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A “New Middle East” Following 9/11 and the “Arab Spring” of 2011?—(Neo)-Orientalist Imaginaries Rejuvenate the (Temporal) Inclusive Exclusion Character of *Jus Gentium*

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Abstract: The resurgence of a deterministic mode of representation mythologizing Arabs as figuring (threatening) *Saracen* by judging their epistemological commitments as hostile to Enlightened reason-based ideals is demonstratively identifiable after 9/11, and more so following the Arab uprisings in 2011, when we notice that the Arab in general, and Muslim in particular, was historicized as the “new barbarian” from which (liberal-secular) Westphalian society must be defended. Such neo-Orientalist representations disseminate powerful discursive (symbolic) articulations (i.e., culture talk)—in tandem with the (re)formulation of legal concepts and doctrines situated in *jus gentium* (i.e., sovereignty, immanence, and pre-emptive defense strategy)—legally adjudicating a redemptive war ostensibly to “moralize” a profane Arabia. Proponents of neo-Orientalism define their philosophical theology as not simply incompatible with Arab epistemology (Ar. العربية المعرفة نظرية), but that Arab-Muslims are an irreconcilable threat to Latin-European philosophical theology, thus, accentuating that neo-Orientalism is constituted by an ontological insecurity constituting Arab-Islamic philosophical theology as placing secular modern logic under “siege” and threatening “civil society”. This legal-historical research, therefore, argues that neo-Orientalism not only necessitates figuring the Arab as Islamist for the ontological security of a “modern” liberal-secular mode of Being, but that such essentialist imaginary is a culturalist myth that is transformed into a legal difference which proceeds to argue the necessity of sanctioning a violent episode transforming a supposed lawless “Middle East” receptive to terror, into a lawful “New Middle East” receptive to reason. This sacrilegous process reveals the “inclusive exclusion” temporal ethos of (a positivist) *jus gentium* which entails maintaining a supposed unbridgeable cultural gap between a (universalized) sovereign Latin-European subject, and a (particularized) Arab object denied sovereignty for the coherence of Latin-European epistemology.

Keywords: Arab philosophical theology; Arab comprador; culture talk; despotism; Islamist Winter; Montesquieu; new beginning; international law; Latin-European philosophical theology; Vitorian moment; Tocqueville



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The Heads of State or Government rejected the use, or the threat of the use of armed forces against any NAM [Non-aligned movement] country under the pretext of combating terrorism, and rejected all attempts by certain countries to use the issue of combating terrorism as a pretext to pursue their political aims against non-aligned and developing countries and underscored the need to exercise solidarity with those affected. They affirmed the pivotal role of the United Nations in the international campaign against terrorism. They totally rejected the term “axis of evil” voiced by a certain State to target other countries under the pretext of combating terrorism, as well as its unilateral preparation of lists accusing countries of allegedly supporting terrorism, which are inconsistent with international law and the purposes and principles of the United Nations Charter. These actions constitute on their part, a form of psychological and political terrorism—Final Heads of States Document (XIII) of the Non-Aligned Movement (2003)

Bernard Lewis, the doyen of modernising Orientalists, asked some decades ago “What went wrong?” in the evolution of the countries in the Arab world. His response to his own question was that Arabs were burdened with a cultural inability to overcome traditions bestowed by Islam that prevented neoliberal economics and Western technologies from providing their societies with the supposed miracles of modernisation...Undoubtedly, the most flawed feature of Lewis’ contribution to the neocon effort to restructure the Middle East when they were in control of American foreign policy was its arrogant imperial contention that Arab peoples are not capable of making their own history, and that they will be better off if they allow the West to do it for them, including by periodic military interventions —Richard Falk (2013)

1. Introduction

As we enter the second decade since the terror attack in Manhattan took place on 11 September 2001, and a decade since the Arab uprisings of 2011, it is becoming increasingly clear that the terror of that day has been hijacked into a *casus belli* for endless privatized *pre-emptive/preventative* wars using sovereign sponsored agents of terrorism (Al-Kassimi 2019, 2020). This is coupled with “modern” sectarian geostrategic objectives seeking to redraw and re-engineer Arabian geography and demography populating abstract colonial borders thereby transforming the region into a modern, sociable, and civil “New Middle East” (Kumar 2012, p. 233). According to (Kumar 2012, p. 43), and Gopal and Lazarus (2006), the *pre-emptive* and *preventative* legal doctrines developed after 9/11 are more accurately described as *redemptive* measures since the violence and domination legally sanctioned effectively replaced “other historical precedents of the 20th century, including the Second World War and the Cold War” with the *green* scare replacing the *red* scare (Mamdani 2004; Al-Azmeh 2009; Samiei 2010; Altwaiji 2014; Kerboua 2016). It is *culture talk* or *race war* discourses, or more precisely, neo-Orientalism colluding with racism, Islamophobia, and selective prejudice that has been at the crux of the legal developments affecting Arabs and Muslims (Al-Azmeh 2009; Kumar 2012; Al-Kassimi 2020). With liberal interventionists claiming that a “new” defensive imperialism in the 21st century is required and welcomed to transform *premodern* Arabs into *modern* Arabs, or *bad* Muslims into *good* Muslims, the coinage of a “new” terrorist has been “part and parcel of an incendiary discourse that is designed for the sole purpose of relegating terror to an [Arab] alien domain” (Kumar 2012, p. 234; Al-Kassimi 2020)¹. With defensive imperialism being fought against *premodern* Arab spaces—because they are essentialized as lawless in war and do not furnish a culture reminiscent of Latin-European epistemology—the “new” barbarian is constructed using powerful *ratiocinated* symbolic discourses. These reductionist representations situate Arab space in a “non-discursive” degenerative temporal epoch inhabiting objects of sovereignty lacking civil personality, deficient in democracy, and, therefore, prone to producing irrational objects that are fanatically driven by an “*evil sharia*” seeking to violently target Western civilization (Mamdani 2004; Goodwin 2006; Al-Azmeh 2009; Kumar 2012; Kerboua 2016; Ventura 2016).

¹ The most detailed account advocating for “defensive imperialism” is by Robert Cooper, a senior British diplomat and one of the architects of former British PM Tony Blair’s doctrine of “internationalist interventionism”. Cooper conceptualizes “pre-modern states” as being zones where the “state has failed and a Hobbesian war of all against all is underway”. He mentions that “pre-modern states” need to “get used to the idea of double standards” since “modern states” need to “revert to the rougher methods of an earlier era—force, pre-emptive attack, [and] deception” because a “pre-modern world is a world of failed states. Here the state no longer fulfills Weber’s criterion of having a monopoly on the legitimate use of force . . . in such areas chaos is the norm and war is a way of life. In so far as there is a government it operates in a way similar to an organized crime syndicate”. Similar to Larry Diamond’s “predatory societies” category, Cooper’s “premodern spaces” provide a “base for non-state actors who may represent a danger to the postmodern worlds, notably drug, crime, or terrorist syndicates”. To respond to this civilizational threat and by making the distinction between modern (civilized) and pre-modern (uncivilized) societies, Cooper argues that if a rogue “premodern state” became “too dangerous for established states to tolerate”, it will then become necessary to inaugurate a “defensive imperialism” that is a “new kind of imperialism, one acceptable to a world of human rights and cosmopolitan values” (Diamond 2002, 2009; Cooper 2002, 2003).

This idea of *terrorism* being identified with Arabs in general and Muslims in particular²—as highlighted in the introductory quote by legal scholar Richard Falk—is not new, but is rather familiar *ratiocinated* language inherent to a positivist international law animated by a cultural dynamic of difference (Al-Kassimi 2020)³. The liberal-interventionist policies since 9/11, especially succeeding the Arab uprisings of 2011, advocated for a “new” colonial encounter or an “Imperial Lite”, implying that only Western perceptions of other cultures and ways of killing be it through privatized war, invasion, or military conquest, are deemed superior, proper, necessary, and unquestionably legitimate (Anghie 2004, 2009; Porter 2009; Kumar 2012; Al-Kassimi 2020). These legal developments endemic to *jus gentium*⁴ are not novel but are evocative of naturalist and positivist scholastics transforming cultural differences into legal differences to adjudicate a civilizing mission. Therefore, by adopting an anachronic approach to legal history and a *hermeneutics of suspicion*⁵ in reading legal history, this legal-historical research seeks to *deconstruct*⁶ how the threat and fear of Arab “primitive” culture has since 9/11 been represented by speech actors with political capital through neo-Orientalist imaginaries informing concepts of Islamophobia, the barbarian thesis, despotism, and the mental incapacities of the “Arab mind”.

These imaginaries are adopted by Western and Arab *comprador* political executives, academics, and communication centers to propagate multiple deterministic hegemonic frames constellating themes relating to “outsourcing Arab subjectivity”, “training Arabs in non-violence”, “gendering the protests”, and the “Arab-Jihadist”. The objective of such imaginaries essentially empties Arabs from any subjectivity in being rational authors and capable enablers of a “modern democratic” uprising since these thematic imaginaries assume that sovereign figures are a priori familiar with Arab demands because they claim ideas and lack experiences found and furnished in societies adhering to Latin-European philosophical theology. These distorted culturalist constructions are transformed into legal differences to (re)formulate and (re)produce the threatening Arab-Other as object of sovereignty not only to justify a defensive imperial war, but more importantly, to *redeem* Arabs and in the process provide the Western-Self ontological security—therefore, epistemological *coherence*. The interpretation of 9/11 and the Arab uprisings using positivist legal doctrines and neo-Orientalist benevolent discourses founded on the perception that an Arab epistemology is inherently resistant to Western modernity—therefore, *temporally* stagnant—makes it evidently clear that (a positivist) *jus gentium* is fundamentally characterized by an *inclusive exclusion* animated by a civilizing mission positing a *compulsory*

² My emphasis on Islam is related to neo-Orientalist discourses constructing imaginaries claiming all Arabs as Muslim, and more dangerously, identifying terror as an ethno-religious cultural trait inherent to a civilization inhabiting Arabs and Muslims rather than a modern secular puritan development legalizing a secular process “demonopolizing” violence by authorizing “private” mercenaries to conduct violence (Mamdani 2004; Al-Kassimi 2015, 2020).

³ (Anghie 2004, p. 34) alludes to the immorality of *positivist jurisprudence* distinguishing between law and morality thereby making acts that are immoral *legal* by stating: “The colonial confrontation was not a confrontation between two sovereign states, but between a sovereign European state and a non-European state that, according to the positivist jurisprudence of the time, was lacking in sovereignty. Such a confrontation poses no conceptual difficulties for the positivist jurist who basically resolves the issue by arguing that the sovereign state can do as it wishes with regard to the non-sovereign entity, which lacks the legal personality to assert any legal opposition. Since the state is the central and most important actor in international law, sovereign statehood, as defined by European imperial powers, was the difference between freedom and the conquest and occupation of a people or society.”

⁴ Revert to (Al-Kassimi 2020) chapter I for a genealogical discussion on the founding of *jus gentium* during the Renaissance (i.e., naturalist jurisprudence) and Enlightenment (i.e., positivist jurisprudence).

⁵ A hermeneutics of suspicion is a style of interpretation that attempts to “decode meanings that are disguised” (Josselson 2004, p. 1) or that “circumvents obvious or self-evident meanings in order to draw out less visible and less flattering truths” (Felski 2012).

⁶ The spiritual objective of deconstruction (Ar. التفكيك) as demonstrated by Arab *falasifa* and *fuqahā* such as Al-Ghazali, Ibn-Tufayl, F.D Al-Razi, and Ibn-Rushd, is the symbiotic relation between Science and Religion thereby “freeing *al-haqq* and *l’écriture* from the shackles of reason” (Almond 2007, p. 10). Deconstruction is not a disillusion of the subject, but rather is a historical analysis of that subject and an attempt to focus on a universal translation of it. Or put differently, it is an approach to reading and listening; but rather than trying to uncover an author’s central argument or underlying intentions, it instead attends to the (assumed) shifting and contradictory patterns that play on the surface of the written text and/or spoken word.

unbridgeable cultural gap between a sovereign universal *Athenian subject* and a particular *Madīnian object* denied sovereignty⁷.

2. The War on Terror and the Symbolic Power of Orientalist and Neo-Orientalist Myths: Reductionist Imaginaries of Arab Civilization as Resistant to (Western) Modernity

The year 2001 is referred to by some critics as “year zero” or a “transformative moment” (Altwaiji 2014, p. 313) regarding how Europe and the U.S. have (re)imagined Arabs as *legal* Saracens. This prompted scholars from the North and South to declare that metropole centers of power continue to transform cultural differences into legal differences thus reviving an interest in a wave of neo-Orientalism as mode of representation (Tuastad 2003; Anghie 2004; Merskin 2004; Mamdani 2004; Al-Azmeh 2009; Altwaiji 2014; Kerboua 2016; Ventura 2016; Al-Kassimi 2020). The year 2001 has inaugurated a century where the metropole uses its sovereign privileges to fabricate an artificial threatening enemy to sanction waging a *just war* by creating a hegemonic version of reality—using symbolic power—that distorts the actual lived experiences of Arab civilization (Tuastad 2003; Merskin 2004; Altwaiji 2014; Ventura 2016). Arabs are victims of symbolic power in the way race war discourses arrogate terrorism a priori as a cultural trait endemic to Arabs prompting Altwaiji to declare that this is “imperial stereotyping” and racism of the highest rank (Altwaiji 2014, p. 314). The most important intellectual repercussion of 9/11 on classical Orientalism is the (re)introduction of a “neo” dynamism to cultural issues related to the Arab world which is imagined and represented as the “most static and dictatorial region of the world” (Tuastad 2003; Altwaiji 2014, p. 314; Ventura 2016). The legal doctrines developed after 9/11 and the (re)formulation of sovereignty through pre-emptive defense strategy (PEDS) to accommodate defensive imperialism, contributed to the re-evaluation of the 19th-century classic Orientalist discourse which included Arabs, Turks, and the Indians (Lewis and Wigen 1997, p. 54). The catalyst event of 9/11 initiating a geographic and demographic redrawing of Arabia through redemptive force, domination, and conquest made salient that the East–West relationship was re-evaluated to include the emergence of a neo-Orientalist discourse of distorted mythical imaginaries in which the Arab world “becomes the *center* while major classic [Orientalist] components such as India, Iran, Turkey are *excluded* from the *neo-Orientalist* map” (Merskin 2004; Altwaiji 2014, p. 314; emphases added; Al-Kassimi 2020).

