthless in the face of the global narcotics trade. The show exposes the corruption and inefficiency of the law enforcement and justice systems, which frequently place the interests of the powerful above the welfare of the general populace.

B. Empire: Pedagogia do Oprimido

I am a visibly Muslim woman in Florida. To this day, when I say I am from Florida to anyone out of state or from overseas, it is followed by a five-minute conversation about the governor and the bafflement of what has transpired in Florida, from the “Don’t Say Gay” legislation to the banning of Advanced Placement (AP) African American Studies. Sometimes they just laugh. I know they may also think I am very backwards as well. Based on statistical political demographics, and in response to the biases that have emerged because of the rise of Trumpism and its associated divisive rhetoric, I have had to adjust my own teaching methods. After 2016, I sensed that some of the students may have felt bad for me or felt that I was being victimized by Trump. Some students would approach me after class and apologize for comments that other classmates made toward me or the way they perceived that other students were being disrespectful towards me. This would not happen once or twice. It would happen every year, every semester when I taught a large, required class. I would shrug it off. I noticed the biases and bigotry grew worse after President Biden won the 2020 election.

After the 2020 election, I was glad a better administration was in the White House, but the disrespect by some of the students grew worse. I sensed they had bought into all the fear-mongering of Trump’s and DeSantis’s politics. The classroom dynamics themselves also became more

polarized. I scoured all the resources I could find to sort through how to teach in an anti-racist manner, but still keep my job. Legal pedagogy was of little value. The law itself was part and parcel of this problem. I felt more stress at teaching than when I first started in 2014. I felt a lot of pressure to practice emancipatory teaching. How could I actually teach? How could I teach, in order to encourage engaging with the material, rather than rote memorization? They had to pass the bar. They had to get jobs. They needed to learn to get by in a system that marginalizes them based on their race, class, and other socioeconomic factors.

C. Managing the Anti-Muslim Bias and Hate

On the way to drop my kids off at school on Groundhog Day in 2022, a man in a beat-up pick-up truck with an attached bumper trailer ran me off the road. Because of the road construction, I had to swerve into a narrow shoulder lane to avoid the barrier wall. He gestured with his middle finger once I was back on the road and overtook him. He had a bumper sticker that stated, “Joe Biden & the Ho Gotta Go.” When I spotted that bumper sticker, I knew he had purposely run me off the road. In the morning rush, I had forgotten how I looked to bigots until I was clobbered with this type of violent hate and was jolted back to the realities of everyday racism. The incident reminded me that some people saw me in my hijab and could not—or refused to—see beyond it.

The electoral loss of Donald Trump in 2020 had reinvigorated racism in Central Florida. I recalled how Trump had built a campaign around the “Muslim Ban,” but my kids needed to get to school on time, so I focused on the commute and buried the racist encounter. I have since blocked it from my mind, but still approach that section of the highway with dread and vigilance.¹¹⁷

I walked up to the biometric scanner and aligned my eyes until the dot turned green. As the scanner loaded my picture and revealed my identity, the CLEAR agent eagerly asked me, “Are you Nadia?”

“Yes,” I said, wondering if the screen display with my photo and name was not self-evident. I have learned not to make a scene at the airport. Generally, I do not.

The agent became excited and blurted out, “Are you Nadia Shanaa? Are you Palestinian?”

¹¹⁷ Khaled A. Beydoun, *Muslim Bans and the (Re)Making of Political Islamophobia*, UNIV. ILL. L. REV. 1733, 1735 (2017).

“No. No.” I replied, thinking of how far Palestine is from Pakistan.

“Aren’t you in the show on Netflix?”

“Huh!?” By now, my annoyance was mounting. I tried to stay cordial as she had me scan my airline ticket. Even when she started walking me to the TSA agent nearby, she kept insisting that I looked just like actress Safa Amir. I apologized that she was mistaken and asked her the name of the show. I had never met someone in the TSA who was starstruck by me.

