

***Flying While Arab (Or Was It Muslim? Or
Middle Eastern?):
A Theoretical Analysis of Racial Profiling
After September 11th***

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The following three seemingly isolated events were reported in mainstream American newspapers in 2001 and 2004.

1. On January 18, 2004 four Australian citizens of Sri Lankan ancestry boarded Continental Airlines Flight 21 from Newark to Orlando as part of their round-the-world trip (Tinkler 2004). With all passengers seated and flight attendants completing their safety review, the plane began taxiing for take-off. Suddenly, halfway down the tarmac, the pilot aborted the maneuver and directed the plane back to the terminal. An hour passed before the main cabin door finally opened and a group of armed police officers came aboard. As the restless passengers looked on with disbelief, the four young Australian men were ordered off the aircraft, handcuffed, and taken away in police cruisers. With no knowledge of the nature of the accusations against them, they were frisked and locked in separate cells, where they were interrogated for five consecutive hours by sky marshals. Having found absolutely no evidence of any wrongdoing, the police released the men with little explanation. In later media interviews, the authorities cited the men's irregular flight schedules as justification for their detention.
2. On January 28, 2001 seventy-two thousand football fans shuffled through the turnstiles of Raymond James Stadium in Tampa, Florida to watch the Baltimore Ravens and the New York Giants square off in Super Bowl XXXV (McCullagh 2001). None of the fans could have known that they would be the focus of far more intense attention than any of the players on the field. The organizers failed to inform them that by purchasing a ticket, they implicitly agreed to participate in the largest criminal photo lineup in U.S. history. As the fans crossed the stadium gates, their faces were secretly captured by closed circuit security cameras equipped with facial recognition technology. The images were automatically compared with a law enforcement database of known terrorists, previously convicted criminals, and sought suspects and any resulting matches were displayed in a central control room staffed by Tampa police. Although the covert search returned only a few positive matches (all of them of petty criminals) the authorities hailed the system's efficacy and raved about the possibility of its future use at high-risk public events.
3. On February 17, 2004 the New York Times published a front-page article entitled "Arabs in U.S. Raising Money to Back Bush" (Wayne 2004). While the headline foreshadowed a discussion of Arab fund-raising, the article's opening line shifted the context to "wealthy Arab-Americans and foreign-born Muslims"—the first category re-

ferring to an ethnic group and the latter to a religious denomination. The article went on to argue that while opinion polls showed a dramatic drop in support for the president in the Arab-American community, a number of its prominent members were making considerable contributions to the president's election campaign. To illustrate this point, the article repeatedly quoted an Iranian-born businessman enthusiastic about the war in Iraq. The author seemed to miss the fact that a vast majority of Iranians are in fact Persian, not Arab, and that some are not Muslim. In an ostensible effort to clear up any confusion, the journalist then wrote that "Arab-Americans are not a monolithic group" but instead include such diverse constituencies as the "Lebanese and other Arab Christians or Muslims from Egypt and Pakistan." Once again, the fact that the vast majority of Pakistanis are not Arab was lost on the author. Subsequent quotes featured a Lebanese Christian and a Palestinian-American of unknown religious background. In the end, the article that promised a story about "wealthy Arab-Americans and foreign-born Muslims" did not cite a single self-identified Arab-American Muslim.

While the above three events occurred independently of one another, they are by no means unconnected. The story of the Australian travelers is but one example of the countless racial profiling incidents targeting Middle Eastern-looking men in the wake of the terrorist attacks of September 11th, 2001 (referred to as 9/11 henceforth). It is part and parcel of anti-Arab and anti-Muslim discrimination and violence that has affected not only its intended Arab and Muslim victims, but also members of other groups who have been misidentified solely based on their appearance.¹ It would be a mistake to view these anti-Arab and anti-Muslim incidents simply as irrational reactions to the horrific bombings of the World Trade Center and the Pentagon. Instead, they should be considered in the context of two historical trends in American society: the systematic intensification of surveillance practices by state and business organizations (illustrated by the second story) and the persistent Orientalist discourse prevalent in American media, academy, and government policy (illustrated by the third story). These two phenomena have created an environment of hostility toward Arabs and Muslims that threatens not only their rights and liberties, but also those of all Americans. This paper will attempt to tease out some of the links between racial profiling, surveillance, and Orientalism to help explain the rise of anti-Arab and anti-Muslim sentiments in the aftermath of 9/11.

