

## Article

# The Legal Principles of Bethlehem & Operation Timber Sycamore: The “Islamist Winter” Pre-Emptively Targets “Arab Life” by Hiring “Arab Barbarians”

Khaled Al-Kassimi 

Department of Political Science, McMaster University, Hamilton, ON L8S 4L8, Canada; alkassk@mcmaster.ca

**Abstract:** The following legal-historical research is critical of “Islamist” narratives and their de-sacralized reverberations claiming that Arab-Muslim receptivity to *terror* is axiomatic to “cultural experiences” figuring subjects conforming to Arab-Islamic philosophical theology. The critique is founded on *deconstructing*—while adopting a Third World Approach to International Law (TWAIL)—the (im)moral consequences resulting from such rhetoric interpreting the Arab uprising of 2011 from the early days as *certainly* metamorphosing into an “Islamist Winter”. This secular-humanist hypostasis reminded critics that International Law and International Relations continues to assert that Latin-European philosophical theology furnishes the exclusive temporal coordinates required to attain “modernity” as *telos* of history and “civil society” as *ethos* of governance. In addition, the research highlights that such culturalist assertion—separating between law and morality—tolerates *secular* logic decriminalizing acts patently violating International Law since essentializing Arab-Muslims as temporally positioned “outside law” provides liberal-secular modernity ontological security. Put differently, “culture talk” affirms that since a secular-humanist imaginary of historical evolution stipulates that it is “inevitable” and “natural” that any “non-secular” Arab protests will unavoidably lead to lawlessness, it therefore becomes imperative to suspiciously approach the “Islamist” narrative of 2011 thus deconstructing the formulation of juridical doctrines (i.e., Bethlehem Legal Principles) decriminalizing acts arising from a principle of *pre-emption* “moralizing” demographic and geographic alterations (i.e., Operation Timber Sycamore) across Arabia. The research concludes that *jus gentium* continues to be characterized by a temporal *inclusive exclusion* with its *redemptive* ramifications—authorized by sovereign power—catalyzing “epistemic violence” resulting in *en-masse* exodus and slayed bodies across Arabia.

**Keywords:** Arab Syrian Republic; Arab Spring; Crisis of culture; Islamophilia; Principle 8; Operation Inherent Resolve; Obama Vitorian moment; Martin Kramer; Robert S. Ford; Sir Daniel Bethlehem; war-machines; Necropolis; ISIS



**Citation:** Al-Kassimi, Khaled. 2021. The Legal Principles of Bethlehem & Operation Timber Sycamore: The “Islamist Winter” Pre-Emptively Targets “Arab Life” by Hiring “Arab Barbarians”. *Laws* 10: 69. <https://doi.org/10.3390/laws10030069>

Received: 18 May 2021

Accepted: 17 August 2021

Published: 24 August 2021

**Publisher’s Note:** MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



**Copyright:** © 2021 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

“Few would fail to notice the growing common ground between the perpetrators of 9/11 and the official response to it called ‘the war on terror’. Both sides deny the possibility of a middle ground, calling for a war to the finish. Both rally forces in the name of justice but understand justice as revenge. If the perpetrators of 9/11 refuse to distinguish between official America and the American people, target and victim, ‘the war on terror’ has proceeded by dishing out collective punishment, with callous disregard for either ‘collateral damage’ or legitimate grievances” —Mahmood Mamdani (2004)

“The power of sovereignty, however, is not just rooted in inclusive and monopolistic practices. The capacity to decide what qualifies as a ‘normal’ political identity, space, and practice also implies an obverse power—that is, the ability to decide what constitutes the exception. The concept of the ‘state of exception’ is central to understanding how both sovereign power and refugee identity are constituted” —Peter Nyers (2006)

## 1. Introduction

The purpose of the following legal-historical research is to deconstruct<sup>1</sup> the significance of *recognized* sovereign figures and international jurists—electing positivist jurisprudence as the (rational) legal *ethos* maintaining and defending a secular-humanist (universalized) *telos*—irreflexively assuming that an “Arab awakening” to democracy in 2011 was certainly *momentary* since Arab-Islamic philosophy and theology was essentialized as inherently informing an “Islamist” epistemology. This deconstruction is imperative since proponents of ‘culture talk’ (i.e., neo-Orientalist hypostatization)<sup>2</sup> suggested that Arabs failed at *temporally* “jumping” into *rationated* temporal coordinates characterizing liberal-secular modernity by citing deterministic imaginaries attributing it to the “Arab mind” being averse to *reason*, but receptive to *terror* (Mamdani 2004; Altwaiji 2014; Al-Kassimi 2021)<sup>3</sup>. According to such essentialist narratives<sup>4</sup> *temporally* aligning Arabs using Ptolemaic “universal” motion, the Arab uprisings in 2011—across the *Mashreq* and *Maghreb*—became accented by an “Islamist Winter”—rather than blooming into a “Spring”—because Arab epistemology is *a priori* positioned in a (Cartesian) degenerative (non-discursive) epoch resistant to *progress* (i.e., Age of Reason). Arabs in general, and Muslims in particular, were generalized as periodically situated in a state of *stasis*; that is, naturally incapable of *temporally* progressing from a Traditional (transcendental) *past* to a secular-humanistic (immanent) *present*, thus figuring Arabs involved in the uprisings as *pre-destined* at not attaining “coequality with Latin-European modernity” by relapsing to temporal coordinates accenting *jāhiliyyah* traditions<sup>5</sup>.

More specifically, this research seeks to critique one of the least investigated consequences of neo-Orientalist rhetoric deducing that the Arab uprising in 2011 is synonymous with an “Islamist Winter”. That is, an *Islamist* illustration is (one of) the primary catalysts (de)criminalizing *en-masse* carnage in Arabia and a calamity of forcibly displaced millions.

<sup>1</sup> 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”. See Almond (2004, p. 10).

<sup>2</sup> It is important to note that the neo-Orientalist imaginaries discussed do not completely align with a “post-colonial” approach reading to deconstruct the legal-history of the Arab world. That is to say, I align with several Arab and non-Arab scholars whose work directly or indirectly highlight, for instance, Edward Said’s own historicism in describing the etiology of *orientalism* becoming *Orientalism* with his polemic demonstratively 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 and renowned Indian scholar Aijaz Ahmed directly engaged in a critique of Said’s work, while the work of other scholars such as Michel Aflaq, Mahdi Amel, Doreen Ingrams, Samar Attar, Fadi A. Bardawil, and Katharine S. Beckett discredit his writings either directly or indirectly, thus, highlighting the issue in making Said’s work an academic referent for a “Western” audience wanting to acquaint themselves with the “mind-set” of Arab epistemology.

<sup>3</sup> 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* between Arab-Islamic philosophical theology and Latin-European philosophical theology (i.e., Anselm, Magnus, Aquinas) during the 10th–13th century. Prominent figures such as Al-Ghazali, Fakhr al-Din al-Razi, Al-Farabi, Ibn-Sina, Ibn-Tufayl, Ibn-Khaldun, Al-Khawarizmi, Ibn-Rushd, 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 canons accenting the importance of the faculty of reason and its continued nourishment for the constant flourishing of a “society of communities/Ummah”. See Abou El Abou El Fadl (2014); Al-Kassimi (2021).

<sup>4</sup> *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.”

<sup>5</sup> The philosophical and theological schism between Arab and Latin-European philosophical theology is noticed in the latter’s “non-spiritual” perception of *Law* thereby making a distinction between law and morality. This is historically and legally demonstrated when we recall the philology ‘moralizing’ *sovereign-willed* doctrines and missions accenting the Council of Clermont in 1095, Alhambra Decree in 1492, Tordesillas treaty in 1494, and later the Valladolid debate of 1550. By taking into account the desacralized transformations initiated by a Judeo-Christian rationalization of law and morality, we can extrapolate how the economy and geography—during the Renaissance and Enlightenment—became a “natural scientific” milieu. These concurrent moments are linked to a philosophical theology naturalizing a “detachment” between God’s heaven and people’s earth (i.e., divine-will–free-will; legality–morality; theocentric–geo/egocentric). This unnatural naturalism necessarily “secularized” revealed Law by producing an *ethos* identified as “homo economicus” embodying a protestant ethics prompting the legalization of issues directly negating revealed Law. See Guénou (1924, 1932); Anidjar (2003, 2014); Mignolo (2009); Mamdani (2020); Al-Kassimi (2021).

Constructing *Arabness* as a (cultural) threatening “Islamist” stranger was, and continues to be, a historicist tendency founded on distorted generalizations about Arab civilization and was in the process transformed into a *legal* threat resulting in the formulation of legal doctrines (i.e., the Bethlehem Principles) adhering to a (positivist) jurisprudence valorizing subjective *truths* over objective *Truth* (Abou El Fadl 2014; Al-Kassimi 2021). The (secular-humanist) principles not only endorsed the Bush Doctrine of *pre-emptive defense strategy* (PEDS), but also legalized a *redemptive* operation known as Timber Sycamore<sup>6</sup> claiming it *rational* and *legal* to hire *death squads* (i.e., war-machines) as the ideal agents of *creative chaos*<sup>7</sup> required to transform an “old” Arab world characterized as *temporally* disorderly and premodern, to a “new” orderly and civil Arab world. The *redemptive* legal principles of Bethlehem not only extended legal coverage for operation Timber Sycamore, but also made salient that the power of sovereignty exercised *on* Arab bodies preceding and succeeding the “Islamist Winter” of 2011 continues to valorize a scientific dynamic assessing *different* cultures using a secular-humanist metric.

The bodily consequence of such reification is noticed with sovereign power executed in Arabia featuring that the defense of International Society is to be maintained and guarded by legal doctrines situated in a legal regime (i.e., *jus gentium*)<sup>8</sup> necessitating that non-conforming Arab-Others *must die* or at least be managed and maintained by legal principles (re)affirming the unbridgeable cultural(ist) gap between an *Athenian* and *Madinian* man (Winter 2011; Al-Kassimi 2020). This reification highlights that Arabia is not only denied legal sovereignty (i.e., a space “outside” law) but that this *a priori* exclusion from *jus gentium* allows “recognized sovereigns” to engage in extrajudicial practices *on* Arab bodies. To deconstruct this necessary violent *exclusion* essential for the coherence of *jus gentium* in general, and *ratiocinated* Latin-European philosophical theology in particular, it is important to engage in a naturalized epistemological inquiry by approaching legal-history from an anachronic lens by being hermeneutically suspicious of secular-humanist knowledge centers and Arab *compradors*<sup>9</sup> representing Arabia using “race war” discourses thereby decriminalizing displacement and carnage (Sunter 2007; Koskeniemi 2011; Orford 2012; Abou El Fadl 2014; Anidjar 2014; Al-Kassimi 2021). A hermeneutically suspicious reading stresses that the legal doctrines adjudicating *deadly* blueprints of conquest, for instance, in 2001 Afghanistan and then 2003 Iraq, were also adopted in subsequent Arabian spaces after the uprising of 2011. Both aforementioned *Vitorian* legal junctures silenced Arab subjective consciousness at being *reason-able* subjects capable of writing their history by perpetuating distorted “Islamist” imaginaries of Arabs as *passive* and *violent* objects waiting to be “saved” (Al-Kassimi 2021). The consequences of such supposed *natural* antagonism is most readily evident with the legal formulations developed succeeding 9/11—PEDS and Bethlehem Principles—extending Western sovereign figures the prerogative of making it

<sup>6</sup> In the context of the CIA calling the operation *Timber Sycamore*, the following passage is gripping: “He gave their crops to the grasshopper, the fruit of their labor to the locust. He killed their vines with hailstones and their sycamore-figs with sleet. He abandoned their cattle to the hail and their livestock to bolts of lightning” (Psalm 78–47). The *figus sycomorus* is commonly found in the Arab world, including Yemen, Syria, Libya, and Egypt—all overlap with high levels of covert deadly actions conducted by Western intelligence agencies (Dostal 2018, p. 370). More interestingly is the name of the hired *death squads* in the operation referred to using the acronym of ISIS. In the ancient world of Egyptian and Greco-Roman religion up until the 4th and 5th c. AD, *Isis* was a worshipped goddess that helped the *dead* enter *afterlife*. Also, the New Kingdom of Egypt had an elite paramilitary force serving as desert scouts protecting valuable areas such as the *Theban Necropolis* or the *Valley of the Kings*. Therefore, the death squads in ISIS/ISIL can be esoterically perceived as a group of elite mercenaries that seek to purify and/or transform impure *dead* Arab bodies aiding them in “entering” *modern* life. I am indebted to Professor J. Dostal for these hermeneutic discursive links.

<sup>7</sup> It should be clear that the combination of the adjective “constructive” with the noun “anarchy” is not random, but deliberate in the sense that it is meant to highlight that Arabia—according to proponents of neo-Orientalism—is not to experience anarchy in the absolute sense of the term *per se*, but a certain anarchic and chaotic condition that is deliberate, sustained, and controlled in an attempt towards fundamentally changing an existing “old” state and its replacement with a “new ordered” state. The confusion of such hermeneutic language is not unwarranted; combining an adjective with a noun complicates strategic discourses in that it makes agents of violence (i.e., death squads/war-machines) makers of chaos and the consequence of their chaos (i.e., displacement and carnage) also a form of constructive chaos. See also Al-Kassimi (2020, p. 4).

<sup>8</sup> International Relations (IR) is spelled with capital letters when it refers to the (Judeo-Christian) discipline and in lower case when it relates to world events. Stanley Hoffmann (1977) at 54 and 59 refers to this distinction as the “state of the discipline” in contrast to the “state of the world”. It logically follows, then, that IR and IL are synonymous with *jus gentium* since IL consists of the legal doctrines and principles informing the relationships amongst “recognized sovereigns” in IR.

<sup>9</sup> For a discussion of the concept “Arab comprador” refer to Al-Kassimi (2021, p. 11).

legal to outsource, demonopolize, and privatize violence by hiring *death squads* as *rational* means to pre-emptively engage terror allegedly *redeeming* Arabia from its “Arab-Islamist” predispositions (Anghie 2004; Mamdani 2004; Al-Kassimi 2015, 2021).

This legal-historical research elaborates that these legal doctrines directly perpetuated “ethno-religious” violence by decriminalizing and covering the authorization and funding of a(n) (il)legal process in which the de-monopolization of violence *de facto* produced *lawless* Arab spaces using a *fictional* “Arab Islamist” threat (Mamdani 2004; Chossudovsky 2005; Al-Kassimi 2015, 2021; Kleib 2019)<sup>10</sup>. De-monopolizing violence consisted of hiring and authorizing *death squads* involved in either private military companies (PMC)<sup>11</sup> and/or members of “Islamist” groups known as Al-Qaeda in Iraq (AQI), Al-Qaeda in the Arabian Peninsula (AQAP), Islamic State of Iraq (ISI), and the Islamic State of Iraq and Syria (ISIS)<sup>12</sup>. The legal-historical research underlines the point that the deliberate practice of sovereign figures choosing to hire agents of violence—that quite literally violate the “arts of war”—is telling of *ratiocentric* (positivist) jurisprudence continuing to perceive Arabia as a lawless space, or put differently, a *geography* rather than a *political* space (i.e., *society*) where extrajudicial practices are not debated as violating legal doctrines situated in *jus gentium*, but are rather necessary for its epistemological *coherence*.

Therefore, this research seeks to deconstruct the reductionist claim stating that acts conducted by *death squads* in Arabia are linked to *endogenous* Arab civilization and “Islamic” cultural traditions, rather than a modern *exogenous* obscurantist process illustrating (an anthropocenic)<sup>13</sup> “secular modernity” seeking to reconfigure the demography of Arabia through an esoteric process of *creative destruction* apparently essential for the “salvation” of Arabia. This legal-historical research does not perceive the Bethlehem principles as novel jurisprudence, but rather, from an anachronic lens, legal doctrines reminding Arabs that *jus gentium* continues to be animated by a dynamic of cultural difference needing to *constitute* Arabia as inept in attaining the *telos* of history for (Western) ontological security (Guénon 1924, 1932; Al-Jabri 1994; Koskenniemi 2011, 2002; Sunter 2007; Orford 2012; Abou El Fadl 2014; Anidjar 2014; Al-Kassimi 2021). This culturalist dynamic postulating an unbridgeable cultural gap between a *universal* European subject of sovereignty, and a *particular* Arab object denied sovereignty is rejuvenated through legal doctrines such as Bethlehem by providing legal coverage for the authorization in Syria—as in Iraq, Yemen, and Libya—of *war-machines* to engage in acts of terror transforming countries remembered for their ancient and modern civilization into areas boasting *necropolises*.

Motivated thus, by adopting a Third World Approach to International Law (TWAIL) the following legal-historical research is critical of neo-Orientalist speech actors adopting “race war” narratives imagining Arabs as an *external enemy* from which a (secular-humanist) *civil society* must be *defended*. This critique is founded on deconstructing the consequences

<sup>10</sup> Fictional in the sense that while the terror violence did occur, it is not because the agent of violence *is* Muslim or Arab. Using Islam and/or Arabness as “historical information” supposedly explaining the *cause* of chaos and violence informing Arabia is fundamentally the fictional and reductionist aspect of secular-humanist narratives. As matter of fact, *death squads* were not all genealogically from Arabia but rather came from over 70 countries whether from Europe, Africa, or North/South/Central America. In addition, some were not even Muslim, however, communication centers linked violence and chaos to Islam while emphasizing visual shots generalizing all Arabs as Muslim thus developing the “Islamist figure” which dominated media centers after the Arab uprisings in 2011.

<sup>11</sup> These groups were directly involved in exacerbating sectarian cleavages since they would engage—with legal coverage from recognized sovereign figures—in targeted assassinations and/or destroy places of worship from different religious sects. Other than Blackwater, for instance, the Mehdi Army and Peace Companies funded by Iran were allied with the U.S. army and the Wolf Brigades against local Arab-Iraqi resistance in the wake of conquest in 2003.

<sup>12</sup> On 14 August 2014 in Syria, over a period of three days, *death squads* executed by hanging, shooting, beheading, or crucifixion over 700 Syrians from the Arab tribe known as Al-Shaitat located in the Deir ez-Zoor governorate. The point to note is not that “ISIS” claimed responsibility, but that members of Al-Shaitat are Muslim, and more importantly, Sunni, thereby demythologizing the idea that ISIS is an “Islamic State” that seeks to “displace” and terrorize “non-Muslims” from Arabia using *Sharia* (Holmes and Al-Khalidi 2014; Mezzofiore and Limam 2015). Similarly, in Iraq, *death squads* have systematically emptied cities mostly inhabited by genealogies of historic Arab tribes and clans—across all religious persuasions—such as Dulaim or Jubur in Anbar, Ramadani, and Mosul, or other cities such as Tikrit, Rabia, or Fallujah (Holmes and Al-Khalidi 2014; Mezzofiore and Limam 2015; Sly 2016).