I watched the other passengers in line look irritated as I was guided to the front of the line with the CLEAR agent. It’s watching that look on their faces that is the most significant benefit of the annual CLEAR membership.¹¹⁸ Watching a *hijabi* woman escorted to the front of the line, ahead of them, ahead of their bigotry, ahead of their thinking I should be waiting instead of them.¹¹⁹

Nadia Shanaa is the character in *Elite* played by Mina El Hammani, who is a Spanish actress of Moroccan origin. Mina stars in the Netflix Spanish drama about an elite high school in Spain.¹²⁰ I bear little physical resemblance to Mina.¹²¹ She is from Morocco. I am of Indian-Pakistani origin.¹²² As an American, I had never watched a continental European show with Muslim characters. The show left me with the taste of the Spanish Inquisition, when Muslims and Jews were forced to leave the region.¹²³ The Spanish Inquisition succeeded the period after the Muslim

¹¹⁸ CLEAR membership at the airport allows travelers to expedite the identity verification process using biometric data, such as fingerprints and facial recognition, for faster entry at security checkpoints.

¹¹⁹ “Hijab refers to the headscarf or hair covering worn by Muslim women. Niqab is the face veil that is added to hijab. It covers all facial features below the eyes. Veiling can refer to a range of different clothing from hijab to burqas (a large loose fitting head to foot covering that includes netting over the eyes).” Michelle D. Byng, *Symbolically Muslim: Media, Hijab, and the West*, 36 CRIT. SOCIOLOG. 109, 109 n. 1 (2010).

¹²⁰ *Elite* (created by Carlos Montero (Netflix, 2018)), available at <https://perma.cc/P37C-XMQC>.

¹²¹ See generally Derek Kenji Iwamoto & William Ming Liu, *The Impact of Racial Identity, Ethnic Identity, Asian Values, and Race-Related Stress on Asian Americans and Asian International College Students’ Psychological Well-Being*, 57 J. COUNS. PSYCHOL. 79 (2010) (examining how racial and ethnic identity, adherence to Asian cultural values, and experiences of race-related stress influence the psychological health of Asian American and Asian international students).

¹²² See generally Cristina Giuliani & Semira Tagliabue, *Exploring Identity in Muslim Moroccan and Pakistani Immigrant Women*, 11 EUR. J. PSYCHOL. 63 (2015) (discussing differences between Muslim Moroccan and Pakistani women and the two unique cultures they reside in).

¹²³ See generally HENRY KAMEN, *THE SPANISH INQUISITION: A HISTORICAL REVISION* (2014).

presence in the Iberian Peninsula known as Al-Andalus.¹²⁴ I binge-watched *Élite* and was horrified by the stereotypes of Muslims as ignorant, bigoted, illiterate, homophobic, transphobic, and controlling.¹²⁵ The plot was a series of clichés built upon clichés.¹²⁶

On October 6, 2023, while attending a Democratic National Committee's Women's Council event in St. Louis where Vice President Kamala Harris was scheduled to speak, I participated in a LatCrit conference Zoom session, sharing my experiences of discrimination as I waited for the Vice President's arrival. My daughters were with me, frustrated by my busy schedule. The next day, news of the Hamas attacks in Israel broke, and I felt an immediate shift in how I was perceived - from being part of the Democratic Party family to feeling like I was viewed as a terrorist, highlighting the precarious nature of acceptance for Muslim Americans in political spaces. Hate crimes elevated as war/genocide erupted in the Middle East. With my hijab, I became that walking, moving target all over again.

D. *The Burden of Everyday Encounters*

In everyday encounters, I must be on guard for what may lay in store. I watch cashiers be chatty with customers in the grocery store line, then not even look up and say a word to me as I complete the transaction with Apple Pay. I notice other customers move their children away in fear because they see us as infidels in the breakfast cereal aisle. I remember when

¹²⁴ ESPERANZA ALFONSO, *ISLAMIC CULTURE THROUGH JEWISH EYES: AL-ANDALUS FROM THE TENTH TO TWELFTH CENTURY* (2007) (book centers on the Jewish-Muslim forced migration out of Spain during the Spanish Inquisition).

¹²⁵ *Elite*, *supra*, note 120; Rua'a Alameri, *New Netflix Drama 'Elite' Explores Islamophobia in Europe*, ARAB NEWS, <https://perma.cc/R3LH-759J> (last visited Jun 24, 2023). I binge-watched *Élite* and was horrified by the stereotypes of Muslims as ignorant, bigoted, illiterate, homophobic, transphobic, and controlling. The show tackled prescient social justice issues of bigotry related to HIV and class as well as immigrant discrimination, but in a way that made me cringe because of the Muslim stereotypes. Not seeing the Muslim characters was better than watching them on the screen. Their gaze, customs, mannerisms, and outside interactions appeared forced and fetishized all at once. In the first episode, Nadia, the character, is instructed by the principal to remove her headscarf or be expelled, a scene that echoes Europe's recent discussion over banning headscarves in schools.