⁷ While it is beyond the scope of this research article to highlight the importance of Arab-Islamic philosophy benefiting, contesting, and/or ameliorating the works of the Ancients (i.e., Plato, Aristotle, Galen, etc.), it is important to note the reconnaissance and importance of Arab-Islamic philosophical theology in developing a Latin-European philosophical theology (i.e., Anselm, Magnus, Aquinas) during the 10th–13th century. Prominent figures such as Al-Ghazali, Al-Farabi, Ibn-Sina, Ibn-Tufayl, Ibn-Khaldun, Al-Khawarizmi, Ibn-Rushd, Al-Razi, Al-Biruni, Al-Qurtabi, Ibn Haytham, and Al-Kindi were extensively translated from Arabic to Latin, French, and English. A novice acquaintance with Arab philosophy and jurisprudent history reveals the extensive philosophical theological cannons accenting the importance of the faculty of *reason* and its continued nourishment for the constant flourishing of a “community/Ummah” (Ar. أمة) and “social solidarity/Asabiyyah” (Ar. عصبية). This intellectual nourishment is designated by Al-Farabi, Ibn-Rushd, and Ibn Khaldun as an essential constitutive process in developing a just *polis* according a rational and moral objective characterizing a(n) “ideal/virtuous city” (Ar. الفاضلة المدينة), “civilization” (Ar. عمران), and “human social organization” (Al-Kassimi 2020). It is telling that Latin-European diffusion of knowledge paid more attention to Al-Ghazali’s philosophical work entitled *The Aims of the Philosophers* rather than on his other work entitled *The Incoherence of the Philosophers*. Ismaili Shi’ism and Twelver Shi’ism are *par excellence* the most *ratiocentric* interpretation of Islamic revealed Law adhering to Mu’tazila logic since their adherents essentially separate Religion and Science by secularizing law in a way that directly violates revealed Law (Sharia) and Tradition (Sunnah). See also, (Al-Jabri 1994; Abou El Fadl 2014; Al-Kassimi 2020).

The concept of neo-Orientalism is indebted in part⁸ to Edward Said's 1979 work entitled *Orientalism* with scholars involved in the recent resurgence admitting that while Orientalism has operated in diverse historical paradigms, it has consistently emphasized and constructed threatening cultural(ist) assumptions made by the West of the Orient (Beckett 2003; Attar 2007; Al-Azmeh 2009; Altwaiji 2014; Kerboua 2016; Ventura 2016). Therefore, just like imperialism and colonialism are not policies of the *past* since they both "Orientalize" the colonized subject and in the process transform cultural differences into legal differences, Orientalism has in the past and continues in the present to produce distorted images of the Arab as resistant to (Western) modernity (Anghie 2004; Mamdani 2004; Mahmood 2006; Samiei 2010; Altwaiji 2014; Kerboua 2016). Samiei (Samiei 2010, p. 1148) cautions about an increasing academic trend adhering to a non-anachronistic legal-historical reading asserting that Orientalism "as an ideology . . . belonged to a period of history that is now behind us". Adopting an anachronistic approach in reading to deconstruct legal-history—in tandem with being hermeneutically suspicious—accentuates the "inclusive exclusion" *ethos* of *jus gentium* in that the technologies of racism and mechanism of enmity informing sovereignty as a *ratiocinative* secular juridical concept continues in the present to animate international legal doctrines. These doctrines valorize "culture talk", thereby actuating a "modern" puritan process legalizing the hiring of *death squads* who engage in acts of carnage proliferating not only a sentiment of fear and terror producing *en-masse* displacement, but also contribute to an immoral process deliberated as necessary to aid the Arab world to attain the temporal coordinates of Latin-European modernity (Mamdani 2004; Al-Kassimi 2020)⁹. This "culture talk" explicitly highlights the exclusionary character of *jus gentium* in that PEDS imagines the Arab body as a threat to the stability of international law thereby adjudicating imperial policies that can only be exercised on an entity constructed a priori "outside" international law or as an object of sovereignty. In this case, *jus gentium* continues to be *willed* by sovereign figures who persevere in viewing the Arab world as incapable of becoming a member "inside" *jus gentium* until it surrenders Arab philosophical theology¹⁰ which seeks to balance between *reason* and *revelation* or *science* and *religion*¹¹.

⁸ I say "in part" because I align with several Arab and non-Arab scholars whose work directly or indirectly highlights Said's own historicism in describing the etiology of *orientalism* becoming *Orientalism* with his polemic appearing to be making an a priori statement that the "East" and "West" are naturally (spatially) antagonistic thus (re)constituting and (re)actualizing the criticism of hypostatization brought against the "West". Arab-Syrian writer Sadiq Jalal al-Azm directly engaged in a critique of Said's work, while the work of other scholars and/or revolutionary figures such as Naguib Azoury, Hashim Al-Atassi, Shukri al-Quwatli, Michel Aflaq, Mahdi Amel, Doreen Ingrams, Samar Attar, K. Beckett, and most importantly, Yassir Arafat discredit his writings either directly or indirectly, thus, highlighting the danger in making Said's work an academic referent for a "Western" audience wanting to acquaint themselves with the "mind-set" of Arab culture from the 19th and 20th century—especially in the 1970s and 1980s where Said was identified as the "Voice of Palestine". As matter of fact, "Palestine" as a mythologized fictional "nation-state", was the product of Judeo-Christian *sovereign will* during the LON and later the UN, which gave legal backing for the establishment of Israel by UN mandate inscribed in res.181 in 1947 and res.273 in 1949 admitting Israel as a member of the United Nations (Tomeh 1968; Mahadeen 2020). In other words, it is by claiming that "Palestine" existed as a historical "promised land" that "recognized sovereign" powers situated in *jus gentium* were capable of providing Zionists a proprietary certificate birthing Israel as a *nation-state* on May 14th 1948. What scholars designate as "Palestine" in the 20th century—further exacerbated with discourses concerned with a "two-state-solution"—is historically identified by inhabitants of Arabia as Al-Quds, Southern-Damascus, Al-Ard Al-Muqaddasah, Southern Syria, Jund Filastin, Bilad Al-Sham, Jerusalem, Bayt al-Maqdis, Holy Land, etc.

⁹ For a discussion of the concept "cultural talk", revert to (Mamdani 2004). For more on the question of *death squads/war machines*, revert to chapter IV in (Al-Kassimi 2020, p. 159), which discusses Operation Timber Sycamore and its foundational neo-Orientalist assumptions claiming that terrorism in Arabia is a "natural" occurrence since it is inhabited by peoples adhering to Islam and/or inform cultural mores sourcing Arab philosophical theology.

¹⁰ As poignantly stated in 1943 by Michel Aflaq at the University of Damascus during a lecture celebrating Prophet Muhammad (PBUH), Arab "heritage" (Ar. تراث), "civilization" (Ar. عمران), and epistemology (Ar. المعرفة): "... There have been two very dangerous and incorrect European ideas that have invaded the Arab mind with regards to nationalism and humanism. The first is the European concept of separation of nationalism and religion. This concept is perfectly understandable when it comes to European conditions because religion had entered Europe external to it, that is, foreign to its inherent organic nature and to its natural history. It is an idea based on the after-life and a set of morals that did not come into Europe through Europe's own language, nor did it explain Europe's own environment, and did not intertwine with European history, whereas in the case of Islam and the Arabs, it is not just an idea concerned with the after-life, and is not purely moral teachings for them. It is the best expression of their universal convictions and outlook on life. It is the best expression of the unity of their personality, where the word comes in and unites with the emotional and intellectual sides, where meditation comes in unity with action and the soul with destiny, and above all, it is a beautiful portrayal of their language and social behavior."

¹¹ For more on the *schism* between Arab and Latin-European philosophical theology, revert to the conclusion in (Al-Kassimi 2020, p. 241).

Past and present Orientalist patterns of distorted Arab history have not been effaced from Western imaginaries. Orientalism is not a static concept that was excavated and discontinued in a past archeology of history, but is rather a *moving* concept that continues to inform the genealogy of knowledge production concerned with the supposed *uncivility* of an Arab mode of *Being*. Scholars interested in highlighting the features of neo-Orientalism have pointed to their postcolonial predecessors by claiming neo-Orientalism like Orientalism serves as “a system of knowledge which creates and propagates subjective representations of the Other from the Orient” (Kerboua 2016, p. 8). (Said 1997) argues that knowledge production in Western capitals relating to Arabs is neither objective nor unbiased, but rather is the end-result of a “process that reflects particular interests and a Western-centric worldview” (Kerboua 2016, p. 9). It is the lens called Orientalism through which the West perceives and conceives non-European space that distorts the reality of the inhabitants of Arabian spaces (Jhally and Said 1998; Kerboua 2016; Al-Kassimi 2020). Using Foucault’s theory of discourse analysis endeavouring to “grasp other forms of regularity, other types of relations” (Foucault 1972, p. 29) accentuates the genealogical continuity in the relationship between different textual productions and their relation to a certain reality by revealing how *Orientalism* as a mode of representation constructs, produces, and proliferates ideas of the Arab-Orient that serve in “making statements about it, authorizing views about it, teaching it, settling it, ruling over it” (Said 1997, p. 3; Kerboua 2016). Therefore, Orientalism of the 18th and 19th century has some similarities to the neo-Orientalism of post 9/11 in that Western civilization (re)produced and (re)formulated specific disciplines of knowledge (i.e., Anthropology and International Law) in both historical periods which enabled it to transform cultural differences into legal differences thus *legally* sanctioning the West having the power to dominate and transform the “exotic” Arab *Bedouin*. In other words, domination over the Arab body ensued after jurists, political scientists, sociologists, and anthropologists produced reductionist (neo)-Orientalist imaginaries emphasizing Arab civilizational inferiority, then, succeeding such deterministic imaginaries, engaged in a “humanitarian intervention” (Anghie 2004; Altwajji 2014; Kerboua 2016; Ventura 2016).

Early Orientalist discourses devalue epistemologies located (spatially) *outside* Europe by claiming that subjectivity can only be considered with the non-European shedding their *unsociable* culture. However, more importantly for neo-Orientalists is that Arabs are imagined as *temporally* incapable of attaining the *telos* of (Western) history or producing a *reason*-based philosophical theology because they are denied (temporal) coevality, since they esteem objective morality. The (re)production of a (neo)-Orientalist image of Arabs lacking the capacity of organization and rationality characteristic of *cosmopolitan society* is based on essentialist discursive constructions that naturally lead to reductionism. Past and current trends of Orientalist discourses have been consistent in adopting logical fallacies associated with semantically “closely related concepts such as reification or gross generalisation”¹² (Herzfeld 2010; Kerboua 2016, p. 11) perceiving Arabia as a monolithic space with “inhabitants”, rather than “political subjects”, and a “geography”, rather than a “homeland” (Ar. وطن) with civilizational and cultural-historical experiences different to those informing (Occidental) liberal-secular modernity. The process of hypostatization informing cultural relativist reifications assumes abstractions relating to the Arab-Muslim body—such as receptivity to terror—becoming an actual “cultural” reality thereby enabling the simplification of the message being conveyed and the obliteration of a rational and objective understanding of the subject being *obliterated*. The hegemonic version of reality

¹² *Essentialism*, according to (Herzfeld 2010, p. 288; emphases added), “appears as both a violation of anthropological relativism and one of the besetting conceptual sins of anthropology. Exemplified by such totalizing ideologies as nationalism and biological determinism, it is also frequently conflated with reification, objectivism, and literalism. All four concepts are forms of reductionism and there is substantive semantic overlap among them. Reification may most usefully be seen as concerned above all with the logical properties of concepts, however, objectivism primarily entails *a priori* assumptions about the possibility of definitive description, while literalism may be specifically understood as the uncritical, decontextualized application of a referential and abstract semantics. The distinctive mark of essentialism, by contrast, lies in its suppression of *temporality*: it assumes or attributes an unchanging, primordial ontology to what are the historically contingent products of human or other forms of agency. It is thus also a denial of the relevance of agency itself.”

developed through the power of (neo)-Orientalist symbolic generalizations is endemic to the *ratiocinated* essentialist framework of Aristotelian–Cartesian deductive logic¹³ which distorts and perverts’ reality by reducing complex “abstract objects to concrete ones” (Kerboua 2016, p. 11).

The intrinsic relation between the construction of the Arab-Orient and positivist legal (mis)representation sanctioning defensive imperialism is evident when Huntington claims that “Islam has bloody borders” (Huntington 1993, p. 35), or Bernard Lewis claiming that the attacks on 9/11 were the “logical historical outcome of a millenary *struggle* between a *religion* and its believers and a *geographically* situated, *culturally* heterogeneous, and ideologically constructed *western civilization*” (as cited in Kerboua 2016, p. 12; emphases added). Bernard Lewis is an important link between Orientalism of the *past* and neo-Orientalism of the *present* with his reductive discourse imagining Arabs as temporally *backward* and *allergic* to liberal secularism¹⁴. While Lewis has several disciples such as Paul Wolfowitz, Richard Perle, and Jared Kushner who agree with the claim that “Muslim countries have the most terrorists and the fewest democracies in the world” (Pipes 2008), Lewis’s work often engages in hypostatization by equating Arabs with Islam and linking the deterioration of Arab societies on the idea that Arabs did not adopt Western epistemology which, according to him, is the only *reason-based* philosophical theology leading to modern civilized status (Beckett 2003; Mamdani 2004; Attar 2007; Al-Azmeh 2009; Altwaiji 2014; Kerboua 2016; Al-Kassimi 2020). This is evident when he says, “according to Islamic law and tradition, there were three groups of people who did not benefit from the general Muslim principle of legal and religious quality—unbelievers, slaves and women” (Lewis 2003, p. 67). It is not surprising, then, that Lewis was one of the most reliable advisors to the American administration after 9/11, considering his advocacy for the Bush doctrine in conquering Iraq in 2003: “significant numbers of Muslims are ready to approve, and a few of them to apply, this [extremist] interpretation of their religion. *Terrorism* requires only a few. Obviously, the West must *defend* itself by *whatever means* will be *effective*” (Lewis 2004, p. xxxii; emphases added). These 21st-century, neo-Orientalist, distorted representations of Arabs and Muslims are motivated by an identical (anachronic) primitive image Lewis articulated of Arabs in the 20th century when he declares:

It should now be clear that we are facing a mood and a movement in Islam far transcending the level of issues and policies and the governments that pursue them. This is no less than a *clash of civilizations*. The perhaps *irrational*, but surely historic receptions, of an *ancient rival* against our *Judeo-Christian heritage*, our *secular present*, and the worldwide expansion of both, it is crucially important that we, on our side, should not be provoked into an equally historic, but also equally *irrational* reaction against our rival. (Lewis 1990, p. 60; emphases added)

3. The Contours of Neo-Orientalism—Islamophobia, the Barbarian Thesis, the Irrational Arab Mind, and Arab Compradors

The main break between early Orientalist discourses and neo-Orientalist discourses post-9/11 is the feeling of apprehension, fear, and hatred relating to anything and everything that involves Arabs in general and Muslims in particular. Neo-Orientalism in the 21st century is a body of knowledge created and propagated by a coalition of intellectuals, political figures, and media pundits that enjoy a special relationship with the U.S., Europe, Canada, Israel, and several Arab capitals (i.e., Doha, Beirut, Baghdad, Cairo, Amman, and Riyadh). Neo-Orientalism of the 21st century is unlike early Orientalism in that it is explicitly constituted within a culturalist Islamophobic paradigm that operates within a “clash of civilizations” that brought Arabia and the classical Orientalist discourses of “us” and

¹³ This is in contrast to Al-Farabi’s and Al-Ghazali’s inductive reasoning method in which “premises” are viewed as supplying some evidence for the truth of the conclusion.