SURVEILLANCE IN THE UNITED STATES

The systematic collection and processing of information about individuals by government and business organizations has been one of the defining features of modernity (Weber 1978). From the cradle to the grave, the details of every individual's life are meticulously recorded in birth certificates, educational transcripts, medical records, bank account statements, social security dossiers, employee files, driver's licenses and countless other databases that rely increasingly on computerized storage and manipulation (Westin 1967; Steinberg 1969). The rapidly growing scope and intensity of information gathering practices has led some scholars to conclude that we are living in a "surveillance society" (Marx 1985; Flaherty 1989; Lyon 1994).

One of the primary aims of computerized surveillance in late-twentieth century American society has been social sorting (Lyon 2003). Automatic systems evaluate the information contained in their records and place individuals into appropriate categories of risk, ability, purchasing power, or entitlement. Usually such decisions are made without the direct participation of the individual concerned, as computer records are considered more trustworthy than their human subjects. Consequently, people's "data doubles"² (Lyon 2003) have come to yield enormous power over their daily lives. The hegemony of computerized records has effectively created an inescapable web of information, which is automatically evaluated and often unverifiable. It is in this web of information that the four Australian travelers were caught on their way to Orlando.

Two overall trends emerge from the history of surveillance in the United States (Lyon 2004³). First, institutional surveillance has been steadily growing in intensity and scope. Over the past two hundred years, government and business organizations have become increasingly adept at gathering and manipulating data on individuals for a wide variety

1. U.S. Sikhs have been the most frequent "unintended" targets of anti-Arab and anti-Muslim violence after 9/11 (Puar and Rai 2002).

2. The term "data doubles" refers to profiles of individuals constructed from database records by bureaucratic organizations. These profiles are often considered more credible than the actual people whom they are intended to describe.

3. This historical overview of surveillance and privacy in the United States was produced for the National Academy of Sciences by Lyon (2004) with my help as the research assistant. Although the report is not yet publicly accessible, a draft is available upon request from barb@soc.duke.edu.

of purposes. As bureaucracies have grown and technology has improved, the control possessed by the watched over their watchers has diminished considerably. Today, most people are not aware of the scope and content of the databases that track their purchases, movements, preferences, and most other institutional interactions. Meanwhile, these databases have come to play an unparalleled role in determining their life chances.

Second, as surveillance has been gradually intensifying, its gaze has been anything but evenly distributed across the population (Lyon 2004). Since surveillance is an ambiguous phenomenon that can be employed for purposes of care as well as control, we can learn much by examining who is excluded when surveillance enables and who is included when it constrains. In the latter case, the watchful gaze has been focused most sharply on marginalized groups that have been subjected to the highest degrees of social control in American society. Of those, no other group has experienced surveillance to a greater extent than American Blacks, both during and after slavery. The vigilant eyes of plantation hands and the meticulous records of slave traders and owners completely circumscribed Black people's freedom before the Civil War, while the watchful gazes of the white population and law enforcement officials ensured their continued oppression during the Jim Crow era. In the aftermath of the civil rights movement, surveillance continues to define the daily lives of Black Americans, as demonstrated by their over-representation in highway stops, arrests, and incarceration.

However, Blacks are not the only constituency affected by disproportional surveillance. Other groups that have been victimized by intense monitoring have included Native Americans, whose decimated population has been contained in easily monitored reservations; women, whose traditional location in the patriarchal order had exposed them to intense scrutiny in the home and in public; and the poorest members of society (many of whom are Black and female), who pay for their social security benefits with their pride and dignity as they are subjected to intrusive and humiliating monitoring procedures (Gilliom 2001).