¹²⁶ *Elite*, *supra* note 120; see Louise Ryan, *'Islam Does Not Change': Young People Narrating Negotiations of Religion and Identity*, 17 J. YOUTH STUD. 446 (2014). Even though the character is depicted as being from a conservative Muslim household, she eventually drinks beer, takes off her headscarf in public (at school and at the disco), and has sex with a classmate (in a pool and in a locker room), which is recorded and shared virally before she has to confess to her parents.

I was in college at UC Berkeley, a hijabi student majoring in economics told the cashier that the price of an item was listed incorrectly and was told “we pay in dollars in the U.S.”

On campus, I observe a new, lackadaisical security officer suddenly appear on high alert as I walk through the hallway. I move by quickly to avoid the embarrassment of being asked for identification and for the reason why I am at the law school campus. I do not want to subject myself to that humiliation.

From strangers, there is a bewilderment that I speak English.

I take steps to cross the street only when someone is walking next to me to avoid being a target. I am grateful for the morning fog when I take my kids to school, because the low visibility means I am less visible, less of a target.

E. The Academic Travel Triggers

On the way to academic conferences, I receive a full pat down by TSA officers, because I look like a security threat to the agency dubbed “Thousands Standing Around.”¹²⁷ I have not yet discovered how to avoid creating the anomalies that routinely trigger the pat downs of my chest, crotch, bottom, thighs, back, neck, head, and ankles.¹²⁸ By the time I collect my bags from the airport baggage scanner, I vow I will never subject myself to this humiliation again. It is all I really remember about my trips. I see the glares from other passengers when I board a flight.¹²⁹ I listen to the flight attendant explain the snack options to me like I do not know the difference between chocolate chip cookies, crackers, and potato chips. When I arrive at the American Association of Law Schools (AALS) conference, I see that the Islamic Law and South Asian Studies section meetings are relegated to the end of the program when most people have already left the conference. I see that the AALS Minority Group luncheon is in a far corner of the hotel. I know what it is like to be at the margin of the margins. I head back home to deal with the same TSA pat downs.¹³⁰

I relay these racist encounters to my mom, who is a pediatrician, who also wears the hijab. She shares how a paramedic told her that her

¹²⁷ Darryl Campbell, *The Humiliating History of the TSA*, THE VERGE (Aug. 31, 2022), <https://perma.cc/R7AJ-2B4>.

¹²⁸ Jeffrey Goldberg, *TSA To My Mother-in-Law: ‘There’s an Anomaly in the Crotch Area,’* THE ATLANTIC (Apr. 27, 2012) (on file with CUNY Law Review).

¹²⁹ See generally Khaled A. Beydoun, *Lone Wolf Terrorism: Types, Stripes, and Double Standards*, 112 NORTHWEST. UNIV. L. REV. 1213, 1231-34 (2017) (discussing the racialization of terrorism as a form of Islamophobia).

¹³⁰ See generally THE RULE OF LAW AND THE RULE OF GOD, at 207-224 (Simeon O. Ilesanmi, Win-Chiat Lee, & J. Wilson Parker eds., 2014) (ebook) <https://perma.cc/7WSF-HYNT>.

handwriting was as sloppy as a doctor's. The nurse on duty told the paramedic, "Just wait. When she looks up, you will see the doctor in her eyes." The flustered paramedic could not apologize enough. My mom always had the witty come-back on standby for the put-downs; it is part of her armor. If I did not have her to help me shrug it off, I would not be able to take it day in and day out. I watch and observe her keenly, and I cannot shake off the racism as effortlessly as her.¹³¹ My mother and I have had distinct experiences with microaggressions, possibly due to her not being "American-born" and encountering them less often. I surmised that the medical profession is less racist than the legal industry. She told me in jest that I should have a ping-pong paddle with the words "white privilege" embossed on it. She did not find it funny when I took her advice and ordered a customized ping-pong paddle. I kept the ping-pong paddle in my vehicle, but realized I did not *truly* want to be the victim of road rage. So, I took the customized ping-pong paddle to my office, thinking maybe I can use it at a faculty meeting to be recognized, but I am not *that* brave yet.¹³²