<sup>13</sup> See Gade (2019) and Conradie (2020) for a valuable analysis conceptualizing “anthropocene” from a theological and philosophical perspective. Future research is interested in analyzing the *age* as *caused-by* secular-humanist modernity. Here I am thinking about the *pyrocene* currently engulfing the Orient and Occident.



interpreting the Arab uprising of 2011 early on as *certainly* metamorphosing into an “Islamist Winter” with Arab epistemology constructed as inherently deficient in “reason”, lacking the “spirit of reform”, and “anti-democratic” (Arat-Koç 2014; Altwaiji 2014; Ventura 2016, p. 290; Al-Kassimi 2021). Put differently, this legal-historical research demonstrates that since it is inevitable in the neo-Orientalist imaginary of *rationated* sovereigns that any Arab protest will unavoidably lead to violence, terror, and disorder, it therefore becomes imperative to “commit the sin” of legal-historical anachronism and suspiciously approach the “Islamist” narrative of the Arab uprisings in 2011 thus deconstructing the subsequent legal-historical reverberations making possible *demographic* and *geographic* alterations in Arabia. In doing so, the manuscript concludes that *jus gentium* continues to be characterized by a *necro* temporal *inclusive exclusion* necessitating “epistemic violence” thereby decriminalizing the perpetuation of extrajudicial (pre-emptive) measures legalizing *en-masse* displacement and carnage across Arabia (Guéron 1924, 1932; Abou El Fadl 2014; Al-Kassimi 2021).

## 2. Third World Approach to International Law (TWAIL)—A Reflexive Methodology Contouring Subsequent Sections

TWAIL scholars are committed to deconstructing the legal-historical developments occurring during different “cultural encounters” primarily from a temporal rather than the limited spatial frame (i.e., West versus East—vice versa)<sup>14</sup>. This commitment seeks to accentuate the immoral consequences of (positivist) legal formulations situated in *jus gentium* being characterized by a “purity-metric” separating different modes of Being using reductionist imaginaries temporally situating the Arab, for instance, *a priori* “outside law” since they are constructed as naturally desecrating (secular) “universal law” (Mickelson 1998; Gathii 2000a, 2011; Abou El Fadl 2014; Anidjar 2014; Al-Kassimi 2018a, 2021). TWAIL scholars emphasize their willingness in wanting to be capable of selecting what they deem important to incorporate in their endogenous culture from exogenous Latin-European cultural mores (Gathii 2000b, 2011; Koskeniemi 2011, 2002; Orford 2012). Also, they are committed to advocating an appreciation of the inherent interconnection between different areas of law—whether in the Orient or Occident—and that every cultural heritage has a particular jurisprudence that notices the limits of “universalism” (Al-Kassimi 2020). TWAIL scholars also challenge the capability of an international law adhering to positivist jurisprudence in being capable of promoting wholeness (Lat. *religionis integritate*) especially since secular-humanist scholasticism distinguishes between “morals” and “law” thus understanding legal doctrines informing *jus gentium* as being historically contingent on secularized Latin-European philosophical theology (Guéron 1924, 1932; Abou El Fadl 2014; Al-Kassimi 2020).

The “checklist” of a TWAIL methodology is driven by three purposeful objectives: (1) deconstruct the use of *jus gentium* as a regime that includes legal doctrines reifying a particular philosophical theology perpetuating a Godless (temporal) hierarchy of international norms and institutions; (2) instead of dismantling International Law as a regime, it seeks to exegete legal concepts naturalizing prejudice thereby suggesting an alternative legal edifice for international governance; and (3) it seeks to eradicate and emphasize the legal policies that continue to corrode relations between the Orient and Occident (Mutua 2000; Al-Kassimi 2020). Therefore, TWAIL’s political commitment emphasizes reading legal-history from an *anachronic* lens by committing itself to a *hermeneutics of suspicion* characterized as a *naturalized epistemological inquiry* (Sunter 2007; Al-Kassimi 2021). That is, TWAIL’s stance towards International Law is “one of hermeneutical suspicion” and not “post-modern skepticism” thereby engaging in the intellectual deconstruction of legal doctrines informing *jus gentium* thus maintaining hope for enlightened reconstruction (Sunter 2007, p. 476).

<sup>14</sup> Please note that parts of this section were adapted from my Doctoral dissertation. Refer to Al-Kassimi (2020).

As a naturalized epistemology, TWAIL's methodology reflects on the etiology of doctrines continuously dominating (a secular-humanist) International Law, i.e., sovereignty, nation-state, secularism, free-market, citizenship, and the *realpolitik* structure of "international relations" (Anghie 2004; Sunter 2007; Eslava and Pahuja 2012). TWAIL's political commitment adheres to a methodology that according to Leiter (2004, p. 74) seeks a "naturalistically respected account of how we arrived at our current, conscious self-understandings" by deconstructing classical canons and juridical concepts animating *jus gentium*—therefore Latin-European epistemology—which are in turn reified by secular-humanist legal scholars. Since epistemology is understood as a philosophical inquiry into the source, scope, and structure of knowledge or a philosophical inquiry into the nature of human knowledge, TWAIL's naturalized approach to epistemology is therefore concerned with the causal factors influencing knowledge claims (Quine 1969; Kitcher 1992; Pacherie 2002).

TWAIL's naturalized epistemological inquiry being an intellectual deconstructive endeavor underlining the importance of exegeting the "legal consequences" inherent to (positivist) international law inevitably makes TWAIL research committed to a "hermeneutics of suspicion". Leiter (1998, pp. 150–51, emphases added) declares the link between a naturalized philosophical inquiry into knowledge with a hermeneutics of suspicion by saying: "When one understands conscious life naturalistically, in terms of its real causes, one contributes at the same time to a critique of the contents of consciousness: that, in short, is the essence of a hermeneutics of suspicion". For TWAIL-ers, hermeneutics of suspicion is vital since it allows the researcher to engage in critical self-reflection by attempting to determine the true meaning of doctrines embodying *jus gentium* and whether they are founded on prejudice or justice. Motivated thus, TWAIL scholars do not claim that positivist scholars have "bad intentions", but instead contend that despite their "good intentions", mainstream scholars are insufficiently aware of their temporal Latin-European bias that underpins their socio-political claims in general, and jurisprudence in particular (Sunter 2007, p. 499). Needless to add then, TWAIL's hermeneutics of suspicion must surely be balanced by an equally strong hermeneutic of self-doubt.

Another important commitment of TWAIL is concerned with deconstructing Latin-Europe's hegemony over time (i.e., temporal positionality) which *a priori* perceives the progression of history as being directed, structured, and based on a linear temporality based on knowledge coordinates situated in, and progressing towards, Latin-European time-zones. Among all political commitments informing TWAIL as an intellectual and political movement, being *anachronic* when reading-to-deconstruct legal-history is perhaps the most important commitment to the whole project upholding TWAIL as a deconstructive, but also reconstructive, approach to International Law. The reason is quite simple; positivist jurists and mainstream legal contextualist have adhered to the temporal idea that the past has no bearing on the present and that the past is not an important causal factor in explaining current injustices (Orford 2012, 2013; Koskeniemi 2011, 2012, 2013). This split in time limits scholarship seeking to highlight a continuum in *jus gentium* (re)formulating legal doctrines that sanction *sovereign-willed* practices of domination and exploitation whether during the Age of Discovery including the Reconquista and Inquisition, or more recently, the war on Arabs informing a "War on Terror" and an "Islamist Winter" in the 21st century. While positivist practitioners perceive time as a linear progression of disconnected moments with the present being the most progressive moment, an anachronic reading of history perceives time as an accumulation of moments and that the present condition of Arab inhabitants of the *Mashreq* and *Maghreb* is contingent on past practices adjudicated and continuously reaffirmed by secular legal doctrines *willed* by sovereign power.

Johannes Fabian (1983) describes the "denial of coevality" or denial of anachronism within ratiocinated Latin-European philosophical theology as the "persistent and systematic tendency to place the referent of anthropology in a Time other than the present of the producer of anthropological discourse" (as cited in Helliwell and Hindess 2013, p. 71; Agathangelou and Killian 2016). Thus, in Latin-European anthropological accounts of

non-Western societies, a temporal difference is bounded to a violent dynamic classifying different cultures as “unsociable”. Consequently, the contemporary Arab as (threatening) Saracen is relegated as lacking dynamism to “progress in time” because they are imagined as embodying cultural mores temporally degenerative thus transmuted into our primitive past ancestor which is an essentialist and deterministic practice *par excellence* central to the formulation of secular-humanist jurisprudent scholastics (Helliwell and Hindess 2013, p. 71).

The essentializing results perceiving peoples as being temporally backward—therefore lacking civil-legal personality—can be deduced from Constantin Fasolt who suggests that “No state could be sovereign if its inhabitants lacked the ability to change a course of action adopted in the past . . . no citizen could be a full member of the community so long as she was tied to ancestral traditions” (Fasolt 2004, p. 7, emphases added). Arab subjects imagined as destined to remain stagnant in the past are perceived as bodies lacking not only “cultural dynamism”, but more importantly, denied sovereignty, therefore, situated “outside” *jus gentium* as irrational bodies ruled by the past, whilst peoples imagined as coeval are perceived as individualized rational free agents naturally attaining the *telos* of history. Therefore, from a Kantian perspective, we can deduce that those who exist in the “present” are seen as agents of knowledge or knowing subjects with whom we cooperate and consult, whilst peoples who exist in the “past” are perceived as objects which are recipients of knowledge because they lack Western modernity’s main protestant Liberal-Capitalist ethic of individualism (Weber 1958; Al-Jabri 1994; Helliwell and Hindess 2013, p. 76; Abou El Fadl 2014). This deterministic and historicist claim stipulating that Arab-Muslim societies are devoid of civilizational ideas and experiences constructing valuable social governing structures is fundamental in revealing the importance of TWAIL’s methodology emphasizing the importance of an anachronic reading of legal-history to deconstruct international law.

Anne Orford defends the commitment of critical legal historians being anachronic to “grasp legal meaning” by accessing a “broader historical archive” stating that “international law is inherently genealogical, depending as it does upon the transmission of concepts, languages and norms across time and space. The past, far from being gone, is constantly being retrieved as a source of rationalization of present obligation” (Orford 2013, p. 175). To tackle this reductionist belief, Orford suggests that the “task of international lawyers is to think about how concepts move across time and space. The past . . . may be a source of present obligations. Similarly, legal concepts and practices that were developed in the age of formal empire may continue to shape international law in the post-colonial era” (Orford 2012, p. 16, emphases added). The *telos* of history being maintained and guarded by an “international” legal regime that valorizes Latin-European cultural mores seeking to transform nonconforming Arab bodies through violence has resumed more explicitly since 9/11, and more recently after the “Islamist Winter” in 2011. The importance in aligning with principles expressed by TWAIL is especially salient when considering that sovereign figures who are members of *jus gentium* (re)formulated legal doctrines in the wake of 9/11 (i.e., PEDS) and the Arab uprisings (i.e., Bethlehem Principles) authorizing redemptive terror measures and operations (i.e., Timber Sycamore, Inherent Resolve) all in the name of aiding Arabs to transition into a non-degenerative temporal present. According to a neo-Orientalist discourse claiming that the Arab uprisings would inevitably metamorphosize into an “Islamist Winter”, the Arab uprisings did not remain a spring but rather became a “fundamentalist winter” because Arabs were constructed as *a priori* figuring a primitive culture denying them coequality with Latin-Europe thus inherently “rationally” incapable of attaining the *telos* of history. Okafor (2005, p. 190) cautions that the humanitarian agitation of former colonizers in the wake of 9/11 equating Arabia with terrorism demands a suspicious stance by “carefully unpacking and resisting the sophisticated and complex process of denial and myth-making that have enabled this deceptive posture of innocence to be maintained”.

### 3. Discussion

#### Arabia is Incapable of Temporally Attaining the *Telos* of History: Neo-Orientalism and Islamophilia Sanitize the *Cause* of “Modern” Arab Barbarism

Consider the following historical legal event on 11 April 2011—while the Arab uprisings were still taking place—by Secretary of State Hillary Clinton during the US-Islamic World Forum at the Brookings Institution. Clinton pessimistically declared her doubts about Arabs being culturally capable of “progressing” (in time) by claiming that it depends on whether they embrace Montesquieu’s “spirit of reform” and whether they make the most “of this historic moment or fall back into stagnation” (Clinton 2011; Ventura 2016). In other words, Clinton is *fond* (-*philia*) of Arab-Muslims and perceives them as “good Muslims” rather than “bad Muslims” only if they shed away what *ratiocinated* jurisprudential scholastics (i.e., liberal-secular positivist law) perceives as an irrational threat (-*phobia*) (Anidjar 2003; Mamdani 2004; Al-Kassimi 2021). Since almost two decades have elapsed from the onset of the War on Terror, and almost a decade since the Arab uprisings of 2011, it has become evident that implicitly reductionist discourses (i.e., human rights, Arabization, democracy, WMD, or minority rights) adopted to legalize a redemptive war conquering Iraq in 2003, have also been (re)deployed and (re)formulated after the uprisings “failed” at becoming a “spring” to target and transform inhabitants of Arabia (Mamdani 2004; Ventura 2016; Hilal 2017; Bennis 2019). It has also become clear that liberal-secular speech actors recognizing that an *ontological temporal difference* between Arabs and the West is “non-existent” (i.e., Obama’s *Vitorian* moment in 2009 Cairo) was simply a *momentary* legal maneuver of “artificial subjective acceptance”. This artificiality in seeming to include Arabs as *equal* sovereign members in *jus gentium* while emphasizing *temporal* cultural differences as legal argument for Arab exclusion from the juridical and social order essentially made possible the extrajudicial *necro* practices on Arab bodies by referencing neo-Orientalist discourses veiling the implicit *terror* involved in “modernizing” Arabia (Altawaji 2014; Al-Kassimi 2021).

The inherent secular-humanist attitude maintaining a culturalist gap between a *modern-Athenian* and a *premodern-Madinian* mode of Being informing *modernity* as a *secular* teleological narrative, and *sovereignty* as a figure who *wills* *jus gentium* into being, is situated in the discursive shift from “Islamophobia” in 9/11 to the recent “Islamophilia” post-2011. While the former narrative imagined Arab space as exclusively inhabited by “bad Muslims” who are passive agents waiting to be saved, the latter constructed Arabs as political subjects who were *fond* of an “Islamist” jurisprudence as their typical preferred *nomos* (Arat-Koç 2014, p. 1657; Ventura 2016). Both discourses are symbiotic and are essentially two sides of the same neo-Orientalist coin with Islamophobia recently dominating the domestic scene (refugee “crisis”) whilst Islamophilia typically directs foreign policy (*pre-emptive* defense strategy) (Arat-Koç 2014; Al-Kassimi 2021). Consequently, Arab inhabitants of the *Mashreq* and *Maghreb*—essentialized as the “MENA region”—are perceived as “temporary subjects” *inside* international law only to showcase that they innately revert to irrational cultural traditions when the “opportunity for freedom and liberty” ascends. In other words, Arabs are temporarily intelligible as not “absolutely irrational” only to highlight that they “introspectively” revert to despotism because their “fatalist” cultural dynamics are figured in secular-humanist public discourse and foreign policy as *constituting* an *inclusive exclusion* body (i.e., *muselmann/refugee*) for the coherence of *jus gentium*. Arat-Koç at Ryerson University in Canada argues that while:

*Islamophobia continues to shape some domestic policies of Western states and provide ideological justification for the wars they wage abroad, ‘Islamophilic’ tendencies in foreign policy have also emerged, especially in responses to the ‘Arab Spring’. Not clearly noted in Western public discourse, this represents a historical continuation of Western support for Islamism common during the Cold War, but is also a shift from the Islamophobic discourse of the post-cold war period, especially since 9/11. While Islamophobic and Islamophilic discourses may appear to be opposites ... they represent two sides of the Orientalist logic, continuing to reduce understanding of*



Middle Eastern societies and politics to a *culturalist dimension*. Unlike *traditional Orientalism*, they treat Middle Eastern people as *political subjects* but *approach* them as *defined* by their *culture and religion* (Arat-Koç 2014, p. 1656, *emphases added*)

Marc Lynch from the Carnegie Endowment for International Peace—remembered for coining the term “Arab Spring” and perpetuating the neo-Orientalist narrative of “despotism”—is of the opinion that 2011 was a moment where it “looked as if the *old* Middle Eastern *order* was coming to an *end* and a *new* and *better* one was taking its place”. However, he continues by mentioning the cognitive lapse inherent in Arab civilization *temporally* degenerating by declaring that “the *new order* is fundamentally one of *disorder*” (Lynch 2018, *emphases added*). Similarly, Seth G. Jones, currently the senior advisor of the Centre for Strategic and International Studies (CSIS) and former director of the Defense Policy Center at the RAND Corporation, generalizes all countries with a majority Muslim population as being “ISIS” and reported that the prospects in the Arab world of Arab-Muslims “awakening to democracy” after the “Arab Spring” is a “mirage” because of the prevalence of a “model of governance that erodes the kind of long-term and inclusive stability the region desperately needs . . . in place of a functioning government, the countr[ies] host a patchwork of warring militias that are unaccountable, poorly organized, and deeply fractured” (Jones 2013, 2016, 2017)<sup>15</sup>.

This reductionist neo-Orientalist narrative is problematic as it claims that Arabs reverted to chaos and barbarism because of an inherent culturalist vector linking Arabs and Islam to terrorism without questioning the myriad “modern” origins and sources of terrorism, thus legalizing in the process the violence and domination of “liberal interventionism” or “imperial lite” supposedly vital in transforming Arabs into “orderly” subjects. These neo-Orientalist discourses transforming culturalist imaginaries into legal differences claiming that the uprisings would definitely develop into a chaotic and barbaric episode—thus making *visible* the continued *invisibility* of Arabs to *jus gentium*—is also articulated by Culbertson who in a *Macaulayan spirit*<sup>16</sup> mentions that the Arab uprising was a failure because while it attempted to develop a written “constitution”—a marker of Latin-European modernity—“the region was lacking in the *education systems* to *prepare* people to fully participate in democratic societies” and blending both “*democratic values* and *Islamist values*” was a major failure (Culbertson 2017, *emphases added*). The neo-Orientalist idea stipulating that the “Arab mind” is inherently incapable of rational and secular epistemic cognition is evident in Kramer’s *Arab Awakening and Islamic Revival: The Politics of Ideas in the Middle East* when he quotes former American ambassador to the United Nations and foreign policy advisor Jeanne Kirkpatrick as having said “The Arab world is the *only* part of the world where I’ve been *shaken* in my *conviction* that if you let the *people decide*, they will make fundamentally *rational* decisions. But *there*, they *don’t make rational decisions*, they make *fundamentalist ones*” (as cited in Kramer 1996, p. 269, *emphases added*). Kramer (2007, 2013) conforms to this neo-Orientalist iteration by explicitly blaming Arab culture for the failings of the Arab uprisings not *temporally* transitioning to Western modernity in a conference entitled the *Arab Crisis*<sup>17</sup>. Kramer (2013, *emphases added*) mentions that the *momentary* “Arab Spring” became an “Islamist Winter” because of a:

a crisis of *culture*. That is to say, it is more than a political or social or economic crisis. Of course, it has elements of all of these things, but at its most fundamental,

<sup>15</sup> It is important to note the cultural relativist consequences of naming the terror of ISIS “Islamic”. This could assume that any society informing Arab civilization that existed (i.e., Umayyad, Abbasid, Osmanli, and Mughal) and/or used “Sharia” as its philosophical theological *nomos* invariably reverts to violence and terror to consolidate power. Secondly, it assumes that ISIS is *actually* “Islamic” and is following Islamic Jurisprudence. Thirdly, it neglects and negates the importance of Arab-Islamic metaphysical and theological heritage emerging during the Abbasids, Umayyads, Mamluks, and Osmanlis aiding in the development of Latin-European philosophical theology as highlighted in the cultural traffic between the Toledo School of Translators, the Salerno School, or the House of Wisdom.