Furthermore, specific groups have been intermittently victimized during times of increased conflict, as the government has repeatedly exploited its duty to protect national security by stripping minorities of their constitutionally guaranteed rights. Whether the groups consisted of British and French immigrants targeted by the Alien and Sedition Acts (Whipple 1970: 24-5), German Americans persecuted during World War I (Janowitz 1971), Japanese Americans interned during World War II (Zinn 2003), or activists in the McCarthyist era (Cole 2003b), the scaling back of rights has typically been followed by widespread acknowledgment of the unlawfulness or inappropriateness of the policy (Cole 2003b). Yet American policy-makers have continued to employ knee-jerk practices that contradict basic human rights during virtually every major national crisis. The racial profiling of Arab Americans after 9/11 is the most recent manifestation of this long-standing pattern in U. S. domestic policy.

RACIAL PROFILING

The government's reaction to the brutal attacks on New York City and Washington, D. C. has relied heavily on increased surveillance of American society. The Bush administration's declaration of an indefinite "war on terrorism" has carried with it the all-too-familiar rhetoric about the need to "balance" civil liberties and national security. As has been the case in most times of conflict in the United States (Lyon 2004), this has translated to a radical curtailment of civil liberties without serious public discussion about the efficacy of such measures nor about alternative policies that could accomplish similar goals. While clearly some of the heightened security measures have been warranted, the moral panic created by the attacks and reinforced by the government and the sensationalist media has allowed the implementation of countless policies that would have been unthinkable before 9/11 (Welch 2003: 320).

Along with the expected tightening of security at major public transportation portals, the aftermath of 9/11 saw the passing of the Patriot Act, which gave law enforcement unprecedented powers to circumvent constitutionally guaranteed rights to due process and protection against unreasonable searches and seizures. It also outlawed donations to or cooperation with any organizations that the Department of Justice arbitrarily blacklists for allegedly aiding terrorism. These and similar policies have led to the wide scale confiscation of student records, airline passenger flight histories, and financial information by the authorities in an ostensible search for terrorist activity.

Although these practices have affected all residents of the United States, their impact has been particularly damaging for Middle Eastern communities. Frequently the authorities' requests for information, such as student records and library logs, have been specifically targeted at persons of Middle Eastern citizenship or descent (Steinberg 2001). While a few institutions have refused to turn such records over to the police, most have done so with little opposition, often without a warrant (Healy 2001).

However, the government's anti-terrorist measures have not been limited to covert record searches. In the months following 9/11, the Immigration and Naturalization Service (now U.S. Citizenship and Immigration Services) issued a statement urging all Americans born in Middle Eastern countries to register their whereabouts with their local INS offices. The policy required that their fingerprints and photographs be retained on file for future identification purposes. The Middle Eastern communities were not told, however, that many of their members would be detained and interrogated during this "volunteer" process and that as a result over 13,000 of them would face deportation based on immigration law technicalities (Parry 2003). This underhanded strategy has created feelings of distrust and frustration in many Arab American communities (Goodstein 2003). The INS registration rules have since expanded to all travelers from "high-risk" countries, as well as to all holders of student visas.

The deportations resulting from the registration process are emblematic of the willingness of the U.S. government to use immigration law as a makeshift tool in the "war on terrorism" (Welch 2003). The new powers granted to the INS and law enforcement through the Anti-Terrorism and Effective Death Penalty Act of 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the Patriot Act of 2001 have effectively stripped the courts of their ability to review terrorist-related cases and allowed the executive to employ secret evidence in deportation cases.¹ In addition, they have expanded the list of crimes that can result in deportation to include "such minor offenses as shoplifting, petty theft, drunk driving, and even low level drug violations which have been reclassified as aggravated felonies, a category that includes murder, rape, terrorism, and kidnapping" (Welch 2003: 325). These intensified rules, which apply retroactively to all past offenses, have been used to prosecute many Arab and Muslim immigrants without affording them the basic measures of due process guaranteed by the constitution. The blurring of the boundaries between immigration law enforcement and anti-terrorism in the name of national security has created a dangerous precedent that threatens the traditional separation of powers between the executive and the judiciary (Welch 2003).