F. The Political Elbowing

I find myself caught between a rock and a hard place in the writing of this article.¹³³ Not only are my students watching and learning from me as future lawyers who strive for social justice and human rights, but so are my children. I write this article for those law students, my children, and young voices so that authorities recognize how efforts to elevate diversity may miss the mark without accountability, transparency, and demands for justice.¹³⁴

During a Zoom call for the Florida Democratic Party's Budget and Finance Committee, I experienced unwelcoming behavior in the political organizing realm. Another board member demanded aggressively that I reveal my face in order to be heard when I am off-camera, implying that Muslim women should show their faces. Surprisingly, I find that when it

¹³¹ See Sidney S. Welch & Tricia "CK" Hoffer, *An Epidemic of Racism in Peer Review: Killing Access to Black and Brown Physicians*, 16 J. HEALTH & LIFE SCI. L. 42, 72 (2022).

¹³² See generally David A. Elder, "Hostile Environment" Charges and the ABA/AALS Accreditation/membership . . . Why Defamed Law Professors Should "Not Go Gentle into That Good Night," 6 RUTGERS J.L. & PUB. POL'Y 434, 470–71 (2009) (analyzing the impact of hostile environment claims on law school accreditation and membership processes with a focus on the reputational and professional harm to accused professors).

¹³³ See, e.g., Cyra Choudhury, *In the Shadow of Gaslight: Reflections on Identity, Diversity, and Distribution of Power in the Academy* 20 CUNY L. REV. 467 (2017) (raising the issue of co-optation of identity and diversity by institutions in defense of the status quo).

¹³⁴ See generally DERRICK BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTOR* (Beacon Press 1994) (reflecting on the author's decision to leave the faculty at Harvard Law due to lack of support for minority professors).

comes to subtle bigotry, liberals can be worse than Republicans. They believe that appearing professional and seated at a desk conceals a resentment of Asian immigrants. While five other board members apologized to me after the fact, no one intervened in the moment, leaving me distressed and offended. These sentiments persisted until the board decided it was time to express moral outrage collectively.

G. *The Teacher-Student Narrative*

The scholarly discourse surrounding schooling has been enriched by Paulo Freire's influential work, *Pedagogy of the Oppressed*, which was published in 1968 and later translated from Portuguese into English in 1970.¹³⁵ The work has enhanced the agency of individuals globally, especially in the United States and Western Europe, which have persistently grappled with the existence of a marginalized and disadvantaged underclass, predominantly concentrated in urban areas and city centers.¹³⁶ Freire explains the complexities of the teacher-student narrative:

A careful analysis of the teacher-student relationship at any level, inside or outside the school, reveals its fundamentally *narrative* character. This relationship involves a narrating Subject (the teacher) and patient, listening objects (the students). The contents, whether values or empirical dimensions of reality, tend in the process of being narrated to become lifeless and petrified. Education is suffering from narration sickness.

The teacher talks about reality as if it were motionless, static, compartmentalized, and predictable. Or else he expounds on a topic completely alien to the existential experience of the students. His task is to "fill" the students with the contents of his narration—contents which are detached from reality, disconnected from the totality that engendered them and could give them significance. Words are emptied of their concreteness and become a hollow, alienated, and alienating verbosity.¹³⁷

Freire's scholarly contributions illuminate the imperative of transitioning away from the conventional banking model of education, characterized by teachers dispensing knowledge to passive pupils, in favor of a

¹³⁵ See generally PAOLO FREIRE, *PEDAGOGY OF THE OPPRESSED* 71-72 (1968) (urging students to become advocates in a joint problem-solving approach with teachers).

¹³⁶ *Id.*; Daniel G. Solorzano & Tara J. Yosso, *Maintaining Social Justice Hopes within Academic Realities: A Freirean Approach to Critical Race/LatCrit Pedagogy* . . . 78 DENVER UNIV. LAW REV. 595 (2001); see generally Moacir Gadotti, *The Global Impact of Freire's Pedagogy*, NEW DIRECTIONS FOR EVALUATION (Sept. 19, 2017).

