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Muslim Prisoner Litigation: An Unsung American Tradition (Introduction)

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Introduction

The Black Muslims are undoubtedly the largest and most organized group ever to reside in American prisons. Their impact upon the field of corrections, particularly on prisoners' rights litigation, has yet to be adequately addressed.

—James B. Jacobs, “Stratification and Conflict among Prison Inmates”

For most Americans, “prison jihad” may sound frightening and conjure images of religious militants, bearded, turbaned, and under the spell of foreign radical networks. After all, former US Congressman Peter King spent several years in Congress on a crusade trying to convince lawmakers and the American public that Muslims in prison had fallen under the sway of Al-Qaeda and were heading toward extremist violence. He was not the only one. Reporters, commentators, and even scholars found themselves lured by the exciting prospect of prisons becoming a new frontier of the American “war on terror.” While this may be the immediate impression, there is nothing like that happening in American prisons. However, there has been a different type of jihad taking place, one that is real and identifiable. This is not the sensational jihad of headline media; rather, this jihad is uneventful and quiet by comparison and has persisted since the 1960s with hardly any public notice.

Despite little attention and recognition, Muslims in prison occupy a unique spot in the history of prison litigation, which is partly indebted to the influence of Islamic ideology. While the role of Muslims in this history has yet to be adequately addressed in scholarship, even decades after the dearth was recognized, less is known about how religion itself influenced

the course of prison law jurisprudence. This book attempts to remove some critical gaps in our understanding by chronicling a different type of prison jihad. In this jihad, the primary weapon is the ability to tell one's story to the world beyond, to narrate the pain, suffering, and unfairness that characterizes life for some behind prison walls. By situating Muslim efforts in their rightful place in the history of American prison law, the book takes the study of law and religion in new and unexpected directions and invites consideration of Muslims, not as villains who wish to harm the country, but as upholders of the most cherished principles that undergird American law and society.

While King was correct about the reality of prison jihad, he was wrong in propagating the idea that Muslims were under the sway of foreign terrorist operatives and embracing extremist violence. In time, his two main fears failed to manifest in any meaningful way, and he abandoned his campaign to paint Muslims as a unique threat to prison and national security. As mistaken as he was, King's crusades nonetheless caused unjustified antagonism and fomented Islamophobia. His crusade translated into real suffering in communities already reeling from the social and political backlash that followed the attacks of 9/11. His efforts have contributed to making the word "jihad" a dog whistle against Muslims and he is credited with causing much harm to Muslim communities.¹ King's misunderstandings about Islam in prison, as flawed as they were, were especially unfortunate because they overshadowed the righteous struggles that were taking place in court.

To describe this legal development in terms of "jihad" is no stretch of the imagination. The word jihad may best be understood as the duty to "struggle" or "sacrifice" in the path of God, to "make Allah's cause succeed," or to "strive" for the cause of Allah.² Sometimes passages in the Quran apply the term as authorization to fight in physical combat, however in other contexts, the concept is internal, with the believer struggling to overcome desire, temptation, and other forces that sway one from submission to Allah. Muslims have endured hardship, violence, and oppression by prisons and prison staff simply due to their faith. The Muslim response has not been physical combat or clandestine violence; rather, it has been to engage in various forms of struggle, including formal complaints, protests, and protracted litigation to resist their subjugation.

From this point of view, Muslims may be seen as caught in the middle of two struggles. On one hand, there is a genuine struggle with adversaries who have abused Muslims physically and psychologically and have deprived them of freedoms and rights. On the other, it is sometimes impossible to separate such struggles from the person since the very ability to succeed in personal struggle may be compromised by repression. Whether they are deprived of religious reading materials, access to religious leaders, or fellowship with other Muslims, these hardships bear directly on one's ability to succeed with internal struggles. Hence, Muslims in prison straddle both senses of jihad, the personal struggle of self and external struggle against an adversary.