<sup>16</sup> Here I refer to Thomas Babington Macaulay’s famous minutes known as “Minute Upon Indian Education” of 1835 where he argues the supposed natural inherent inferiority of Arab epistemology, for instance, compared to European civilization.

<sup>17</sup> Martin S. Kramer has in the past and present declared that critics of neo-Orientalism have contaminated Middle Eastern Studies because it is “dirt” that “swept the general field of the humanities and created the faux-academic discipline now known as post-colonialism” (Kramer 2007, p. 63).

it is a *crisis of culture* . . . the implosion of the *hybrid civilization* that dominated the twentieth century in the Arab world. That hybrid was the *defensive, selective adaptation of Islamic traditions to the ways of the West*. The idea was that the *tradition* could be preserved, that its essence could be defended, while making adjustments to *modernity* as needed. The *timeless* character of the political, religious, and social traditions of the region could be upheld, even as upgrades were made to *accommodate modernity* . . . This *hybrid civilization* pretended to be *revolutionary*, but it permitted the survival of those *pre-modern traditions* that *block progress*, from *authoritarianism* and *patriarchy* to *sectarianism* and *tribalism*. This *hybrid civilization* has now failed, and what we have seen is a *collapse, not of a political system, but of a moral universe left behind by time*.

The historical reductionism of Kramer and Kepel is a reminder that the “culture talk” perpetuated after 9/11 to sanction defensive imperialism informs the discursive structures of the “Islamist Winter” of 2011 and the succeeding legal reformulations adopted to sanction extrajudicial practices (Al-Kassimi 2021). Both scholars claim that as “the revolutions spread from *homogeneous* countries to more *segmented* ones, they have rekindled not a *spirit of Arabism*, but one of *sectarianism, regionalism, and separatism*” (Kramer and Kepel 2011, emphases added). Here we notice that the discourse perpetuated after 9/11 emphasizing Arab culture naturally negating democracy and modernity (i.e., *islamophobia*) is adopted and (re)formulated during the uprisings of 2011 by emphasizing that the failure of the uprisings is linked to the temporal positionality of Arab civilization (i.e., *islamophilia*). This essentialist generalized assumption claims that Arab *temporal* primitiveness inevitably led to the “Arab Spring” developing and/or bringing to the forefront the irrational and chaotic “*jihadists*” inhabiting Arabia who inescapably transformed the “Spring” into an “Islamist Winter”. Kramer and Kepel—similar to Bernard Lewis (Lewis 1993) and Samuel Huntington—represent a network of influential academics located in the North and South who develop(ed) and continue(d) to perpetuate the myth of Arabs and Islam being an ontological threat to secular-humanist epistemology and that the Arab uprising became an “Islamist Winter” because of a Manichean vision of a timeless modernized European, and a perpetual awkward and violent Eastern Arab *Saracen* (Kerboua 2016, p. 14)<sup>18</sup>. These (neo)-Orientalist scholars early on during the uprising expressed that Arabs will not be capable of progressing from their anti-democratic and anti-modern cultural predispositions by grounding their hubris on the “Arab mind” embodying faculties susceptible to *genocide*.

The benevolent humanitarian discourse adopted by neo-Orientalists to operationalize the Bush Doctrine of chaos—as it unfolded in 2003 and after the uprising in 2011—suggests that *these* premodern “Islamist” Arab spaces, once defeated, must be transformed into democratic states emitting (Western) civil *temporal* coordinates (Anghie 2004; Altwaiji 2014; Borg 2016; Ventura 2016; Al-Kassimi 2021). Democratic peace theory and its (il)liberal humanitarian interventionism play a crucial dual role in this process: it “liberates” oppressed Arab people of “Islamist States” followed by the formation of “law-abiding societies” that would be allies rather than threats to hegemonic centers of power. Formulations of democratic peace theory suggest that *democratic sovereignty* is superior to all other ideologies of governance and that “recognized democratic sovereigns” were more likely to uphold laws situated in *jus gentium* (Anghie 2004; Al-Kassimi 2021). Therefore, the importance in emphasizing Islamophobic and Islamophilic narratives dominating contemporary analyses of the *Mashreq* and *Maghreb* region post “Arab Spring” is accentuated when we notice that the *redemptive* measures legally performed by the Bush Doctrine in 2003 Iraq were legally (re)activated by Obama’s administration in the early days of the “momentary Arab awakening to democracy” in 2011 through reformulations of International Law (IL) under legal doctrines known as the Bethlehem Principles.

<sup>18</sup> These include amongst others: Robert Spencer, Pamela Geller, Lindsey Graham, David M. Friedman, Jared Kushner, David Horowitz, Phyllis Chesler, Daniel Pipes, Irshad Manji, Ayaan Hirsi Ali, Ibn Warraq (b. 1946), Nabil Khalife, and Wafa Sultan.

As will be discussed below, in three interrelated sections, the Bethlehem Principles make “defensive imperialism” legally palatable since Arabs have been essentialized for over a millennium as posing an epistemic threat inevitably *clashing* with Latin-European civilization. The principles are informed by a liberal-secular lexicon including concepts such as democracy, minority rights, human rights, civil society, and responsibility to protect (R2P), to operationalize a civilizing mission with an objective of eliminating “democratic deficiency” and solving a “cultural crisis”. The Arab world through the principles is perceived as *constituting* a lawless, backward, and unacculturated space situated in a *pre-discursive* (temporal) epoch where sovereign figures are encouraged to adjudicate a *pre-emptive* war based on (deterministic) *information* rather than (historical) *evidence*. Such doctrines adjudicate exceptional measures in the form of hiring *death squads* exerting the power to dominate and dispose of Arab bodies thus depriving them of *life*. These legal doctrines reveal the Godless hubris of culturalist differences continuing to be recognized and used as legal differences to adjudicate doctrines that highlight *jus gentium* remaining *exclusionary* rather than *inclusionary*.

Stressing the bodily *necro* consequences of “Islamist” discourses transforming Arab space into a *necropolis* discloses how essentialist representations of Arabs and Muslims, and the destructive transformation that compromised and humiliated Arab inhabitants rendering them *life-less* or objects of sovereignty, are important demonstrative realities revealing the inherent violence of a secular-humanist *ontic* willed by a *non-transcendental* sovereign figure reifying positivist jurisprudence and its naturalized (desacralized) assumptions. Western sovereign figures finding it necessary to create conditions conducive in producing *life-less* Arabs—by disregarding the barbaric consequences of hiring *death squads à la conquistador*—discloses the inherent exclusionary tendency of *jus gentium* since it consistently finds it necessary to (re)formulate legal doctrines valorizing a neo-Orientalist mode of representation, thus (re)affirming the inherent *violent* genealogical continuity of sovereignty as a positivist legal concept. Therefore, the carnage and displacement of Arabs is perceived as “constructive consequences” for *ratiocinated* philosophical theology to continue to maintain its constituted identity and its universal position for its *Self* and its values (Nyers 2006; Pahuja 2011). The *telos* of history being a secular-humanist modernity claiming *subjective truths* as superior rational to *objective Truth* identifies the *earthly chaos* ensuing following the hiring of *death squads* sacking Arab capitals in 2011 as *constructive materiality* rather than *principally immoral* because transforming a mentally irrational space requires chaotic and disorderly *means* to attain the *ends* of history. This is manifest with sovereign figures selecting the “death squad” option accenting operation Timber Sycamore to assist in the “purification” and “evolution” of “Arab Islamist” objects into subjects conforming to *reason-able* cultural mores.

#### 4. Results

##### 4.1. The “Islamist” Winter and Neo-Orientalism after 2011: Adopting the Reductionist Discourse of the Bush Doctrine to Sanction Redemptive Intervention in Arabia

The Council on American–Islamic Relations (CAIR) complained in late 2012 that the AP (Associated Press) definition of “Islamist” as a “supporter of government in accord with the laws of Islam [and] who view the Quran as a political model” is a pejorative shorthand for “Muslims we don’t like” (CAIR 2013). Scholars critical of neo-Orientalist discourses expressed concern over the use of the term “Islamist terrorism” by mentioning that it is not ethical to use the term Islamist and terrorism side by side since such combination of terms assumes that Islam either *is* or *excuses* terrorism (Mamdani 2004; Altwaiji 2014; Tausch et al. 2018). Ibrahim Hooper—CAIR’s National Communications Director—stated that “the key issue with the term ‘Islamist’ is not its continued use; the issue is its use almost exclusively as an ill-defined pejorative” (Byers 2013). The revision of the term Islamist by the AP read as follows “An advocate or supporter of a political movement that favors reordering government and society in accordance with laws prescribed by Islam. Do not use as a synonym for Islamic fighters, militants, extremists or radicals, who may or may not be Islamists. Where possible, be specific, and use the name of militant affiliations:

al-Qaida-linked, Hezbollah, Taliban, etc. Those who view the Quran as a political model encompass a wide range of Muslims, from mainstream politicians to militants known as jihadi” (Byers 2013)<sup>19</sup>.

CAIR (2013) commended the AP decision in a statement by declaring that “we believe this revision is a step in the right direction and will result in fewer negative generalizations in coverage of issues related to Islam and Muslims”. However, it is important to notice how the reformulation by AP reveals how Islamophobia and Islamophilia are two sides of the same neo-Orientalist coin. For instance, Hezbollah—an elected political party in the Arab-Lebanese government and a guerilla group—is identified as a terrorist group not because it contested hegemonic imperial policies in Arabia, but first and foremost because it is an Arab-Muslim majority organization<sup>20</sup>. Similarly, the Taliban are perceived as a terrorist group not because they contested U.S. and Soviet hegemony in Afghanistan, but primarily because it is a Muslim majority organization hence the image of “Arab-Afghan” *mujahedeen*<sup>21</sup>.

The pejorative term “Islamist” gained recognition during the Cold War with the U.S. and Europe associating the term “Islamist” with “Islamic” prototype fighters derisively named *mujahedeen*<sup>22</sup> (Mamdani 2002, 2004; Chossudovsky 2015; Al-Kassimi 2019, 2021). However, it was the Bush doctrine following 9/11 that revived the term “Islamist” with the Bush administration seeking to give legal justification for the Iraq war by claiming Iraq harbors and is inhabited by “Islamist terrorists” sponsored by AQI (Kaválek 2015). The importance of tracing the term “Islamist” back to the 2003 pre-emptive war in Iraq—before we discuss (secular-humanist) sovereign figures adjudicating the Bethlehem principles using an “Islamist threat” discourse after 2011—is heightened when we notice the fear of “Islamists” becoming in 2003 the preferred neo-Orientalist discourse adopted by the Bush administration to describe, and in the process, *redeem* Arabia (Mamdani 2004; Altwaiji 2014; Kaválek 2015; Ventura 2016).

The term “Islamist” linking Arab-Muslim civilization with terrorism and the violation of *just war* after 2011 is reminiscent of the legal discourse expounded by the Bush adminis-

<sup>19</sup> While Hezbollah has exercised fundamentalist politics as identified in their brigades located in Lebanon, Syria, Iraq, and Yemen, this does not necessarily mean that Hezbollah is a *bona fide* terrorist organization embodying an “evil shari’a”. Similarly, Taliban is an organic Afghani political and guerilla movement that sought to contest US and Soviet hegemony, its violation—at times—of the rights of Afghani citizens during different historical junctures is not because the movement is “Islamic”. In February 2020, the Doha Agreement between the Taliban and the U.S.—including other EU and Arab powers—was signed and a U.S withdrawal after 14 months was agreed upon. In August 2021, the U.S. initiated its withdrawal from Afghanistan by adopting an “Islamist” narrative mythologizing the cause of violence occurring in Afghanistan (i.e., violation of women rights, freedom of speech, etc.) while completely disregarding the social, political, and economic consequences destroying Afghani society for over two decades since the initiation of a pre-emptive war in 9/11 with the help of local Afghani *compradors* (i.e., Hamid Karzai, Ashraf Ghani, etc.) and *death squads*. President Biden stated on 16 August 2021 that “Our mission in Afghanistan was never supposed to have been nation building. It was never supposed to be creating a unified, centralized democracy. Our only vital national interest in Afghanistan remains today what it has always been: preventing a terrorist attack on American homeland” (Biden 2021). In Biden’s speech, we notice Islamophobic and Islamophilic discourses reaffirming our previous discussion. According to his speech act, after two decades, Afghani’s were incapable of adopting temporal coordinates accenting Western modernity (i.e., democracy and the arts of war) since they are fond of an “Islamist” ideology. This developing topic is the subject of future research.

<sup>20</sup> In January 2020, the UK and three other countries joined the U.S. in blacklisting Hezbollah by identifying the whole movement as a “terrorist” organization (AFP 2020). Brian Hook, the U.S. special representative for Iran, stated that the Trump administration was “very pleased” with the decision of the UK adding that it had long been seeking such a move from European allies (AFP 2020). Most importantly, he stated that “there is no distinction between Hezbollah’s political arm and its military arm” (AFP 2020).

<sup>21</sup> On 29 February 2020 the U.S. and the Taliban signed a peace deal agreement in Doha, Qatar stating that the U.S. would withdraw its troops from Afghanistan in a period of 14 months only if the Taliban can guarantee that Afghani soil will not be used as a launchpad for Al-Qaeda or Islamist combatants. Refer to fn.19.

<sup>22</sup> In Arabic, *Mujahed* (مجاهد) is defined as a person engaging in a struggle. However, in modern usage the term has strictly been adopted in a pejorative sense by equating it with terrorism and (un)holy actions.



tration following 9/11 to sanction a “democratization mission” in Iraq<sup>23</sup>. Essentializing Arab political space by perceiving it as a natural fertile space for terrorism is exemplified in a *National Review* article released on 13 February 2003 describing Al-Zarqawi’s “jihadi terror” as being linked to his “Arab-Muslim” identity (Alexe 2005; Chossudovsky 2004, 2005, 2015; Kaválek 2015; Dostal 2018). Furthermore, neo-Orientalist deductions informed by Islamophobic and xenophobic inclinations are also identified with Oriental and Occidental knowledge centers associating Arab civilizational concepts such as *Sharia*, *Salafi*, *Jihad*, *Caliphate* and historical Arabic *nom propre* such as *Omar*, *Ali*, *Abu-Bakr*, *Uthman*, and *Mohammed* with barbarism and terrorism<sup>24</sup>. Not only that, the preferred strategic doctrines elicited to fight “Islamist terrorists” whether in Iraq in 2003 or following the Arab uprising in 2011 was to hire and authorize PMC’s or “private terrorists” such as Blackwater and Aegis further exacerbating sectarianism in Arabia. These groups were involved and implicated in training, and/or extending logistics to former “Arab-jihadists” (now ISIS members) who are the primary agents of violence involved in pillaging Arab cities and capitals, killing civilians, and eliciting the *pathos* of fear needed to forcibly displace Arabs (Chossudovsky 2015, 2016; Kaválek 2015; Al-Kassimi 2015; Kleib 2019; Raimbaud 2019).

According to Erik Prince’s memoirs, the objective of hiring and developing a “private army” in 2003 Iraq was to liberate Arab-Iraqi “barbarians who crawled out of the sewer” which he identifies as the “chanting barbarians American troops were sent to liberate” (Prince 2013; Hasan 2019). Therefore, Iraq is denied sovereignty and perceived as a *geographic* space receptive to *terror* rather than a political *society* because it embodies Arab-Muslim civilizational mores equated with “barbarism”. However, the danger of such Arab-Islamist discourse is accentuated not only in that it generalizes the Arab region as being inhabited by “bad Muslims”—since you do not “liberate” terrorists—but that it is a culturalist discourse transformed into a *legal* threat. This legal threat is *pre-emptively* neutralized by privatizing violence through the authorization and acquisition of “terrorists” (i.e., *death squads* or *PMCs*) that according to the U.S. State Department are “above the law” and free to adopt—while retaining *legal* immunity—any measures necessary to neutralize threats embodying “Arab-Jihadist” tendencies (Chossudovsky 2015, 2016; Dostal 2018; Hasan 2019; Kleib 2019; Raimbaud 2019).

I equate and designate violence conducted by PMCs<sup>25</sup> with terror(ism) exercised by “Islamist” *death squads* involved in ISI/AQI/ISIS because both categories inform agents of violence that act as *conquerors* rather than *liberators* (Scahill 2007; Dostal 2018; Kleib 2019; Hasan 2019). Whether an “Arab-Islamist” or “Blackwater Privateer”, both have been directly implicated in numerous massacres and terror practices exacerbating sectarian violence in the Arab world especially following the “Islamist Winter” of 2011 (Scahill 2007; Singer 2007; Dostal 2018; Hasan 2019; Al-Kassimi 2021). Peter W. Singer writes in 2007 that the U.S. Army found that contractors such as Titan and CACI were involved in 36% of abuse incidents relating to the Abu Ghraib prison scandal (Singer 2007). He also highlights events relating to Blackwater and Aegis “private soldiers” firing indiscriminately on Arab-Iraqi civilians during “joyrides” in Baghdad and other cities (Singer 2007). This led an official in the Iraqi Interior Ministry to declare that private military contractors “consider Iraqis like animals, although actually, I think they may have more respect for animals. We have seen what they do in the streets. When they’re not shooting, they’re throwing water

<sup>23</sup> On 5 February 2003 Colin Powell declared at the UN Security Council that “Our concern is not just about these illicit weapons; it’s the way that these illicit weapons can be connected to terrorists and terrorist organizations...But what I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the Al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network, headed by Abu Musaab al-Zarqawi, an associate and collaborator of Osama bin Laden and his Al Qaeda lieutenants . . . One of his specialties and one of the specialties of this camp is poisons . . . the Zarqawi network helped establish another poison and explosive training center camp, and this camp is located in Northeastern Iraq. We are not surprised that Iraq is harboring Zarqawi and his subordinates. This understanding builds on decades-long experience with respect to ties between Iraq and al Qaeda”. (Chossudovsky 2004, 2015)

<sup>24</sup> At the time of writing, Abu-Bakr Al-Baghdadi—the *nom de guerre* of the proclaimed leader of “Islam” and the “Islamic State”—was pronounced once again as deceased. He was replaced with Abu Ibrahim al-Hashimi al-Qurashi.

<sup>25</sup> Also known as “Bush’s shadow army” (Scahill 2007).

bottles at people and calling them names. If you are terrifying a child or an elderly woman, or you are killing an innocent civilian who is riding in his car, isn't that terrorism?" (Singer 2007). Journalists such as Fahmy Howeydi equated the terror of hired private military contractors to Al-Qaeda mercenaries by stating that they represent groups that proliferate chaos and an "army that seeks fame, fortune, and thrill, away from all considerations and ethics of military honor" (Singer 2007). One can readily notice how the terror of "private mercenaries" being "above the law" is similar to the sovereign authorized legal violence endowed to privateers/pirates involved in *conquistador* exhibitions sanctioned during the "Age of Discovery" (Thomson 1996; Anghie 2004; Al-Kassimi 2015).