¹³⁷ FREIRE, *supra* note 135, at 71-72.

pedagogical framework that is transformative and emancipatory in nature. He underscores the significance of dialogical education, wherein educators and learners partake in reciprocal knowledge acquisition and critical analysis, enabling individuals to actively contribute to molding their personal trajectories and questioning repressive structures.¹³⁸ In this pedagogical method, the instructor portrays reality as a fixed and immutable construct, characterized by distinct components that may be foreseen and expected. The topic being addressed is disengaged from the students' personal experiences, resulting in a loss of relevance to their lived interactions. The primary aim of the teacher is to convey their narrative to the students, a narrative which is detached from reality and lacks integration with the wider context. As a result, the energy of words diminishes, rendering them devoid of substance and causing individuals to feel disconnected. This phenomenon further exacerbates the deterioration of effective communication and hampers the acquisition of meaningful learning experiences.

I only found out about Freire's work through algorithms in the audio book app, Audible, after I completed *Teaching to Transgress* by bell hooks.¹³⁹ hooks described Freire as another Global South scholar whose ideas were being pedaled as innovative in the United States in the form of critical pedagogy. CRT/LatCrit/SALT were the American iterations of Global South criticality. These projects were not new ideas emerging, but simply transcription and translation projects of empowering the Global South diaspora and people of color. These ideas of critical legal theory or even critical race theory were not invented or created. They, like so many other projects in the West, were an extraction of Global South resources, i.e. education systems and pedagogical philosophies. It was an artifact of a system where knowledge tends to be ripped off from Global South systems and implemented in the West, a blaring intellectual theft.

This same ordering happens in American academic structures between more resourced schools with towering endowment funds and those with state funding and those just scraping by. I was not trying to teach in order to transgress or make waves. I just wanted to get by and make it to the end of the day.

Being an American educator, I, too, went back to basics and started to deploy Freire's methods. I implemented a reverse classroom strategy that emphasized blended learning.¹⁴⁰ This method is often deployed in

¹³⁸ *Id.*

¹³⁹ See generally BELL HOOKS, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* (1994) (book posits teaching as an act of freedom and urges teachers to encourage students to transgress against societal norms).

¹⁴⁰ *Flipped Classrooms*, THE DEREK BOK CENTER FOR TEACHING & LEARNING, HARVARD UNIV., <https://perma.cc/VD9N-T8CF> (last visited Jul 30, 2023).

elite institutions. If Harvard was doing it, nobody could complain if I was doing it. The implementation of the flipped classroom approach facilitates the creation of a learning environment characterized by increased collaboration and interactivity.

My goal is to promote active student engagement, meaningful discussions, and critical thinking skills by employing a variety of teaching methods, including collaborative projects, quizzes, essays, films, group presentations, and problem-solving activities.¹⁴¹ This approach fosters opportunities for peer engagement and knowledge exchange and aligns with the principles outlined in Rule 314 of the American Bar Association, a rule which highlights the importance of employing a combination of formative and summative assessment methods to effectively evaluate and improve student learning outcomes.¹⁴²

Deploying the flipped classroom as a pedagogical practice gave me more insights into the ways in which students learned through multiple assessments and from listening to them present the materials to their peers.¹⁴³ Student learning outcomes and quantitative assessments offered a more objective means of evaluating educational progress compared to the seedy course evaluations, which are subject to implicit biases.¹⁴⁴ In addition to teaching my assigned courses, as a woman of color I have to also teach that I am also human, and that people who look like me also have a right to be on the planet, to students who are politically conservative. I have that burden the same way African- American professors and students are burdened with the realities of police brutality and racism in education, housing, banking, and employment. Engaging in dialogues about these issues cultivates empathy, a receptive mindset, and a steadfast commitment to fostering comprehension. This situation presents an opportunity to confront and challenge prevailing preconceptions, eradicate deeply ingrained prejudices, and foster understanding and reconciliation among divergent perspectives. I strive to cultivate an atmosphere that

¹⁴¹ See generally Gökçe Akçayır & Murat Akçayır, *The Flipped Classroom: A Review of its Advantages and Challenges*, 126 COMPUT. EDUC. 334 (2018) (discussing how the flipped classroom model employs different methods of hands-on learning).

¹⁴² L. SCH. ACCREDITATION STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF L. SCH., Standard 314 (2021) (AM. BAR ASS'N., amended 2022).

¹⁴³ Cristina Rotellar & Jeff Cain, *Research, Perspectives, and Recommendations on Implementing the Flipped Classroom*, 80 AM. J. PHARM. EDUC. 3 (2016).