¹⁴ This is affirmed in the historical continuity of Lewis’s academic work, which situates Arabs as inexorably antagonistic towards Western civilization, as emphasized in *The Roots of the Muslim Rage* (1990), *Islam and the West* (1993), *The Revolt of Islam* (2001), *What Went Wrong? The Clash Between Islam and Modernity in the Middle East* (2003) and *The Crisis of Islam: Holy war and unholy Terror* (2004).

“them” to the forefront with terrorism being the most valorized and prevalent term adopted to address and identify Arab-Muslims (Altwaiji 2014). While it is true that Islamophobia is a “new” word for an “old fear”—since identifying and fearing Arab-Muslim philosophical theology has a long history in European scholastic jurisprudence—it did, however, increase exponentially after the Cold War and more specifically after 9/11 with Western politicians replacing the threat of Communism with the phobia of Islam and Arabs representing a threatening worldview (Nonneman 1996; Mamdani 2004; Sajid 2005; Mahmood 2006; Al-Azmeh 2009; Miller 2011; Jenkins 2012; Kerboua 2016, p. 26). Therefore, a peculiar aspect of neo-Orientalism is the hostile manifestation of a social phenomenon called “Arabization” and “Islamist” which manifests itself in how Arabs and Muslims are represented within Western societies and how peoples inhabiting the Arab world are imagined as threatening *universal civilization*¹⁵. Wajahat et al. (2011), CAIR (2013), and Kerboua (2016) emphasize the extensive funding and dissemination of Islamophobic propaganda by wealthy foundations, institutes, and think-tanks involved in networks of power in Europe and the U.S. in producing imaginaries referencing liberal-secular discourses that conflate Arabs and Islam with illiberal and/or terrorist related activities.

The recent resurgence of the term Islamophobia appears to underscore the (re)production of a familiar sentimental element between Europe and Arabia with the former emphasizing Arab cultural differences as ontologically threatening thereby essentially repudiating the idea of Arabs and Muslims as “rational subjects” capable of developing or informing a *civil society*—thus fundamentally denying them *legal sovereignty* (Tuastad 2003; Beckett 2003; Al-Azmeh 2009; Altwaiji 2014; Kerboua 2016). It is important to note that Islamophobia is more than simply a critique of the Islamic faith but rather is a *neologism* that literally means the “irrational fear of the Muslim faith” which is expressed through factors relating to apprehension, fear, rejection, and hatred (CAIR 2010; Asal 2014; Mohammed 2014; Kerboua 2016, p. 23). According to Mohammed (2014) and Kerboua (2016, p. 24), neo-Oriental discursive components are essentially informed by an “ontological fear” constructing an essentialist “Arab-Muslim problem” in Western societies. A “problem” that is fundamentally seeking to emphasize the (il)legitimacy of Muslim presence in European and North American (civil) societies, thus, making salient that neo-Orientalist discourses, requires the fabrication of a hegemonic view of reality identifying a subject as foreign, threatening, and/or fearsome for the ontological security of European civilization. A neo-Orientalist representation therefore operates within a deterministic culturalist parameter that generalizes Arab modes of *Being* by essentializing, stigmatizing, and stereotyping the Arab world and Muslim people, since Islamophobia entails a xenophobic perception of Muslims and Arabs representing “elements extraneous and irreconcilable to the societies of the Western world” (Lowe 1985; Kerboua 2016, p. 25). The positivist jurist idea of the *lawless Saracen* is then constructed and based on a lens of a “renewed orientalism or neo-Orientalism, far from giving an accurate representation of Islam and Muslims, emphasises exclusively on what are considered negative dimensions and components of the Islamic faith and culture, or the alleged behaviour of the Muslims” (Kerboua 2016, p. 24).

The resurgence of a neo-Orientalist mode of representation is most readily identifiable after 9/11 when we consider that the Arab and the Muslim became the “new barbarian” (Tuastad 2003, p. 595) and with Orientalism of the 21st becoming a “belligerent neo-Orientalism” (Said 2003, p. xxi). A belligerent neo-Orientalism was inaugurated after 9/11, in tandem with the reformulation of *jus gentium*, to approve a transformational defensive imperial war sanctioned by the Bush Doctrine to “modernize” and “democratize” Arabia. Neo-Orientalism was inaugurated as a “new academia of Orientalism” with European and U.S. executive members defining *their* culture and civilization as incompatible to

¹⁵ On 16 February 2020, the French National Assembly passed a controversial bill “meant to protect the country against the dangers of what the government deems “Islamist separatism” . . . [this is] the latest French effort to reinforce the country’s traditional embrace of a secular identity. The bill passed handily, by a vote of 347 to 151” (Griffin 2021). In October 2020, President of the French Republic—Macron—stated “Islamist separatism” as a threat to Enlightenment values cherished by France and the EU (Perelman 2020).

Arab epistemology (Ar. العربية المعرفة نظرية / العربية الحضارة). American and European intellectuals such as Pipes (2003), Harris (2007), and Caldwell (2010) make the case that Arab and Muslim identity is threatening and irreconcilable with Latin-European civilization thus accentuating that neo-Orientalist discourse post-9/11 is constituted by an ontological insecurity which claims that the “western world [is] under siege and threatened in its culture, way of life, and identity” (Kerboua 2016, p. 25). This ontological insecurity is also induced by recent “civilizational debates” concerning displaced Arabs and Muslims “taking over” Europe and North America¹⁶.

A critical reading of post-9/11 neo-Orientalist discourses underlines the limitation in adopting an essentialist approach analogous to Huntington or Lewis since it not only ignores the influences of (neo)-colonialism and imperialism in (under)developing the Arab region after the conclusion of the Mandate System in 1945, but more importantly, it ignores the immoral consequences of discursive symbolic power identifying an “anti modern-core” in 7th-century Arabia that supposedly *doomed* and (*pre*)-*destined* any further political, social, and economic development of Arabs (Tuastad 2003; Beckett 2003; Mamdani 2004; Altwaiji 2014). The “new barbarian” thesis—one of the primary tropes of neo-Orientalism—includes racist imaginaries perpetuated by professional organizations, leadership, and experts resting their claims on a (Latin-European) secular “moral” sovereign authority that reverts to Newtonian and Cartesian “natural” science for validation (Bauman 2000; Tuastad 2003; Mamdani 2004, 2010; Altwaiji 2014). For instance, in *Culture Matters: How Values Shape Human Progress* written by leading American neo-Orientalists, Arab culture is described to the reader as “Islamic culture” with Islam being perceived as a dependent variable that explains the level of Arab antagonism towards Western values (Harrison and Huntington 2000, p. xiv; Tuastad 2003; Altwaiji 2014; Al-Kassimi 2020). These generalizations are essentialized when we notice that Harrison and Huntington identify religion—similar to Bernard Lewis—as hindering progress because it confines people to “primitive” traditions. They declare that the “pace of modernization in most Islamic countries has been slow, illiteracy, particularly among women, is still very high in many of them . . . Turkey is the only Islamic country—secular, to be sure—that approaches modern standards of pluralistic governance” (Harrison and Huntington 2000, p. xix).

The “new barbarian” thesis central to a “belligerent neo-Orientalist” mode of representation perceives Islam as being an *atavus* that threatens not only the “return to the Middle ages”, but also the destruction of what is “regularly referred to as the democratic order in the Western world” (Altwaiji 2014, p. 317). Accordingly, neo-Orientalism identifies Arab identity as an ethno-religious individual actor and Islam as an institution thereby generating a distorted abstract image of the Arab figuring as barbarian (Tuastad 2003). Additionally, the “barbarian thesis” becomes a marker of “temporal primitiveness” implying explanations of political violence that exclude political and economic interests when assessing violence thus perceiving *terrorism* as a peculiarity endemic to Arab culture. Robert D. Kaplan, an influential neo-Orientalist scholar, adopted the barbarian thesis in an Atlantic Monthly article called the *Coming of Anarchy* (1994), in his renowned book called *The Coming Anarchy: Shattering the Dreams of the Post Cold War* (2000), and continued to rejuvenate the distorted discourse over two decades later in an article called *Why So Much Anarchy* (2014) after the “Arab Spring” of 2011.

In both of Kaplan’s books, conflicts are presented between a primitive tribal Arab people fighting against Western civilization. Kaplan indicates that “in places where the Western Enlightenment has not penetrated and where there has always been mass poverty, people find liberation in violence . . . Physical aggression is part of being human. Only when people attain a certain economic, educational, and cultural standard is this trait tranquilized” (Kaplan 2000, p. 45). Kaplan admits it was compulsory in the Pentagon to read Martin Levi van Creveld’s book entitled *The Transformation of War* (1991) emphasizing

¹⁶ Revert to (Al-Kassimi 2020, p. 192) for a discussion employing bio/necropolitics as paradigms of analysis to deconstruct the “Islamist Winter” perpetuated an image figuring displaced Arabs (i.e., immigrants, refugees, etc.) as a threat to Western liberal values.

essentialist arguments stipulating that Arabs are not endowed with the civilized “arts of war” and “military horizon”. Identifying Arabs as barbarians because of their *irrational mind* is based on the idea that the Arab world is inhabited by people who conform to “tribalistic identity” (Van Creveld 1991; Kaplan 2000, p. 47), where war is “not a means but an end” (Kaplan 2000, p. 44), and where there is no distinction between war and crime since war amongst Arabs includes “struggles of primitive tribes than with large-scale *conventional war*” (Kaplan 2000, p. 48; emphases added). The barbarian thesis is intertwined with neo-Orientalist imaginaries reinforcing an idea highlighting a “deep cultural dualism between Islam and the West” (Tuastad 2003, p. 1149). This serves hegemonic strategies requiring the production of distorted images of an Arab-Muslim enemy that is “not wholly reasonable” to legitimize a defensive imperial war under the guise of a benevolent discourse representing inhabitants of Arabia as in need of a humanitarian intervention saving them from *their-Self*.

The intensive power of symbolic images is also readily recaptured and (re)produced after 9/11 with neo-Orientalists emphasizing the deficiency of the *Arab mind*, to use the words of Raphael Patai, who was tasked by the UN in 1952 to head a cultural anthropological project in the Arab world (Beirut, Damascus and Amman) for the Human Relations Area Files (HRAF) at Yale University. The mental incapacities of the “Arab mind” is adopted to construct images of Muslims and Arabs not only as *naturally* cognitively backward and inferior, but also violent and threatening, thereby highlighting the discontinuity between early Orientalist and neo-Orientalist discourses (Patai 1973; Zureik 1979; Tuastad 2003; Mamdani 2004; Altwaiji 2014). The new barbarian thesis informing neo-Orientalism leans on a psychological and mental configuration to explain the premodern cultural stagnation and backwardness of Arabs—a *temporal* argument—rather than *spatiality* as argument emphasized by dogmatic critics of Orientalism (i.e., Edward Said). Arabs, according to neo-Orientalist imaginaries, have a sense of temporal “marginality which never allows an Arab to detach himself from his traditional culture” (Zureik 1979, p. 85). This distorted hegemonic reality is further emphasized by Patai and Zureik who claim that Arabs lack the cultural *qualité* making them “psychologically ready” members of an international “democratic society” (Zureik 1979, p. 92; Tuastad 2003; Altwaiji 2014)¹⁷. The underlying message of the new barbarian thesis and Arab mental incapacities endemic to neo-Orientalism is reminiscent of naturalist and positivist jurists legalizing domination over non-Europeans because they are “not wholly endowed with reason”. This “cognitive deficiency” is transformed into a legal difference by imagining Arab culture as lacking *civic ethos* thereby sanctioning *redemptive* measures because Arabs “cannot represent themselves” but “must be represented” (Tuastad 2003, p. 592).

According to Tuastad (2003, p. 592), the essentialist idea perceiving terrorism as endemic to the “Arab mind” serves as a “powerful invention that legitimize[s] continuous colonial economic or political projects”. Here, the Arab mind and terrorism in a neo-Orientalist discourse are connected in that Arab culture produces a backward Arab mind lacking *intellect* therefore prone to barbarism and/or terrorism. With Arabs and Islam being the targets of a neo-Orientalist academia, Almond (2007) and Kumar (2012, p. 237) remind us that the *redemptive* war sanctioned through PEDS justifying “humanitarian responsibility and intervention” is cultivated by “liberal-minded advocates of assimilationist policies who exoticize difference in the name of empathy and solidarity”. The historical-political conditions developed post-9/11 have (re)produced the West-and-Islam dualism identified in neo-Orientalism by integrating a set of *ratiocinated* juridical conceptual structures from the past. As highlighted by Tuastad (2003), Samiei (2010), Kumar (2012), Altwaiji (2014), and Kerboua (2016), the neo-Orientalist representation of the Arab world, especially in the “Middle East” requires a threatening *irrational* object—the barbarian—to sanction *redemptive* measures *on* Arabs since PEDS deploys a series of principles relating to liberal democracy, responsibility to protect (R2P), and the “style of warfare” to complete the circular structure of pre-emptive/preventative war. The barbarian thesis and the irrational Arab mind are

¹⁷ This is why they claim that Israel is the *only* democracy in the “Middle East”.

essential compounds of a neo-Orientalist mode of representation since it is *that* distorted image of the “Middle East” that is framed as “threatening civilization” thus sanctioning imperial strategies aiming at dominating the Arab world by transforming *premodern* Arabia into a *modern* Arab world—a New Middle East.

Designating Orientalism post 9/11 in a “neo” rather than a “new” mode of representation signals a continuity between contemporary and classical forms of Orientalism but not *absolute* similarity. While this continuity designates a shift in the discourse of Orientalism—with neo-Orientalism emphasizing *temporal* differences—it nonetheless entails certain discursive repetitions of, and conceptual continuities with, its predecessor. Like its classical counterpart, neo-Orientalism is a monolithic totalizing discourse that is based on a binary schema that brings the differentiation and confrontation between different cultures and civilizations at the center of any intercultural discussion. However, critics of neo-Orientalism underscore the Manichean constructions founding neo-Orientalist knowledge production—with Islamophobia being the social outcome of *that* distorted reading of Arabs and Islam—which then aggravates and perpetuates the divide between Latin-Europe and Arabia by failing to deliver a nuanced objective understanding of Arab-Islamic philosophical theology (Abou El Fadl 2014; Kerboua 2016; Al-Kassimi 2020).