By embracing normative channels to voice their grievances, Muslims in prison may be rightly seen as freedom fighters in a world where freedoms are scarce. It is a world where they are outmatched by the state at every turn—a modern-day David and Goliath story—where the victory is simply getting one's case heard before a court. However, in the post-9/11 era, Americans have viewed Islam as a fanatical religion. Muslims continue to be vilified by mainstream media and politicians and signaled out for differential treatment by the government. In the popular American imagination, Muslims remain untrustworthy, suspect, and ultimately, the most dangerous and despised religious group in the country.

Muslim Prisoner Litigation: An Unsung American Tradition recalibrates this imbalance and addresses gaps in scholarship that have been neglected far too long. One is to understand how religion influences litigation efforts at various levels of analysis; another is to recognize how litigation efforts advance and support the rule of law. Building on the work of scholars such as Edward E. Curtis IV, whose study of the Nation of Islam (NOI) explored how the religious community rooted its identity, political analysis, and cultural expression in Islamic thought and history, this work examines how these factors played out in the prison context. Simultaneously, the work supplements Garret Felber's central claims in *Those Who Know Don't Say* (2019). In that work, Felber theorized the prison litigation efforts of NOI members as a part of a multipronged strategy to resist the carceral state. As impressive and comprehensive as this account is, it speaks little about the significance of the community's political and religious ideas on those same efforts. In the pages that follow,

Muslim Prisoner Litigation offers a comprehensive analysis of this critical part of the puzzle.

The book describes how religion has influenced, and continues to influence, the course of prison litigation. One obvious way is when the legal claim itself centers on a religious issue. In some instances, the ability to practice religion or participate in religious activities may be the issue at stake. These instances represent a purely religious type of motivation behind the litigation, which may be broadly conceived as struggling on behalf of Islam or advocating for the cause of religion. Sometimes, litigation has been influenced by religious organizations on the outside and the organization of individuals and groups inside. In such conscious attempts to work together or file cases strategically, religion exerts influence through religious organizing. Examples include when Muslims in prison create templates and other documents to help others with court filings, or when modern groups like CAIR (Council on American-Islamic Relations) or Muslim Advocates orchestrate litigation efforts and represent individuals and class action plaintiffs in civil rights cases. At other times, religion influences litigation through religious ideology that motivates and authorizes an individual to take action in court, regardless of whether the case involves a religious claim. While initiating a court action might appear to the naked eye to be a secular or mundane affair, for some, the act of litigating can express the epitome of religious conviction, particularly when litigants understand their actions as a duty and ground their efforts within fundamental Islamic concepts of justice and equality.

These religious influences, however, do not exert their will toward political or military dominance. Instead, the litigation represents a civil struggle that relies on the law and courts to challenge prison conditions and abuse by guards. Recognizing the role of religion is imperative because this history of litigation challenges the Peter King-type narratives about Islam and undermines the persistent conflation of Muslims and violence. Examination of religion in this context tells a different story. In these confines, the force of religion transforms lawbreakers into lawmakers, who have helped to shape the prisoners' rights movement and who eschew violence as a means of resolving grievances.

In detailing these monumental efforts of Muslims in prison, this book sheds light on other interconnections between Islam and American pris-

ons. Even in the shadows of scant scholarly treatment, the efforts of Muslims have been central to the prisoners' rights movement in America. People in prison of all persuasions have benefitted from cases litigated by Muslims, which, in turn, have had positive influences on prison culture and prison administration. As one scholar has noted, early cases involving Muslim litigants "began the process through which the Muslims' litigation would develop a legal legacy of enhanced, albeit limited, constitutional protections for all prisoners."³ It is equally true that prisons occupy a special space in the annals of Islamic history in America. Conversion to Islam, for example, is prevalent in prison, particularly among African American males, and prison conversions contribute to the growth of Islam in America. It is also worth noting that Muslims are disproportionately represented in prison compared to their numbers on the outside. For example, nearly 10 percent of the federal prison population is Muslim, compared to an entire adult population of about 1 percent on the outside. These figures suggest not only that prisons house a relatively dense percentage of Muslims, but also that this figure represents a significant portion of the entire American Muslim population. Even more, this disproportionate population has an even greater disproportionate impact on litigation, representing some 30 percent of statutory religious rights claims brought in federal court.⁴ This legacy distinguishes Muslims from their religious counterparts in prison, and the raw magnitude of lawsuits puts Muslims in a class all by themselves.