¹⁴⁴ David A. M. Peterson et al., *Mitigating Gender Bias in Student Evaluations of Teaching*, PLOS ONE 14 (2019); see also Frank Fernandez, et.al, *The Color of Law School: Examining Gender and Race Intersectionality in Law School Admissions*, 128 AM. J. EDUC. 455 (2022) (analyzing law school admissions outcomes among women of color); see generally Kerry Chávez & Kristina M. W. Mitchell, *Exploring Bias in Student Evaluations: Gender, Race, and Ethnicity*, 53 PS POLIT. SCI. POLIT. 270 (2020) (examining the relationship between course evaluations and gender).

promotes the development of empathy, critical thinking, and a recognition of diversity through the facilitation of respectful discourse.

At one point I did something almost ungodly, but not illegal, in Florida. I gave the students in my property class an extra-credit assignment on reparations, based on the work of the California Reparations Task Force.¹⁴⁵ While the state of Florida was banning AP African American history, I asked my students to create memos based on the California House Bill 3121.¹⁴⁶ Here is the assignment that I created for the class on Canvas:

California Assembly Bill 3121 establishes the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force or Reparations Task Force). The purpose of the Task Force is: (1) to study and develop reparation proposals for African Americans; (2) to recommend appropriate ways to educate the California public of the task force's findings; and (3) to recommend appropriate remedies in consideration of the Task Force's findings.

By statute, the Task Force consists of nine members. Five members are appointed by the Governor, two members are appointed by the President pro Tempore of the Senate, and two members by the Speaker of the Assembly. Task Force members are drawn from diverse backgrounds to represent the interests of communities of color throughout the state, have experience working to implement racial justice reform, and, to the extent possible, represent geographically diverse areas of the state. The Task Force may hold hearings, hear witness testimony, and request the production of evidence.

The preliminary report that is guiding the work of the California task force covers 12 points of emphasis: enslavement; racial terror; political disenfranchisement; housing segregation; separate and unequal education; racism in environment and infrastructure; pathologizing the Black family; control over creative, cultural and intellectual life; stolen labor and hindered opportunity; an unjust legal system; mental and physical harm and neglect; and the racial wealth gap.

¹⁴⁵ *Reparations Task Force Members*, STATE OF CAL. DEP'T OF JUST. <https://perma.cc/69FB-2P7Z> (last visited Dec. 12 2024).

¹⁴⁶ Task Force to Study and Develop Reparation Proposals for African Americans, Assem. Bill 3121, 2019-2020 Reg. Sess. (Cal. 2020).

Please select one of the 12 points and prepare a 1,500 word summary in favor or against the point of emphasis that you selected with footnotes in Bluebook format.

Thirty-five of the forty-nine students in the class submitted a response. Overall, I was pleased with the class efforts on the assignment. I express my gratitude for the guidance and advice provided by Professor Derrick Bell, a founding father of critical race theory.

In the spring of 2002, I had the opportunity to witness the implementation of the flipped classroom concept during my visit as an observer at the New York University (NYU) School of Law as a prospective student. I had been invited to New York City by Sara Flounders, of the International Action Center, to help organize the anti-World Economic Forum protests on February 2, 2002. Normally, the World Economic Forum is held in the ski chalet town of Davos, Switzerland. That year it was moved to New York City in solidarity after the 9/11 attacks. Professor Bell had written an introductory chapter in the 9/11 anthology I was working on at the time.

I had to sneak into Professor Bell's class from the back staircase at NYU the second time I visited. Unknown to either of us, President Bill Clinton was scheduled to visit the law school that day for a presentation. But not even the former President of the United States was going to stand in my way of observing the school. If I had not spent six years as a reporter before, I would not have taken such a brazen step. The secret service prevented outside visitors from entering the law school without a student ID. I did not understand why I was not allowed into the building, because President Clinton's talk was not publicized. I did not understand why the school was suddenly so crowded. I realized what all the commotion was about when I actually saw Bill Clinton.

He was there as his affable, too-smiling self. My grandmothers had taught me not to trust people who smile or talk too much, both of which he did. I stood in line like the rest of students, shook his hand as he approached, and scurried off to Derrick Bell's class. I heard several students say, "I got my tuition's worth today. I shook Bill Clinton's hand." I got the same handshake for free. Professor Bell even joked that President Clinton was interested to hear what he had to say. When I told my friends about this encounter, one of them remarked, "You should have asked him what it's like to have the blood of children in Iraq on your hands." This stark contrast between the superficial excitement of a handshake and the profound moral questions raised by my friend's comment highlighted the importance of engaging more deeply with political figures and ideas. It underscored the need to look beyond surface-level encounters and consider the broader implications and responsibilities of those in power.