Important for our discussion on the "Islamist Winter" of 2011 is that "Islamist leaders" supposedly representing a (pseudo) "Caliphate" in Iraq and Syria prior to and succeeding 2011 were revealed through declassified documents as individuals whose actions were exaggerated and mythologised (Chossudovsky 2004, 2005, 2015; Mamdani 2004; Ricks 2006; Yates 2007). Recent declassified documents reveal that Al-Qaeda in Iraq (AQI) headed at different times by leaders known to the world by their *nom de guerre* such as Abu-Musab Al-Zarqawi (d.2006?), Abu-Omar Al-Baghdadi (d.2010?), and Abu-Bakr Al-Baghdadi (d.2019?) not only flourished under the surveillance of the U.S., France, and Britain in Northern Iraq since a no-fly zone was declared in 1991 (Chossudovsky 2004, 2005, 2015; Alexe 2005; Kaválek 2015; Kleib 2019), but that they were "fictitious" figures with their affiliations with "Al-Qaeda" being "just a front" used to propagate the "fear of Islamists" striking secular civilization (Ricks 2006; Yates 2007; Chossudovsky 2015; Raimbaud 2019; Kleib 2019). Back in 2007, Brigadier-General Kevin Bergner explicitly declared—using AQI operative Khalid al-Mashadani as his source—that the "Islamic State of Iraq is a front organization that masks the foreign influence and leadership within al Qaeda in Iraq in an attempt to put an Iraqi face on the leadership of al Qaeda in Iraq" (Yates 2007)<sup>26</sup>.

According to Mamdani (2004); Ricks (2006); Chossudovsky (2015) and Kleib (2019), while the "Islamist military propaganda program" cost the U.S. state department over \$24 million by largely being aimed at creating distorted images of Arab-Iraqi citizens as being "Arab jihadists" thus justifying pre-emptive war, a briefing prepared by Army General and top U.S. commander in Iraq George W. Casey Jr. stated that the American "home audience" was one of six major targets of the American side since a pre-emptive war demands a "good scoop" (Ricks 2006). The bodily violence committed on Arab bodies made possible by a "good Islamist scoop" is made evident when we consider a report released in November of 2005 by the US Joint Special Operations University (JSOU) entitled *Dividing Our Enemies* noting the importance of psychological operations (PSYOP) promoting AQI's "Islamist" ideology to "defeat it" (Ahmed 2014; Kaválek 2015; Dostal 2018). The report highlights how PSYOP "warriors crafted programs to exploit Zarqawi's murderous activities—and to disseminate them through meetings, radio and television broadcasts, handouts, newspaper stories, political cartoons, and posters" thus pinning different religious sects against each other (Ahmed 2014, 2015c, 2015d; Kaválek 2015). For instance, the U.S. operation in 2004 Fallujah, Iraq, was largely justified using the "Islamist threat" of Al-Zarqawi *death squads* having ambushed Blackwater even though it was later confirmed by U.S. intelligence agencies that the ambush was conducted by local Arab-Iraqi citizens resisting terror activities conducted by PMC and Al-Qaeda terrorists (i.e., shooting joy rides, torture, kidnapping, and massacres) (Scahill 2007; Singer 2007; Ahmed 2014; Chossudovsky 2015; Hasan 2019). The myth of an "Islamist threat" in Fallujah was used as *casus belli* for the U.S. and contracted terrorists to justify the use

<sup>26</sup> General Kevin Bergner went as far as to state that "Abu Omar al-Baghdadi, leader of the self-styled Islamic State of Iraq...did not exist" (Yates 2007). On 28 December 2019, a lawsuit against U.S. military contractors claims that firms paid "protection money" to private military contractors and terrorist groups. According to Ryan R. Sparacino, a lawyer representing plaintiffs stated that the "Anti-Terrorism Act complaint alleges that eight large multinational corporations, most of which are American, regularly paid 'protection payments' to the Taliban (including the Haqqani Network) which were designed to boost the companies' profits redirecting violence away from their own business interests, We believe plaintiffs bore the consequences". Over 40% of funds extended by organizations such as USAID, DAI, and Louis Berger from 2007 to 2009 ended up in the pockets of terrorist groups (RT 2019).

of white phosphorous, cluster bombs, and indiscriminate strikes that pulverized over “50,000 homes”, killing “nearly a thousand civilians”, terrorizing at least half a million inhabitants into forced displacement, and culminated in an increase in birth defects caused by cancer and environmental consequences of the operation (Scahill 2007; Ahmed 2014)<sup>27</sup>.

It is important to recall that after the operation, the threat of “Islamist fanatics” striking “Western” civilization by developing a “Caliphate” became a symptomatic narrative the U.S. administration adopted seeking to justify its pre-emptive war disguised as a “humanitarian mission” in the Arab world. On 5 December 2005 former Defense Secretary Donald Rumsfeld clairvoyantly declared that “Iraq would serve as the new base of a new *Islamic caliphate* to extend throughout the Middle East and which would threaten legitimate governments around the world . . . This is their plan. They have said so” (as cited in Acharya 2007, p. 281, emphases added). Similarly, former Vice President Dick Cheney predictively stated in 2005 that Islamists “talk about wanting to *re-establish* what you could refer to as the seventh-century *Caliphate* to be governed by *Sharia Law*, the most rigid interpretation of the *Koran*” (Bumiller 2005; Acharya 2007, p. 282, emphases added). Motivated thus, the neo-Orientalist mythical narrative perceiving the Arab world as gradually becoming more “Islamist” is imperative for our next discussion which seeks to emphasize how *speaking* of the threat of “Islamists” while *funding* “Islamists” through operation Timber Sycamore is a *raison d’être* adopted to (re)adjudicate a redemptive privatized war. Therefore, the essentialization of terms such as *Caliphate* and *Sharia* while perpetuating an imaginary figuring a “savage Arab” is important to keep in mind when seeking to deconstruct how such culturalist differences were transformed into legal differences to (re)formulate legal principles known as Bethlehem thereby sanctioning a defensive imperial war in the Arab world after 2011.

#### 4.2. The Legal Principles of Bethlehem—A Legal Conduit Decriminalizing and Stimulating the Terror of the Bush Doctrine

While it seemed that former U.S. President Obama was in disaccord with the Bush Doctrine claiming that there is an unbridgeable cultural gap between civilized (western) liberal-secular values and *jāhiliyyah* cultural mores, it nonetheless became evident that Obama’s *Vitorian* moment seeming to “appeal to sameness while recognizing difference” was essentially a legal manoeuvre emphasising the continuous *inclusive exclusion* nature of *jus gentium* (Anidjar 2003, 2014; Al-Kassimi 2021). Obama’s administration along with the Attorney-General of the UK and Australia explicitly endorsed the Bush Doctrine by 2012 (Feaver 2013; Goldsmith 2016a, 2016b, 2016c; Kattan 2018). Amongst western governments, the U.S and the UK were among the first sovereign states to qualitatively describe the successor of AQI and ISI—known as the *Islamic State of Iraq and Syria* (ISIS)—as an “Islamic” organization seeking to establish a “Caliphate” based on “Sharia” with an objective of targeting (Western) secular-humanist “progress” (Dostal 2018; Majozi 2018; Bassil 2019; Al-Kassimi 2021).

This reductionist choice of words led to widespread international condemnation from the North and South since it effectively equated all Arab civilizational values and Islamic jurisprudential schools with barbarism, and its adherents, as terrorists (Mark 2015; Majozi 2018; Bassil 2019). Amid criticism, President Obama and Prime Minister Cameron had to modify their “choice of words” with Cameron advising British parliament to start identifying the organization as “DAESH” rather than “ISIS” or “ISIL” (Mark 2015; Majozi 2018). He said, “I feel it is time to join our key ally France, the Arab League, and other members of the international community in using as frequently as possible the terminology *DAESH* rather than *ISIL*. Because frankly this *evil death cult* is neither a true representation of *Islam* nor is it a *State*” (IBT 2015, emphases added; Majozi 2018; Bassil 2019). Western executives doubling down on their latent reductionist categorization—effectively characterizing Arab space as breeding “Islamic-terrorists”—was driven for two

<sup>27</sup> Contrary to hegemonic media centers framing Fallujah, Anbar, and Tikrit—amongst other areas—as “Islamist enclaves”, these cities included Arab-Iraqi civilians from all religious persuasions who early on during the U.S conquest of Iraq in 2003 engaged in some of the fiercest resistance.

simple reasons (Bassil 2019, p. 90). First, pronouncing *DAESH* in English is literally the Arabic pronunciation and translation of the acronym *ISIS* and/or *ISIL*. That is, the pronunciation of *DAESH* in English is the acronym د.ع.ا.ش in Arabic which literally reads *الدولة الإسلامية في العراق والشام* or *Islamic State of Iraq and Syria/Levant* in English. Secondly, since 9/11 and more so after 2011, discourses and legal doctrines articulated and developed by Western political executives consistently describe the Arab world through an “Islamist lens” and adopt neo-Orientalist imaginaries to operationalize legal doctrines based on a “humanitarian” discourse to adjudicate another episode of *redemptive* (il)legal warfare (Mamdani 2010; Majozi 2018; Bassil 2019).

On 1 April 2016, Brian J. Egan—US State Department legal adviser—announced that the Obama administration had endorsed and adopted legal principles listed in Sir Daniel Bethlehem’s article published in 2012 in the *American Journal of International Law* (AJIL). Egan informed the audience at the American Society of International Law (ASIL) that “when considering whether an armed attack is imminent under the *jus ad bellum* for purposes of the initial use of force against a particular nonState actor, the United States analyzes a variety of factors, including those identified by Sir Daniel Bethlehem in the enumeration he set forth in 2012” (as cited in Kattan 2018, p. 98, emphases added). The words of Brian Egan prompted American international lawyer Jack Goldsmith—former Assistant Attorney General for the Office of Legal Counsel (2003–2004)—to mention that the endorsement of the principles enumerated by Sir Bethlehem highlights Obama’s embrace early on during his presidency of the pre-emptive legal doctrines enumerated in the National Security Strategy (NSS) of the Bush Doctrine (Goldsmith 2016c; Gross 2017; Kattan 2018).

According to Sir Daniel Bethlehem—former legal adviser at the UK Foreign and Commonwealth Office—the NSS articulated by the Bush administration “invented *new language* and, in doing so, suggested that the United States was *moving away*, with *deliberate thought* and *careful consideration*, from *established tenets of international law*” (Bethlehem 2016, emphases added). In Bethlehem’s publication of the principles, he clearly highlights that the debate about the scope of sovereign state’s right of self-defence against armed attacks by non-state actors “predates 9/11”, but that the attacks gave it “operational urgency” (Bethlehem 2012, p. 770). This is reminiscent of Condoleezza Rice—following the publication of the NSS-2002—demanding an explicit pre-emptive defense strategy to fight “Islamists” threatening Western civilization. She explicitly mentions in relation to “Islamist terrorist networks” that “new technology requires new thinking about when a threat becomes ‘imminent’ . . . if there is rattlesnake in the yard, you don’t wait for it to strike before you take action in self-defense” (Rice 2002). Therefore, the Bethlehem Principles like the Bush Doctrine (re)affirms the violent positivist juridical mechanism(s) of *sovereignty* and attempts to rejuvenate a parallel objective—albeit with different technical legal maneuvers—in *banning* the Arab body from the juridical and social order by making *redemptive* extrajudicial practices *law*. The principles legalizing pre-emptive measures on Arab bodies after 2011 became *law* with the U.S., UK, Israel and Australia explicitly endorsing Principle 8 which claims that:

... whether an armed attack may be regarded as ‘imminent’ will fall to be assessed by reference to all relevant circumstances, including (a) the *nature* and *immediacy* of the threat, (b) the probability of an attack, (c) whether the anticipated attack is part of a concerted pattern of continuing armed activity, (d) the likely scale of the attack and the injury, loss, or damage likely to result therefrom in the absence of mitigating action . . . *The absence of specific evidence of where an attack will take place or of the precise nature of an attack does not preclude a conclusion that an armed attack is imminent for purposes of the exercise of a right of self-defense, provided that there is a reasonable and objective basis for concluding that an armed attack is imminent* (Bethlehem 2012, pp. 776–77, emphases added).



The speech act delivered by UK Attorney General J. Wright in 2017 entitled *Modern Law of Self-Defense* explicitly draws upon Principle 8 and is quite similar to the speech act articulated by UK Attorney General Lord Goldsmith in 2004 during Tony Blair's ministerial tenure who specified that "the concept of what constituted an 'imminent' armed attack will develop to meet new circumstances and new threats ... it must be right that states are able to act in self-defence in circumstances where there is evidence of further imminent attacks by terrorist groups, even if there is no specific evidence of where such an attack will take place or of the precise nature of the attack" (Goldsmith 2004; emphases added; Gross 2017; Kattan 2018). Sir Daniel Bethlehem belongs to a school of thought that highlights 9/11 rekindling a longstanding legal debate concerned with addressing the issue of whether the UN Charter remained sufficient in addressing "modern" threats such as terrorism and whether a different law was required to address "new" threats (Bethlehem 2012, 2016). While Bethlehem has explicitly mentioned that he is "deeply uncomfortable with the neo-con view of the world", he nonetheless has "long been persuaded of the inadequacy of the law and of international institutions to coherently address and control the use of force" (as cited in Kattan 2018, p. 113). According to Bethlehem, the legal principles adhered to by the U.S. and the EU to advance a legal argument for the war on terror were "informed by detailed discussions over recent years with foreign ministry, defense ministry, and military legal advisers from a number of states who have operational experience in these matters" (Bethlehem 2012, p. 774, 2016; Gross 2017; Kattan 2018).

Regardless of how the principles came to being, the principles pay homage to positivist jurisprudence and the culturalist idea that *temporal positionality* is an appropriate legal argument to sanction a pre-emptive war based on reductionist *information* rather than historical *evidence*. This is explicitly revealed in Principle 8 in the way it attempts to "reinvent the Bush doctrine" of defensive imperialism by bringing it through the "back door" (Kattan 2018, p. 131). To understand this legal maneuver, one needs to evoke Obama's Vitorian moment identified in Cairo attempting to eliminate the ontological threat between Arabs and the West by recognizing cultural similarities, while at the same time using this seemingly inclusionary act of including the Arab world as member of *International Society* to exclude them by reverting to their *temporal positionality*. The rejuvenation of the *inclusive exclusion dispositif* of *jus gentium* is identified in the Bethlehem Principles in how it (re)formulates international law by defining "immanence" in a way that does not focus on the "temporality of an actual attack" but rather *presumes* the wider circumstances in not acting if an *imagined* threat manifests in the future as an *actual threat* (Kattan 2018, p. 131; Anidjar 2003; Al-Kassimi 2021). Also, the principles dispense with—similar to the Bush Doctrine—the requirement there being *evidence* that an armed attack will manifest in a temporal sense when it declares in Principle 8 that in "the absence of *specific evidence* of where an attack will take place or of the *precise nature* of an attack *does not preclude* a conclusion that an armed attack is *imminent* for the purposes of the exercise of a right of self-defence" (Bethlehem 2012, p. 776; emphases added; Deeks 2016; Goldsmith 2016c; Gross 2017).

In other words, the presumption or simply the thought of Arabs and/or Muslims possibly becoming active subjects in *making* their history *legally* activates Principle 8 since Arabs are mythologized as inherently embodying primitive temporal coordinates that inevitably lead them to stagnate and revert to barbarism when attempting to transition into modernity. Neo-Orientalist reductionist "information" equating all Arabs as Muslims, essentializing Islam by linking it to terrorism, and finally perceiving Arab resistance as an act revealing "Arab irrationality" in not knowing what it is "best for them" are culturalist differences lacking historical evidence (Anidjar 2003; Al-Kassimi 2021). These essentialist imaginaries *legally* transformed the Arab uprisings into an *Islamist* episode—using the Bethlehem Principles as a legal conduit—since Arab subjectivity was denied early on during the uprisings in 2011. Arabs being active makers of their history was *presumed* as a 'dangerous risk leading to unknown possibilities' with the West claiming to be the originator of "Arabs momentarily awakening to democracy" since Arabs—according to neo-

Orientalists—will inevitably fail at *temporally* transitioning to (Western) modernity because they need “training in non-violence”, embody “despotism”, are deficient in “reason”, and lack the “spirit of reform”.

The Bethlehem principles are therefore consistent not only with the Bush Doctrine but also with the Israeli Supreme Court’s (ISC) legal policy articulated in relation to *Targeted Killings* or *Targeted Prevention* cases of Arabs in 2006. The legal policy declares that “information which has been most thoroughly verified is needed regarding the identity and activist of the civilian who is allegedly taking part in the hostilities” (as cited in Kattan 2018, p. 132, emphases added). It is telling that the Israeli Supreme Court—an adherent of the Bethlehem Principles—does not find it necessary to possess “evidence” but rather is content with alleged “information” being enough to evoke judgment on killing Arab inhabitants. Finally, the principles of the ISC, highlighting “operational experience”, neatly disguise the inherent violence and subjugation informing “sovereignty” as a positivist juridical concept and figure who *wills jus gentium* by giving undue deference to “the state by claiming preventive self-defence, which becomes the judge, jury and executioner of its own actions” (Kattan 2018, p. 134, emphases added). The moral issue with the principles is manifest in that it is “very difficult, if not impossible, for a third party to assess when a state has breached Principle 8, since it is not possible to assess information or evidence that the state chooses not to disclose” (Kattan 2018, p. 134, emphases added)<sup>28</sup>.

#### 4.3. The Bethlehem Principles and Operation Timber Sycamore—A Pre-Emptive Mission Legalizing the Death and Displacement of Arabs

Timber Sycamore was a classified weapons supply and training program authorized and officially activated in the summer of 2012 by the U.S. Central Intelligence Agency (CIA), the United Kingdom’s Secret Intelligence Service (SIS), the Israeli Intelligence Community (IIC), and other *comprador* intelligence services including amongst others Iran, Iraq, Qatar, Saudi-Arabia, and Libya (Cartalucci and Bowie 2012; Sanger 2012; DeYoung and Sly 2012; Cockburn 2016; Binnie and Gibson 2016; Mazzetti and Apuzzo 2016; Pichon 2017; Dostal 2018; Kleib 2019; Raimbaud 2019). While early reports indicated that during the early days of the “Islamist Winter” in 2011, for instance in Syria, the U.S. did not send “arms directly to the Syrian opposition”, it did however provide “intelligence and other support for shipments of secondhand light weapons like rifles and grenades into Syria, mainly through Saudi Arabia and Qatar” (Sanger 2012). The reports indicated that “shipments organized from Qatar, in particular, are largely going to hard-line Islamists” (Sanger 2012; emphases added). More recent research highlights that the main objective of the program was to supply funds, weaponry, and training to *death squads* (i.e., “modern” *conquistadores*) proliferating “constructive chaos” (i.e., carnage and displacement) across the *Mashreq* and *Maghreb* thereby further destabilizing Arab political spaces praised by its inhabitants as knowledge centers of Arab civilization<sup>29</sup> (Al-Rawashdeh and Abdulkareem 2014; Cockburn 2016; Hersh 2014, 2016; Pichon 2017; Kleib 2019; Raimbaud 2019; Al-Qassimi 2019).