In addition to detailing the primary legal struggles that have produced this legacy, *Muslim Prisoner Litigation* focuses on factors that drive Muslims to turn to courts in the first place. Like Muslims outside of prison who use courts to get divorces, sue for injuries, or push for religious freedoms, those in prison have proved willing to use courts to settle their grievances with prison staff, rules, and regulations. In many cases, the turn to the law is not by accident but instead represents the fruit of strategic and conscious efforts by religious leaders to use the courts systematically. It is also significant that many of these lawsuits are initiated by individuals who convert to Islam. A convert's zeal for a newfound religion may make converts particularly sensitive to curbs and restrictions imposed on religious freedom, especially when restrictions confound one's ability to engage in traditional practices. From this perspective, the prevalence of

conversion among Muslim litigants may be more causal than coincidental regarding factors influencing litigation efforts.

In detailing the actions brought by Muslims in prison, this book concentrates on one of the most underclass demographics in society and takes an “outsider” perspective to analyze litigation efforts. This “bottom-up” approach is a way to prioritize the views of those who endure oppression and discrimination. Analyzing this legal phenomenon through outsider jurisprudence offers a useful mode of interpreting religious repression by the state, and beyond, the response of filing a legal claim. Perhaps of all groups of people, Muslims in prison represent the most fringe of outsider identities. Intersectionally, they carry the identity of being Black, poor, a prisoner, criminal, gang member, and religious subvert. *Muslim Prisoner Litigation* relies on critical outsider perspectives to develop the notion that through litigation, Muslims engage in a type of spiritual activism that offers a means for marginal, outsider populations to resist oppression.

For those interested in religion and American Islam, this book will be fascinating, but it is equally a lesson in legal history. This story conveys that even the most destitute in society can rise collectively to challenge and change the law. Beyond these natural audiences, the book speaks to those interested in achieving a better understanding of the realities inside American prisons. As court opinions, documents, and other sources detail, the grievances litigated by Muslims dive deep into the miseries that Muslims have endured in prison for decades. For the reader, this excursion into the innards of the prison experience gives a voyeuristic look at a system that has taken state power and run wild. The research presented in this work offers stark documentation of state oppression from the view of those who have suffered it the most.

Data gathering on prison-based litigation produces several dominant motifs that are useful to the reader and the analysis of cases, court opinions, and individuals featured in this study. The motifs are also key for understanding the surveys and letters from Muslims in prison who have litigated cases. For this part of the research, commentary was obtained from individuals who were actively litigating or who had litigated a civil claim within the past five years. These voices are intended to complement the sentiments of litigants in the early decades of prison litigation. The surveys inquire into the motivations for litigation and allow for open-

ended responses to questions about the influences of religion on the decision to litigate. While these themes may not be self-evident, they speak to unmistakable trends and provide important conceptual markers for this work.

NATION OF ISLAM FOLLOWERS SPARKED THE MOVEMENT

This work is consciously unbalanced when it comes to its focus. Indeed, much of the evidence and details concentrate on the NOI since the phenomenon of Muslim prison litigation is largely grounded in the efforts of NOI members. Early efforts by NOI members legitimized Islam behind bars, made the Quran standard in prison libraries, and paved the way for further litigation efforts. In the earliest lawsuits, converts from the NOI were the dominant force in creating space for Islam in prisons. Most early claims were made by adherents of this group, who, along with others, were collectively labeled “Black Muslims.” It is safe to say that followers of this denomination sacrificed and suffered the most to make Islam a legitimate religion in prison.