Remembering this NYU encounter served as a catalyst for me to embrace a comparable approach, wherein I fostered substantial dialogues and encouraged students to assume an active and participatory stance in their educational journey. As an educator, my dedication surpasses the mere dissemination of subject-specific knowledge. The aforementioned encompasses the responsibility to confront biases, foster inclusivity, and champion the acknowledgment of our collective human nature. My goal is to establish an educational environment that facilitates transformative learning, enabling students to actively engage with diversity, critically examine and question preconceived notions, and actively participate in the creation of a more inclusive society. This will be achieved through the implementation of innovative pedagogical approaches and the cultivation of open and constructive conversation.

I initially disregarded *Woke, Inc.* by Vivek Ramaswamy, assuming it to be completely misguided. The modern “woke-industrial complex” is divisive and preys on our insecurities, according to Ramaswamy.¹⁴⁷ He adds, “[b]y mixing morality with consumerism, America’s elites prey on our innermost insecurities about who we really are.”¹⁴⁸ Ramaswamy’s core argument that corporate America has commodified social justice contains a kernel of truth while missing critical nuance. The transformation of DEI initiatives into market products has created an odd paradox: companies adopt these programs as much for brand positioning as for meaningful change. His criticism resonates when companies engage in performative activism or implement superficial DEI programs. The “woke-industrial complex” he describes does sometimes reflect a cynical marriage of profit motives and social justice language. Ramaswamy’s framework paints with too broad a brush, dismissing thoughtful corporate DEI efforts alongside performative ones. His portrayal of stakeholder capitalism as fundamentally opposed to free expression creates an artificial binary that ignores how companies can balance multiple interests while fostering open dialogue. His personal background as an Indian immigrant adds an interesting layer to his critique but does not automatically validate his conclusions. While his Fox News appearances and conservative alignment may lead some to dismiss his arguments entirely, doing so misses an opportunity to engage with legitimate questions about how to implement DEI initiatives effectively. The core challenge lies not in

¹⁴⁷ VIVEK RAMASWAMY, *WOKE, INC.: INSIDE CORPORATE AMERICA’S SOCIAL JUSTICE SCAM* loc. 19 (2021) (ebook) (“The modern woke-industrial complex preys on our innermost insecurities . . .”).

¹⁴⁸ *Id.* at loc. 19-20; *see generally id.* (stating in the blurb that “[America’s elites] . . . sell us cheap social causes and skin-deep identities to satisfy our hunger for a cause and our search for meaning, at a moment when we as Americans lack both.”).

whether companies should pursue diversity and inclusion, but in how to do so authentically and effectively.

The late Shirley Chisholm's words popularized the metaphor of carrying a folding chair to the table within diversity circles.¹⁴⁹ However, I have grown fatigued by this metaphor and the constant need to seek validation from those who refuse me a seat at their table.¹⁵⁰ I have decided to establish my own table, where the food and conversation will be more satisfying. Subjecting myself to diversity discussions has become retraumatizing, and I yearn to shed the burden of prejudice I have witnessed and experienced.¹⁵¹

IV. THE "RATCHETDEMIC" DILEMMA: TO QUIT, OR TO PERSIST

I am acutely aware of how women of color are constrained by systems that will not accept them in leadership or positions of authority. The world does not want women of color to thrive. I see the limits of institutional support in the places I work, volunteer, organize, and serve in a board capacity. I have to work many times harder to be the fractional equivalent of my colleagues. Christopher Emdin, an education professor at Columbia University, wrote a book called *Ratchetdemic*, on the idea of being "ratchet" and academic at the same time.¹⁵² Emdin argues that being "ratchetdemic" in the classroom "can empower students to embrace themselves, their backgrounds, and their education as parts of a whole, not disparate identities."¹⁵³ He adds, "This means celebrating protest, disrupting the status quo, and reclaiming the genius of youth in the classroom."¹⁵⁴ It is about being who you are and being accepted as you are. You have to be able to come as you are.

¹⁴⁹ Shaheena Janjuha-Jivraj, *The Legacy of Shirley Chisholm— 50 Years On*, FORBES (Feb. 7, 2018), <https://perma.cc/8J75-ESUA>.

