

CRIMINALIZING MUSLIM CIVIL SOCIETY IN THE WEST THE MUSLIM BROTHERHOOD ALLEGATION

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- What is the history of designating the Muslim Brotherhood in the United States a “Terrorist Organization”?
- What are the implications of the Brotherhood label by the western governments?
 - What does the Muslim Brotherhood allegation mean?
 - How are Muslim civil society organizations threatened by the designation of the Brotherhood as a terrorist organization?

INTRODUCTION

A recent initiative taken by the U.S. president to designate the Muslim Brotherhood as a “Foreign Terrorist Organization” (FTO) has sparked criticism from different directions. Most of the criticism was warning of a strategic mistake for the sole lasting superpower’s foreign policy. Neither is the call to designate the Brotherhood new, nor is the criticism thereof. Texas Republican Senator Ted Cruz had already sponsored a document in November 2015 for review by the Senate Foreign Relations Committee, which was approved by the House Judiciary Committee on February 24, 2016. While this did not go through, Senator Cruz again introduced a bill to designate the Brotherhood as a FTO on January 11, 2017, which again failed.

According to the *New York Times*, the order to look again at the designation came in the wake of the Egyptian president Abdel-Fattah Sisi’s visit to the White House on April 9, 2019. But the reality of the United States’ relationship with the Brotherhood has been oscillating between “a principled attitude and a politically motivated approach,”¹ as Mohamed-Ali

Adraoui from Georgetown University’s School of Foreign Service argues. According to Adraoui, irreconcilable ideological differences always came second to political pragmatism.² The Carnegie Endowment published a list of nine reasons, ranging from legal, diplomatic, pragmatic, to civil rights reasons, why declaring the Muslim Brotherhood a FTO would be a mistake.³ Accordingly, United States law does not permit designation based on ideology rather than violent actions. Such a move would be a politicization of the process, leaving the grounds of rule of legal procedures. Marc Lynch, senior fellow in the Carnegie Middle East Pro-

2. Ibid.

3. The Muslim Brotherhood (MB) (1) Would not fit the legal definition of a foreign terrorist organization. (2) The few violent offshoots of the MB have already been designated as terrorist organizations. (3) Diplomatic problems would arise out of such a designation, given parties and governments with MB roots serve in parliaments and governments (4) U.S. law does not permit designation based only on ideology rather than violent actions. (5) The U.S. would tarnish the international legitimacy of its other designations and erode the credibility of its counterterrorism efforts. (6) Anti-U.S. sentiment among Muslims worldwide would rise. (7) Jihadist organizations would take this designation to further recruit disillusioned youth by arguing that the non-violent political activism of the MB is senseless. (8) Such a designation would potentially bring devastating consequences for Muslims in the United States. (9) Such a designation would turn the focus of U.S. counterterrorism resources away from the real terrorists. “Nine Reasons Why Declaring the Muslim Brotherhood a Terrorist Organization Would Be a Mistake”, *Carnegie Endowment for International Peace*, May 3, 2019, from <https://carnegieendowment.org/2019/05/03/nine-reasons-why-declaring-muslim-brotherhood-terrorist-organization-would-be-mistake-pub-79059>

1. “Part I: The United States and the Egyptian Muslim Brotherhood: Understanding a Chaotic History”, *Georgetown Journal of International Affairs*, May 9, 2019, from <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2019/5/7/the-united-states-and-the-egyptian-muslim-brotherhood-understanding-a-chaotic-history>

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gram, also argues that there is a high degree of consensus among experts that the Brotherhood is not a terrorist organization beyond the disagreements around the assessment of the organization's ideology, behavior, and politics.⁴ Also, such a move by the United States “would tarnish the international legitimacy of its other designations and erode the credibility of its counter-terrorism efforts.”⁵ Or, as the Soufan Center said, the White House would find itself “aligned with unsavory regimes - including Egypt and Saudi Arabia - countries whose leaders and governments freely label any organized political opposition as 'terrorism'.”⁶ But as Shadi Hamid from the Brookings Institution argued, since Trump's Middle East strategy is not oriented toward supporting democratic developments but rather towards empowering authoritarian regimes, this would mean that the United States would give its official sanction of repression in Muslim-majority countries.⁷

Many observers such as Sahar Aziz, director of the Rutgers Center for Security, Race and Rights,⁸ and human rights lawyer Arsalan Iftikhar⁹ have also pointed to the domestic implications of such a designation, which is the focus of this analysis.