A report released in 2017 by the Conflict Armament Research (CAR) highlights that weapons in possession of “Islamist groups” goes “beyond those that would have been available through battle capture alone” and that over 90% of the weapons supplied by the U.S., Israel, and Saudi-Arabia were mostly manufactured in EU countries thus violating

<sup>28</sup> The recent Israeli operation in Gaza (May 2021)—named Guardian of the Walls—has been largely advanced as a “legal” operation using the principles of Bethlehem. The targeting of civilian buildings housing journalists and media communication centers (i.e., AP and Al-Jazeera on 15 May 2020), including the targeting of sanitary infrastructure and electrical grids directly violating international law and legal conventions (i.e., Vienna, Geneva, etc.) has been decriminalized by assuming Gaza as an enclave of “Arab-Islamists”. The legal discourse espoused by the administration of President Biden and PM Netanyahu, including some EU countries such as France echoed political statements invoking principle 8 justifications such “pre-emptive strike”, “principle of self-defence”, “presumption of threat”, and most disturbingly, targeting centers of knowledge providing “evidence” rather than “information” concerned with both sides (Federman 2021; IMFA 2021; Al-Jazeera 2021; Porterfield 2021). For a demonstrative legal articulation, revert to Edward Price’s—spokesman of US Department of State—press briefing exchange with Matt Lee and Said Arikat on 10 May 2021 where he seems to legally justify Israeli criminal practices by evoking the concept of “state” as meaning ‘civility’, ‘sovereignty’, and ‘rationality’ which according to him is absent in the case of Arab-Palestinians by referencing positivist legal reasoning.

<sup>29</sup> This includes Baghdad, Beirut, Mosul, Damascus, Cairo, Tripoli, and Sana’a.

not only contractual clauses prohibiting *international* weapon transfers, but *international law* (Petkova 2015; Meyssan 2017; McKernan 2017; Dostal 2018; Levy 2019; Kleib 2019; Al-Kassimi 2021). To give an indication on how sophisticated the operation was one needs to look no further than at the hundreds of *international diplomatic flights* involving loading operations in *international ports* and/or NATO bases located in Croatia, Azerbaijan, Bulgaria, Germany, Romania, Italy, Czech Republic, and Israel utilized to transfer weapons to *death squads* (Chivers and Schmitt 2013a, 2013b; Žabec 2013; Petkova 2015; Binnie and Gibson 2016; Mazzetti and Apuzzo 2016; Pichon 2017; Dostal 2018; Raimbaud 2019; Kleib 2019; Levy 2019). For instance, the government of Croatia in 2012 delivered 230 tonnes of weapons to Turkey, then the transfer was handled by Ilyushin—a Russian aviation company—from Jordan’s International Air Cargo which managed the delivery of the weapons at the border between Turkey and Syria (Žabec 2013; Mazzetti and Apuzzo 2016; Meyssan 2017). In 2016, a contract won by Transatlantic Lines (TL) involved the US Navy Military Sealift Command launching two tenders in 2015 for the transport of arms from the Romanian port of Constanta to the Jordanian port of Aqaba (Binnie and Gibson 2016; Meyssan 2017; Pichon 2017; Dostal 2018; Kleib 2019; Raimbaud 2019). Similarly, Azerbaijan early on in the year 2014 and continuing into 2015 placed a whole state-run airline company known as Silk Way Airlines (SWA) at the disposal of the CIA and by 2015–2016, more than 350 flights had transported hundreds of tons of weapons to *death squads* in Syria (Gaytandzhieva 2017; Meyssan 2017; Kleib 2019; Raimbaud 2019). Finally, even so-called “humanitarian flotillas” such as *Lutfallah II* inspected by the Lebanese Navy on 27 April 2012, or the Togolese registered cargo ship named the *Trader*—formerly *Kuki Boy*—inspected by the Hellenic Coast Guard off the island of Crete in Greece on 28 February 2016 were also involved in transporting arms and explosive ammonium nitrate grade to *death squads* who were ironically the primary catalysts of the “humanitarian displacement crisis” (Nord 2016; Pichon 2017; Meyssan 2017; Kleib 2019; Raimbaud 2019)<sup>30</sup>.

CIA director David Petraeus (2011–2012) first proposed a covert program of arming and training *death squads* in the summer of 2012. A Defense Intelligence Agency (DIA) memo confirms on 12 August 2012 that the DIA was informed that the US-backed “insurgency” in Syria was dominated by “Islamist” militant groups including “the *Salafists*, the *Muslim Brotherhood*, and *Al-Qaeda in Iraq*” (Ahmed 2015b, emphases added; Dostal 2018)<sup>31</sup>. This highlights sovereign figures adopting an identical neo-Orientalist narrative reminiscent to 2003 Iraq suggesting that the “threat” of “Arab-Islamist” groups wanting to establish a “Caliphate” is an *endogenous* cultural tendency in Arab civilization causing the destructive transformation of the demography in Arabia (Hersh 2014, 2016; Hoff 2015; Raimbaud 2019; Kleib 2019)<sup>32</sup>. According to Sanger (2012), “... Petraeus’s goal was to oversee the process of ‘vetting, and then shaping, an opposition that the U.S. thinks it can work with’. According to American and Arab officials, the C.I.A. has sent officers to Turkey to help direct the aid, but the agency has been hampered by a lack of good intelligence about many rebel figures and factions”. In addition, the memoirs and admissions of former head of the Pentagon’s DIA Michael T. Flynn confirms that White House officials made a “willful decision” to support Al-Qaeda affiliated *death squads* despite being warned by *evidence* extended by the DIA that doing so would develop the “crypto-Caliphate” Rumsfeld

<sup>30</sup> It should be noted that the Lebanese government was informed by the Greek government that *Trader* was heading to Lebanon. In a different case concerning the proliferation of large quantities of ammonium nitrate, it should be noted that the country or countries involved in sourcing the ammonium nitrate supposedly involved in the explosion of port Beirut on 4 August 2020 remains under investigation. Lebanese lawyer Wadih Akil has extensively elaborated on the explosion.

<sup>31</sup> It should be noted that the term “salafi” has also become a pejorative equated with terrorism and incompetently referred to as a “sect”. In Arabic, the term *salafi* is an adjective that designates a person who follows his “predecessors”. Therefore, if a Muslim is a salafi it does not *a priori* mean he/she are terrorists, it simply designates that he/she revert to a literalist interpretation of Tradition (i.e., *sunnah*) deliberated by their predecessors (i.e., *Salaf*). It is also interesting to note that the articulation of *salafi* in a pejorative manner is used to denote an Arab that is temporally “stuck in the past” by abiding to “traditional” ideas.

<sup>32</sup> NATO French air-force destroyed the *La Farge* cement factory on 17 October 2019 located in Jalabiyeh northern part of Syria’s Aleppo close to the Turkish border. The factory was vital in extending death-squads cement and other building equipment to build underground tunnels and/or extend arms transportation. It has been reported that the factory gave terrorists over 6 million tons of cement (Meyssan 2019).

and Cheney warned about in 2005 (Ahmed 2015a; Cockburn 2016; Hasan 2016; Hersh 2016; Dostal 2018)<sup>33</sup>.

Former DIA director Michael Flynn (2012–2014) confirmed the information in the memo of 2012 as being *evidence* that the U.S. and its allies coordinated arms transfers to “hard-line extremists” and that U.S. intelligence as early as 2008 was fully aware of the threat posed by “AQI” and other “Islamist militant groups” (Ahmed 2015b; Hasan 2016; Pichon 2017; Kleib 2019; Raimbaud 2019). More explicitly, Flynn stated that the “rise of ISIS was a direct consequence of the US support for Syrian insurgents whose core fighters were from al-Qaeda in Iraq [AQI]” (Ahmed 2015a; Dostal 2018)<sup>34</sup>. The words of Flynn are in line with former senior civil servants such as French foreign minister Roland Dumas who said in 2013 that as early as 2009 the U.S. and Britain had planned covert action in Syria (Ahmed 2015a; Kleib 2019; Raimbaud 2019)<sup>35</sup>. These admissions are also confirmed in prestigious think tanks such as RAND Corporation stating back in a 2008 study by Nichiporuk, Stahl, et al., entitled *Unfolding the Future of the Long War*, and in a succeeding study in 2017 entitled *Managing the Long War* written by Seth G. Jones, that the U.S. would attempt to use the “Islamic State”, “Afghan Arabs”, or “Salafi-Jihadists” as an ideology to foment sustained sectarian violence as part of its tactics in transforming the Arab region (Ahmed 2014, 2015c, 2015d; Jones et al. 2017; Kleib 2019; Raimbaud 2019).

Daniel Ellsberg<sup>36</sup>, former Pentagon official and U.S. military analyst, highlighted the importance of RAND’s 2008 report in that it advocated a range of policies including a strategy of “divide and rule” fomenting sectarian clashes between Arabs and Muslims by making alliances with “Arab Jihadist” groups such as AQI/ISI, or later, ISIS (RAND 2008, p. 113; Ahmed 2015d; Dostal 2018). Wheeler (2015) reveals that the large corpus of secret DIA documents obtained by Judicial Watch (JW) in Washington D.C mentions that:

The Intelligence Community (IC) knew that AQI had ties to the rebels in Syria; they knew our Gulf and Turkish allies were happy to strengthen Islamic extrem-

<sup>33</sup> The UK Foreign Affairs Committee (FAC) chaired by Crispin Blunt initiated an inquiry in July 2015—which was published in September 2016—seeking to analyse Britain’s decision-making in the run-up to its intervention in the Libyan Jamahiriya in 2011. According to Wintour and Elgot (2016), the report is similar to the “Chilcot inquiry which echoed the criticisms widely made against Tony Blair’s intervention in Iraq”. The Blunt Report explicitly states in relation to Libya that, “we have seen no evidence that the UK Government carried out a proper analysis of the nature of the rebellion in Libya.” It also adds, “[the] UK strategy was founded on erroneous assumptions and an incomplete understanding of the evidence.” The FAC concludes that the British government “failed to identify that the threat to civilians was overstated and that the rebels included a significant Islamist element.” Echoing Principle 8 of the Bethlehem Principles, David Cameron refused to give *evidence* to the select committee but was rather content with alleged *information*. In one of his few reflections on his major military intervention, he blamed the “Libyan people for failing to take their chance of democracy” (Norton 2016; Wintour and Elgot 2016). The result of the French, British and US intervention, the report finds, “was political and economic collapse, inter-militia and inter-tribal warfare, humanitarian and migrant crises, widespread human rights violations, the spread of Gaddafi regime weapons across the region and the growth of Isil [Islamic State] in north Africa”. It continues by stating that through “his decision-making in the national security council, former prime minister David Cameron was ultimately responsible for the failure to develop a coherent Libya strategy.” Overall, the report reveals that (1) Ghaddafi was not planning to massacre civilians and that this myth was exaggerated by rebels and Western governments; (2) the threat of Islamist extremists, which had a large influence in the uprising, was ignored—and the NATO bombing made this threat even worse, giving ISIS a base in North Africa; (3) France, which initiated the military intervention, was motivated by economic and political interests, not humanitarian ones; (4) the uprising—which was violent, not peaceful—would likely not have been successful were it not for foreign military intervention and aid; (5) foreign media outlets, particularly Qatar’s Al Jazeera and Saudi Arabia’s Al Arabiya, also spread unsubstantiated rumors about Qaddafi and the Libyan government; and finally, (6) the NATO bombing plunged Libya into a humanitarian disaster, killing thousands of people and displacing hundreds of thousands more, transforming Libya from the African country with the highest standard of living into a war-torn failed state (Norton 2016; Wintour and Elgot 2016).

<sup>34</sup> This is further discussed by Hersh (2016) who reveals that “Lieutenant General Michael Flynn, director of the DIA between 2012 and 2014, confirmed that his agency had sent a constant stream of classified warnings to the civilian leadership about the dire consequences of toppling Assad. The jihadists, he said, were in control of the opposition. Turkey wasn’t doing enough to stop the smuggling of foreign fighters and weapons across the border. ‘If the American public saw the intelligence, we were producing daily, at the most sensitive level, they would go ballistic,’ Flynn told me. ‘We understood Isis’s long-term strategy and its campaign plans, and we also discussed the fact that Turkey was looking the other way when it came to the growth of the Islamic State inside Syria.’ The DIA’s reporting, he said, ‘got enormous pushback’ from the Obama administration. ‘I felt that they did not want to hear the truth’.

<sup>35</sup> He says, “two years before the violence in Syria . . . I met top British officials, who confessed to me that they were preparing something in Syria. This was in Britain not in America. Britain was preparing an invasion of gunmen to invade Syria” (Ahmed 2015a; Kleib 2019; Raimbaud 2019).

<sup>36</sup> Daniel Ellsberg also confirmed the danger of the memo released in 2012 in that it asserted that “Western powers were supporting extremist Islamic groups in Syria that were opposing Assad . . . They were not only as they claimed supporting moderate groups, who were losing members to the more extremists’ groups, but that they were directly supporting the extremist groups. And they were predicting that this support would result in an Islamic State organization, an ISIS or ISIL . . . They were encouraging it, regarding it as a *positive development*” (Ahmed 2015c; *emphases added*).



ists in a bid to oust Assad; and CIA officers in Benghazi (at a minimum) watched as our allies armed rebels using weapons from Libya. And the IC knew that a surging AQI might lead to the collapse of Iraq. *That's not the same thing as creating ISIS. But it does amount to doing little or nothing while our allies had a hand in creating ISIS. All of which ought to raise real questions about why we're still allied with countries willfully empowering terrorist groups then, and how seriously they plan to fight those terrorist groups now. Because while the CIA may not have deliberately created ISIS, it sure seems to have watched impassively as our allies helped to do so.*

While Wheeler's report is imperative, it assumes that the authentic creators of AQI and ISIS must exclusively be Arabs and especially Muslims since civilized nations cannot possibly be the source of such immoral practices and ideas (Ahmed 2015c). Regardless of Wheeler's intentions, the discipline of Orthodox Terrorism Studies (OTS) relying primarily on positivist logic and problem-solving methodology continues to emphasize the cultural relativist idea that (Western) sovereign states are *never* perpetrators of terrorism but *always* victims (Mamdani 2004; Blakeley 2010; Al-Kassimi 2019). The point to note here in relation to Arabia is that just like PEDS developed and reformulated legal principles to sanction a "humanitarian mission" employing terrorists as agents of transformation to "save" primitive Arab bodies, similarly, the Bethlehem Principles after the Arab uprisings (re)affirmed the defensive imperial strategies characterizing PEDS—legalizing extrajudicial practices—by funding and training agents of violence that clearly lack the "arts of war". Sovereign figures facilitating the development and/or overlooking the expansion, funding, and training of *death squads* is indicative of the "human value" they confer to inhabitants of Arabia, and more importantly, discloses the original activity of sovereignty—therefore *jus gentium*—in legalizing *necropower* by figuring the Arab as *homo sacer* living their life as *bare-life*<sup>37</sup>.

It should be noted that it is the Chilcot report chaired by Sir John Chilcott in 2009—published in 2016—inquiring about atrocities in Iraq that disclosed the direct implication of the CIA and MI6 and other Western intelligence agencies in (re)applying the "Salvador Death Squad Option" in 2003 Iraq—previously established and adopted in Latin-America during the Cold War throughout Operation Cóndor. The *death squad* blueprint was replicated in Arab spaces such as Syria, Iraq, and Libya in 2011 and was crucial in creating and perpetuating the psychological sentiment of *fear* amongst the Arab population resulting in *en-masse* forced displacement and human carnage (Bump 2013; Forte 2013; Chossudovsky 2016; Pichon 2017; Dostal 2018; Kleib 2019; Raimbaud 2019). The "Salvador Option" was initially a terror campaign in El Salvador with the objective—under Operation Cóndor—of training *death squads* during the *Contra* period in Latin-America to eliminate a supposed "Communist threat". The operation resulted in targeted assassinations, the deaths of over 70,000 civilians, and the displacement of millions (Bump 2013; Chossudovsky 2016).

It is important to be anachronic and trace the formative genealogy of specific personnel involved in developing the *death squad* option during Operation Cóndor to foment "divide and rule" across the Americas during the Cold War because they are the same architects of Operation Timber Sycamore which (re)exercised the option in 2003 Iraq, and across Arabia after 2011. The *death squad* option in Iraq after 9/11 was applied under the helm of U.S. ambassador to Iraq John Negroponte (2004–2005) who was also the U.S. ambassador to Honduras from 1981 to 1985 during Cóndor. Negroponte not only oversaw the activities of *death squads* across Latin America, but he appointed Colonel James Steele—an important figure during Cóndor in the 1980s—to aid him in setting up the "Iraqi (Salvador) Option" in 2003 (Mahmood and O'Kane 2013; Bump 2013; Chossudovsky 2016). In El Salvador, along with Steele and Negroponte, it was none other than General David Petraeus—then a Ph.D. candidate at WestPoint—who also assisted in setting up the *death squad* "counter-insurgency" program in the Americas (Mahmood and O'Kane 2013; Bump 2013;

<sup>37</sup> See Chapter V in Al-Kassimi (2020) for an extensive discussion on the carnage and displacement accenting Arabia following 2011 using necropolitics and biopolitics as paradigms of analysis.

Chossudovsky 2016). Interestingly enough, in 2004 Iraq, Negroponte and Steele hired General David Petraeus to support them in establishing “interrogation centers” further exacerbating sectarian violence through selective torture and violations of human rights (Bump 2013; Chossudovsky 2016; Pichon 2017; Kleib 2019; Raimbaud 2019). Robert S. Ford was also appointed by Negroponte in 2005 as the Minister Counselor for Political Affairs at the U.S. embassy in Iraq along with General Petraeus to help him oversee the establishment of a *death squad* group known as the “Wolf Brigades” which tortured and killed Arab-Iraqis across religious sects. The Chilcott Report and other reports documenting atrocities committed by *death squads* sponsored by the U.S., Iran, Arab *compradors*, and the Coalition of the Willing first appeared in May of 2005 where “dozens of bodies were found casually disposed . . . in vacant areas around Baghdad. All of the victims had been handcuffed, blindfolded, and shot in the head and many of them also showed signs of having been brutally tortured” (Fuller 2005; Chossudovsky 2016).

The importance of deconstruction, anachronism, and suspicion in tracing the genealogy of the *death squad* option in Iraq relates to prominent figures such as David Petraeus later becoming CIA director (2011–2012) and Robert S. Ford becoming ambassador to Syria (2010–2014). Both figures were vital in implementing the “Syrian death Squad Option” which trained and funded—through Operation Timber Sycamore—*death squads* in “madrassas”<sup>38</sup> or “CIA black sites” in the UAE, Yemen, Iran, Turkey, and other parts of Europe (Žabec 2013; Ahmed 2014; Cockburn 2016; Chossudovsky 2016; Al-Kassimi 2019)<sup>25</sup>. These *death squads* were members of terror groups known as the Free Syrian Army (FSA), Jabhat Al-Nusra Front, Liwa Al-Islam, Badr Organization, Mehdi Army, Peace Companies, Malhama Tactical<sup>40</sup>, and Academi. Also, several of these groups were trained in using chemical weapons as early as 2011 against Arab civilians and conscripted Arab soldiers as highlighted in the attacks in the Syrian city of Khan Al-Assal and Ghoutta in 2013 (Schmitt 2012; Labott 2012; Solomon and Malas 2012; Žabec 2013; Ahmed 2014; Cockburn 2016; Chossudovsky 2016; Postol 2017, 2019). As a matter of fact, the *death squads* trained and overseen by former ambassador to Syria Robert S. Ford in Da’raa and Hama—framed as “freedom fighters”, “moderate rebels”, or “protestors”—were the same groups who during the first few weeks of the Arab uprising in March 2011 blew up police stations, hospitals, fired at Arab Syrian civilians, and killed dozens of Arab Syrian soldiers in Da’raa (Pichon 2017; Raimbaud 2019; Kleib 2019). A report published by *Der Spiegel* discussing deaths committed by *death squads* in the Syrian city of Homs confirms that in the summer of 2011 an organized sectarian process of mass-murder and extra-judicial killings paralleled the “Salvador Option” applied in 2003 Iraq—as described in the Chilcot Report—with dead Arab bodies being randomly found and dispersed across different cities in Syria (Putz 2012; Cartalucci and Bowie 2012; Chossudovsky 2016; Kleib 2019; Raimbaud 2019).