In addition, critics of such distorted relativist logic highlight that neo-Orientalism is based on a *ratiocinated* assumption that Europe, the U.S, and Israel possess a moral and cultural superiority over the (Ishmaelite) exotic desert dweller thereby foreclosing any lucid interreligious and/or inter-civilizational dialogue. This foreclosure eliminates any critical discussion seeking to critique for instance the primary influence Western capitals had in funding and authorizing *death squads* from Al-Qaeda affiliated mercenary groups such as Jabhat al Nusra (JN), Hayat Tahrir al-Sham (HTS), and the Islamic State in Syrian and Iraq (ISIS), who—to say the least—lack in the “arts of war”. This lack of critique cynically substantiates the fabricated essentialist discourse suggesting the “Arab mind” as inherently prone to terror, rather than emphasizing a *universalist* positivist international law as the primary cause (under)developing the Arab world. Neo-Orientalism then is to be understood not as *sui generis*, but rather a supplement to enduring modes of Orientalist representation that have been reconstituted, redeployed, and redistributed in characterizing Arab space. Nevertheless, and crucial to note, while Orientalism in previous centuries served the policies of colonial powers in constructing a threatening uncivilized entity to legalize an imperial war of transformation, neo-Orientalism serves the political interests of metropole centers aware of the *necessity* in producing threatening images of a conflict taking place between civilization and barbarism for epistemological *coherence* (Tuastad 2003; Hellmich 2008; Williams and Behdad 2012; Dabashi 2012; Al-Kassimi 2018, 2020).

A final important trope not underlined by critics of classical Orientalism, i.e., dogmatic post-colonial scholars, is overlooking the complicitness of Third World subjects (i.e., Arab *comprador*) in disseminating *culture talk*, and to be explicit, perpetuating the idea of an “innocent” Global South. While Orientalism as an academic industry is predominantly a North American and European phenomenon, neo-Orientalism as a mode of representation is neither limited to these regions nor is it merely exclusively articulated by “Western”-based subjects (Williams and Behdad 2012; Dabashi 2012). Arab writers¹⁸ often called “experts of the Arab region” play an active role in (re)producing and propagating a deterministic representation of Arabs which according to Williams and Behdad (2012) represents a “kind of doxa about the Middle East and Muslims which is disseminated, thanks to new technologies of communication, throughout the world”. Similarly, Hamid Dabashi calls Arabs adopting and propagating a neo-Orientalist belligerent discourse to analyse the

¹⁸ These scholars go as far as to claim they are not “Arab”. This abstract essentialist claim is based on the reproduction of Orientalist and neo-Orientalist generalizations concerned with equating Arabs with Islam and *vice versa*. This is “classic” Oriental determinism endemic to liberal-secular scholastics informing *nationalism* and the Westphalian ontology of belonging since it perceives *Arabness* as an ethno-religious category rather than an epistemology in its own right. See also (Abou-El-Haj 2005; Abou El Fadl 2014; Robson 2017).

region as colonial subjects or “comprador native intellectuals”¹⁹ whose role is “to package the atrocities taking place in their countries of origin in a manner that serves the belligerent empire best: in the guise of a legitimate critic of localized tyranny facilitating the operation of a far more insidious global domination—effectively perpetuating (indeed aggravating) the domestic terror they purport to expose” (Dabashi 2006). Neo-Orientalist writers from the Global South have been promoted in part to advance themes constellating an “irrational Arab mind” or the “barbarian thesis” explaining violence and terrorism taking place in the Arab world by “omit[ing] political and economic interests and contexts when describing violence, and present violence as a result of traits embedded in local cultures [of the region]” (Tuastad 2003, p. 591; Dabashi 2012; Robson 2017; Al-Kassimi 2020).

For instance, Third World *comprador* intellectuals such as Walid Phares, Fouad Ajami, Azar Nafisi, Roya Hakakian, Brigitte Gabriel, Paula Yacoubian, Nabil Khalife, Nonnie Darwish, Raymond Ibrahim, Ayaan Hirsi Ali, and Walid Shoebat perpetuate Barbara Bush’s neo-Orientalist discourse on the veil and/or Kaplan’s or Lewis’s views of Arabia by equating Arabs with Islam. This neo-Orientalist imaginary perpetuated by Third World *compradors* extends moral authority required for metropole powers such as the UK, France, Israel, and the U.S. to pursue their imperial interests and interventions in the Arab *Mashreq* and Arab *Maghreb* since Arabs being “culturally prone to violence” means that they are innately “irrational and cannot be stopped by means of diplomacy or conciliation” (Tuastad 2003, p. 596; Mamdani 2004; Al-Azmeh 2009; Mamdani 2001, 2004; Dabashi 2012; Altwajji 2014; Ventura 2016; Al-Kassimi 2020). Another Arab *comprador* neo-Orientalist imaginary exaggerated after 9/11 and the “Arab Spring” of 2011 are Kurds, Assyrians, and/or Chaldeans demanding “independence from Arabs”. This declaration disregards the spatial and temporal colonial reality affirming that the Ottoman-Arab world suffers—since the termination of the Mandate System—from an imposed exogenous Westphalian “territorial trap”²⁰ adjudicated at the Conference of London in 1920 as being one of primary causes in developing and/or exacerbating cultural cleavages and sectarianism along abstractly partitioned “ethno-religious” territorial boundaries²¹. Here, neo-Orientalist myths espoused by Arab *compradors*, whether intentionally or not, are reproduced and revitalized

¹⁹ Andre Gunder Frank—a renowned dependency theorist—discussed the concept of the “comprador class” in his *Essays on the Development of Underdevelopment and the Immediate Enemy*. He notes that the development of underdevelopment is facilitated by a structure—he calls the comprador class—which creates and sustains the metropole-satellite relationship. He says “. . . Many parts of the world that are naturally rich are actually poor and parts that are not so well off in wealth of soil and sub-soil are enjoying the highest standards of livingThe African revolutionary Franz Fanon dealt scorchingly and at length with the question of the minority in Africa which serves as the transmission line between the metropolitan capitalists and the dependencies in Africa. The importance of this group cannot be underestimated. The presence of a group of African sell-outs is part of the definition of underdevelopment. Any diagnosis of underdevelopment in Africa will reveal not just low per capita income and protein deficiencies, but also the gentlemen who dance in Abidjan, Accra and Kinshasa when music is played in Paris, London and New York” (Rodney 1972, pp. 20, 27).

²⁰ I am indebted to (Agnew 1994, 2017) for the concept of “territorial trap”.

²¹ The idea of Arabs being conflated with Islam, and Arab epistemology being distorted as an ideology known as “Arabization” rather than a historical philosophical theology with its own social, political, and economic epistemes dates back to the centuries before the year 1092 at the Council of Clermont, however it became legally institutionalized in the formative phases of naturalist and positivist scholastics by representing Arab civilization and adherents to Islam as temporally situated “outside” law (Beckett 2003; Akbari 2012). This is especially noticeable in the 19th century between Europe and the Ottoman Caliphate; reductionist distortions targeting the Ottoman Caliphate—especially during the second half of the 19th and beginning of the 20th century—is evident with representatives of local Arab “minority groups” adopting the colonial idea that Arabness is an ethno-religious identity (Abou-El-Haj 2005; Akçam 2012). This resulted in peoples in Anatolia, Mesopotamia, and the Levant including Kurds, Assyrians, Chaldeans, and Armenians demanding “nationalist objectives” thus exacerbating the historical fallacy equating Muslims as primarily Arab. This fallacy was coupled with desacralized arguments demanding an “independent nation-state” away from Arabs, since it was argued that they impose their “religious cultural values” on others by the “sword” and are prone to *genocide* (Mamdani 2004; Akçam 2012). This selective prejudice is evidenced when we remember that massacres that occurred between Ottoman-Arab Maronites and Ottoman-Arab Druze on 11 July 1860 in Lebanon was not identified as a “genocide” by the British and the French but rather a “humanitarian issue” in need of a French “humanitarian intervention” since it was argued that only Muslim’s are receptive to terror. It is then not surprising to note that the discussion of “genocide” inflicted on “Arabs” at the conclusion of the Ottoman Caliphate by “national *young* groups” is never mentioned since Orientalists proliferate the historical fallacy that Ottomans are “Arabs” because they are “Muslim”. Rather than imagining an Arab mode of *Being* as an epistemology in its own respect as internalized by the Abbasid, Umayyad, and Ottoman Caliphate allowing multiple cultural differences to flourish whether they be indigenous to Hejaz, Yathrib, Sanaa, Baghdad, Mosul, Damascus, Nineveh, Beirut, and Jerusalem, the focus is rather on nationalist projects perpetuating arguments relating to “minority rights” after the activation of the Treaty De Sèvres, Lausanne, Sykes-Picot, and the Balfour declaration (Abou-El-Haj 2005; Robson 2017).

in tandem with the injection of liberal-secular scholastic terms such as “minority rights²²”. Here, the threat of “Arabization”, founded on deterministic imaginaries, becomes a *casus belli* demanding as a solution the implementation of a positivist Westphalian nationalist program transforming cultural differences into legal differences by considering Arabs as barbaric “neighbors” prone to “genocide” (Anghie 2004; Akçam 2012; Dabashi 2012, 2016; Mamdani 2007, 2012; Özsü 2015; Robson 2017).

Arab and Western scholars alike who adopt a neo-Orientalist discourse to represent the Arab region understand a political-economic crisis occurring in the Arab world as a natural Malthusian catastrophe, and political violence as a resurgence of Bedouin tribal *Jahiliya* linked to *premodern* local traits endemic to a backward peripheral desert culture. Arab *compradors* perpetuate “race war” by discussing *Arab(ness)* as simply designating an ethno-religious signifier rather than a civilization with its own epistemological and ontological particularities. This is not to suggest that native colonial informants are being “actively recruited to perform a critical function for the militant ideologues of the US Empire” (Dabashi 2006), however, it does point to circles of power located in Canada, Europe, and the U.S. fetishizing and/or benefiting from an “academic individualistic-consumer surge” promoting “authentic” and “expert” information concerning inhabitants of the *Mashreq* and *Maghreb*. These hegemonic circles inject a problem-solving logic informed by a positivist technical lexicon of the Mandate era to conceptualize the region. These *particular* (European) semiotic terms include amongst others Indigenous/Indigeneity, Majority/Minority, Humanitarianism, Self-determination, Constitutionalism, Sovereignty, Arabization, Civil Society, Nation-State, Secularism, and Democracy while referencing powerful symbolic imaginaries based on distorted Arab cognitive configurations (Beckett 2003; Mamdani 2001, 2009, 2012; Dabashi 2012; Robson 2017; Ventura 2016).

This deterministic discursive craving formed fertile ground for the proliferation of neo-Orientalist imaginaries producing *pathologies* of “Arab fear” that are vital in enabling the authorization of legal doctrines operationalizing defensive imperialism and its benevolent humanitarian mission. The *pathos* of the threat and fear of Arabs in general, and Muslims in particular, continues to be a genealogical sentimental necessity used to (re)formulate international law using naturalist and positivist juridical doctrines, thus emphasizing *jus gentium* continuing to be informed by an *inclusive exclusion*. This necessity highlights that the U.S. and Europe continue to arrogate sovereignty—therefore *jus gentium*—to the Occidental-Self for ontological security in the pursuit of a coercive redemptive civilizing mission entailing a doctrine of “full-spectrum dominance” and a quest of “infinite justice”²³ to secure U.S. and European hegemony in the MENA region. Reshaping the Arab world by perpetuating neo-Orientalist imaginaries continues to characterize a “Western” approach imagining Arabia. This is apparent in the events leading up to and succeeding the Arab uprisings in 2011 (Hinnebusch 2007; Dabashi 2012; Altwajji 2014, p. 320; Borg 2016; Ventura 2016; Dostal 2018; Al-Kassimi 2020).

4. The (Neo-Orientalist) Arab Uprising of 2011: A Temporal rather than Spatial Argument—Western Epistemological Coherence Is Constitutive and Productive of Vitorian Moments

In their early days in 2011, the Arab uprisings were welcomed in Western spatial coordinates as a fundamentally “altering” and/or “awakening” moment in the Arab-

²² Concerning the vocabulary succeeding the final blow against the great Osmanli Caliphate following the counter-coup of 1909 forcing Osmanli Caliph Abdul Hemid II to abdicate, Robson (2017, p. 30) states that if “the minorities treaties were applied to the new states of eastern Europe with the specific purpose of marking their subordinate status within a nineteenth-century-style global hierarchy, the mandate system did the same thing in more overt fashion for the former Arab provinces of the Ottoman Empire. And just as the existence of “minorities” had constituted a major part of the Allies’ argument for continued supervision of the Balkans and eastern Europe, the League of Nations now began to develop a narrative of ethnic, religious, and national difference in the Middle Eastern mandate territories that sought both to legitimize mandate rule over Arab populations and to define the League’s supervisory capacity over the British and French mandatory authorities”.

²³ The initial name of the 2003 operation in Iraq was called “Operation Infinite Justice”. This caused several political theologians whether Muslims, Christians, or Jewish, to highlight that this designation is blasphemous and prejudice since it assumes the U.S. as the provider of justice—an act reserved to God in Abrahamic religious genealogies.

Muslim world with communication centers endearing the protestors by claiming that “[t]hey were young²⁴. They spoke *English* or *French*. Their voices dominated *Twitter* and *Facebook*. They looked and sounded like people that might be on the streets of *London* or *New York*. They were not chanting *religious* slogans. They did not carry *weapons*” (Noueihed and Warren 2012, p. 6; emphases added). Others like Charles P. Ries were more explicit with their essentialism by declaring that “it’s easier to say what has changed: Populations in the region have *gone* from being ‘*objects*’ to ‘*actors*’ in their *own history* . . . just the *thought of self-determination* is *revolutionary*, as such ideas have been at other *times in history*” (Ries 2011; emphases added). The issue with such culturalist discourse is precisely what this section seeks to critically assess by deconstructing the ways in which the Arab uprisings were discursively neo-Orientalized with elite speech actors perpetuating and inserting the uprisings into a *progressive* linear temporality informed by a liberal-secular *teleology* emphasizing a positivist jurisprudential unbridgeable cultural gap between the Western Occident as subject of sovereignty, and the Arab Oriental as object of sovereignty. It is as if anti-imperial struggles taking place before the Arab protests in 2011 do not qualify for an acknowledgment of the “energies, struggles, and fighting for a better life that the Arab people have been waging against western colonialism, intrusions, and unjust local governments for over 100 years” (Shihade and Shihade 2012, p. 59).