4. “What Impact Would U.S. Designation of the Muslim Brotherhood as a Terrorist Organization Have?”, *Carnegie Middle East Center*, May 9, 2019, from <https://carnegie-mec.org/diwan/79067>; see also: “The Muslim Brotherhood, Terrorism and U.S. Policy”, *Huffpost*, September 3, 2016, from https://www.huffpost.com/entry/the-muslim-brotherhood-te_b_9329246?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAJUOeVETyIUStM3_tzVhqZK_d715IzLquWRKzItdd_0k-NipqHxVZSCXZaKyH4-Gob_mwT8YYEzAzTB5j_YyFHOvx536iH2yPfo-OuRakItuUC_twJxYBqk-bqW5jdTK0gHN-BJLjeSavJJRaAHnXWvbf70bpAa32xyXFz190zM

5. “Nine Reasons Why Declaring the Muslim Brotherhood a Terrorist Organization Would Be a Mistake”, *Carnegie Endowment for International Peace*.

6. “Designating the Muslim Brotherhood Will Yield Few Benefits”, *The Soufan Center*, May 10, 2019, from <https://mailchi.mp/thesoufancenter/designating-the-muslim-brotherhood-will-lead-few-benefits?e=297c83bd41>

7. “What Impact Would U.S. Designation of the Muslim Brotherhood as a Terrorist Organization Have?”, *Carnegie Middle East Center*, May 9, 2019, from <https://carnegie-mec.org/diwan/79067>

8. “Calls to Ban the Muslim Brotherhood Aim to Criminalise US Muslim Dissent, Not Counter Terrorism”, *The New Arab*, May 10, 2019, from <https://www.alaraby.co.uk/english/comment/2019/5/10/banning-the-muslim-brotherhood-aims-to-criminalise-muslim-dissent>

9. “Calling the Muslim Brotherhood a Terrorist Group Would Make All Muslims Scapegoats”, *The Washington Post*, May 6, 2019, from <https://www.washingtonpost.com/outlook/2019/05/06/calling-muslim-brotherhood-terrorist-group-would-make-all-muslims-scapegoats/>

LABELING THE BROTHERHOOD IN THE WESTERN COUNTRIES

Attempts to designate the Muslim Brotherhood and making its followers *personae non gratae* is a quite new, but not an unprecedented, move on behalf of western governments. In 2015, the British government under the leadership of David Cameron conducted a review to assess the Brotherhood's ideology in order to judge whether the organization was a violent one. Critics argued that Cameron would let rich Gulf countries dictate his foreign policy.¹⁰ The report that was based on information provided by the state's secret services concluded that the Brotherhood could not be designated as a group that embraces violence as a political tool.¹¹

Two other reports were published in Sweden and Austria by senior fellows of the Brussels-based think tank European Foundation of Democracy insinuating a Brotherhood-affiliation to many national Muslim organizations. Although these reports were conducted by non-governmental bodies, they were both sponsored by governmental bodies to support the exclusion of Muslim organizations from the political field. While the Swedish report finally failed in its purpose and was relativized by the governmental body,¹² in Austria with the help of a right-wing government a Symbol Act was implemented in 2018, which - among other foreign terrorist and non-terrorist organizations - banned the symbols of the Brotherhood, arguing it would encourage disintegration, relativizing western value systems, support

10. “Cameron Is Letting Oil-Rich Gulf Bullies Dictate His Foreign Policy”, *The Guardian*, November 25, 2015, from <https://www.theguardian.com/commentisfree/2015/nov/25/cameron-gulf-foreign-policy-muslim-brotherhood>

11. “Muslim Brotherhood Review: Main Findings”, *British House of Commons*, December 17, 2015, from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486932/Muslim_Brotherhood_Review_Main_Findings.pdf