The *death squads* were the primary agents of violence responsible for transforming the peaceful Arab citizen protest in 2011 into a proxy war as highlighted in the tragic events of 18 July 2012. On that day in the Rawda Square in Damascus, *death squads* from the FSA and the Liwa Al-Islam killed the Syrian Defense Minister Dawoud Rajiha and Deputy Defense Minister Assef Shawkat, the assistant to vice president Hasan Turkmani, and the head of investigations at the Syrian Intelligence Agency (SIA) Hafez Makhoul. While it is beyond the scope of this research to mention each massacre perpetrated using conventional and non-conventional weapons<sup>41</sup>, it suffices to mention a few events that make the case that defensive imperial strategies consisting of *pre-emptively* hiring “Islamist barbarians” to “manage”, “save”, and “purify” Arab life was made legally palatable using neo-Orientalist

<sup>38</sup> According to a study conducted by Susan Moeller at the Yale Center for the Study of Globalization, since 9/11 a bias has been identified in U.S. newspapers defining the term “Madrassa” in a reductionist manner (Moeller 2007). While the term in Arabic is defined as “student” and/or “school”, communication centers in the U.S. essentialized the term pushing readers “to infer that all schools so-named are anti-American, anti-Western, pro-terrorist centres having less to do with teaching basic literacy and more to do with political indoctrination” (Moeller 2007)

<sup>25</sup> Also known as “Bush’s shadow army” (Scahill 2007).

<sup>40</sup> Malhama Tactical is also known as the “BlackWater of Jihad” (Komar et al. 2017).

<sup>41</sup> The use of chemical weapons by death squads in Khan Al-Assal on 19 March 2013, Ghoutta on 21 August 2013, and Douma on 7 April 2018.

modes of representation with the Bethlehem principles *legalizing* the continuous deadly bodily consequences of the Bush (chaos) Doctrine. The consequences of these essentialist representations made possible the Darraya massacre of 20 August 2012 claiming the lives of at least 400 Syrians, the chemical attack in Khan Al-Assal on 19 March 2013 killing over 30 Arab Syrian soldiers, the Queiq River massacre in January 2013 claiming the lives of over 100 Arab Syrians, the Khan al-Assal massacre in 22 July 2013 killing over 70 Arab Syrians, the Al-Shu'aytat massacre in August 2014 in Deir-ez-Zor killing over 700 Arab Syrians, the Palmyra massacre of May 2015 claiming the lives of at least 300 Arab Syrians<sup>42</sup>, and lastly the As-Suwayda attacks of 25 July 2018 killing at least 300 Arab Syrians (Pichon 2017; Kleib 2019; Raimbaud 2019).

This carnage is evidence that highlights the consequences of neo-Orientalist narratives essentializing Arabs through fabricated “Islamist” discourses based on a dynamic of cultural differences claiming that the source of terrorism is an Arab endogenous cultural trait rather than a “modern” secular *Puritan* exogenous practice seeking the “purification” of Arabia through *destructive* practices deemed *constructive*. This evidence reveals the danger in *ratiocentric* jurisprudence assuming a natural distinction between “legality” and “morality” thus making it acceptable to hire agents of terror to defeat a supposed “uncivilized” subject (Anidjar 2003, 2014; Al-Kassimi 2021). It reveals the immorality of a positivist *jus gentium* finding it *rational* to frame as *legal* doctrines informing the Bethlehem principles thereby in the process *absolving* sovereign figures from implementing a *death* operation to engineer a “New Middle East” (Hersh 2014, 2016; Chossudovsky 2016; Pichon 2017; Dostal 2018; Kleib 2019; Al-Mayadeen 2019). An important point relating to the aforementioned disinformation relating to the “source of terror” is that the *en-masse* carnage resulting from *death squad* activities using conventional and non-conventional weapons against the Arab Syrian Army and Arab-Syrian citizens was neo-Orientalized in Western communication centers as being conducted by the *local* Arab government since neo-Orientalist representations *a priori* assume that Arab governments are *despotic*.

While evidence highlights that it is *death squads* that engaged in massacres and terrorizing acts resulting in forced displacement, a neo-Orientalist mythological discourse presumes that Arab leaders—reputed as despotic, authoritarian, and dictatorial—are predisposed in negating the “arts of war” by practicing barbaric acts to uphold their “sultanate”. Such essentialist imaginary makes possible *ratiocentric* assumptions stipulating that Arab leaders “chemically bomb” their own citizens. These reductionist discourses have recently been “demystified” by the Organisation for the Prohibition of Chemical Weapons (OPCW) which explicitly stated that the Arab Syrian Republic did not use chemical weapons in Douma on 7 April 2018 contrary to the claims deliberated by the U.S., France, and the UK based on reductionist “information” rather than “evidence” (Postol 2019; Norton 2020)<sup>43</sup>. In addition, it is important to note the immorality of neo-Orientalist discourses deliberately overlooking the number of casualties informing the category of *Arab Syrian soldiers* conscripted in the *national citizen-army*. This careful omission is based on a culturalist perception claiming that Arab governments are ruled by “despots” consisting of “regimes” rather than “governments”, and inform an *irrational* space incapable of a civilized “monopoly on violence” upholding a “social-contract” to defend a “sovereign territorial boundary”. If hegemonic powers were to acknowledge casualties consisting of Arab Syrian *citizen-soldiers* then it (rationally) legally follows that the Arab Syrian government is *sovereign* and consists of a *civil government* informing a *republican contract* furnishing a *temporally* modern, progressive, and democratic social contractual relationship of gover-

<sup>42</sup> Khaled Al-Asaad, a Syrian archaeologist and the head of antiquities at the ancient city of Palmyra for over 40 years—a UNESCO World Heritage Site—was publicly beheaded by *death squads* on 15 August 2015.

<sup>43</sup> Ian Henderson who worked for 12 years at the OPCW by serving as an inspection team leader and engineering expert assisted in the fact-finding mission (FFM) on the ground in Douma authorized by the international watchdog (Norton 2020). He told a UN Security Council session convened on 20 January 2020 by Russia’s delegation that “OPCW management had rejected his group’s scientific research, dismissed the team, and produced another report that totally contradicted their initial findings. ‘We had serious misgivings that a chemical attack had occurred,’ Henderson said, referring to the FFM team in Douma. The former OPCW inspector added that he had compiled evidence through months of research that “provided further support for the view that there had not been a chemical attack” (Norton 2020).

nance. The consequence of such unethical *a priori* omission results in deductive reasoning postulating that only a “humanitarian mission” would “save” Arabs since their despotic leaders inherently threaten and persecute their *livelihoods*.

Alastair Crooke, a former senior MI6 officer, highlights how Operation Timber Sycamore and the DIA memo of 2012 confirm the decades of work steered by Western intelligence agencies in transforming through chaos the demography and geography of the Arab world as noted in 2003 Iraq (Ahmed 2015c; Kaválek 2015; Pichon 2017; Kleib 2019)<sup>44</sup>. Crooke (2014) and Kaválek (2015) note the “modern” aspects of “terrorism” being unethically described as “Arab Islamic violence” in an article entitled *The ISIS Management of Savagery*. Crooke (2014) states that:

the beheadings and other violence practiced by ISIS are not some whimsical, crazed fanaticism, but a very deliberate, considered strategy. The military strategy pursued by ISIS in Iraq, too, is neither spontaneous nor some populist adventure, but rather reflects very professional well-prepared military planning. The seemingly random violence has a precise purpose: Its aim is to strike huge fear; to break the psychology of a people.

Similarly, almost a decade before Crooke, Seymour Hersh in 2007 remarked in an article published in the *New Yorker* entitled *The Redirection: Is the Administration's New Policy Benefitting our Enemies in the War on Terrorism?* that the U.S. administration funding and training “radical extremists” consists of a “redirection strategy” (Hersh 2007). According to former senior State Department official Martin Indyk, the strategy would push the Middle East to head “into a serious Sunni-Shiite Cold War . . . The White House is not just doubling the bet in Iraq it’s doubling the bet across the region. This could get very complicated. Everything is upside down” (Hersh 2007)<sup>45</sup>. Recalling the neo-Orientalist representations perpetuated by sovereign figures preceding and following the “Arab Spring” of 2011 indicating the *exclusionary* character of *jus gentium* discloses the importance in deconstructing discourses constellating *Islamophobia* and *Islamophilia*. Both neo-Orientalist discursive representations—stipulating an unbridgeable cultural gap between Europe and Arabia—essentially assume that the chaos engulfing Arabia since 2003 is necessarily linked to a terrorizing *premodern* religion and an “Arab mind” that is inherently *irrational* and *incapable* of embodying *civic ethos*.

Since *death squads* officially declared a crypto “Islamic Caliphate” in 2013 by absorbing areas in Syria and Iraq through operation Timber Sycamore, the U.S and its allies including France, Germany, and the UK used this opportunity to declare that the threat of “radical Islam” threatening Western civilization requires the establishment of an official task force. On 15 June 2014, the initiation of a Combined Joint Task Force (CJTF) heading Operation Inherent Resolve (OIR) “officially” marked NATO allies beginning their fight against ISIS (Pichon 2017; Gross 2017; Al-Kassimi 2018b; Kleib 2019; Raimbaud 2019). It is telling to note that unlike other operations involving the U.S. and its European allies in the Arab world, the operation against “Islamist” *death squads* remained a *nameless* operation for years—since

<sup>44</sup> According to Crooke “the idea of breaking up the large Arab states into ethnic or sectarian enclaves is an old Ben Gurion ‘canard’, and splitting Iraq along sectarian lines has been Vice President Biden’s recipe since the Iraq war . . . the idea of driving a Sunni ‘wedge’ into the landline linking Iran to Syria and Hezbollah in Lebanon became established by Western groupthink in the wake of the 2006 war . . . in short, the DIA assessment indicated that the ‘wedge’ concept was being given a new life by the desire to pressure Assad in the wake of the 2011 insurgency launched against the Syrian state. ‘Supporting powers’ effectively wanted to inject hydraulic fluid into eastern Syria (radical Salafists) in order to fracture the bridge between Iran and its Arab allies” (as cited in Ahmed 2015c).

<sup>45</sup> While it is beyond the scope of this manuscript to analyze and identify each “Islamist” *death squad* group involved in Operation Timber Sycamore, it is sufficient to mention Jabhat Fateh al-Sham (formerly known as Jabhat Al-Nusra), Ahrar al-Sham, Hayat Tahrir al-Sham (HTS), Khorasan Group, and Nour al-Din al-Zenki Movement, including Private Military Contractors such as Academi (formerly Blackwater) and Malhama Tactical (Ahmed 2014; Chossudovsky 2016; Komar et al. 2017). These groups were the primary benefactors of the operation who engaged in barbaric acts involving immolation, crucifixion, looting, pillaging, and massacring of Muslims and non-Muslims thereby leading to millions of people in the Arab world, especially Syria, becoming “internally displaced peoples (IDPs)” and/or “refugees”. Also, while most *death squads* were ethnically and religiously featured in media frames as “Arab rebels” and “Islamic warriors” driven by “Sharia law”, most groups included foreigners that were neither Arab nor Muslim (Pichon 2017; Kleib 2019; Raimbaud 2019). Also, important to note is that while *death squads* funded by Iran are not identified as “ISIS” such as Saraya al-Jihad, Mehdi Army, Peace Companies, Badr Organization, Kata’ib al-Imam Ali, Asa’ib Ahl al-Haq, and some factions of the Popular Mobilization Unit (PMU), their committed atrocities across Syria and Iraq are exactly similar to ISIS.



terror activities in Arabia began in 2011—drawing severe criticism from political analysts and academics wondering “who are we fighting?” and whether such deliberate act in not naming the operation is linked to powers previously “funding the terrorists” they “finally decided to fight” (Shinkman 2014; Sisk 2014; Kaválek 2015; Pichon 2017; Kleib 2019; Raimbaud 2019).

The CJTP operationalized OIR as a *pre-emptive* mission under Principle 8 of the Bethlehem Principles across Arabia citing the objective of neutralizing “established” terror enclaves and “possible” future havens *presumed*—based on *information* extended to the CJTP—as harboring “Islamists”. These redemptive missions—activated using Islamophobic and Islamophilic *reasoning*—lead to the full-scale destruction of Arab cultural sites leading analysts to assert that Arab cities now resemble “modern Dresdens”<sup>46</sup> (Allen 2019). Arab civilizational cities such as Sana’a and Taiz in Yemen<sup>47</sup>, Sirte in Libya<sup>48</sup>, Mosul and Anbar in Iraq, Homs, Raqqa, and Aleppo in Syria<sup>49</sup> were either completely or nearly destroyed (Jones 2016)<sup>50</sup>. These official operations declared in 2014 to “fight ISIS” not only accelerated the destruction of Arab cultural civilizational spaces, but also lead to hundreds of thousands of civilian deaths and millions of Arabs becoming displaced (Blue 2018; Dostal 2018; Magid and Carrié 2018; Airwars 2016; Kleib 2019). It took the U.S. and its allies over 2 years to notice the “evidence” inquiring about the pillaging of the Arab world by *death squads*.

Neo-Orientalist discourses prolonging and making possible the “presumption” of ISIS not being identified as an “immediate threat” to Arab civilization until the year 2014 is telling of the *obscurantism* of the Bethlehem principles especially when discerning the conflicting numbers emerging from top U.S. defense officials such as Justin Siberell who stated in June 2016 that ISIS foreign fighters since the conflict started in Syria 2011 comprised only around 40,000 individuals (RT 2016). Similar conflicting numbers emerged in July 2017 during the Aspen Security Forum by US Special Operations Command Chief Raymond Thomas who stated that the U.S. led fight against ISIS through OIR has killed “60,000 to 70,000” ISIS militants (Woody 2017; Gross 2017). However, the CIA suggested back in September of 2014 that there are between 20,000 to 31,500 Islamist fighters in Syria and Iraq, which led senior fellow Thomas Joscelyn from the Foundation for Defense and Democracies to note in August 2018 that the deliberate attempt to give contradictory numbers extended by personnel from the highest echelons of the U.S. government in the past 5 years suggests that the “U.S. government is saying ISIS has the same number of

<sup>46</sup> As of 21 December 2017, the bombing campaign led by CJTP-OIR during *Operation Inherent Resolve* in Iraq and Syria, for instance, has been dubbed the “heaviest bombing campaign since the War in Vietnam” with over “105,000 bombs and missiles” dropped according to AFCENT commander Lt. Gen. Jeff Harrigan (Benjamin and Davies 2018). These bombing campaigns not only resulted in most victims being civilians, but reduced several Arab cities to rubble including UNESCO heritage sites (Benjamin and Davies 2018).

<sup>47</sup> The civilizational consequences of the bombing campaign in Yemen—claiming the lives of over 100,000 Arabs as of 2020—is summed up by Dr. Abdulkader Alguneid who reminisces about Mount Sabir in the citadel of Taiz by saying “I’m watching an entire generation lose our history and heritage” (Khalidi 2017; Rodrigues 2019). The city of Taiz—one of many cities and historical sites reduced to rubble and/or nearly so—represents for Yemen “what Notre Dame represents for Europe, or what St Paul’s Cathedral is for the British”. Taiz is a “centrepiece of Yemen’s extraordinarily [Arab] rich heritage and gives a sense of identity and continuity for the exhausted, war-weary people of Yemen” (Rodrigues 2019). The Arab-Islamic scholar and explorer Ibn Battuta called Taiz “one of the most beautiful and extensive cities of Yemen” (Rodrigues 2019).

<sup>48</sup> The city of Sirte in Libya or other Arab historical cities such as Tripoli or Benghazi, whether during the NATO bombing in 2011 or during Operation Inherent Resolve in 2017, were either completely or nearly destroyed (Forte 2013; Al-Kassimi 2018b).

<sup>49</sup> Benjamin and Davies (2018) highlight that since 2003, there has been a minimum of 1.5 million deaths and a maximum of 3.4 million deaths in Iraq alone. The battle to retake Mosul in 2017 using a CJTP-OIR mandate resulted in the deaths of over 40,000 civilians—with several thousand individuals unaccounted for—in less than 5 months including 1 million displaced (Benjamin and Davies 2018; Gonsalves 2017). The bombing campaign in Iraq and Syria resulted in more than 70% of deaths being civilians with around 20% informing *death squads*.

<sup>50</sup> The war on Syria destroyed around one-third of all Syria’s pre-war housing and civil infrastructure. The destruction of the financial and industrial center Aleppo—also known as the economic capital of Syria—was compared with the Dresden bombing of WWII (Salman and Rabih 2019). Aleppo had a population of around 2 million people and produced over 50% of the manufacturing output of the country. According to a study issued by the Syrian Center for Policy in Research in 2016, the losses of the Syrian economy have reached \$255 billion dollars. This means that Aleppo’s share of economic losses could be about 65 billion dollars or more (Sasa 2016). According to Frontier Economics, the Syrian war by 2020 would have costed £1.3 trillion pounds in economic growth—around £3.2 billion pounds a month (Jones 2016).

fighters in Iraq and Syria today as when the coalition bombing campaign began” (Keller 2018)<sup>51</sup>.

In any case, already in 2011, for instance in Syria, government forces of the Arab Syrian Republic and Arab-Syrian civilians were among the primary victims of the *death squad* option (Cartalucci and Bowie 2012; Pichon 2017; Kleib 2019; Raimbaud 2019). According to Enders (2013), the Syrian Observatory for Human Rights (SOHR) declared in 2013 that 43.2% of the 96,431 declared dead since 2011 are Arab Syrian soldiers and their allies, 36.8% are Arab Syrian civilians, and lastly, around 20% are “foreign fighters”. As of 2019, the most conservative estimate places the number of individuals involved in *death squads* crossing into Syria from Iraq, Jordan, and Turkey since 2011 at well over 130,000 individuals (Kleib 2019; Raimbaud 2019; Al-Mayadeen 2019; Al-Qassimi 2019). These *war-machines* are the primary agents of *death* resulting in the death of over 310,000 Arab Syrian civilians, over 150,000 Arab Syrian soldiers, around 8 million IDPs, and 5.6 million refugees as of the calendar year 2018–2019 (Kleib 2019; Raimbaud 2019; Al-Mayadeen 2019; UNHCR 2019). Operation Timber Sycamore willfully perpetuated, fueled, and fabricated an “Islamist threat” to instigate a legal *redemptive* war by proxy involving the proliferation of chaos, terror, and death in the Arab world (Ahmed 2014, 2015a; Chossudovsky 2015; Pichon 2017; Dostal 2018; Sachs 2018; Hasan 2019; Kleib 2019).