The uprisings reminded Arabs generally and Muslims particularly that international law continues to be animated by a civilizing mission adopting (neo)-Orientalist discursive representations claiming European epistemic knowledge structures as inherently democratic in contrast to Arab epistemology inherently being deficient in, and resistant to, democracy. Therefore, and more to the point, Arabs were reminded that the West continues to fail in explaining developments in Arabia since they are legally constructed as embodying a philosophical theology that is a priori a necessary *exclusion* for the coherence of *jus gentium*. With the critique of culturalist discursive representations occupying an important place in the discipline of International Relations (IR) in the last few decades, the Arab uprising is, therefore, interpreted by aligning with critics who claim that the foreign policy of the U.S. and Europe has for several centuries failed at articulating political visions that do not ascribe them as being a “redeeming” nation, with the *telos* of history being the transformation of *Other* places “into mirror images of its idealized self” (Borg 2016, p. 213). The Arab uprising in metropole regions is interpreted as an event that reinforces an idealized version of Western/European *Self* with policies produced and articulated being influenced by a positivist jurisprudential conceptualization of foreign policy theorized as simply being *constitutive* of political community rather than the “external deployment of *instrumental reason* on behalf of an unproblematic *internal identity* situated in an *anarchic realm of necessity*” (Campbell 1998, p. 37, emphases added; Borg 2016). This is particularly true since *realism* is the traditional approach adhered to by Western sovereign figures informing foreign affairs and is directly indebted to positivism as a juridical school of thought.

Since IR and IL are disciplines born out of a *ratiocinative* psyche reifying Latin-European philosophical theology, then it follows that “modern” relations amongst recognized sovereigns are structured around a spatial and temporal imagination casting cultures different to the “West” using a *zero-sum* game frame naturalizing “cultural competition” (Inayatullah and Blaney 2004; Blanco and Delgado 2019). Inayatullah and Blaney caution about the unethical consequences of *competition* being a naturalized disciplinary trait accentuating global relations when encountering different cultures by emphasizing that it “fails to untangle the cultural logic of competition itself. It, therefore, is unable to give anything but a crude and caricatured understanding of the complex motives and desires involved in colonial/neocolonial subjugation or in the resistance to domination. Additionally, in its conventional neorealist or neoliberal guises, IR misses the way international society—as both a system of states and a world political economy—forms a competition of cultures in which

²⁴ Revert to (Al-Kassimi 2020) chapter I and V for an extensive discussion concerning Salamanca naturalist jurist and theologian Francesco de Vitoria gesturing the *ethos* of naturalist jurisprudence identified as *inclusive exclusion*. This *ethos* also informs positivist jurisprudence.

the principles of sovereignty and self-help work to sanctify inequality and subjugate those outside of the centers of ‘the West’” (Inayatullah and Blaney 2004, p. 1–2). Realism during the 20th and 21st century has “rendered culture not merely epiphenomenal, but invisible and mute” (Mingst and Warkentin 1996, p. 171) since the adoption of a *realpolitik* lens to deduce foreign policy a priori makes “culture invisible by suppressing difference in favor of sameness” even though “culture is about difference” (as cited in Mingst and Warkentin 1996, p. 171, emphases added). Put differently, if relations amongst different societies continue to be inserted into a temporal time-line informed by a traditionalist approach to IR valorizing ideas such as *realpolitik*, zero-sum game, security dilemma, or a *Leviathan* worldview—which are none other than expressions of an *jus gentium* adhering to positivist jurisprudence—then that will inevitably undermine international efforts seeking to develop knowledge patterns relating across cultural differences as equals (Al-Kassimi 2020).

Western sovereign figures valorizing a foreign policy based on a “cultural security dilemma” conceptualized exclusively as *constitutive* of a Self–Other binary risks simply recognizing the Arab–Other as embodying a threatening “Other–culture”, a “victim”, or an “underdeveloped version of the Self” (Buzan and Hansen 2009, p. 220). The moral issue with a positivist realist lens stating that foreign policy is simply *constitutive* rather than also *productive* of the *Self* and *Other* is made salient with President Obama perpetuating neo-Orientalist images of Arabs before and after the protests of 2011. His speech acts in contrast to President Bush were not founded on the idea that the Arab is “premodern” or a radically different “Other” based on an ontological temporal *and* spatial threat, but rather opted exclusively for a *temporal* legal argument recognizing civilization/modernity as not *spatially* determined, but *temporally* inferred by identifying Arabs as humanitarian victims stuck in a primitive *temporal past* in need of tutelage to transition into a modern *temporal present*.

David Campbell (1998) cautions of ethical dangers induced by a positivist foreign policy by attempting to develop a poststructuralist ethics emphasizing foreign policy as *constitutive* and *productive* of an oppositional binary where the *Other* is constructed as a threatening depoliticized subject-object in need of “rescue” with the West appearing to be “doing something” without fundamentally acknowledging “responsibility” for mismanagement (Buzan and Hansen 2009, p. 230; Mamdani 2010)²⁵. Therefore, a liberal-secular foreign policy informed by positivist scholastics and the civilization it seeks to protect, explicitly foregrounds the importance of transforming Arab cultural differences into legal differences by imagining “differences” not only as a threat to the ontological security of the West, but a positivist *ratiocentric* juridical *prerequisite* revealing the ontological “double requirement” of (Western) civilization needing to be secure by demanding a threatening *Other* to define its identity—only then—realizing epistemological coherence (Buzan and Hansen 2009; Dauphinee 2009; Mamdani 2010).

It is therefore imperative to interrogate discursive representations of the Arab-Muslim before and after the Arab uprising of 2011 in Western foreign policy as *constitutive* and *productive* of a temporal essentialization rather than simply adopting the limited post-colonial argument citing Eurocentric spatial logics between East and West as constituting the primary issue of the “Arab Spring”. Just as hegemonic epistemic *teleological* narratives of development, modernization, and liberalization were presented to the Arab world as the sole remedy to their socio-economic (under)development in the post-colonial era, the same

²⁵ *Ratiocinative* philosophical theology reifying the nation-state as the “modern” idea of “sociability” or “civility” requires imagining a threatening *Other* for the ontological security of the *Self*. In contrast, Elizabeth Dauphinee emphasizes the importance in considering a phenomenology of intersubjective responsibility between “Self” and “Other” or the innate condition of a (moral) ethical Being as sensible to *différence* by emphasizing that “...ethics revolves around the basic claim that the Self is always infinitely responsible to the Other. This responsibility is not a choice, nor is it something we acquire through socialization or through a conscious decision to live a moral life. Responsibility is simply the condition into which we are born. It is thus not our decision, but a decision made for us by the inescapable fact of our relationship to the Other. We are called to responsibility by the Other, irrespective of what we ourselves might wish. The character of this relationship marks an important departure from the core of Western thought, because it means that we are not rational, autonomous, decision-making agents as the history of Western philosophy suggests. Rather, we are in some way dependent on the Other for our very sense of self; we are constituted in and by our relationship to the Other; we cannot be free of the Other’s existence, nor of the impact of the Other on our own existence” (Dauphinee 2009, p. 235).

hubristic expertise and theorization accompanied and dominated narratives attempting to explain the “failure” of the Arab uprisings in 2011 as rooted in Arabs inherently being mentally incapacitated in temporally transitioning into modernity. This subjective effacing is not only necessary for the coherence of (a positivist) Western philosophical theology, but also further makes explicit the *inclusive exclusion* character of *jus gentium*.

Two years before the Arab uprising was “seasoned” in 2011, former U.S. President Obama performed his Vitorian gesture by articulating a powerful speech act inserting and bounding the Arab world into a liberal civilizing narrative that highlighted their continued temporal stagnation in failing at becoming modern, progressive, and active subjects in making their history. On 4 June 2009 in Cairo, Obama presented a speech entitled “*The New Beginning*” by essentializing all Arabs as Muslims but nevertheless emphasizing the similarities between America and Islam by stating that they “overlap, and share *common* principles—principles of *justice* and *progress*; *tolerance* and the *dignity* of all human beings” (Obama 2009; emphases added). In the speech, Obama distanced himself from the discourse adopted by the neo-conservative administration headed by President George W. Bush after 9/11 by acknowledging civilizational *similarities* between both spaces but also, and most importantly for our discussion, recognizing *temporal* differences. Obama attempted to articulate his Vitorian moment by balancing “an appeal to *sameness* and the recognition of *difference*” (Borg 2016, p. 216, emphases added) by asserting:

each nation gives life to this principle [democracy] in its *own* way, grounded in the *traditions* of its people . . . but I do have an unyielding belief that *all* people yearn for certain things: the ability to *speak your mind* and have a say in how you are *governed*; confidence in the *rule of law* and the *equal* administration of justice; government that is *transparent* and does not steal from the people; the *freedom* to live as you choose. Those are not *just* American ideas, they are *human rights*, and that is why we will support them *everywhere* . . .

In a follow-up speech in Indonesia on 10 November 2010, President Obama was further explicit in transforming cultural differences into legal differences by claiming that “we can choose to be defined by our *differences*, and give in to a *future* of *suspicion* and *mistrust*. Or we can choose to do the hard work of forging *common* ground, and commit ourselves to the steady pursuit of *progress*.” (Obama 2010; emphases added). Benevolent liberal concepts adopted by the Bush Doctrine to legalize a pre-emptive war such as modernity, progress, minority rights, liberalism, democracy, good governance, and human rights are (re)produced in Obama’s speech as exclusively *temporal* differences that are lacking because Arabs in general, and peoples of the Muslim faith in particular fail at furnishing a temporally *modern* civilized personality. Obama’s speech act in Cairo universalizing Western cultural mores is consistent with his initial articulation concerning the “Arab Spring” in February of 2011 when he said “in Cairo, I began to broaden our engagement based upon mutual interests and mutual respect . . . we have a stake not just in the stability of nations, but in the *self-determination* of individuals . . . The United States will continue to stand up for *democracy* and the *universal rights* that all *human beings* deserve, in Egypt and around the world”. The liberal civilizing narrative with its neo-Orientalist tropes forcibly inserting the Arab uprisings into a Western temporal *timeline* becomes clearer when Obama contends in his address at the United Nations that “we recognized our own belief in the aspirations of men and women who took to the streets” (Obama 2012). By seeming to *include* the Arab world as a member of international law and society by emphasizing similarities between both cultures from a spatial perspective, Obama was quick to emphasize differences between both “worlds” from a temporal standpoint thereby taking the opportunity to bound Arabs using (Western)

secular universal law and making what seems to be an act of *inclusion* essentially an act of *exclusion* (Agathangelou and Killian 2016)²⁶.

Similarly, former Secretary of State Hillary R. Clinton accentuates and legitimizes Obama's Victorian moment by seeming to include the voice of Arabs in international law by quickly moving to exclude and silence them when she claims that Arab protestors are essentially the same as ordinary Americans. Accordingly, Arabs are bound by *jus gentium* because "Americans *know* what the protestors want since they are demanding the *same* kind of things as enjoyed by Americans *themselves*" (Borg 2016, p. 217; emphases added). Clinton bounds the Arab as object of sovereignty in *chronos* by claiming that "Americans believe that the desire for *dignity* and *self-determination* is *universal*—and we do try to *act on that belief* around the world" (Clinton 2011a; emphases added). Therefore, in Cairo as in the New World and the Mandate System era, the recognition of cultural similarities is used by sovereign subjects as a temporal affirmation to transform and (re)formulate legal principles that expel the Arab from its realm and then proceeds to legitimize imperial practices that are deemed necessary to incorporate the non-European world into the realm of *jus gentium*.

This (im)moral affirmation is noted by Clinton (2011a) when she relativizes Arab mental capacities by claiming that "[we] should never fall prey to the belief that *human* beings anywhere are *not ready for freedom* . . . *until this year*, some people said *Arabs don't really want democracy*. Well, *starting 2011*, that too is being proved *wrong*". This reductive logic situating Arabs temporally in a degenerative "state of nature" being founded on their mental (in)capacity of progressing to "modern" times as rational peoples is asserted and assumed because the universality of positivist legal scholastic concepts according to Clinton are "progressively" realized according to "histories, cultures and mindsets" (Clinton 2012; Borg 2016; Agathangelou and Killian 2016). The genealogical continuum identified in naturalist and positivist jurisprudence classifying cultural differences as determining *temporal positionality* in a linear conception of time is evident in these speech acts since Arab *sameness* is represented in tandem with the recognition of *differences* circumscribed as an affirmation of "universal principles" being absent in Arabia, thus, requiring tutelage and intervention by the Western subject *on behalf of* the Arab object.

The U.S. being "on the right side of history" (Borg 2016, p. 218), or more specifically, the *active* subject and *maker* of history, while Arabs are represented as *passive* objects attempting to *conform* to history, permits the U.S. in establishing authority over the *chronology* of the Arab uprisings since Arabs are portrayed as attempting to catch up with the historical temporal trajectory of Western modernity. Sovereign figures a priori knowing what Arab protestors demand establishes their authority as the universal interlocutor informing history (historicism) with an underlying teleological assumption that time progresses and moves to realize the potentials of a transformed (liberal-secular) (Arab) subject (Jones 2003; Agathangelou and Killian 2016; Borg 2016). Western supposed "natural" experience with democracy influenced by an atomized Cartesian-Newtonian temporal *timeline*, therefore, puts it in a privileged position to monitor and assist in its implementation in the Arab world. This is highlighted with the U.S. administration stating that the uprisings reflect "*universal aspirations and rights*, and therefore, people everywhere should be able to work toward its realization, and the United States, as the *oldest* existing democracy, should be working to *help* people achieve that" (Borg 2016, p. 218; emphases added). Therefore, Arab subjectivity seeking to contest or suggest alternative discourses and policies to the reduc-

²⁶ (Agathangelou and Killian 2016, pp. 2–3) emphasize the importance of struggling in revealing the temporal monopoly of a particular-made-universal historical political spectacle of violence by stating that by "becoming open to the force of time while remaining attuned to discursive and material constraints of the present demands problematizing a kind of historicism that recapitulates politics in the terrestrial matrix . . . This historicism emerges as an issue in several IR static, narrativizations, and phenomenological readings because of the structure of violence itself: a teleological orientation, with peace as the end. This structure is transposed onto an assumed dichotomy of a "war against all" (state of nature, anarchy) and peace (civil society, and social contract). Even when teleology sits in the genres of historiography and its subject evades teleological designs, IR registers such accounts as proof of anarchy, calling forth projects programmed by "a history of the present" where sovereign-bound subjects control their passions. The production of this "history" requires making a kind of time out of *kairos* by controlling *chronos* (dividing and sequencing time in a linear manner)".

tionist imaginaries distorting the Arab uprising is silenced since positivist philosophical theology is constructed as the exclusive blueprint for temporal *coevality*.