Many of the above surveillance and prosecution practices that have overtly targeted Middle Eastern Americans can be defined as racial profiling: the use of "racial or ethnic characteristics such as skin color as one factor among others to decide who is suspicious enough to warrant law enforcement attention" (Harris 2003). However, the most common form of racial profiling after 9/11 has occurred at American borders and airports, as individuals whose appearance or surnames bear resemblance to those of Arabs or Muslims have been more likely to be stopped and detained by the authorities under the guise of "anti-terrorism" than individuals who do not fit this profile².

This form of surveillance is by no means new: it has been a prominent feature of the lives of Black people in the United States for decades, especially since the launch of "the war on drugs." The phrase "driving while Black" has come to define the practice of racial profiling, as skin color has been used as an acceptable (according to the law) basis for highway stops. Harris (1999) has demonstrated what every Black person in the United States has always known: Blacks are twice as likely to be stopped by the police while operating a vehicle than whites, even though both groups are equally likely to speed. Middle Eastern Americans (and those mistaken for them) have experienced similar treatment since 9/11, especially while using air transportation. "Flying while Arab" has become a risky practice that may result in the passenger's humiliation at best and his arrest, detention, and deportation without recourse to constitutional protections at worst.

THEORIZING SURVEILLANCE AND RACIAL PROFILING

Why has the government allowed³ the targeting of individuals based solely on their race? The most frequent answer provided by federal officials is that racial profiling is simply a rational response to terrorism. Since terrorist attacks are most frequently committed by Muslim extremists from Middle Eastern countries, it makes sense to target people with similar backgrounds in the "war on terrorism." This answer mirrors the argument of many law enforcement authorities for racial profiling of Black Americans in drug-related investigations. Though based on fallacies and

1. Since the completion of this paper, a number of related cases have made it to the courts, though their impact on the overall anti-terrorism strategy is not yet apparent.

2. Although no official statistics on racial profiling exist, reports of unwarranted stops, detentions, and interrogations based on Arab resemblance have become a common feature of news stories and newspaper letters-to-the-editor. More empirical research on this phenomenon is needed. My study of racial profiling experiences among college students is intended to address this gap in the literature.

3. The Bush administration has officially condemned the practice of using race as the *sole* criterion for stopping airline passengers. However, it has accepted its use in combination with suspicious behavioral cues. Furthermore, the administration has done nothing to enforce even its limited position on this matter (Harris 2003).

dangerous assumptions (which will be discussed later) this risk-management position reveals one of the primary trends in contemporary surveillance: its growing role as a social sorting mechanism, or what David Lyon calls its “phenetic fix” (Lyon 2002).

Lyon describes the “phenetic fix” as the attempt to “capture personal data triggered by human bodies and to use these abstractions to place people in new social classes of income, attributes, habits, preferences, or offences, in order to influence, manage, and control them” (Lyon 2002:3). For instance, marketers may use variables such as ‘monthly spending’ or ‘annual household income’ in order to construct profiles of consumers, which form the basis for targeted campaigns. In the case of preferred traveler systems that speed up processing times at national borders (such as the Canadian-American CANPASS), the category for directing the flow of travelers may simply be ‘program membership’, which in turn signifies the various measures of eligibility required by the program. However, in the aftermath of 9/11, the most dominant social sorting category is an individual passenger’s threat level.

Surveillance systems are increasingly focused on categorizing people into groups ranked by their potential risk. Airport security checks, border patrols, and facial recognition cameras in public areas are all concerned with waving through “safe” travelers and closely examining those perceived to pose a higher threat. The trouble is that unlike drunk drivers at highway checkpoints, terrorists cannot be detected using simple breathalyzer tests. The fact that there are no unique visible “terrorist characteristics” makes risk profiling a difficult task for national security interests.¹ In order to cope with this difficulty, surveillance systems construct questionable variables, which generally have little more than a spurious relationship with terrorism. These tend to include categories such as race (because of the Middle Eastern origin of the September 11th attackers), immigration status (because many terrorists have been foreign born), or even clothing (business suits are generally not associated with terrorism).