12. Farid Hafez, “Muslim Civil Society under Attack: The European Foundation for Democracy's Role in Defaming and Delegitimizing Muslim Civil Society”, in: Iner Derya & John Esposito (eds.), *Islamophobia and Radicalization: Breeding Intolerance and Violence*, Palgrave (2018), 117- 137.

a narrative of victimization, and would thus pose a threat to the public order.¹³

THE MUSLIM BROTHERHOOD ALLEGATION

The allegation that Muslim civil society actors or even simply political opposition are affiliated or conspire with the Muslim Brotherhood is a well-known narrative in the organized anti-Muslim network. The Muslim Brotherhood label has in fact been used to mark politicians, government officials, and civic organizations. The first Muslim congressman, Keith Ellison (D-Minn),¹⁴ longtime Hillary Clinton aide Huma Abedin,¹⁵ or today the first Muslim congresswomen Ilhan Omar¹⁶ and Rashida Tlaib¹⁷ have all been accused of being part of or supportive of the Brotherhood. But even non-Muslim politicians have been accused of conspiring with the Brotherhood. The 44th president of the United States was not only called a Muslim, but a supporter of a worldwide caliphate that should be established by the Brotherhood.¹⁸

The strength of the argument lies less in the argument itself, but rather in the ignorance of the audience of such propaganda. Large parts of western societies, who know little about Islam and Muslims, know even less about different categories of political Islam or what to make of different groups such as DAESH, Al-Qaida, or the Brotherhood. It is this weakness on behalf of the audience that allows the propagandists

to put all of these organizations in one basket and equate them with one other. What follows is that people or organizations associated with the Brotherhood, in one way or another, get smeared and, lastly, lose their credibility in the society after these allegations are continuously repeated. One of the most illustrative examples is the campaign against Barack Obama. When the organized Islamophobic network started a campaign to falsely claim that he was a Muslim in 2007, it was journalists from *Insight Magazine*, *Newsweek* and *Washington Post*, all part of the conservative Washington Post Company, that spread these lies.¹⁹ Back in April 2008, only a small minority of 10 percent of the people interviewed in the U.S. believed in these allegations. After an intensive campaign, in November of the same year, a third of respondents believed that Obama was Muslim. And in 2015, already 59 percent of American respondents believed Obama was Muslim,²⁰ while the number among Republican voters was even higher. According to a survey conducted by the Public Policy Polling in 2016, 65 percent of voters favorable to Donald Trump thought then-President Obama was a Muslim, while only 13% thought he was a Christian.²¹ This example reveals the impact of the dissemination of allegations. Large parts of a society can lose their trust in a person and fully embrace conspiratorial ideas about an otherized individual.

Another revealing example is from Sweden. There, the report “The Muslim Brotherhood in Sweden” was financed by the Swedish Civil Contingencies Agency (*Myndigheten för samhällsskydd och beredskap*, MSB), which is a Swedish administrative authority, organized under the Ministry of Defense and respon-

13. “Banning Symbols of Extremism in Austria: Targeting Extremism or Civil Society?”, *Seta Perspective*, December 2018, from https://setav.org/en/assets/uploads/2018/12/49_Perspective.pdf

14. “The Growing Smear Campaign against Keith Ellison”, *Think Progress*, November 15, 2015, from <https://thinkprogress.org/the-growing-smear-campaign-against-keith-ellison-233e16fab864/>

15. “Donald Trump’s Despicable Anti-Muslim Huma Abedin Smear”, *Daily Beast*, August 31, 2016, from <https://www.thedailybeast.com/donald-trumps-despicable-anti-muslim-huma-abedin-smear>

16. “Laurie Cardoza-Moore Claims Ilhan Omar May Have Ties to Muslim Brotherhood”, *The Jerusalem Post*, March 7, 2019, from <https://www.jpost.com/Diaspora/Laurie-Cardoza-Moore-claims-Ilhan-Omar-may-have-ties-to-Muslim-Brotherhood-582728>

17. “Saudi Arabia Declares War on America’s Muslim Congresswomen”, *Foreign Policy*, December 11, 2018, from <https://foreignpolicy.com/2018/12/11/saudi-arabia-declares-war-on-americas-muslim-congresswomen/>

18. “The Roots of the Islamophobia Network in America”, *Center for American Progress*, August 26, 2011, from <http://www.americanprogress.org/issues/2011/08/pdf/islamophobia.pdf>

19. Farid Hafez, “Islamophobe Weltverschwörungstheorien ... und wie Obama vom Muslim zum Muslimbruder wurde”, *Journal für Psychologie*, Jg. 21 (1) 2013: 1-22, pp. 12.