Denying Arabs authorship of their historical *timeline* by presuming that their uprising should be understood as wanting similar knowledge structures informing Western philosophical theology is explicit when Clinton (2011b; emphases added) mentions in an interview with the Atlantic on 7 April 2011 that “We have figured out how people from every part of the world, every kind of person you can imagine, can live together, can work together. It was not easy. It took a long time, but I think we know a little bit about how to do it, and we want to offer whatever assistance we can”. These essentialist narrations reinforce the temporal idea that *jus gentium* necessarily perceives Arabia as a *geography* with *passive inhabitants* rather than a *political space* with *active citizens* that may or not demand “Western” ideas or experiences. The West—having supposedly perfected markers of modernity such as democracy, civil rights, and human rights—is then in a privileged temporal position “in time” endowed with providence and the ethical obligation of being responsible for, and a guide to, peoples inhabited by Arabia. Here, we notice the reductionism in *seasoning* the Arab uprisings as a “new beginning” since it claims that the Arab world has finally *began* to show signs that it has “awoken”, “bloomed”, and “matured”—even if momentarily—in wanting to join the “miraculous” liberal-secular tide of modernity.

An important development, I argue, revealed by critics of neo-Orientalism is that Obama’s Vitorian moment does not explicitly mark the “end of postcolonialism”, however, it does highlight the limit of “Eurocentricity” as a dogmatic postcolonial critic of (Western) legal-history (Beckett 2003; Dabashi 2012; Borg 2016; Al-Kassimi 2020)²⁷. Dabashi (2016) explicitly claims that *springing* the Arab uprisings made salient that “the term “West” is more meaningless today than ever before . . . and with it the notion, and the condition, we had code-named postcoloniality. The East, the West, the Oriental, the colonial, the postcolonial—they are no more. What we are witnessing unfold in what used to be called “the Middle East” (and beyond) marks the end of postcolonial ideological formations”. Therefore, postcolonial scholars contesting hegemonic realities should no longer simply analyze cultural differentiation between the East and the West in spatial antagonistic terms, but more importantly be conscientious that neo-Orientalist speech acts given during the Arab uprising have extended a temporal differential argument as a *causal factor* influencing a liberalizing narrative claiming Arabs could *possibly* “progress” through the passing of time (Beckett 2003). This point on moving beyond (the limits of) postcolonialism is essential since it reaffirms that international law and metropole powers continue to (re)formulate and recycle sophisticated narratives that are indebted to naturalist and positivist jurists since the distinction between temporality and spatiality—a Vitorian practice *par excellence*—is adopted to guise the brutality and chaos informing modernity as a liberal-secular project (Al-Kassimi 2020).

According to (Said 1979, p. 2), Orientalism is a “style of thought based on an ontological and epistemological distinction between ‘the Orient’ and (most of the time) ‘the Occident’”. However, Borg emphasizes the limits of such style of thought since it perceives “difference” as “primarily a *spatial* way of differentiating, and an intellectual disposition that established a virtually unbridgeable difference between ‘the Orient’ and the ‘Occident’” (Borg 2016, p. 215; emphases added). A critical neo-Orientalist paradigm of thought highlights that the West claiming that a temporal rather than spatial difference is the cause of Arab stagnation is a “poisonous differentiation disguised as honey” since the moral issue of *jus gentium* is not *principally* that it is Eurocentric but rather that it is characterized by a temporal *inclusive exclusion* policed and maintained by a *ratiocentric* legal regime. The idea that Western universal principles are not only to be found *spatially* in the West but are also located in the Arab world is akin to Vitoria claiming that natural law is universal and is to

²⁷ (Biccum 2018, p. 566) suggests—and I agree—that for postcolonial thought and research to remain ethically and morally relevant it is vital to recognize the “worldliness of knowledge production . . . it requires a post-positivist and interpretivist epistemology and methodology and, with this, it can invigorate a normative discussion of the efficacy of using “empire” as an analytic for US foreign policy, among other topics. But, by remaining trapped in European colonial history, postcolonial IR scholarship risks becoming outdated and will remain marginal”.

be found in Europeans and non-Europeans alike only to end up justifying *sovereign-willed* practices of domination and violence over non-Europeans in the name of *civilizing* the aberrant society. Whether the liberal civilizing narrative is adopted because of temporal or spatial considerations, sovereign members of *jus gentium* espoused and constructed a reductive vision of Arabs by denying them subjectivity and the possibility of drawing from their *own* collective cultural capital any “civil image” worthy of producing events distinct from the linear *sequential timeline* furnished by Western teleology (Ramadan 2012; Borg 2016; Al-Kassimi 2020). Benevolent discourses informing the “Arab Spring” and Vitorian gestures founding legal doctrines of “humanitarianism” and “responsibility to protect” are therefore *inherent* to a *jus gentium* founded on positivist jurisprudence since it is *constituted* and *productive* of a civilizing mission that is “little more than expressions of a particular Western experience disguised as universals” (Borg 2016, p. 222).

Since any attempt of Arab resistance seeking to contest civilizational tutelage is translated as “resisting modernity” and suggestive of “Arabs not knowing what is best for them”, the *temporal* argument—albeit in a subtle manner—requires the Arab-Other as ontological threat to shed their “premodern” identity because their culture is imagined as reifying *past* (temporal) traditions which a priori makes them fall short of reaching the exact temporal coordinates needed to become *coeval* with Europe. The neo-Orientalist temporal argument delivered by Obama during his Vitorian moment before and after the momentary “Arab Awakening” of 2011 is telling of Arabs continuing to be imagined as outside (excluded) rather than inside (included) *jus gentium* because their *probable* inclusion is at the same time their *definite* exclusion. This *dispositif* of *jus gentium* is essential for the *coherence* of Western epistemology since it is policed and maintained by an international legal regime—*jus gentium*—that reifies a *particular* (Western) culture made *universal*.

5. Western Ideas Are the “Originator” of the Arab Uprising: Neo-Orientalist Myths Outsource Arab Agency—Oriental Despotism, Non-Violence, Modern Technology, and Gender Equality

Neo-Orientalist imaginaries gesturing Vitorian moment(s) illustrate sovereign members of *jus gentium* continuing to hold reductionist generalizations about the Arab world as being a homogenous, monolithic, and static geography. Neo-Orientalism as a mode of representation disregards an *anachronic* approach to legal history by refusing to acknowledge a historical continuum in moments revealing Arabs struggling (i.e., *Jihad*) and dissenting (i.e., *Intifada*) against international legal structures making such immoral continuity possible (Frank 1969, 1998; Beckett 2003; Anghie 2004; Hellmich 2008; Borg 2016). Hegemonic powers revert to producing abstract images of the Arab-Oriental as Saracen, especially in relation to their character and mental configurations, to sanction a *redemptive* venture seeking to civilize Semitic tribes. Critics of neo-Orientalist stereotypes caution that to speak about a single Arab mind and character in general terms essentially neglects the particular history of each Arab country and the fact that Arab countries comprise close to half a billion people stretching from the *Mashreq* to *Maghreb* (Beckett 2003; Borg 2016; Al-Kassimi 2020).

The representation of recent Arab uprisings as one monolithic wave of protestors is a pertinent example of how the progressive European continues to define itself in opposition to the degenerative Arab. This is because neo-Orientalist imaginaries are founded on a positivist binary logic proclaiming the West as the subject and authority of history—the one who studies and speaks—while the East is the object and obeyer of history—the one who is studied and spoken about—thereby in the process (re)solidifying the supposed unbridgeable cultural gap between a universal Western subject and a particular Arab object (Beckett 2003; Borg 2016; Ventura 2016). While it is accurate that most protestors in different Arab countries used similar slogans and communication methods, but to consider “them as one revolution implies embracing an abstract viewpoint that reduces and neutralizes the real differences between various Arab countries”²⁸ (Ventura 2016, p. 285). Thus, by

²⁸ Arabs are part of an *Ummah* (Society of Communities) rather than a “nation-state”. The former in contrast to the latter celebrates cultural *differences* rather than cultural *homogeneity*.

considering the multiple historical differences influencing each Arab country—for example, Syria, Iraq, Tunisia, and Libya—renders it extremely difficult to adhere to the idea that the uprisings comprise a “single Arab revolution” (Ventura 2016, p. 285).

Neo-Orientalist proponents of the uprising identifying Islam and Arab interchangeably was a prominent selected discourse since the “Arab Spring” was interpreted in fact as “the birth of a modern Arabism” founded on an idea that there is an “inseparable link between Arabism and Islam” (Sawani 2012, p. 394–395; Ventura 2016). Islam being represented as the main unifying variable that connected the movements was capitalized on by the U.S. and the EU by claiming that the protests include Arab barbarians and/or Arab Jihadist attempting to eject by force non-Muslims from their land. Neo-Orientalist representations overlook the fact that the violent exogenous “modern” *Islamist* engulfing the Arab world since 2011 is directly authorized and funded by the U.S., EU, and local Arab *compradors*. The refusal in acknowledging the “modern” inception of “Islamist Arabs” provides Obama’s discourse of the “New Beginning” in Cairo a *raison d’être* by giving credence to fabricated myths stating Arabs are inherently mentally prone to barbarism and terror (Dostal 2018). The idea of Islam being the unifying factor of the uprisings is generalized and accepted simultaneously with novel neo-Orientalist myths claiming that the protests are a result of Arab-Muslims being temporally inept to attain modernity because their cultural mores produce *Islamic despots*—a classical essentialist myth linked to the idea of “Oriental despotism” (Ventura 2016, p. 286). Hardt and Negri (2011) stress the hijacking of Arab subjectivity during the uprisings by forcibly injecting the agitations into a Western linear perception of time by stating:

These revolts have immediately performed a kind of ideological house-cleaning, sweeping away the racist conceptions of a clash of civilisations that consign Arab politics to the past. The multitudes in Tunis, Cairo and Benghazi shatter the political stereotypes that Arabs are constrained to the choice between secular dictatorships and fanatical theocracies, or that Muslims are somehow incapable of freedom and democracy. Even calling these struggles “revolutions” seems to mislead commentators who assume the progression of events must obey the logic of 1789 or 1917, or some other past European rebellion against kings and czars.

The idea that the Arab uprising is a result of Arab spaces possessing “despots” is a neo-Orientalist idea that was perpetuated early on by two important Western academics. The first is French philosopher Bernard-Henri Lévy from the “New Philosophers” movement in France who is dubbed by Arabs as the “Merchant of Revolutions” since he was the legal *attaché* of terrorist groups linked to Al-Qaeda (also known as ISIS) in Benghazi, Libya in 2011. The second is Marc Lynch, Professor of Political Science at George Washington University and director of both the Institute for Middle East Studies (IMES) and the Middle East Studies Program (MESP) who is celebrated as having coined the term “Arab Spring” by forcibly injecting Arab political activism into a *chronos* linked to the Occidental *seasoning* of revolutions (i.e., Spring of Nations Revolution in 1848 and the Prague Spring of 1968) (Lynch 2011a, 2013; Shihade and Shihade 2012, p. 58). Both intellectuals were perceived as influential and supposed “experts” and “authority” figures in knowing what Arab demands were from the outset of the Arab “Spring”²⁹. The importance of both intellectuals is centered around the perpetuation of the myth stating that Arabs are ruled by “despots” because of their mental incapacities thus necessitating humanitarian tutelage (Lynch 2011b, 2013, 2016; Wallerstein 2011; Ramadan 2012; Lévy 2015; Ventura 2016; Al-Kassimi 2020).

According to (Ventura 2016, p. 286), the neo-Orientalist “despotic” narrative was the dominant frame underlining most media commentary and hegemonic policy circles seeking to interpret and filter the uprisings by grounding their discussion on the symbolic powerful myth that “all the Arab countries involved had or were supposed to have a

²⁹ Martin S. Kramer states that “Some called it the ‘Arab Spring’, by analogy to the democratic transformations in Europe. When it became clear that the path wasn’t going to be as smooth as in Europe, others backtracked and called it the ‘Arab Awakening’, which sounds like a longer-term proposition. Still others, who saw Islamists initially triumph in elections, took to calling it the ‘Islamist Winter’. The terminological confusion is a reflection of analytical disagreement” (2013).

‘despotic’ government of which they wanted to be rid”. While characterizing Arabia as inherently despotic is an Orientalist representation that goes back to the Greco-Romans (Venturi 1963; Richter 1969; Beckett 2003; Ventura 2016), Lévy and Lynch rely on the writings of Tocqueville’s *Democracy in America* (1835) and specifically Montesquieu’s (1748) *Spirit of the Laws* to determine that Arab spaces are deficient in democracy because of their cultural temperament breeding “Oriental despots”. They jointly adhere to Tocqueville’s and Montesquieu’s claims of cultural mores determining the development and trajectory of political thinking; that is, whether a society will regress temporally into Oriental despotism or progress temporally into Occidental cosmopolitanism (Richter 1969; Ventura 2016). For Montesquieu, despotism is located in Eastern Islamic empires such as the Osmanli Caliphate and the Mogul Empire (Montesquieu 1748, p. 88) where the principle of government is “fear” (Montesquieu 1748, p. 83) and law the “momentary will of the prince” (Montesquieu 1748, p. 94). According to Montesquieu, in despotic spaces religion is used to reinforce the power of the prince because it is “fear added to fear” and in “Mahometan countries, it is partly from their religion that the people derive the surprising veneration they have for their prince” (Montesquieu 1748, p. 86; Ventura 2016)³⁰.

Despotism is *temporally* imagined as a “geography” lacking Tocqueville’s “equality of condition” or “sovereignty of the people”, therefore, it is constructed as a degenerative space defined by its “savage cruel” inhabitants and “arbitrariness of power” (Ventura 2016, p. 287). In contrast, Occidental space informs a European philosophical theology of “natural law” and “universal rights” guaranteeing “individual freedom and property rights” (Kaiser 2000, p. 12; Agathangelou and Killian 2016; Ventura 2016). Thus, Arab-Muslims are identified as embodying a primitive mode of Being; an unaccultured body characterized by a “state of nature” deficient in “democratic mores” aiding them in transcending the *will* of the “sultan” (Ventura 2016, p. 287). These representations adopted by neo-Orientalist scholars to monitor, intervene, and *speak on behalf* of the Arab uprisings in 2011 are reminiscent of naturalist/positivist legal doctrines developed during the colonial encounter in tandem with benevolent discourses *speaking on behalf* of non-Europeans to justify conquest. The despotic myth used by commentators transforms cultural differences into legal differences to sanction, for instances, colonial practices that seek to “modernize the economy”, i.e., neo-colonial privatization, by reverting to distorted images of a despotic Orient “ruled by a ‘medieval’ form of power, social structure and organization” (Ventura 2016, p. 288).