One of the many dangers of this practice lies in the fact that in order to pick out particular individuals, surveillance systems spread the web of suspicion over entire populations. Thus social sorting is not only detrimental to those who fit within its often-spurious categories of exclusion—it affects all subjects of its phenetic mechanisms. This inverts the legal norm of presuming a person’s innocence until his/her guilt is proven in a court of law, as every person that falls into the gaze of surveillance is treated as a potential criminal.

As may have become apparent from this brief description of social sorting, the intensification of surveillance after 9/11 is tied to notions of risk that dominate the politics of anti-terrorism. According to scholars like Ulrich Beck and Anthony Giddens, the dominance of risk discourse in late modern society is symptomatic of its preoccupation with controlling future events. Giddens distinguishes modern *risk* from pre-modern *danger*. He argues that until the Middle Ages (and later in non-Western civilizations), unforeseen events were understood as “acts of God, luck, fortune, or fate” and thus as uncontrollable by human agency (Giddens 1999). However, as modern rationality gradually eroded traditional explanations of the world, replacing them with faith in the power of scientific knowledge, the world became viewed as malleable and manageable. Thus, the modern era has been characterized by future-oriented action—by humanity’s conscious shaping of its world, both spatially and temporally.

The dominant discourse in public policy and economics assumes that through the calculation and management of risk, uncertainty can be minimized and security maximized. However, Giddens argues that the quest for certainty has been a misguided one, for while scientific knowledge has managed external risk (from the natural world), it has produced “manufactured risk,” which endangers human existence in unprecedented ways. Beck (1992) takes this thesis a step further, stating that modern institutions that create “manufactured risk” hide behind “collective irresponsibility,” transferring the consequences of their risk-producing actions to society or to socially constructed “others,” thereby escaping from blame and liability.

The logic of risk management has dominated the response to the attacks on New York and Washington. The rhetoric of the “war on terrorism” is based on the belief that future attacks can be prevented through increased intelligence efforts and tightened security—both dependent on the intensification of surveillance practices. In a manner typical of Beck’s risk society, security agencies assume that by maximizing their information gathering capabilities they can achieve total security, where the risk of terrorist attacks is substantially minimized, if not eliminated altogether. Of course little mention is given to the social cost of this dubious aspiration. Furthermore, in addition to its dangerous consequences and questionable assumptions, the risk management response to terrorism is an exercise in Beckian “collective irresponsibility,” as the American foreign policy establishment refuses to examine its own role in the creation of the terrorist risk itself. Instead of eliminating the fundamental causes of terrorist activity, the government is trying

1. This also explains the INS registration of Middle Eastern Americans, which is symptomatic of a recent trend in state-sponsored surveillance to move the point of identification “upstream”—away from the loci of risk.

to lower the likelihood of its recurrence (rather ineffectively, as I will argue) by intensifying its monitoring of all individuals, and Middle Eastern Americans in particular.

Aside from moral and ethical questions, the problem with racial profiling is that it simply may not work. Numerous studies of “stop-and-frisk” data have demonstrated that “when police used race or ethnicity as one factor—not the only factor, but just one factor among many—to decide whom to stop, their ‘hit rate’ was lower than when they made no use of race” (Harris 2003). In these studies, racial profiling actually hindered the ability of law enforcement to identify criminals.