In these early years, the face of a Muslim in court was almost always Black. However, in the post-9/11 era, this face has been changing rapidly. Muslim litigants are more diverse in terms of both race and religious denomination, particularly as Sunni, Shia, and other adherents have increasingly brought claims in court, including from members of the American Society of Muslims, Al-Islam, local mosques, and other African American–based organizations that have continued litigation efforts. Trends in immigration contribute to the diversity and denominations of Islam in America, with influxes of Muslims coming from African, South Asian, and Middle Eastern countries. With these social developments, the assumption that a Muslim litigant is a Black NOI member is not as likely as in previous decades.

The NOI is central to the origin story of Muslim prison litigation, which sets a critical tone for litigation as a matter of religious principle in a way that would resonate with later generations. Muslims of all persuasions would look to litigation in earnest and continue the NOI’s work into the

modern period. Even though the impact of the NOI has declined in recent decades, the group's pioneering efforts place it at the center of this study. The NOI's role is particularly remarkable because this group, often considered heterodox or even non-Muslim from the Muslim mainstream, made it possible for members of other denominations to have standing in court as Muslims. Members paved the way for later generations of Muslims of different denominations to benefit from the freedoms and rights that members of this organization struggled to obtain. All Muslims in prison continue to benefit from the groundwork laid by the cadre of NOI members determined to use courts in the struggle. Islam is taken for granted today by Muslims in prison and is viewed by prison administrations as a genuine religion, which is in large part due to the NOI and the hardships its members were willing to endure.

JUSTICE AND EQUALITY ARE CENTRAL TO ISLAMIC WORLDVIEWS

Muslims understand Islam through the prisms of justice and equality, which should be no surprise, considering the emphasis placed on these ideas in scripture and tradition. The Quran is replete with verses imploring followers to seek justice and provide it to others, as well as proclaiming racial equality among all humans. While it is true that other religious traditions place value and emphasis on these notions as well, Muslims in America have embraced these ideas fervently. Islamic history in American prisons has largely been characterized by racial and religious repression, which may be a part of the reason Muslims in this country have gravitated toward these ideals—they resonate loudly with their life experiences—unfair treatment by the criminal justice system, racism, and Islamophobia.

While it may be easy to think that Muslims in prison sue simply because they want greater religious freedoms or extra perks, this understanding hits only some of the mark. A more nuanced analysis will recognize that individuals are motivated by the specific messages inherent in Islam and have dovetailed these values into court action. Moreover, the notion of equality is particularly critical since it has layers of meaning for one in prison, including ever-elusive racial equality, equality among people in

prison, and equality for people in prison compared to those people outside. Hence, multiple aspects of religious ideology may be relevant to these considerations due to traditional emphases on social and racial equality.

Under the leadership of Elijah Muhammad, the NOI incessantly stressed justice and equality for the Black man. For Muhammad, the question of racial justice was inextricable from his nationalistic interpretation of Islam. His writings indicate this orientation, as he extolls in the article, “justice for Muslims or Suffer the Consequences,” justice is a divine principle that intersects race: “This teaching is . . . to show us that we have been deprived of justice by others (the white race) who are greater in power and knowledge of their own civilization. The white race refuses to give equal justice to us.”⁵ Positionally, he describes the force of the devil: “[Satan] is an enemy and opposer of the freedom, justice, and equality that is given by the God of truth and justice.” These attitudes were part and parcel of NOI consciousness, as exemplified in the group’s weekly publication, *Muhammad Speaks*, which declared, “we believe in justice for all, whether in God or not; we believe as others, that we are due equal justice as human beings. We believe in equality—as a nation—of equals. We do not believe that we are equal with our slave masters in the status of ‘freed slaves.’”