Therefore, the continuous disorder and destruction enveloping Arabia since 2003 resulting in the deaths of over 6 million Arabs and the displacement of twice that number is not to be blamed on Arab civilization “lacking democracy” and being “despotic in nature”, but rather on a *jus gentium* that continues to be informed by principles based on a positivist jurisprudent logic using cultural differences as (temporal) *legal* argument to adjudicate extrajudicial treatment. The Bethlehem Principles legalized a redemptive war based on mythologized information stipulating that Arabs are situated in a degenerative non-discursive temporal epoch incapable of society. The *deadly* consequences of operation Timber Sycamore explicitly reveals that *jus gentium* continues to be animated by an *inclusive exclusion* identifying Arab epistemology as a threat to a *particular* naturalized (secular-humanist) perception of *Law*.

## 5. Conclusions

The *ratiocinated* legal assumption informing the Bethlehem principles declaring that *evidence* is not essential but that *information* is sufficient to legally sanction a redemptive war highlights how neo-Orientalist discourses during and after the Arab uprisings were (re)formulated to advance legal doctrines that made it “morally” acceptable to fund agents of violence supposedly necessary in transitioning Arabia from a temporal degenerative *primitive* past, to a temporal *modern* present. What seems to be a legal *contradiction* is essentially a (secular-humanist) sovereign *assertion*. The U.S. and Europe authorizing a *death operation* by financing terror groups not bound by any judicial law asserts that the space these groups have been hired to commit violent acts *on* is constituted as a *geography*—a space “outside law”—inhabited by *apolitical* objects incapable of *society*, therefore, denied sovereign civilized treatment. Arab space is imagined as being inhabited by “disposable bodies” because of a reductionist construct comprehending Arabs as embodying (threatening) *Saracen* traditions. With Arab temporal primitiveness mentally incapacitating their quality of *being*, neo-Orientalist generalizations perceiving Arab inhabitants as inherently *irrational* provides *ratiocentric* jurists legal coverage to hire modern *conquistadors*. It is pertinent to remember Vitoria’s argument that with the power to wage war being the “prerogative of *reason-able* sovereigns”, Arabs, therefore, can never truly be sovereign or treated as equal members in “international society” because they are imagined as incapable of reason, thus inept in waging a war respecting *just war* doctrine. The immorality with

<sup>51</sup> While it is difficult to quote a precise number of how many persons were involved in *death squads* who roamed the Arab world since 2011, Al-Qassimi (2019) mentions that according to her sources there was in 2014 Syria alone—at the zenith of the war—anywhere from 150,000 to 200,000 mercenaries on Arab Syrian territory which directly or indirectly received logistical funding from Western intelligence agencies—especially from the CIA through Operation Timber Sycamore.

this scholastic logic is evident; sovereign figures hiring *death squads* highlights a historical continuum with *jus gentium* adjudicating legal principles stipulating that a supposed natural unbridgeable cultural gap between civilized and uncivilized peoples requires the development of legal doctrines based on a dynamic of cultural difference that necessitates *different* treatment during conflict. For instance, colonel J.F.C Fuller of the British army notes in his work entitled *The Reformation of War* that in “small wars against uncivilized nations, the form of warfare to be adopted must tone with the *shade of culture* existing in the land, by which I mean that against peoples possessing a *low civilization war must be more brutal in type*” (Fuller 1923, p. 191, emphases added).<sup>52</sup>

Western sovereign figures imagining the “shade of culture” in Arab spaces as “uncivilized” or connotated by “Islamist tendencies” provides legal coverage to adjudicate principles *legalizing* extrajudicial “redemptive measures”. These principles regulate and preserve the supposed unbridgeable cultural gap characterizing *jus gentium* claiming that a natural antagonism between a *Madinian* and *Athenian* man necessitates a *realpolitik* zero-sum engagement because the former is *constituted* as an irrational mode of Being. The antagonism between Europe and Arabia legalizing extrajudicial practices (re)produces the colonial jurisprudence system of the 19th and 20th century (i.e., mandate system) asserting that cultural differences between civilized and uncivilized states decree that civilized states have the “sacred trust of civilization”—therefore the responsibility—to democratize and protect uncivilized Arabs from their *Self* through any (violent) *means* necessary<sup>53</sup>. The privatization of violence through operation Timber Sycamore is crucial in revealing that while the activities conducted by terrorist groups are blamed on, and perceived as, a “natural” occurrence in a space inhabited by Arab-Muslims attempting to transition to democracy, the war in Iraq, and more recently Syria, Yemen, and Libya reminded Arabs that the catalyst of *en-masse* Arab displacement and human carnage is directly linked to modern *war-machines* engaging in barbaric acts rather than Arabia being inherently “anti-modern”. To fathom the inherent violence of juridical concepts such as sovereignty and teleological narratives such as modernity reifying *ratiocinated* Latin-European philosophical theology, the “Arab Spring” forces us to look at the *past* to understand that the *present* terror engulfing the Arab World is not new, but rather is a familiar and necessary violence for the rejuvenation of a *jus gentium* founded on *ratiocentric* epistemology. Put differently, committing the sin of historical anachronism and being hermeneutically suspicious reveals that the legal historical commonality of both *death* missions (i.e., the *conquistadors* of the past and *death squads* of the present) is that both terror groups disclose the integral desacralized power of “sovereignty” and “modernity” inherently targeting *death* rather than *life*. Both defensive imperial encounters make salient not only Arabs being imagined as “disposable bodies”, but more importantly, the inherent politics of death (necropolitics) and power over death (necropower) sovereignty as a “modern” esoteric concept originally possesses since legal principles adjudicating redemptive wars—when translated *onto the body*—make salient that for a *universal* (secular-humanist) race to live, the body of *muselmann*<sup>54</sup> has to die.

The genealogical continuum situated in the formative phases of *jus gentium* during the 16th century and Arabia in the 21st century highlights that if the war in 2003 Iraq was about bringing democracy to an “undemocratic body”, then “springing” the Arab uprisings in 2011 provided Western philosophical theology ontological security. Neo-Orientalist interlocutors perceiving the Arab uprisings as inevitably becoming an “Islamist

<sup>52</sup> Similarly, Eldridge Colby in 1927 argues in the British Manual of Military Law—in agreement with American jurist Quincy Wright—during the indiscriminate bombings of Damascus by the colonial mandate that the “rules of international law apply only to warfare between civilized nations, where both parties understand them and are prepared to carry them out. They do not apply in wars with uncivilized States and tribes . . . the real essence of the matter is that devastation and annihilation is the principal method of warfare that savage tribes know” (Colby 1927, p. 280; emphases added; Wright 1926; Bowden 2007).

<sup>53</sup> For example, reductionist discourses claiming that the British and French mandate were endowed with the “sacred trust of civilizing” post-Ottoman Arabia.

<sup>54</sup> Primo Levi (1947) explains in Chapter 9 of his work entitled *If This is a Man*, “ . . . this word ‘Muselmann’, I do not know why, was used by the old ones of the camp to describe the weak, the inept, those doomed to selection”. See also, Anidjar (2003); Agamben (1998); Al-Kassimi (2020).

Winter” essentially distorts reality and perpetuates “epistemic violence” by constructing a reductionist imaginary claiming that the Arab subject has failed at “jumping” into modernity after 8 years since a Western “humanitarian mission” in 2003 attempted to aid Arabs in “awakening” to democracy and modernity. Framing *organic* Arab agitation as an “Islamist uprising” is therefore a moment of *raison d’être* not simply for neo-Orientalist scholars, but more importantly, international positivist jurists who used such framing to rejuvenate the inherent cultural *necrometric* of *jus gentium* claiming Arabs as naturally incapable of temporally embodying Western epistemic cultural mores. The Arab uprising “naturally” becoming an “Islamist Winter” according to Western and local Arab *compradors* confirms that international law continues to be animated by technologies of racism and relations of enmity demanding the identification of a cultural threat for epistemological coherence.

*Jus gentium* adhering to a positivist jurisprudential school by continuously requiring a bodily threat for ontological security necessarily rejuvenates and maintains the “natural” unbridgeable gap between the (Occidental) universal subject as civilized and sovereign, and the (Oriental) particular uncivilized object *denied* sovereignty. Analysing the consequences of neo-Orientalist symbolic power being applied *on* the Arab body using a bio/necropolitical paradigm of analysis—in tandem with TWAIL—would further deconstruct deadly events succeeding the “Arab Spring” leading to *en-masse* Arab displacement and the creation of zones of exception with Arabia imagined *a priori* as inhabiting *muselmänner*. The adoption of both paradigms is vital in suggesting that the racist roots of international law continue to be (re)produced and identified in Arabia. Deconstructing *jus gentium* as such accentuates that post-Ottoman Arabia reveals sovereign figures “legalizing” immoral consequences made possible by an international law adhering to a positivist jurisprudential school.

With bio/necropolitics claiming that the original activity of sovereignty demands the production of *muselmänner* (i.e., *homo sacer*), and since *jus gentium* is *willed* by a sovereign figure maintaining an unbridgeable cultural gap between Arabia and Latin-Europe, then, the proliferation of *necropolises* (i.e., death-worlds) is therefore conceived as a prerequisite for *jus gentium* to constantly rejuvenate the *inclusive exclusive ethos* of Western modernity. Thus, the European is “always already the non-European”, not in the sense that there is no epistemic *difference* between both civilizational beings, however, “universalizing” a Latin-European world-view venerating reason (science) over revelation (religion) is essentially an assertion of a “thesis of impurity” (Nyers 2006; Isin 2013, p. 110) that makes possible the condemnation of Arab epistemology (Ar. الحضارة العربية/نظرية عربية للمعرفة) as threatening the *purity* and *coherence* of an *Athenian* man.

**Funding:** The support extended by McMaster University to conduct research at the American University of Beirut (AUB) is esteemed.

**Data Availability Statement:** Available from the author on a reasonable request.

**Acknowledgments:** I would like to thank Mubarak Altwaiji from Northern Border University in Saudi Arabia for his editorial remarks which made the arguments of this manuscript more cogent. Also, Chris Allen, Alex Oaten, and Ilda Cuko for extending me an opportunity to share my research in their special issue. Naturally, I am solely responsible for any infelicities in this manuscript.

**Conflicts of Interest:** The author declares no conflict of interest.

## References

- Abou El Fadl, Khaled. 2014. *Reasoning with God: Reclaiming Shari’ah in the Modern Age*. Lanham: Rowman & Littlefield.
- Acharya, Amitav. 2007. State Sovereignty after 9/11: Disorganised Hypocrisy. *Political Studies* 55: 274–96. [CrossRef]
- AFP. 2020. UK Adds Entire Hezbollah Movement to Terror Blacklist and Freezes Its Assets. January 17. Available online: <https://www.timesofisrael.com/uk-adds-entire-hezbollah-movement-to-terror-blacklist-and-freezes-assets/> (accessed on 3 June 2021).
- Agamben, Giorgio. 1998. *Remnants of Auschwitz: The Witness and the Archive*. Translated by D. Heller-Roazen. New York: Zone Books.



- Agathangelou, Anna, and Kyle Killian. 2016. Introduction: Of time and temporality in world politics. In *Time, Temporality and Violence in International Relations: (De)fatalizing the Present, Forging Radical Alternatives*. Edited by A. Agathangelou and K. Killian. Abington: Routledge, pp. 1–22.
- Ahmed, Nafeez. 2014. How the West Created the Islamic State. September. Available online: <https://www.counterpunch.org/2014/09/12/how-the-west-created-the-islamic-state/> (accessed on 3 March 2020).
- Ahmed, Nafeez. 2015a. Officials: Islamic State Arose from US Support for al-Qaeda in Iraq. August. Available online: <https://medium.com/insurge-intelligence/officials-islamic-state-rose-from-us-support-for-al-qaeda-in-iraq-a37c9a60be4> (accessed on 10 January 2020).
- Ahmed, Nafeez. 2015b. Pentagon Report Predicted West’s Support for Islamist Rebels Would Create ISIS. May. Available online: <https://medium.com/insurge-intelligence/secret-pentagon-report-reveals-west-saw-isis-as-strategic-asset-b99ad7a29092> (accessed on 15 March 2020).
- Ahmed, Nafeez. 2015c. Ex-intel Officials: Pentagon Report Proves US Complicity in ISIS. June. Available online: <https://medium.com/insurge-intelligence/ex-intel-officials-pentagon-report-proves-us-complicity-in-isis-fabef96e20da> (accessed on 27 March 2020).
- Ahmed, Nafeez. 2015d. The Pentagon Plan to ‘Divide and Rule’ the Muslim World. April. Available online: <https://www.middleeasteye.net/opinion/pentagon-plan-divide-and-rule-muslim-world> (accessed on 1 April 2020).
- Airwars. 2016. At Least 1600 Civilians Died in US-Led Coalition Actions at Raqqa, Major New Study Finds. April. Available online: <https://airwars.org/news-and-investigations/raqqa-amnesty-airwars/> (accessed on 11 April 2020).
- Alexe, Vladimir. 2005. Abu Musab al-Zarkawi: Evil’s Superhero. July. Available online: <https://www.voltairenet.org/article136423.html> (accessed on 10 June 2020).
- Al-Jabri, Mohammed. 1994. *Arab-Islamic Philosophy—A Contemporary Critique*. Translated by A. Abbasi. Austin: The Center for Middle Eastern Studies—The University of Texas, vol. 12.
- Al-Jazeera. 2021. Gaza Tower Housing Al Jazeera Office Destroyed by Israeli Attack. Available online: <https://www.aljazeera.com/news/2021/5/15/building-housing-al-jazeera-office-in-gaza-hit-by-israeli-strike> (accessed on 9 August 2021).
- Al-Kassimi, Khaled. 2015. The Obsolescence of the Westphalian Model and the Return to a Maximum State of Exception. *Journal of Political Science and Public Affairs* S2: 007. [CrossRef]
- Al-Kassimi, Khaled. 2018a. ALBA: A decolonial delinking performance towards (western) modernity—An alternative to development project. *Cogent Social Sciences* 4: 1–35. [CrossRef]
- Al-Kassimi, Khaled. 2018b. The Israeli Buffer Zone on The Syrian Territory Will Have to Wait. August 3. Available online: <https://orientalreview.org/2018/08/04/the-israeli-buffer-zone-on-the-syrian-territory-will-have-to-wait/> (accessed on 17 April 2021).
- Al-Kassimi, Khaled. 2019. Critical terrorism studies (CTS): (State) (sponsored) terrorism identified in the (militarized) pedagogy of (U.S.) law enforcement agencies. *Cogent Social Sciences* 5: 1–27. [CrossRef]
- Al-Kassimi, Khaled. 2020. *Jus Gentium the Arab as Muselmänner: The “Islamist Winter” Is the Pre-Emptive (Creative) Chaos of the “Arab Spring” Multiplying Necropolises*. Hamilton: McMaster University Press. Available online: <http://hdl.handle.net/11375/25925> (accessed on 20 January 2021).
- Al-Kassimi, Khaled. 2021. 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*. *Laus* 10: 29. [CrossRef]
- Allen, Kate. 2019. Raqqa Is in Ruins Like a Modern Dresden. This Is Not ‘Precision Bombing’. May. Available online: <https://www.theguardian.com/commentisfree/2019/may/23/raqqa-ruins-bombing> (accessed on 5 February 2020).
- Al-Mayadeen. 2019. مجزرة نهر قويق... الحقيقة المدفونة. March. Available online: <https://www.youtube.com/watch?v=WxnyL1aTGls> (accessed on 3 September 2020).
- Almond, Ian. 2004. *Sufism and Deconstruction A Comparative Study of Derrida and Ibn ‘Arabi*. London: Taylor and Francis.
- Al-Qassimi, Hasibah. 2019. Lebanese American University, Beirut, Lebanon. Personal communication.
- Al-Rawashdeh, Mohammad, and Hani Abdulkareem. 2014. The future of Arab Spring Reality and Ambition. *Global Journal of Interdisciplinary Social Sciences* 3: 136–46.
- Altwaiji, Mubarak. 2014. Neo-Orientalism and the Neo-Imperialism Thesis: Post-9/11 US and Arab World Relationship. *Arab Studies Quarterly* 36: 313. [CrossRef]
- Anghie, Antony. 2004. *Imperialism, Sovereignty, and the Making of International Law*. Cambridge: Cambridge University Press.
- Anidjar, Gil. 2003. *The Jew, the Arab: A History of the Enemy*. Stanford: Stanford University Press.
- Anidjar, Gil. 2014. *Blood: A Critique of Christianity*. Columbia: Columbia University Press.
- Arat-Koç, Sedef. 2014. Dance of Orientalisms and waves of catastrophes: Culturalism and pragmatism in imperial approaches to Islam and the Middle East. *Third World Quarterly* 35: 1656–71. [CrossRef]
- Bassil, Noah. 2019. A Critique of Western Representations of ISIS: Deconstructing Contemporary Orientalism. *Global Change, Peace & Security* 31: 81–94.
- Benjamin, Medea, and Nicolas Davies. 2018. The Staggering Death Toll in Iraq. March. Available online: [https://www.salon.com/2018/03/19/the-staggering-death-toll-in-iraq\\_partner/](https://www.salon.com/2018/03/19/the-staggering-death-toll-in-iraq_partner/) (accessed on 17 April 2020).
- Bennis, Phyllis. 2019. The Alarming Rise of Civilian Deaths in the War on Terror. May. Available online: <https://www.commondreams.org/views/2019/05/10/alarming-rise-civilian-deaths-war-terror> (accessed on 17 April 2020).