There are three primary reasons why this is also likely to be the case in the “war on terrorism.” First, focusing on race takes the attention away from behavior, which is the most reliable predictor of criminal activity, thus leading to many unnecessary stops and possibly to fewer warranted ones. Second, racial profiling significantly increases the pool of suspects, making it more difficult to locate true perpetrators. As David A. Harris (2003) writes, “it’s like looking for a needle in a haystack, but adding more hay.” The third and most crucial reason is that racial profiling alienates those who are most capable of preventing future terrorist attacks: Americans of Middle Eastern origin. By subjecting this diverse group to humiliating and ineffective racial profiling practices, the authorities are pushing away the most crucial source of potential intelligence on terrorist activities.

The ineffectiveness of racial profiling becomes clearer when one considers who is targeted by this policy. According to the risk-management logic, law enforcement should focus most closely on those who perpetrated past terrorist attacks in America. If this is to be the case, then the authorities should be targeting Puerto Ricans, left-wing groups, Anti-Castro Cubans, and right-wing groups, which were responsible for 129 terrorist attacks in the United States between 1982 and 1992, according to the FBI (Gerges 2003). Yet, following the bombing of the federal building in Oklahoma city in 1995, the government and media immediately turned their suspicion to Middle Eastern Muslims, not the white, American-raised likes of Timothy McVeigh.

However, even if we do allow the assumption that Muslim extremists do pose the greatest terrorist threat to America, the policy of racial profiling continues to make little sense. How are law enforcement officials expected to pick out Muslims from the crowd? Will they include Black Americans, who make up the largest portion of the Muslim population in the United States, in their risk calculation matrix? If not, will they stop Indonesians, who make up the greatest percentage of Muslims worldwide? Since religion is not featured on identification documents, perhaps ethnicity is a better criterion—after all, the 9/11 hijackers were all Arabs. But if the authorities try to ascertain Arab identity based on appearance, how will they distinguish a “Pashtun from a Tajik from an Uzbek from a Hindu from a Turk from a Sephardic Jew from a Persian from an Arab? Or for that matter [...] an Arab from a Hispanic-American, an Italian-American, or a Native-American?” (Schultz 2001). These categories simply make no sense as basis for law enforcement. Using them at airports does not result in the apprehension of terrorists, but the mistreatment of innocent people, such as the four Australian men of Pakistani ancestry described in the introduction to this paper.

But let us take the argument one step further and assume that singling out Arab Muslims does lower the threat of terrorism, even if many of those stopped are not in fact Arab or Muslim. Then we need to ask the crucial question: are the benefits of this strategy worth its cost to American society? Is it worth perpetuating the historical pattern of state-sponsored curtailment of civil liberties in America, despite the consensus of most scholars that all previous attempts to do so have been colossal mistakes? Is it worth denying non-citizens their fundamental constitutional rights, when experts like David Cole of Georgetown University Law Center have demonstrated that with time such practices are inevitably extended to American citizens (Cole 2003a)? Is it worth increasing the pace of the intensification of surveillance in American society, when the number of sinews by which individuals are attached to surveillance networks is already growing rapidly? Finally, is it worth sacrificing the very moral beliefs that we are ostensibly trying to protect against the “terrorist threat”? The answers to these questions are not simple. However, what does seem clear is that we cannot continue allowing the government to implement potentially damaging policies without first engaging in serious public debate about their efficacy and moral cost.

THE TERRORIST MONSTER AND SOCIAL CONTROL

By this point, the significance of the two lead stories in this paper, that of the Super Bowl surveillance and of the Australian travelers, should be relatively clear. However, the theoretical significance of the third story, the New York Times article, requires further elaboration. Certainly, its author's ignorance of the distinctions between ethnic and religious groups bore some relation to the discussion of the pragmatic difficulties in “effectively” profiling Arabs or

Muslims. However, both this article and racial profiling practices are symptomatic of a far more significant and insidious social phenomenon: the construction of a fictitious “Oriental Other” that affirms the identity of the global “West”¹ and legitimates its excesses of power against the “Orient” (Said 1979).