¹⁵⁰ "Sometimes, I feel discriminated against, but it does not make me angry. It merely astonishes me. How can any deny themselves the pleasure of my company? It's beyond me." See generally Zora Neale Hurston, *How it Feels to be Colored Me*, 11 THE WORLD TOMORROW 5, 215-16 (May 1928).

¹⁵¹ See generally MINDA HARTS, RIGHT WITHIN: HOW TO HEAL FROM TRAUMA IN THE WORKPLACE (Seal Press 2021) (offering insight into how diversity discussions in the workplace can be traumatizing, and offers strategies for healing).

¹⁵² See generally CHRISTOPHER EMDIN, RATCHETDEMIC (Beacon Press 2020) (advocating for a new student identity that combines the world of the classroom with "ratchet" identity politics to inspire learners).

¹⁵³ *Id.* "Ratchet" is reclaimed from African American Vernacular English to positively describe behavior or cultural expression that is unapologetically authentic, often energetic or unconventional by mainstream standards, and typically associated with urban or working-class Black culture. *Id.* Emdin's usage challenges the notion that such expression is incompatible with academic success. *Id.*

¹⁵⁴ *Id.*

The day following a DEI training, I was in the ICU of Celebration Hospital in Florida, counting the wires, tubes, and machinery surrounding my aunt, who was in critical condition. Twelve years ago, my grandfather passed away in this same facility. As I navigated the perplexing hospital corridors and made multiple wrong turns, I felt disoriented amidst the unfamiliar medical equipment. I was unaware of their function or purpose. My aunt, who typically encourages me to express my frustrations, lay there with labored but regular breathing. To my astonishment, a nurse approached and explained my aunt's condition. It was uncommon for medical personnel to presume I could speak English. She assured me that my aunt was "good," despite the fact that the scenario before me did not appear to match this description. The features of my aunt reminded me of my grandfather, and memories of my grandmother's protracted illness flooded my mind. I recalled her recuperation, after which she remained frail for the remainder of her life.

I was aware that my aunt had a chance to recover, but I could not shake the feeling that she would likely depart the hospital weaker than before. During each hospital visit, I imagined a parallel universe in which I had attended medical school and was able to interpret the medical apparatus surrounding my loved ones. My aunt came home after five weeks in the hospital. Three weeks after she returned, my other aunt, Majeeda Vi-quar, died from complications of pneumonia. Majeeda Aunty didn't have any children. As the eldest niece, I was the closest she had to a daughter. After my grandmother died in 1998, she was the closest I had left of a *nani* (maternal grandmother). Because of the constraints of my academic schedule, I buried her on Tuesday, which happened to coincide with a day I didn't have to teach, and went back the next day to teaching my classes, suppressing my intense grief. When I sat on Friday with my extended family, I noticed how my youngest aunt and my uncle and wife had taken three days for bereavement and allowed themselves to properly mourn her death with prayer, per Islamic traditions. And there I was, a full-fledged law professor, and I felt it too much of an imposition on my work to request bereavement to make up classes. I did not want to ask for the time off for bereavement for fear it would be denied. The bottom cannot hold.

CONCLUSION: REIMAGING SOLUTIONS FOR A JUST AND COMPASSIONATE SOCIETY

Looking beyond racist stereotypes, we must recognize the humanity that has been neglected in the face of decades of the War on Terror and centuries of colonialism in the Muslim world. By critically examining depictions of violence and media stereotypes, we can challenge and debunk narratives that support the War on Drugs and the War on Terror as tools for empire-building to better understand the complexity and multifaceted

nature of issues surrounding the criminal justice system. We must adopt an abolitionist stance on incarceration and the decriminalization of migration, recognizing that closing borders to Muslims is not a solution to climate crises or conflicts. Instead, we need to provide more nuanced and humanizing depictions of individuals involved in these conflicts to help dispel misconceptions and prejudices propagated by earlier entertainment programs.

As educators and members of society, we have a responsibility to foster critical thinking and media literacy. By incorporating diverse perspectives and encouraging students to question dominant narratives, we can create an environment that challenges stereotypes and promotes understanding. Recognizing the humanity of those affected by drug-related violence and the criminal justice system promotes empathy and deeper comprehension to cultivate a generation of critical thinkers who are better equipped to navigate and positively influence our increasingly difficult and interconnected world. By reframing our educational and societal approaches in this way, we can bridge gaps between diverse communities and promote a more inclusive, just, and compassionate society.