Thank you for inviting me to address this committee on systemic Islamophobia in Canada. As a historian and legal scholar, I find it useful to think of “Muslims” and “Islam” not so much as nouns, but rather as social constructs. In my research, I examine how these two social constructs get construed in sites of bureaucratic rationality in Canada.

Before addressing specific sites, I first want to applaud the Government of Canada for taking Islamophobia seriously through its 2021 summit, its review of the CRA for systemic bias, and its designation of a special envoy for Islamophobia. Also, I thank the Government of Canada for its inclusion in Federal Budget 2022 of funding for the Muslims in Canada Archives, which I lead at the Institute of Islamic Studies at the UofT. Thanks to the federal government’s support, we can steward in perpetuity records of Muslim contributions to Canadian Heritage, and thereby combat Islamophobia one story at a time.

I will address three examples to show where work still needs to be done.

1. **Ministry of Finance.** Ministry of Finance has oversight on the whole of government approach to combatting terrorist financing. It adheres to standards set by the Financial Action Task Force (FATF). In anticipation of its 2016 mutual evaluation before the FATF, Finance Canada explained its risk-based assessment model in compliance with FATF standards. The Ministry identified 10 groups that pose the greatest threat to terrorism financing in Canada: one is Tamil, one is Sikh, and the remaining 8 are all Muslim-identified. From this we can infer that the Govt of Canada assesses that 100% of the risk of terrorist financing comes from groups that map onto Canada’s racial and religious minorities. Moreover, 80% of that risk assessment maps directly on Canada’s Muslim minority communities. As we now see governments officially acknowledge and grapple with white supremacy and extremism in all its forms, this Risk Based

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Assessment model seems either behind the times or quite simply an express statement of official Islamophobia.

2. **Ministry of Public Safety.** Since 9/11, Public Safety deploys certain tools that embed systemic Islamophobia that effectively under-protects Muslim Canadians. Let me explain: though I said that Finance Canada maps 80% of such risk on Muslims, the fact is that it’s higher. That is because included among the risks factors is the category of “foreign fighter”. But the foreign fighter, for national security purposes, does not include someone who trains with an allied state’s military. As an example, a Canadian who makes Aliya to Israel, fights for the Israeli Defense Forces in Gaza, and comes back to Canada – this person is not a foreign fighter for purposes of national security. But a Canadian who travels to Gaza, fights for Hamas, and then returns to Canada, is a foreign fighter for purposes of national security. Both are militarily trained in and by foreign entities, and have potentialities to cause harm to others in Canada. But only one is deemed a national security threat. The systemic Islamophobia in this example requires us to ask the next question: to whom might they be a national security threat? It is in answering this last question that we cannot help but see that the foreign fighter designation creates a hierarchy of Canadians and their respective entitlements to security. Unless Canada opens up the foreign fighter category to anyone who fights for a military entity—whether state or non-state, whether ally or enemy—the current status quo effectively over policies the Muslim as terrorist, and under protects the Canadian Muslim.

3. **Ministry of Justice and Criminal Code.** My third example concerns the very definition of terrorism in the criminal code in section 83.01 (1)(b) which defines terrorism in relevant part as “an act or omission that is committed in whole or in part for a political, religious or ideological purpose, objective or cause.” The Toronto 18 trials offered the first instance of a jury trial on terrorism. In that jury trial, Mr. Asad Ansari was found guilty and convicted. In our published article on the trial, my co-author and I show, from a close reading of the trial transcripts, that there is little doubt that what was litigated here was not simply an act or omission, but rather the orientalist construction of Islam.² This litigation reality stemmed nearly entirely from this provision of the Criminal Code. Due to time constraints, I cannot go into the details here. But the article is openly accessible, and I provide a link to it in my written statement for the convencience of the committee and report drafters.

In conclusion, there are of course other examples we could address. For instance, my current research is into the Proceeds of Crime, Money Laundering, and Terrorist Financing Act and the global phenomenon now known popularly as #BankingWhileMuslim. Moreover, I am currently editing a book featuring over 20 essays by colleagues identifying different sites of systemic Islamophobia in immigration, policing, education policy, and terrorism financing. That book won’t be out till early 2022, but I can discuss with the publisher of sharing the page proofs of the manuscript with the committee, if the committee so requests.

Thank you for having me.

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