To understand how power permeates surveillance practices, it is helpful to turn to Michel Foucault's theory of panoptic discipline (Foucault 1985). Foucault argues that late modern society has largely abandoned overt coercive punishment of “deviant” behavior in favor of disciplinary social control that tacitly trains individuals to behave in “desirable” ways. To illustrate these disciplinary mechanisms, Foucault employs the metaphor of the Panopticon, a prototype jailhouse designed by Jeremy Bentham. The Panopticon consists of cells arranged in a concentric fashion around a central guard tower, from which guards can observe the behavior of all prisoners at once. The unique feature of the model is that the prisoners can never see the guard and are thus unable to tell when they are being monitored. Consequently, the prisoners must always assume that they are being watched in order to avoid punishment. After a certain amount of time, they internalize the norms of the prison and behave accordingly regardless of whether the guard is actually in the tower.

Foucault's Panopticon is a metaphor for surveillance as an efficient means of social control that eventually eliminates the need for violent coercion. Because surveillance systems are hidden from those they watch, their power to change behavior is tremendous. We have all experienced the stare of a closed circuit camera that prompted us to change our behavior, despite the high likelihood that no one was actually watching or recording the video stream. Racial profiling is simply one of the many surveillance practices that are intended to impose normative order on members of an ostensibly free and democratic society.

For Foucault, the normalizing gaze of panoptic surveillance not only changes behavior, but also shapes identities. This point is illustrated particularly well by Ann Ferguson (2001) in her book *Bad Boys*, which describes how schools employ surveillance to subdue Black boys and construct their identities as troublemakers. Through sorting, evaluation, and ranking, the schools not only create conformity with their normative order, but also establish “a ranked difference among children” (Ferguson 2001: 49). This differentiating mechanism of discipline is intended to assign individuals to particular categories, within which they can be contained and managed. Black boys from poor backgrounds are allocated to the bottom of the social hierarchy by the disciplinary order, where they will be primed for lifelong containment by social control institutions, such as welfare agencies, law enforcement, and the correctional system.

This process of identity construction occurs through discourse, of which surveillance is but one element. Foucault argues that discursive practices are infused with power that allows them to shape reality and with it, human subjectivity. Those that fall outside of the norms established by dominant discourse are constructed as abnormal and monstrous and are consequently contained by the specially designed disciplinary mechanisms of society. Foucault wrote at length about the treatment of such populations, including the mentally ill and the sexually deviant. His central point was that these identities were not natural—they were the product of discursive power that not only helped shape them but also classified them within the institutional structure of society.

The link between the normative power of discourse and the history of marginalized groups in America is quite clear. Historically, race as a category of social differentiation and allocation has been the product of dominant discourses of power. When Black slave labor became a staple of the American economy, the discourse around “blackness” created the myths of the monstrous “Other;” of the unholy and inferior savage unsuited for the privileges of “civilized” life. These legitimating narratives were enforced through both physical violence and surveillance practices, with the latter gaining particular prominence after the end of the Jim Crow era. “Driving while black” is a testament to the continuing relevance of normative surveillance in the contemporary discourse of the Black criminal.

With the help of Foucault's theory, it becomes possible to understand racial profiling of Middle Eastern Americans as the perpetuation and enforcement of a discourse of the monstrous “Other”: the terrorist, the violent Muslim, the crude and savage Arab, the authoritarian subject incapable of self-governance. Racial profiling can be viewed as a continuation of Orientalism—a concept coined by Edward Said to refer to the active construction of the Orient and of Oriental identity by Western societies (the Occident), which has historically legitimated the latter's imperial encroachments on the territories of the Middle East (Said 1979). Orientalism plays a crucial role in shaping Occidental identity as the anathema of all things Eastern.

For Said, Orientalism is not just an ideology, but also a widespread discourse: it is “not only a positive doctrine about the Orient that exists at any one time in the West; it is also an influential academic tradition, as well as an area

1. Although the term “West” is somewhat outdated as a label for advanced capitalist nations, it is used herein for the sake of consistency with Said's theory of “Orientalism” (see page 18).

of concern defined by travelers, commercial enterprises, governments, military expeditions, readers of novels and accounts of exotic adventure, natural historians, and pilgrims to whom the Orient is a specific kind of knowledge about specific places, people, and civilizations” (1979:203). Given Said's indebtedness to Foucault, it seems rather logical that surveillance be added to the long list of Orientalist practices.