20. “Do 59 percent of Americans believe Barack Obama is Muslim?”, *Punditfact*, November 23, 2015, from <https://www.politifact.com/punditfact/statements/2015/nov/23/arsalan-iftikhar/do-59-percent-americans-believe-barack-obama-musli/>

21. “GOP Quickly Unifies Around Trump; Clinton Still Has Modest Lead”, *Public Policy Polling*, May 10, 2016, from <https://www.publicpolicy polling.com/polls/gop-quickly-unifies-around-trump-clinton-still-has-modest-lead/>

sible for public safety, risk management, and civil defense.²² The institution later distanced itself from the report stating that “it does not back the report,”²³ which did not qualify as “research”²⁴ after severe criticism from Swedish scholars of religion appeared.²⁵ Nevertheless, the Swedish Youth Agency MUCF rejected the Young Muslims of Sweden’s (Sveriges Unga Muslimer, SUM) application for government grants based on the “findings” of the report. Since grants can only be obtained if an organization respects democracy, the MUCF declined the youth organization’s proposal for 2017 due to its alleged “links with the Muslim Brotherhood.” SUM took the MUCF to court and in November 2017, the Administrative Court of Appeal ruled in favor of the SUM.²⁶ But what we can clearly see is how a strategy of discrediting can disrupt the activities of a Muslim civil society organization and criminalize the organization to an extent that other political actors lose their trust in it.

CRIMINALIZING MUSLIM CIVIL SOCIETY ORGANIZATIONS

It seems that beyond the foreign policy implications, this bill would primarily target domestic political opposition. In a way, designating the Brotherhood a FTO would stigmatize domestic Muslim organizations and individuals who speak out against established political forces or dare to question longtime

established policies. For the United States, this would not be entirely new. Especially the black population has a long-lived experience of being surveilled and criminalized due to oppositional politics that question the status quo. At the turn of the 20th century, Marcus Garvey was famously discredited as a “race agitator.” The FBI’s infamous Counterintelligence Program (COINTELPRO) monitored activists such as Martin Luther King, Jr., the Student Nonviolent Coordinating Committee, the Black Panther Party, Malcolm X, and Ella Baker in the 1950s and 1960s. In the late 1960s and 1970s, the FBI monitored and investigated black-owned bookstores on the grounds of targeting purported centers of extremism. These programs were not built on the basis of violent acts from the side of these organizations, but on their ideas questioning the dominant power structures at that time. Allegations of extremism or communism (especially during the Cold War era) were well-known to black activists. In recent days, the introduction of the notion of “Black Identity Extremism,” which appeared for the first time in an internal FBI counterterrorism report dated August 3, 2017,²⁷ within the FBI marks the latest attempt to discredit and disrupt black activists who fight for justice.²⁸ There was even a (unsuccessful) petition to formally recognize the protest movement Black Lives Matter as a terrorist organization.²⁹

The move to reopen the debate on a Muslim Brotherhood Terrorist Designation Act should be seen in the light of these structures that have previously targeted political activists of people of color, who fought for their equality and against racist exclusion. Muslims today make less than 2 percent of the

22. “Muslimska Brödrskapet i Sverige”, *Myndigheten för samhällsskydd och beredskap*, November/December 2016, from https://www.msb.se/Upload/Kunskapsbank/Studier/Muslimska_Brodrskapet_i_Sverige_DNR_2107-1287.pdf

23. “MSB: Vi vet väldigt lite om Muslimska brödrskapet”, *SVT Nyheter*, March 3, 2017, from <https://www.svt.se/nyheter/inrikes/msb-vi-fakta-granskar-inte-rapporter>.