While Muhammad took Islam as an opportunity to speak to racial injustices and inherent racial differences, others, such as Malcolm X and Warith Deen Muhammad, would take Islam as a pathway to racial equality to stress the inherent unity in mankind. Having gone to Mecca and seen with his own eyes the diversity of the Islamic world, Malcolm X once famously described Islam as a cure for the cancer of racism.⁶ Such views find support in passages of the Quran and Hadith, which proclaim the unity of humankind: “O people, We have created you male and female and made you into nations and tribes that you may know one another. Verily, the most noble of you to Allah is the most righteous of you.”⁷ “Among His signs is the creation of the heavens and the earth and the diversity of your languages and your colors. Verily, in that are signs for people with knowledge.”⁸ According to these statements, different skin colors and languages are a sign of creative power, which are all divine in Allah’s creation as described in Hadith: “Verily, Allah Almighty created Adam from a handful which He took from the earth, so the children of Adam come in

accordance with the earth. Some come with red skin, white skin, or black skin, and whatever is in between: thin, thick, dirty, and clean.”⁹ Moreover, the Prophet Muhammad himself is portrayed as one who sought to eliminate barriers that divided by tribe, clan, or caste, which he saw as subservient to one’s identity as a Muslim: “O people, your Lord is one and your father Adam is one. There is no favor of an Arab over a foreigner, nor a foreigner over an Arab, and neither white skin over black skin, nor black skin over white skin, except by righteousness.”¹⁰

CONVERSION FUELS THE PROCESS

Religious conversion is a force that builds on the strong emphasis on striving for justice and equality in the real world. As history has shown, the early stage of Muslim prison litigation was initiated by African Americans who had converted to the NOI and other religious organizations. With such numerical strength, converts effectively energized these movements and brought unparalleled determination and willingness to sacrifice themselves in the name of advancing the faith. One convert described Islam as a “lifeboat,” and others described it as the key to becoming “free,” as Malcolm X did in his autobiography. Under the zeal of conversion, some have shown a low tolerance for seeing their fellow believers treated harshly and denied the very religious liberties enjoyed by followers of other faiths. Their angst and grief were channeled into concrete actions that were sustained sometimes for decades. Converts are not “regular” religious adherents who were born into a religion or simply took it for granted. Instead, many often found Islam when they were at the end of hope, rock bottom, addicted, suicidal, and sometimes all at once. This potential was exemplified in the conversion of Malcolm X, which he proclaims “saved” him. After his conversion and release from prison, he would go on to work tireless hours on behalf of Muslims and go to great extremes to preserve and defend the faith.

In considering the Islamic emphasis on justice and equality, it is likely that some self-selection occurs among converts. Preaching efforts that emphasize these ideals are likely to be attractive to individuals who already harbor similar attitudes in their own outlook. Converts of this persuasion,

attracted by these traditional values, often prove willing to work tirelessly to see justice done, reinforcing these very values. This sort of self-selection effectively fortifies the faith with individuals who are strong in their commitment to justice principles and willing to work to make these ideas a reality for themselves and others.

RELIGION IS ALL-PERVASIVE

Understanding the factors inculcated in Muslim prison litigation is a function of how well one grasps the religious influences. In addition to the influences just described, including religious values that inspire individuals to challenge prison officials and practices, not to speak of the fact that religious converts are the steam that pumps the litigation engine, there are other influences. Sometimes the religion of the guards in prison is a factor. Recent and past litigation has repeatedly shown that sometimes Christian guards view their religion as superior and see Islam as subversive. Guards have been known to ridicule Muslims by calling them names like “Mohammed” or “Al-Qaeda,” or deride them by making fun of Islamic attire as “nightgowns.” Similarly, prisons have shown favoritism to Christianity by instituting Christian-only wings and extending more services and resources to Christian groups. The religious influence on the prison staff is an important and overlooked aspect of institutional oppression.