The image of the “Oriental despot” temporally situated in a “non-discursive” epoch was gaudily adopted by hegemonic institutions such as the Council on Foreign Relations (CFR). Neo-Orientalist scholars such as Goldstone (2011, p. 330) declared that to understand Arab “revolutions” it is important to remember that the region is composed of a “primitive” governing modality. He says, “Sultanistic regimes arise when a national leader expands his personal power at the expense of formal institutions. Sultanistic dictators appeal to no ideology and have no purpose other than maintaining their personal authority”. (Ventura 2016, p. 288) is critical of Goldstone adopting the term “sultanistic” when describing Arab countries since it is not “historical information” and Arab countries who have been conquered since 2011 such as Libya and Syria do not have leaders who possess(ed) personalities that correspond to the “despotic sultan” and/or a “sultanistic dictatorship” of the supposed past. Regardless of whether the features correspond to reality, (Ventura 2016, p. 289) highlights that the stress on features of Arabs in general and Muslims in particular as “naturally” inhabiting “despotic” spaces could be interpreted

³⁰ It is important to note that Montesquieu’s criticism of despotism also amounts to a critique of Europe. According to (Sullivan 2018), Montesquieu imagines Europe “as home to some of the most brutal despotic practices. Despite his apparent focus on Eastern despotism, he also manages to underscore the despotic practices of venerated European institutions: The Catholic Church and the French monarchy. He unmasks the despotism of the Portuguese Inquisitors, who burn alive an adolescent girl for practising the Judaism of her parents, and even of his own homeland, which executes for treason those who merely reproach the monarch’s minister. He thus highlights the cruelty of Europe at a time when voicing such criticism was still decidedly dangerous”. However, while Montesquieu similar to Tocqueville adhere to the idea that Occidental spaces *could be* despotic (i.e., *Ancien régime*), they both a priori perceive Oriental theological persuasions such as Islam as inherently lacking the civilizational ideas and experiences that would temporally eject it from a “despotic condition” leading to an “equality of condition” informing a liberal democratic sovereign society.

as stating that they inhabit “uncivilized spaces” since the main feature of despotism entails Arabs occupying an implicit temporal “lag” in time lacking discursive registers. The representation of Arab spaces as lacking “societies”—therefore sovereignty—regardless if they enjoy governing aspects of “modern states”, i.e., parliaments, parties, and constitutions, is a key aspect informing despotism because it perceives Arab space as always falling back into stagnation and inhabited by slaves linked to an “old” feudal world in contrast to an Occidental space inhabited by citizens of a “new” cosmopolitan modern world (Ventura 2016; Al-Kassimi 2020).

Arab demands during the uprising constellating governing concepts furnished in the West being represented as simply not “sufficient” in “passing the civilization test” is based on the cognitive (in)capacity of Arab faculties identified in Montesquieu’s *positivist spirit* (Ventura 2016, p. 293). Goldstone (2011, p. 340) makes this neo-Orientalist hypostatisation evidently clear when he declares that what is expected after the failure of the “Arab Spring” is Arabs falling back into stagnation because “in the last thirty years no deposed sultan has been succeeded by an ideologically driven or radical government . . . in every case the end product has been a flawed democracy”. This accentuates the *inclusive exclusion* character of *jus gentium* in that even though Arabs during the uprisings according to Western interlocutors showed “tentative” signs of “maturity”—by demanding ideas accenting Western epistemology—it is the emphases on temporal *differences* rather than cultural *similarities* based on Islamophobic narratives that triumphs as the dominant narrative casting the Arab-despot as inherently incapable of temporally transitioning into modern Western coordinates (Ventura 2016, p. 295).

The despotic perception of Arab space inhabiting degenerative passive objects of sovereignty is also noted with Western and Arab *comprador* media centers perpetuating the idea of Arabs not being the originators of the uprising (outsourcing subjectivity). These interlocutors discursively framed the Arab uprising as “Western in origin” since Arabia is constructed as an *atavus* vacant of “civil ideas” relating to “non-violence” and/or “modern” methods of communication (Borg 2016). At the core of Arab *comprador* media outlets—such as Al-Jazeera, Al-Arabiya, and BBC Arabic—was a culturalist belief claiming a “general doubt in the agency of the Arab people to make their own history” by (mis)representing the uprisings in a frame that created doubt whether they were home-grown, genuine, and in need of Western guidance (Shihade and Shihade 2012; Borg 2016, p. 214, emphases added; Ventura 2016). The neo-Orientalist idea perceiving Arabs as unorganized and requiring tutelage in *making* history is indicated in media commentaries depicting Arab and Muslim people from a *Montesquian* lens as “lazy, lacking the vitality for change and lacking the *spirit of initiative*” (Shihade and Shihade 2012, p. 62, emphases added). Similarly, Salaita (2012, p. 144) examines the role of American media outlets in perpetuating essentialist notions about Arab culture claiming that they were in a “long period of dormancy”, finally “awakening to democracy”, and that their culture is predisposed to violence thus requiring U.S. guidance to guard them against their “inherent barbarity” (Borg 2016, p. 214). In this distorted representative pattern, neo-Orientalist mythologies saw something *threatening* about Arabs controlling their *own* destiny during the uprisings and were continuously understood by Western audiences as “not only attempts to *modernize* but also a kind of ‘*jump*’ into the *western coordinates* and *system of values* . . . the fight against the *despotic* and ‘*old*’ powers appears automatically *libertarian*, ‘*modern*’, and *progressive* because it brings *movement* where there was supposed to be only *immobility*” (Ventura 2016, p. 290; emphases added).

By analyzing the celebrated neo-Orientalist themes in Western media constructing Arabs as objects of sovereignty we notice the frame “outsourcing subjectivity” muting Arab subjectivity. The image of the Arab in the West included bloggers using “modern social media or smartphones” leveraging platforms such as Facebook and Twitter, young students, and women dubbed “modern heroes” who were discursively represented as being *similar* to the West because they demanded “freedom” and “equality” (Salaita 2012; Ventura 2016). In this distorted frame, we notice Arab protesters framed as clashing

between modernism and anti-traditionalism, with the “young” and “technological aspect” of the uprisings “reinforcing the idea of these revolts as being based on the opposition between tradition and modernity” (Ventura 2016, p. 290). According to this powerful symbolic narrative, any “momentary change” that took place during the uprisings had to be influenced or aided by Western ideas since even the power of modern Western technology supposedly shaped and made the uprising possible (Salaita 2012; Shihade and Shihade 2012; Borg 2016; Ventura 2016). Instead of focusing on demands accentuating Arab subjectivity such as fighting against oppressive neoliberal economic policies upheld by local oligarchic clientelist regimes for over 50 years solidifying colonial economic dependency (Frank 1969; 1998; Shihade and Shihade 2012), a deliberate attempt was made by American and British, Saudi and Qatari news broadcasters in dedicating air-time to cover the fear of “Arabs taking matters in their own hands”. Arab autonomy was portrayed as dangerous since neo-Orientalist imaginaries perceive Arabs as *inherently* despotic and irrational. Such distorted narrative created fertile ground for a frame claiming “Islamist” terrorists taking over in the midst of chaos, even though the same broadcasting centers served as a platform for terrorist groups by claiming them to be “moderate rebels”, “freedom fighters”, “protestors”, and/or “opposition groups” (Abdelmoula 2012; Bosio 2013, 2016; Borg 2016; Ventura 2016; Dostal 2018; Al-Kassimi 2020).

As a matter of fact, managers, journalists, and directors from Al-Jazeera resigned during and after the Arab uprising citing American and Qatari pressure in framing the uprisings in a particular manner thus violating the rules of objective journalism. The managing director of Al-Jazeera in Beirut, Hassan Shaaban, the director of Al-Jazeera in Beirut, Ghassan Bin Jiddo, and journalist Afsar Rattansi, have all been explicit in mentioning that their resignation is based on their respective media centers not only fabricating “Islamist” stories in relation to Syria, Libya, and Bahrain, but became a publicity center to sanitize terror acts conducted by *bona fide* terrorists framed as “protestors” (RT Editorial 2012; Kühn et al. 2013; Erlich 2015; Ventura 2016; Dostal 2018). For instance, in relation to Syria, the station was framing terrorist attacks by Al-Qaeda affiliated groups on the Arab Syrian Army (SAA) as attacks by “protestors” and “freedom fighters” engaging a “despotic regime” in the name of “democracy” in places such as Da’raa, Idlib, Aleppo, and Homs. Journalists critical of a neo-Orientalist frame were attempting to highlight that the SAA was engaging armed terrorist groups as early as 2011 funded by Western intelligence agencies and local Arab *compradors* (RT Editorial 2012; Kühn et al. 2013; Erlich 2015; Dostal 2018). Ventura reveals the danger in neo-Orientalist themes of “despotism” and “barbarism” sanitizing extrajudicial practices conducted by terrorists/rebels by highlighting how the reaction:

... to the discovery last year that a leading member of Ahrar al-Sham, one of the groups supported by the West against Syrian President Bashar al-Asad, was closely connected to al-Qaeda ... did not affect the narrative of the “Arab Spring” (as further evidence of its being abstract). In addition, prominent commentators and policy-makers used the occasion to present what they described as “the murderous policies of the Assad regime” as comparable to, if not even worse than, the actions of al-Qaeda. (Ventura 2016, p. 294)

The deliberate essentializing aspect of “modern technology” is used as spotlighting proof of an Arab tension based on the “opposition between tradition and modernity” (Ventura 2016, p. 290), by perpetuating through the mastery of visual technologies the threatening Arab barbarian who uses “modern” technology to showcase their “unmodern” culture. It is vital to note that terrorist groups receiving airtime from some of the most technologically sophisticated media stations in the world in tandem with Twitter, YouTube, and Facebook to perpetuate their “Islamist” ideas highlights that “the use of the internet is not always equal to freedom of speech and thought, and videos are not always equal to the truth because images can be manipulated” (Ventura 2016, p. 291). To put the point more directly, “modern” technology as a means of communication was essentialized with the objective of broadcasting Arabs attempting to transition to “modernity”, even though it is

the same “modern” technology that is in fact used to showcase Arabs “live on-air” falling back into despotism by focusing on supposed innate cultural barbaric acts (i.e., airing acts of beheading, caging, mass-executions, and immolations). Here, we notice that the use of “modern technology”, while seeming to be a “cultural similarity” that “includes” Arabs as an equal among Western sovereigns, it is precisely technology, through the production of distorted reductionist imagery, that is adopted to heighten temporal differences thus “excluding” Arabia from the realm of sovereignty and modernity—therefore *jus gentium*.

The silencing of alternative depictions and demands of Arabs highlights the hubris of Western historicism claiming a monopoly on understanding Arab reality “on the ground” by representing their agitations as inherently sporadic and trivial (Hazbun 2013). This calculated deliberate (mis)representation not only risks dismissing any attempt at reminding the world that Arabs have been protesting imperial policies for several centuries, but also risks reifying an essentialist idea claiming that Arabs demanding change inevitably results in the “fear of chaos”, “fear of extremism”, “fear of the young”, and “fear of the unknown” since demands made by “irrational objects” are professed as alarming and dangerous (Shihade and Shihade 2012, p. 50). The role of Western media during the uprising perpetuating powerful symbolic frames identifying Arabs as anti-modern is explicitly recognized with “bearded” armed mercenaries dressed in “Bedouin tribal garb” articulating a foreign language being associated with Arabs and Islam—thus evoking the barbarian thesis (Ventura 2016)³¹. Even though religion during the uprising was never an issue and was absent during the uprising (Felsberger 2014; Ventura 2016), Western commentaries’ emphases highlight the fear of accepting Arab agency at being capable of conducting “change on their own” because Arabs and Muslims were framed as being inherently disorganized and prone to chaos as highlighted with the idea of the “Oriental Rebel”, “Arab Jihadist”, or “Islamist” dominating Western representations of Arabs involved in the uprising to elicit fear in the audience (Azeez 2014, p. 20). The fear of Arabs writing their history and the idea that Arab impulses for change always originate in Western Enlightenment knowledge structures are grounded in a hegemonic regime of truth where Western colonial powers “surveils, familiarizes, gauges, labels and finally subjectifies the colonized subject’s resistance” (Azeez 2014, p. 245). In this case Arab resistance is translated as “resisting modernity” unless inferred by the West, but even then, according to neo-Orientalist figurations, Arabs fall short of completely transitioning into becoming temporally *coeval* with the West.

The hijacking of Arab subjectivity during the uprising through reductionist imaginaries is further noted with “non-violent” methods being represented as non-endemic to Arabs and imperatively a Western method of *civic* engagement (El-Mahdi 2011; Shihade and Shihade 2012; Borg 2016; Ventura 2016). Borg mentions that “mainstream analyses tended to focus on the alleged *Western origins* of the uprisings, such as how *Western technology enabled* the protests, and the role of the *ideas of US non-violent resistance* theorist Gene Sharp in *inspiring* the Arab revolutionaries” (Borg 2016, p. 214; emphases added). The non-violent disposition of Arab protesters during the first months of the uprisings was discursively presented as being due to a number of Arabs visiting Europe and the “U.S. for training and learning of the methods of non-violent activism and the theory of Gene Sharp”³² (El-Mahdi 2011; Shihade and Shihade 2012, p. 62; Borg 2016). The non-violent episode of the Arab uprising—*momentarily* identified as the “Arab Spring”³³—among Western policymaking circles was recognized as being indebted to Western values of “modernity” extended in Gene Sharp’s books entitled the *Politics of Nonviolent Action* (1973), *From Dictatorship to Democracy* (1994) and, *How Nonviolent Struggle Works* (2013) (Stolberg

³¹ It is important to note that the nationality of mercenaries engulfing Arabia post 2011 encompassed over 70 nationalities. Several tens of thousands were neither Muslim nor genealogically Arab, however, the media emphasized “visual shots” that made the viewer link the source of terrorism to “Islam” and “Arab” cultural mores.

³² I am aware that CANVAS, USAID, NED, Carnegie, Otpor, and Open Society were involved in funding and guiding protestors in demanding, or making it seem that they are demanding liberal-capitalist values. This critiques the Western hegemonic idea claiming that the Arab Spring was a “spontaneous” and “leaderless” uprising demanding freedom from *past* traditions.

³³ Revert to (Al-Kassimi 2020) chapter IV for an extensive discussion on how culturalist imaginaries assumed it *natural* for an “Arab Spring” to become an “Islamist Winter”.