24. MSB om förstudien Muslimska brödrskapet i Sverige, MSB, (March 3, 2017). <https://www.msb.se/sv/Om-MSB/Nyheter-och-press/Nyheter/Nyheter-fran-MSB/MSB-om-forstudien-Muslimska-brodrskapet-i-Sverige/>

25. “Undermålig forskning i svensk myndighetsrapport”, *Religionsvetenskaplig omvärldsanalys*, March 2, 2017, from <http://religionsvetenskapligakommentarer.blogspot.co.at/2017/03/debatt-undermalig-forskning-i-svensk.html>

26. Mattias Gardell, Mueheke Muftic, “Islamophobia in Sweden”, in: F. Hafez, E. Bayrakli (eds.), ‘European Islamophobia Report 2017’, Ankara: SETA, 617-646.

27. “US Judge Orders Release of ‘First Black Identity Extremist’”, *Aljazeera*, May 5, 2018, from <https://www.aljazeera.com/news/2018/05/judge-orders-release-black-identity-extremist-180504115412408.html>

28. “The FBI Won’t Hand Over Its Surveillance Records on ‘Black Identity Extremists,’ So We’re Suing”, *American Civil Liberties Union*, March 21, 2019, from <https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/fbi-wont-hand-over-its-surveillance-records-black>

29. “Formally Recognize Black Lives Matter as a Terrorist Organization”, *WE the PEOPLE White House*, January 22, 2017, from <https://petitions.whitehouse.gov/petition/formally-recognize-black-lives-matter-terrorist-organization>

population in the United States. The small community would have to fear being subjected to an increased set of vulnerable attacks such as risking their assets being frozen or deportation if they are not citizens. More important, as an analysis conducted by the Southern Poverty Law Center reveals, such a move would amount to a powerful policy win for America's anti-Muslim movement. Their leaders - such as Frank Gaffney from the Center for Security Policy to mention but one - have been working for years to smear American Muslim civil society and civil rights organizations such as the Islamic Society of North America (ISNA), the Council on American Islamic Relations (CAIR), and the North American Islamic Trust (NAIT), calling them "fronts" for the Brotherhood.³⁰ Law Professor Sahar Aziz has shown that advisors in the Trump administration have tried to criminalize the vague and pejorative label of "political Islam" to delegitimize Muslim activists, scholars, and religious leaders with dissenting political views.³¹ As a consequence, if those largest Muslim civil society organizations would be labeled as Brotherhood-affiliated organizations, they would be seen as terrorist sympathizers. Especially since anti-Muslim groups

30. "Politicians, Anti-Muslim Leaders Urge Trump to Designate Muslim Brotherhood as Terrorist Organization", *Southern Poverty Law Center*, February 13, 2017, from <https://www.splcenter.org/hate-watch/2017/02/13/politicians-anti-muslim-leaders-urge-trump-designate-muslim-brotherhood-terrorist>

31. "Calls to Ban the Muslim Brotherhood", *The New Arab*.

currently enjoy a privileged contact inside the Trump administration, it is not a stretch to say that they would target many Muslim organizations.

CONCLUSION

Beyond the history of real encounters between the United States and the Muslim Brotherhood and the international implications of a terrorist designation act for the United States, declaring the Muslim Brotherhood a terrorist organization would have especially severe consequences for Muslim civil society organizations. As can be seen in the United States, vocal political voices of Muslims and even non-Muslims such as Barack Obama have been targeted by insinuating a Brotherhood-affiliation. In other western countries such as Sweden, allegations of Brotherhood affiliations had grave consequences on Muslim civil society organizations such as losing trust as well as financial support from state institutions. In Austria, the recently implemented legal ban of the symbol of the Brotherhood might even pave the way for a stronger authoritarian crackdown on Muslim civil society organizations. Similar to attempts aiming at silencing protest movements such as Black Lives Matter, a Muslim Brotherhood Designation Act can potentially not only discredit and disrupt, but criminalize Muslim civil society activism. It would especially allow actors of the anti-Muslim network to get their contesters out of the way.