One does not need to look far in the current discourse around terrorism to find evidence of the Oriental monster. The Bush administration's references to the “axis of evil” and the “evildoers” that must be punished by an American “crusade” are only the tip of the iceberg. According to Fox News Channel, “Osama bin Laden [...] is ‘a dirtbag,’ ‘a monster’ overseeing a ‘web of hate’. His followers in Al Qaeda are ‘terror goons.’ Taliban fighters are ‘diabolical’ and ‘henchmen’” (in Puar and Rai 2002).

But hyperbolic depictions of terrorists are not limited to sensationalist media. According to one psychologist who specializes in “terrorism studies,” “terrorism is a reflection of unconscious feelings of hostility toward parents and [...] this feeling is an outgrowth of childhood abuse or adolescent behavior” (in Puar and Rai 2002:123). It is not only the Muslims' inherent evil that is the problem—their dysfunctional families are also to blame. Of course, we must not forget the role of Muslim men's failed sexuality in creating terrorism: “we hear that sexually frustrated Muslim men are promised the heavenly reward of sixty, sixty-seven, or sometimes even seventy virgins if they are martyred in jihad” (ibid:124).

If the Arab/Muslim terrorist is depicted as a savage monster in popular discourse, then the practice of anti-terrorism is the silver bullet of the rational democratic West. Only the United States military can help the Afghans and the Iraqis become the good citizens they need to be. Herein lies the root of today's Orientalist discourse: it legitimizes America's presence in the Middle East as the tamer of the beast. And as both the practice of racial profiling and the New York Times article demonstrate, it does not really matter if the beast is Arab, Muslim, Persian, or Pakistani. The discourse of the Oriental terrorist flattens all heterogeneity in the Middle Eastern and South Asian populations in the service of the single all-encompassing stereotype. All brown-skinned men with “Middle Eastern features” are constructed as potential terrorists.

If the purpose of the terrorism discourse within foreign policy is the legitimation of American involvement in the region, its aim in the domestic realm is the production of “docile patriots” (ibid:130). By placing Middle Eastern Americans under the watchful eye of government surveillance, the Orientalist discourse pacifies them, in the same way Black boys were pacified by the educational system in Ferguson's (2001) study. Those who fit the profile of Arabs/Muslims are identified, sorted, and managed by racial profiling practices and in the process they are assigned one of two identities: the docile patriot or the dangerous terrorist.

CONCLUSION

What are we to make of “flying while Arab”? If the above analysis is correct, the phenomenon lies at the intersection of two historically grounded phenomena: the steady intensification of surveillance practices in modern society and the construction of the Arab/Muslim as the Oriental terrorist who threatens Western civilization. These two complex trends in Western society are shaped by discourses of risk management and disciplinary power, both of which call for the identification and management of specific groups, in this case Arab/Muslim Americans. Institutions of risk society continually look for scapegoats that can take blame for manufactured risks, such as terrorism, thereby perpetuating “collective irresponsibility.” Surveillance society ensures that its citizens adhere to normative standards, while it reproduces the discourse of the monstrous Other by singling out individuals that fit the appropriate profile. These two dystopic models are in fact representations of the very same society—our own society at the onset of the 21st century.

While the authorities continue the highly immoral and largely ineffective practice of racial profiling, it is up to the citizens of Western democracies to determine in what kind of societies they wish to live. By allowing the continued intensification of targeted surveillance, we are tacitly agreeing to the gradual erosion of freedoms that form the very basis of our identities. Only when we realize that the real threat does not emanate from a group of radical foreigners, but from within our own society, will we be able to truly resist terrorism. Perhaps then, we will finally be willing to examine the fundamental causes of Muslim extremism, such as poverty, oppression, and Western imperialism, and to replace dangerous band-aid solutions like racial profiling with informed global policies that work.

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