2011; Sharp 2011; El-Mahdi 2011; Shihade and Shihade 2012; Engler 2013; Roberts 2018; Al-Kassimi 2020).

In this neo-Orientalist spectacle, we notice the formation of a binary within a binary with the West displaying a “flexible positional superiority” by retaining the “relative upper hand” (Said 1979, p. 7) claiming that the success of the uprisings originates in, and is indebted to, Western modern ideas constellating “peaceful resistance” and “non-armed struggle”. Shihade cautions about adopting generalizations claiming that the uprisings would not have occurred without Arabs adopting “Western technologies” or learning how to be “non-violent” as historical fact since there has not been any critical study concerning the “number/percentage of users, and also if without such technology the revolution would not have happened” (Shihade and Shihade 2012, p. 62). These “facts” not only contradict “the history of revolutions in the region that has been taking place there for decades without such technology” (Shihade and Shihade 2012, p. 62), but point to a deep-seated *realpolitik* commitment in foreign policy analysis during the uprisings seeking to represent Arab civilization as *constituting* violence thus requiring training in “non-violence”. These *realist* arguments are founded on positivist jurisprudential deductions stipulating that Arabs “lacking in the arts of war” risk their reversion to irresponsible and irrational behavior during democratic temporal transitions.

A final important neo-Orientalist trope engendering the uprisings is based on how the uprising was “gendered” by reviving the mode of representation claiming Arab women need “saving” and that Arab culture a priori suppresses women. While the idea of women lacking rights in Arab-Islamic societies has been perpetuated for centuries by classical Orientalists and contemporary neo-Orientalists, the fact that Western media made a “gender issue out of the revolts and even a large win for women’s rights shows their Orientalist approach” (Mahmood 2006; Abu-Lughod 2013; Abbas 2014; Ventura 2016, p. 291). The Arab uprisings were depicted as an occasion for Arab women to acquire Western-like gender rights and freedoms. Khalid (2015, p. 163) highlights the importance of deconstructing such deterministic frame since it forcibly injects Arab women agitations into a Western linear perception of time by being read in the “context of long-standing western discourses on the MENA, which are shaped by orientalist logics that are themselves gendered”. Furthermore, Khalid (2015, p. 163) emphasizes the importance of being cognizant of neo-Orientalist reductionist myths accompanying the “gendering of the Arab uprisings” since they influence and shape “... dominant western understandings of the role of women and non-heterosexual peoples in the ‘Arab Spring’, which (re)produce orientalist logics that marginalize those who do not conform to particular gendered understandings of the roles of various peoples in MENA”.

Arshad is explicit in declaring that the Arab uprising was not demanding liberal-secular values “yet it was the issue of women’s rights which sought to define it in the perception of the West” (Arshad 2012, p. 110). When it came to “gender issues” neo-Orientalist commentary on the uprising considered Arab women as representing a homogenous group similar to the neo-Orientalist myth perpetuated by Bernard Lewis claiming that all Arabs are Muslims (Mahmood 2006; Abu-Lughod 2013; Arshad 2014; Abbas 2014). This neo-Orientalist secular “genderism” refused to consider that Arab women “have varied, sometimes, contrasting, goals and ambitions” and that “they are all hoping that they have the opportunity to voice their numerous concerns and demands” (Arshad 2012, p. 115). Similarly, Khalid (2015, p. 164–166) clearly affirms that the

basic assumptions of orientalism (as a gendered discourse) are reflected in dominant western representations of the ‘Arab Spring’, most significantly in the deployment of gender and sexuality to construct ‘the West’ as enlightened in contrast to a backward and barbaric ‘East’ ... western discourses on the ‘Arab Spring’ have centred on gender (largely understood in these discourses as the treatment of women) and sexuality in ‘reading’ the events of the ‘Arab Spring’ in ways that function to reaffirm orientalist tropes of ‘eastern’ backwardness and barbarism.

Western commentators, therefore, refused the idea of Arab women as being rational, capable authors of their political lives by discounting the complexity of Arab cultural heterogeneity across the *Mashreq* and *Maghreb*. A neo-Orientalist spectacle founded on a (positivist) cultural dynamic of difference discounts different Arab civilizational realities by hypostatizing Arab women and stripping them of their subjectivity by refusing to ask “what the women of Arab countries are actually seeking” and/or whether they did not feel like equal “partners in the revolution” (Abu-Lughod 2013; Abbas 2014; Khalil 2014; Khalid 2015; Ventura 2016, p. 291). While the image of Arab women protesting was adopted to reinforce the liberal-secular temporal argument of Arabs finally “awakening to democracy” and “gender equality”, a novice acquaintance with the history of the region reveals that women always played an indispensable role in (re)formulating an Arab mode of Being. The fact that women were involved in the protests from the beginning and did not politicize their visibility and participation corresponds to the actual situation of Arab countries where the claim “for rights based on western women’s rights is not very widely spread among women” (Beckett 2003; Mahmood 2006; Abu-Lughod 2013; Khalid 2015; Ventura 2016, p. 292). Arab protestors regarded the language of women’s rights with great suspicion and as a “western import” (Ventura 2016, p. 292) since it is a familiar discourse perpetuated after 2001, and more so after 2011, with Obama’s administration rejuvenating the liberal-secular (feminist) discourse disseminated for decades by local Arab compradors located in Egypt (i.e., Suzanne Mubarak) and Tunisia (i.e., Leila Ben Ali).

6. Conclusions

The importance of deconstructing the positivist legal history interpreting Arabia since 2001 and 2011 is revealed in this legal-historical research when analyzing the reductionist discursive imaginaries constructing Arabia as inherently resistant to modernity but receptive to terror. Both momentous junctures were critiqued not as disconnected linear moments, but a multiplicity of sequential instances that share a continuous deterministic perception of Arabs as embodying irregular and irrational cultural bodies. Situating the Arab—from a neo-Orientalist imaginary—as an “irregular” and “irrational” body allows us to excavate *past* and *present* political events and race war discourses that actualize the idea that *jus gentium* not only continues to be animated by a dynamic of cultural differences to lubricate a liberal civilizing, but that Western modernity is *constituted* by, and *reproduced* in, constructing a threatening Arab body. This construction reifies positivist scholastic logic identifying Arabia and the West through irreconcilable opposing binaries to adjudicate a *redemptive* war that fundamentally revitalizes and secures Western modern liberal-secular epistemology. The adoption of Arab imaginaries founded on “culture talk” during the Arab uprisings was critiqued by reverting to *past* historical characterizations of the Arab world in canons of international law, and more recently, to the reformulations of *jus gentium* after 9/11 with the doctrine of PEDS accompanying neo-Orientalist Islamophobic discourses informing the Arab barbarian thesis, despotism, and Arab mental incapacities. Just as past colonial encounters emphasized cultural differences to adjudicate a civilizing mission, the Bush Doctrine of defensive imperialism also sought to transform supposed stagnant Arab bodies contaminated with a premodern culture in the name of modernity, civilization, democracy, and human rights.

The “liberation” of Iraq in 2003 in the name of protecting *jus gentium* by “democratizing” Arabia, and Arabs finally “awakening” to democracy in 2011—but swiftly falling “asleep”—are analogous to naturalist and positivist jurists forcibly inserting any non-European gesticulation into a “universal” linear progression of time based on the notion that Arab agitations are expressions that inevitably seek to attain the *telos* of history—Western modernity. The neo-Orientalist discourse engendering the uprisings of 2011 by seeming to “appeal to sameness while recognizing difference” (i.e., Vitorian moment) is clearly a culturalist contingency since it articulates Arab space as having *potential* similarities with modern civilized Western space while reverting to the relativist idea of there being an *essential* temporal lag between the West and Arabia. It is Arabs lagging in time

rather than being located in different spatial cartographic coordinates that keeps them backward and stagnant which therefore inevitably and ultimately establishes the authority of the U.S. and the EU to speak on behalf of, monitor, and assist in, the modernization, democratization, and development of the Arab region. Even though emphasizing a temporal rather than a spatial difference highlights that there is no ontological difference between the West and the Arab world, and to a certain degree breaks away from classical Orientalist discourses, it is precisely this artificial recognition of “sameness” (i.e., inclusive exclusion) that legitimates a “colonial trusteeship system” since the universal appeal of *law* in a temporal sense through the protection of human rights and democracy guaranteed that the U.S. and the EU recognized what is best for the Arab world.

Metropole capitals interpreting the Arab uprising using a benevolent civilizing narrative emphasizing the incapacity of the “Arab mind” enables Western responsibility to guide and monitor Arabs by making sure that the “democratic experiment” does not stray too far from the pre-determined goals a “universalization of democratic law” already carries (Borg 2016). The idea of Arabs *possibly* becoming members of International Society is contingent on a “set of values” that ultimately complement a “set of interests . . . that drive U.S hegemony in the region” (Hazbun 2013, p. 228). In other words, a *directum* can be drawn from the naturalist Salamanca school to the positivist neo-conservative school that initiated the War on Terror, including the Obama and Trump administrations, by reproducing discourses that actualized the doctrine of defensive imperialism, with the relationship between all of these moments accentuating an (un)ethical (exceptionalist) relation the U.S. and the EU have in *redeeming* the Arab world (Al-Kassimi 2017; Stivachtis 2018). This (un)ethical relation enables a form of “colonial responsibility” (Borg 2016, p. 221) whereby the U.S. and EU arrogate moral responsibility for the temporal progression of Arabs. This relation exposes the continued (un)ethical consequences of positivist jurisprudence inherently making a *natural* distinction between what is moral to that which is legal. This *ratiocinated* distinction fundamentally characterizes the legal doctrines developed after 9/11 in actualizing the idea of a “moral” defensive imperialism being a necessary Western burden transforming and redeeming Arab bodies from being *bad* to *good* Muslims.

While the Bush administration explicitly adhered to a positivist jurist school emphasizing universal law as only spatially located in Western spaces thus actualizing the idea that Arabia is a *premodern* space inhabiting bodies lacking responsible, sociable, and rational skills because of their ill-reasoned culture, Obama was more of a naturalist in that he emphasized the normative universalization of “natural law” in both spaces by recognizing civilizational similarities. However, regardless of such *exoteric* differentiation, both legal discourses give credence to the *esoteric* idea that cultural differences continue to be transformed into legal differences to sanction a civilizing mission. This is noted with political representatives of the U.S. and the EU momentarily recognizing Arabs in the uprisings as “capable of reason”—by demanding ideas furnished in Western spaces such as democracy, non-violence, women rights, freedom, and liberty—only to end up “universalizing” a particular (Western) mode of Being using human rights discourse and international law. This “universalizing” process is maintained and bounded by a pre-determinate set of (European) cultural content that provides the authority for the West to continuously claim responsibility in aiding, guiding, and protecting the Arab world as it *attempts* to transition into a progressive *time* informing a “new beginning” imagined as a “New Middle East”.

The *universalism* embedded in the liberal civilizing mission of the Arab uprisings highlights that the “universalization of law” through the “protection” of human rights or democracy denotes the Kantian notion of the U.S. and EU conquering the “lower” self by

developing the “higher” self (Borg 2016; Stivachtis 2018)³⁴. Conquering and managing the “lower-Arab” is essential because an Oriental-despotic representation perceives Arabs as incapable of overcoming their primitiveness by consistently falling back into a degenerative temporality valorizing *revelation* over *reason* (Carter 2011; Abou El Fadl 2014). Overall, what these neo-Orientalist narratives silence whether they emphasize spatial or temporal cultural differences is not only the long history of Arab *intifadas* and anti-imperial socialist movements spanning over 100 years from Jerusalem, Damascus, and Beirut, to Baghdad, Sana’a, and Cairo, but more specifically Arab demands enacted during the uprisings by the local population in the name of “human rights” *actually* being “universal”. Since Arab epistemology does not naturalize a distinction between morality and law, then, the moral issue with neo-Orientalists is their propagation of a humanitarian narrative based on distorted reductionist imaginaries that are in turn used to adjudicate a civilizing mission assuming that Western centers of power are a priori cognizant of Arab demands since the West is “represented as the bearer of an *already scripted emancipatory discourse of human rights* at its *core*, which the Arab world *desires*, but only may *learn from*, rather than *contribute to*” (Borg 2016, p. 223; emphases added).

The effacing of endogenous Arab demands underlining a common global humanity is muted because it is appropriated into a teleological narrative authored and based on a particular Western experience of *temporality* informing a linear perception of time. Such subjective silencing is the result of a “culturalist” reification recognizing Arab culture as a “bounded whole” thus obscuring and normalizing the power-relations involved in extending the West a monopoly to *speak on behalf of* Arabs by fabricating “what ‘*the culture*’ in question prescribes and proscribes” (Borg 2016, p. 223; emphases added). This imposed culturalist position seeming to forcibly inject the Arab uprising into a linear Western trajectory of time and space is identified as “epistemic violence” (Borg 2016, p. 213) with Obama’s “new beginning” already imagining the Arab world through a *universal* liberal-secular project that constricts the boundaries and potential of an Arab “version” of the uprisings. This hegemonic discursive restriction not only evaporates local alternative voices but primarily seeks to violently transform “non-conforming” bodies abiding by *threatening* cultural modes of life—by *death* if necessary—to eliminate the chances of “unknown possibilities” (Badiou 2001, p. 14, 2011). This epistemic violence is legalized by perpetuating a belligerent neo-Orientalist mode of representation to the detriment of killing and casting-away irregular Arab bodies by depoliticizing and transforming their social space—in the name of a “universal culture”—into *death-worlds*. The Arab world continues to suffer from epistemic violence with Arab bodies experiencing the most *life-threatening* deadly powers endowed to (Western) *legal* sovereigns. Neo-Orientalist interlocutors claiming that the Arab uprising of 2011 would inevitably become an “Islamist Winter” constructed Arab civilization as the originator of the surge in carnage and destruction transforming Arabia into a *necropolis* (city of the dead).

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³⁴ Consider the exchange between two sovereign figures—Abdel Fattah El-Sisi and Emmanuel Macron—accentuating the difference between a non-spiritual epistemology valorizing reason over revelation (i.e., France), and an epistemology cherishing a spiritual Tradition balancing reason with revelation (i.e., Egypt). In reference to the blasphemous caricatures depicting religious figures, the president of the Arab Republic of Egypt stated that it was very important that when “we’re expressing our opinion, that we don’t, for the sake of human values, violate religious values...The rank of religious values is much higher than human values ... they are holy and above all other values”. Macron responded: “We consider human values are superior to everything else. That’s what was brought by the philosophy of the Enlightenment and the foundation of the universalism of human rights....Under France’s secularism, blasphemy is allowed...When there’s a caricature...this is not a message from France toward your religion and the Muslim world, this is the free expression of someone who is, indeed, provoking, blaspheming. It is allowed in my country” (AP 2020).

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