Sometimes revulsion from Christianity is an impetus that informs a convert’s worldview. From the perspective of one under incarceration, Christianity may be viewed as a part of the existential problem of being in prison. Beginning with the Christian justification of slavery and a prison system run by Christian actors, the situation creates the impression of a long lineage of Christian oppression against Blacks and Muslims. As one biographer described, “Imagine yourself beaten by guards of a foreign nation; imagine yourself torn away from the rest of the prison population; imagine yourself put in a segregated cell and told you can come back to the “normal” jail when you are ready to behave like the Christian guards want you to behave.”¹¹ Malcolm X shared this revulsion and rebuked the Christian minister who attempted to preach to him. His antagonism

toward Christianity was so pronounced, he became known as “Satan” in prison. After he was released, he used this invective to connect Christianity to these evils as a hook to recruit others to the faith: “I firmly believe that it was . . . the Judaic-Christian society . . . that created all of the factors that send so many so-called negroes to prison. . . .”¹²

A STUDY FILLED WITH COUNTERINTUITIVE FINDINGS

For many readers, the lessons of this study may strike against commonly held perceptions and ideas about the Muslim faith. Moreover, there are unique lessons about the law, its characteristics, and its function in society. In an age where some fear that Muslims are trying to supplant American law with sharia law, this study points in the opposite direction. Rather than show Muslims as antagonistic to legal structures, this study reveals Muslims literally put faith into the American legal system. Through the litigation, Muslims have proved willing to engage the system under the belief they will ultimately get their day in court. In this paradox, the consummate outsider, the “criminal,” becomes the rule of law’s greatest devotee. On the contrary, prisons and prison officials are shown to have great difficulty following the law and applying it equally. In some instances, even when Muslims obtain court victories, getting the prisons to follow the law is a different beast altogether. The litigation reveals the spectacle of Muslims trying to follow proper legal channels to hold prisons accountable and uphold the law. As counterintuitive as it may seem, the convict appears as the law-abiding citizen who plays by the rules, while prison officials may subvert the law to such a degree that sometimes they look like the criminal. This situation gives rise to the ironic specter of prison officials, who are supposed to be in the business of reforming and rehabilitating individuals, instead comporting themselves in ways that suggest they are the ones in need of reform. The findings challenge popular stereotypes about Muslims and alarmist narratives about the role of Muslims in prison.

Chapter 1, *At the Intersection of Religion and Punishment*, introduces the reader to the project and where it sits in historical context. In addition to familiarizing the reader with the problem examined in this project, the

chapter discusses the nature of the research and the data that informs the study. The chapter introduces OutCrit jurisprudence as the primary hermeneutic for interpreting litigation efforts, as well as concepts employed in this study. The chapter also introduces the key religious studies terms, concepts, and practices. This discussion leads to the final part of the chapter, which provides a synopsis of what in the Muslim religion proves attractive to those behind bars who ultimately decide to litigate.

With a description of the project in place, chapter 2, *Islam in American Prisons*, traces the origins of the Muslim presence in prisons and details the phenomenon of conversion in prison. This chapter begins by discussing the prison as a sacred space for conversion to Islam. Relatedly, the chapter describes some of the challenges for converts and other adherents to practice religion in prison. For Muslims, the ability to practice religion is confounded by mistreatment by prison guards, which is also examined. Finally, with this synopsis in place, the chapter moves on to consider Islamic ideas about responding to such injustices and to fathom litigation as a way of responding to these wrongs within a religious framework.

At the dawning of Muslim prisoner litigation, the initial challenge is the subject of chapter 3, *The Struggle to be Recognized by Prisons*. For Muslims to sue in court, adherents first had to establish Islam as a genuine religion. In these earliest phases of litigation in the mid-1900s, Muslims were just a tiny fraction of the American population at large and, as such, were not well understood in the corrections context. This lack of knowledge led to unfortunate consequences, including instances where some Muslims—rather than being afforded religious rights—were instead targeted by the FBI and prison officials as troublemakers. Hence, even if Islam was established as a genuine religion, it hardly followed that believers were automatically granted the status of a sincere follower. It does show, however, that the battle to establish Islam in prison is only as useful as one can demonstrate that he is a sincere follower. One such individual is featured in this chapter, Martin Sostre, who embodies the ultimate litigator who was also renowned as a jailhouse lawyer. His profile embodies the sort of individual who is at the heart of this book, who sees litigation as the spiritual response to injustice. The chapter ends by situating these developments in prison within the broader context of the Civil Rights Movement and the US Supreme Court's expanding view of religion. These

two developments provided an opportune moment for Muslims to begin looking to courts to establish religious freedom.

The initial struggles to establish Islam in prison gave Muslims the legal standing to challenge prison policies and sue for religious rights. Chapter 4, *Fighting for Religious Rights*, examines some prominent cases that helped shape jurisprudence in this area of prison law. Muslims sued prisons for an array of religious rights and secured victories to expand religious free exercise for all people in prison. Claims included the right to worship, groom themselves and dress according to religious tradition, and secure dietary rights, among other legal claims. As the cases reveal, when prisons treat Muslims differently from other religious groups, it may trigger equal protection claims; other times, the prison's treatment of other religions or religious groups can trigger establishment claims. The lawsuits demonstrate the specific challenges Muslims leveled when it came to religious rights and indicate that litigation has helped bring about concrete changes in prison and strengthened the ability of Muslims in prison to practice religion.

Chapter 5, *Holding Prisons Accountable*, examines Muslim litigation that generally centers on prisoners' rights. The chapter begins by outlining how prison staff have historically undermined the idea that "no one is above the law." The institutional actors who undermine this core legal principle force people in prison to learn that the institution and actors often place themselves above the law, sometimes by evading accountability, other times through their acts and omissions. The chapter moves on to detail how this sort of treatment and double standards intensified after the attacks of September 11, 2001. In the decade following the attacks, Muslims experienced a new wave of repression that mirrored earlier forms of oppression, albeit in an updated fashion. The chapter concludes by offering a composite of the most recent struggles that have occupied Muslims in court, including the ability to engage in hunger strikes, practice Ramadan, and wear hijabs.

Chapter 6, *Muslim Litigiosity*, circles back to the main proposition of this work to make concluding observations on the phenomenon of Muslim prisoner litigation. The Muslim proclivity for appropriating the legal system and the legacy it has left is an ongoing development that has been largely overlooked in the annals of American legal history and Islamic his-

tory. As one scholar has noted, the “collective lawsuits advanced by the NOI Muslim inmates are a missing chapter of Muslim-American jurisprudential history.”¹³ This history unveils religious influences that forces us to reimagine the role of religion on litigation. Simultaneously, lawsuits that are directly inspired by religious ideology have the effect of supporting and advancing the rule of law. When ideology, action, and the rule of law are aligned, this study deems that state of affairs “litigation praxis.” As the term implies, when Muslims engage in litigation, they are not engaging in haphazard suits, but the suits are a direct result of Islamic ideology being implemented in the world, to make the world better.

Chapter 7, *Conclusions and Final Thoughts*, offers a final set of points gleaned from the preceding chapters. The first is recognition that examination of this legal history from the outsider perspective offers grave lessons in state dominance and religious repression. It is equally true that behind prison walls, there is something of a role-reversal that occurs between keeper and kept. The Muslim, a convicted criminal, is shown to be a law-abiding individual pursuing legal remedies while his keepers are engaging in heinous and unlawful conduct. Taken wholly, the lawsuits undermine various stereotypes about Muslims, including that Muslims in prison pose a unique challenge to prison or national security. Although some “experts” have touted prisons as “fertile grounds” for violent extremism or violent prison jihad, decades of litigation show Muslims as having positive, salutary impacts on prisons and rehabilitation efforts. This legal history makes a myth of such alarmist portrayals. Finally, the work concludes by looking forward and considering how justice in prison might be expanded and how the work of prison-based litigation might be supported to achieve more just outcomes.