- Bethlehem, Daniel. 2012. Self-Defense Against an Imminent or Actual Armed Attack By Nonstate Actors. *American Journal of International Law* 106: 770–77. [CrossRef]
- Bethlehem, Daniel. 2016. Not By Any Other Name: A Response to Jack Goldsmith on Obama's Imminence. April. Available online: <https://www.lawfareblog.com/not-any-other-name-response-jack-goldsmith-obamas-imminence> (accessed on 17 April 2020).
- Biden, Joe. 2021. Remarks by President Biden on Afghanistan. Available online: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/16/remarks-by-president-biden-on-afghanistan/> (accessed on 18 August 2021).
- Binnie, Jeremy, and Neil Gibson. 2016. Details of US Arms Shipment to Syrian Rebels Detailed. April. Available online: <https://www.janes.com/article/59374/us-arms-shipment-to-syrian-rebels-detailed> (accessed on 17 April 2020).
- Blakeley, Ruth. 2010. State terrorism in the Social Sciences: Theories, Methods and Concepts. In *Contemporary State Terrorism: Theory and Practice*. London: Routledge, pp. 12–27.
- Blue, Victor. 2018. In Ruins, the New Old City of Mosul. December. Available online: <https://www.bloomberg.com/news/photo-essays/2018-12-28/in-ruins-the-new-old-city-of-mosul> (accessed on 2 October 2020).
- Borg, Stefan. 2016. The Arab Uprisings, the Liberal Civilizing Narrative and the Problem of Orientalism. *Middle East Critique* 25: 211–27. [CrossRef]
- Bowden, Brett. 2007. Civilization and Savagery in the Crucible of War. *Global Change. Peace & Security* 19: 3–16. [CrossRef]
- Bumiller, Elisabeth. 2005. 21st-Century Warnings of a Threat Rooted in the December 7. Available online: <https://www.nytimes.com/2005/12/12/politics/21stcentury-warnings-of-a-threat-rooted-in-the-7th.html> (accessed on 3 June 2021).
- Bump, Philip. 2013. Staggering Guardian Report Ties David Petraeus to Iraq Torture Centers. October. Available online: <https://www.theatlantic.com/international/archive/2013/03/guardian-david-petraeus-iraq-torture/317683/> (accessed on 3 June 2021).
- Byers, Dylan. 2013. AP Stylebook Revises 'Islamist' Use. April. Available online: <https://www.politico.com/blogs/media/2013/04/ap-stylebook-revises-islamist-use-160943> (accessed on 3 June 2021).
- CAIR. 2013. CAIR Welcomes AP Stylebook Revision of 'Islamist'. April. Available online: <https://web.archive.org/web/20150907184257/https://www.cair.com/press-center/press-releases/11808-cair-welcomes-ap-stylebook-revision-of-islamist.html> (accessed on 3 June 2021).
- Cartalucci, Tony, and Nyle Bowie. 2012. *Subverting Syria: How Cia Contra Gangs and NGOs Manufacture, Mislabel and Market Mass Murder*. Joshua Tree: Progressive Press.
- Chivers, Christopher John, and Eric Schmitt. 2013a. Arms Airlift to Syria Rebels Expands, with Aid from C.I.A. March 25. Available online: <https://www.nytimes.com/2013/03/25/world/middleeast/arms-airlift-to-syrian-rebels-expands-with-cia-aid.html> (accessed on 13 November 2020).
- Chivers, Christopher John, and Eric Schmitt. 2013b. Saudis Step up Help for Rebels in Syria with Croatian Arms. February. Available online: <https://www.nytimes.com/2013/02/26/world/middleeast/in-shift-saudis-are-said-to-arm-rebels-in-syria.html> (accessed on 5 December 2020).
- Chossudovsky, Michel. 2004. The Pentagon's New "Terrorist Mastermind": Who Is Abu Musab Al-Zarqawi? June. Available online: <https://archives.globalresearch.ca/articles/CHO405B.html> (accessed on 17 April 2020).
- Chossudovsky, Michel. 2005. *America's War on Terrorism*. Quebec: Global Research.
- Chossudovsky, Michel. 2015. *The Globalization of War: America's "Long War" against Humanity*. Quebec: Global Research.
- Chossudovsky, Michel. 2016. Terrorism with a "Human Face": The History of America's Death Squads. July. Available online: <https://www.globalresearch.ca/terrorism-with-a-human-face-the-history-of-americas-death-squads/5317564> (accessed on 22 May 2020).
- Clinton, Hillary. 2011. Remarks at the Gala Dinner Celebrating the US-Islamic World Forum. In *The New Arab Revolt: What Happened, What It Means, and What Comes Next*. Washington, DC: Brookings Institution, pp. 467–79.
- Cockburn, Andrew. 2016. A Special Relationship: The United States Is Teaming up with Al Qaeda, Again. January. Available online: <https://harpers.org/archive/2016/01/a-special-relationship/> (accessed on 17 April 2020).
- Colby, Elbridge. 1927. How to Fight Savage Tribes. *The American Journal of International Law* 21: 279–88. [CrossRef]
- Conradie, Ernst. 2020. *Secular Discourse on Sin in the Anthropocene: What's Wrong with the World?* Lanham: Lexington Books.
- Crooke, Alastair. 2014. The ISIS Management of Savagery in Iraq. August 30. Available online: [https://www.huffpost.com/entry/iraq-isis-alqaeda\\_b\\_5542575](https://www.huffpost.com/entry/iraq-isis-alqaeda_b_5542575) (accessed on 13 August 2020).
- Culbertson, Shelly. 2017. The Post-Arab Spring Experience: Q&A with Shelly Culbertson. August. Available online: <https://www.rand.org/blog/rand-review/2017/08/the-post-arab-spring-experience.html> (accessed on 13 August 2020).
- Deeks, Ashley. 2016. "Imminence" in the Legal Adviser's Speech. April. Available online: <https://www.lawfareblog.com/imminence-legal-advisers-speech> (accessed on 3 June 2021).
- DeYoung, Karen, and Liz Sly. 2012. Syrian Rebels Get Influx Of arms with Gulf Neighbors' Money, U.S. Coordination. May. Available online: [https://www.washingtonpost.com/world/national-security/syrian-rebels-get-influx-of-arms-with-gulf-neighbors-money-us-coordination/2012/05/15/gIQAAds2TSU\\_story.html](https://www.washingtonpost.com/world/national-security/syrian-rebels-get-influx-of-arms-with-gulf-neighbors-money-us-coordination/2012/05/15/gIQAAds2TSU_story.html) (accessed on 13 August 2020).
- Dostal, Jörg. 2018. Syria's Global War and Beyond: Will the Balance of Power in the Middle East be Restored? *Studia Politica: Romanian Political Science Review* 18: 351–92.
- Enders, David. 2013. Assad Backers Reportedly Make up 43 Percent of Dead in Syria. June. Available online: <http://www.mcclatchydc.com/news/nation-world/world/middle-east/article24749608.html> (accessed on 13 August 2020).

- Eslava, Luis, and Sundhya Pahuja. 2012. Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law. *Verfassung in Recht Und Übersee* 45: 195–221. [CrossRef]
- Fabian, Johannes. 1983. *Time and the Other: How Anthropology Makes Its Object*. New York: Columbia University Press.
- Fasolt, Constantin. 2004. *Limits of History*. Chicago: University of Chicago Press.
- Feaver, Peter. 2013. Obama's embrace of the Bush doctrine and the meaning of 'imminence'. February. Available online: <https://foreignpolicy.com/2013/02/05/obamas-embrace-of-the-bush-doctrine-and-the-meaning-of-imminence/> (accessed on 13 August 2020).
- Federman, Josef. 2021. 'Shocking and horrifying': Israel destroys AP office in Gaza. May 16. Available online: <https://apnews.com/article/israel-middle-east-business-israel-palestinian-conflict-fe452147166f55ba5a9d32e6ba8b53d7> (accessed on 3 June 2021).
- Forte, Maximilien. 2013. *Slouching Towards Sirte: NATO's War on Libya and Africa*. Chicago: Baraka Books.
- Fuller, Charles John. 1923. *The Reformation of War*. London: Hutchinson & co.
- Fuller, Max. 2005. For Iraq, "The Salvador Option" Becomes Reality. June. Available online: <https://archives.globalresearch.ca/articles/FUL506A.html> (accessed on 13 August 2020).
- Gade, Anna. 2019. *Muslim Environmentalisms: Religious and Social Foundations*. New York: Columbia University Press.
- Gathii, James. 2000a. Alternative and Critical: The Contribution of Research and Scholarship on Developing Countries to International Legal Theory. *Harvard International Law Journal* 41: 263–75.
- Gathii, James. 2000b. Neoliberalism, Colonialism and International Governance: Decentering the International Law of Governmental Legitimacy. *Michigan Law Review* 98: 1996–2055. [CrossRef]
- Gathii, James. 2011. TWAIL: A Brief History of its Origins, its Decentralized Network, and a Tentative Bibliography. *Trade Law and Development—Albany Law School Research Paper* 3: 26–48. Available online: <https://ssrn.com/abstract=1933766> (accessed on 13 August 2020).
- Gaytandzhieva, Dilyana. 2017. 350 Diplomatic Flights Carry Weapons for Terrorists. February. Available online: <https://trud.bg/350-diplomatic-flights-carry-weapons-for-terrorists/> (accessed on 13 August 2020).
- Goldsmith, Peter. 2004. International Self-Defence—Hansard 2004. April. Available online: <http://hansard.millbanksystems.com/lords/2004/apr/21/international-self-defence> (accessed on 3 June 2021).
- Goldsmith, Jack. 2016a. Obama's Embrace of Bush's Preemption Doctrine. April. Available online: <https://www.lawfareblog.com/obamas-embrace-bushs-preemption-doctrine> (accessed on 13 August 2020).
- Goldsmith, Jack. 2016b. Obama Has Officially Adopted Bush's Iraq Doctrine. April. Available online: <http://time.com/4283865/obama-adopted-bushs-iraq-doctrine/> (accessed on 13 August 2020).
- Goldsmith, Jack. 2016c. The Contributions of the Obama Administration to the Practice and Theory of International Law. *Harvard International Law Journal* 57: 455–473.
- Gonsalves, Kelly. 2017. Returning to the Rubble of Mosul. August. Available online: <https://theweek.com/captured/717824/returning-rubble-mosul> (accessed on 13 October 2020).
- Gross, Oren. 2017. Unresolved Legal Questions Concerning Operation Inherent Resolve. *Texas International Law Journal* 52: 221–53.
- Guénon, René. 1924. *East and West*. Translated by M. Lings. Hillsdale: Sophia Perennis.
- Guénon, René. 1932. *The Multiple States of the Being*. Edited by S. D. Fohr. Translated by H. D.. Hillsdale: Sophia Perennis.
- Hasan, Mehdi. 2016. Michael Flynn on ISIL. January. Available online: <https://www.aljazeera.com/programmes/headtohead/2016/01/transcript-michael-flynn-160104174144334.html> (accessed on 8 August 2020).
- Hasan, Mehdi. 2019. Erik Prince, Perjury, and the Secret Trump Tower Meeting. March 14. Available online: <https://theintercept.com/2019/03/14/erik-prince-perjury-and-the-secret-trump-tower-meeting/> (accessed on 3 August 2020).
- Helliwell, Christine, and Barry Hindess. 2013. Time and the others. In *Postcolonial Theory and International Relations: A Critical Introduction*. Edited by Sanjay Seth. London: Routledge, pp. 70–83.
- Hersh, Seymour. 2007. The Redirection: Is the Administration's New Policy Benefitting Our Enemies in the War on Terrorism? February. Available online: <https://www.newyorker.com/magazine/2007/03/05/the-redirection> (accessed on 3 June 2021).
- Hersh, Seymour. 2014. The Red Line and the Rat Line. *London Review of Books* 36: 21–24.
- Hersh, Seymour. 2016. Military to Military. *London Review of Books* 38: 11–14.
- Herzfeld, Michael. 2010. Essentialism. In *Routledge Encyclopedia of Social and Cultural Anthropology*. Edited by A. Barnard and J. Spence. London: Routledge, pp. 234–36.
- Hilal, Maha. 2017. The War on Terror Has Targeted Muslims Almost Exclusively. September. Available online: <https://fpif.org/the-war-on-terror-has-targeted-muslims-almost-exclusively/> (accessed on 10 April 2021).
- Hoff, Brad. 2015. 2012 Defense Intelligence Agency Document: West Will Facilitate Rise of Islamic State "in Order to Isolate the Syrian Regime". May. Available online: <https://levantreport.com/2015/05/19/2012-defense-intelligence-agency-document-west-will-facilitate-rise-of-islamic-state-in-order-to-isolate-the-syrian-regime/> (accessed on 13 March 2021).
- Hoffmann, Stanley. 1977. An American Social Science: International Relations. *Daedalus* 106: 41–60.
- Holmes, Oliver, and Suleiman Al-Khalidi. 2014. Islamic State Executed 700 People from Syrian Tribe: Monitoring Group. August. Available online: <https://www.reuters.com/article/us-syria-crisis-execution/islamic-state-executed-700-people-from-syrian-tribe-monitoring-group-idUSKBN0GG0H120140816> (accessed on 26 July 2020).



- IBT. 2015. Syria Vote: Read David Cameron's Full Opening Speech to House of Commons. December. Available online: <https://www.ibtimes.co.uk/syria-vote-read-david-camerons-full-opening-speech-house-commons-1531526> (accessed on 22 June 2020).
- IMFA. 2021. Operation Guardian of the Walls—Israeli Ministry of Foreign Affairs. Available online: <https://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Operation-Guardian-of-the-Walls-10-May-2021.aspx> (accessed on 3 June 2021).
- Isin, Engin. 2013. We, the Non-Europeans: Derrida with Said. In *Europe after Derrida: Crisis and Potentiality*. Edited by A. Czajka and B. Isyar. Edinburgh: Edinburgh University Press, pp. 108–19.
- Jones, Seth. 2013. The Mirage of the Arab Spring: Deal with the Region You Have, Not the Region You Want. January/February. Available online: <https://www.foreignaffairs.com/articles/syria/2012-12-03/mirage-arab-spring> (accessed on 3 June 2021).
- Jones, Seth. 2016. Democracy in the Arab World: Still a Mirage. March. Available online: <https://www.rand.org/blog/2016/03/democracy-in-the-arab-world-still-a-mirage.html> (accessed on 23 June 2021).
- Jones, Seth. 2017. Managing the Long War: U.S. Policy toward Afghanistan and the Region. April 27. Available online: <https://www.rand.org/pubs/testimonies/CT472.html> (accessed on 13 June 2020).
- Jones, Seth, James Dobbins, Daniel Byman, Christopher S. Chivvis, Ben Connable, Jeffrey Martini, and Nathan Chandler. 2017. Rolling Back the Islamic State. April 19. Available online: [https://www.rand.org/pubs/research\\_reports/RR1912.html](https://www.rand.org/pubs/research_reports/RR1912.html) (accessed on 13 July 2020).
- Kattan, Victor. 2018. Furthering the 'war on terrorism' through international law: How the United States and the United Kingdom resurrected the Bush doctrine on using preventive military force to combat terrorism. *Journal on the Use of Force and International Law* 5: 97–144. [CrossRef]
- Kaválek, Tomáš. 2015. From al-Qaeda in Iraq to Islamic State: The Story of Insurgency in Iraq and Syria in 2003–2015. *Alternatives: Turkish Journal of International Relations* 14: 1–32. Available online: <https://dergipark.org.tr/en/pub/alternatives/issue/26678/280213> (accessed on 3 June 2021).
- Keller, Jared. 2018. ISIS Has Just As Many Fighters in Iraq And Syria As It Did 4 Years Ago. August. Available online: <https://taskandpurpose.com/number-isis-fighters-iraq-syria> (accessed on 3 June 2021).
- Kerboua, Salim. 2016. From Orientalism to neo-Orientalism: Early and contemporary constructions of Islam and the Muslim world. *Intellectual Discourse* 24: 7–34.
- Khalidi, Lamyā. 2017. The Destruction of Yemen and Its Cultural Heritage. *International Journal of Middle East Studies* 49: 735–38. [CrossRef]
- Kitcher, Philip. 1992. The Naturalists Return. *Philosophical Review* 101: 53–114. [CrossRef]
- Kleib, Sami. 2019. *Syrie: Documents Secrets d'une Guerre Programmée*. Paris: Les Points sur Les i.
- Komar, Rao, Christian Borys, and Eric Woods. 2017. The Blackwater of Jihad. February. Available online: <https://foreignpolicy.com/2017/02/10/the-world-first-jihadi-private-military-contractor-syria-russia-malhama-tactical/> (accessed on 3 June 2021).
- Koskenniemi, Martti. 2002. *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*. Cambridge: Cambridge University Press.
- Koskenniemi, Martti. 2011. *The Politics of International Law*. Portland: Hart Publishing.
- Koskenniemi, Martti. 2012. Histories of International Law: Dealing with Eurocentrism. January 25. Available online: <http://www.lse.ac.uk/lse-player?id=1324> (accessed on 3 June 2021).
- Koskenniemi, Martti. 2013. Histories of International Law: Significance and Problems for a Critical View. *Temple International and Comparative Law Journal* 27: 215–40.
- Kramer, Martin. 1996. *Arab Awakening and Islamic Revival: The Politics of Ideas in the Middle East*. Piscataway: Transaction.
- Kramer, Martin. 2007. Martin Kramer on the Middle East. March. Available online: <http://martinkramer.org/sandbox/2007/03/enough-said/> (accessed on 3 June 2020).
- Kramer, Martin. 2013. The Arab Crisis. December. Available online: <http://martinkramer.org/sandbox/tag/arab-spring/> (accessed on 3 June 2021).
- Kramer, Martin, and Gilles Kepel. 2011. May. Arab Spring, Democratic Summer, or Islamist Fall? Available online: <https://www.washingtoninstitute.org/policy-analysis/view/arab-spring-democratic-summer-or-islamist-fall> (accessed on 13 August 2020).
- Labott, Elise. 2012. Sources: U.S. Helping Underwrite Syrian Rebel Training on Securing Chemical Weapons. December. Available online: <http://security.blogs.cnn.com/2012/12/09/sources-defense-contractors-training-syrian-rebels-in-chemical-weapons/> (accessed on 13 August 2020).
- Leiter, Brian. 1998. Naturalism and Naturalized Jurisprudence. In *Analyzing Law: New Essays in Legal Theory*. Edited by B. Brix. Oxford: Clarendon Press.
- Leiter, Brian. 2004. The Hermeneutics of Suspicion: Recovering Marx, Nietzsche, and Freud. In *The Future for Philosophy*. Edited by B. Leiter. Oxford: Clarendon Press.
- Levi, Primo. 1947. *If This Is a Man*. London: The Orion Press.
- Levy, Daniel. 2019. Israel Just Admitted Arming Anti-Assad Syrian Rebels. Big Mistake Opinion. February 3. Available online: <https://www.haaretz.com/israel-news/.premium-israel-just-admitted-arming-anti-assad-syrian-rebels-big-mistake-1.6894850> (accessed on 2 August 2020).



- Lewis, Bernard. 1993. Islam and Liberal Democracy: Is Islam by Its Very Nature Antithetical to the Development of Democratic Institutions? February. Available online: <https://www.theatlantic.com/magazine/archive/1993/02/islam-and-liberal-democracy/308509/> (accessed on 8 August 2020).
- Lynch, Marc. 2018. New Arab World Order. August. Available online: <https://carnegieendowment.org/2018/08/16/new-arab-world-order-pub-77056> (accessed on 25 August 2020).
- Magid, Pasha, and Shawn Carrié. 2018. To Defeat ISIS, the U.S. Helped Turn Old Mosul into Rubble—but Won't Help Rebuild It. April. Available online: <https://theintercept.com/2018/04/22/to-defeat-isis-the-u-s-helped-turn-old-mosul-into-rubble-but-wont-help-rebuild-it/> (accessed on 3 June 2021).
- Mahmood, Mona, and Maggie O'Kane. 2013. From El Salvador to Iraq: Washington's Man behind Brutal Police Squads. March. Available online: <https://www.theguardian.com/world/2013/mar/06/el-salvador-iraq-police-squads-washington> (accessed on 8 November 2020).
- Majozi, Nkululeko. 2018. Theorising the Islamic State: A Decolonial Perspective. *ReOrient* 3: 163–84. Available online: <https://www.jstor.org/stable/10.13169/reorient.3.2.0163> (accessed on 3 November 2020). [CrossRef]
- Mamdani, Mahmood. 2002. Good Muslim, Bad Muslim: A Political Perspective on Culture and Terrorism. *American Anthropologist* 104: 766–75. [CrossRef]
- Mamdani, Mahmood. 2004. *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*. Random House.
- Mamdani, Mahmood. 2010. Responsibility to Protect or Right to Punish? *Journal of Intervention and Statebuilding* 4: 53–67. [CrossRef]
- Mamdani, Mahmood. 2020. *Neither Settler nor Native The Making and Unmaking of Permanent Minorities*. Harvard: Harvard University Press.
- Mark, Michelle. 2015. ISIS, ISIL, Daesh or Islamic State? After Paris Terror Attacks, French and US Officials Debate Name of Militant Group. November. Available online: <https://www.ibtimes.com/isis-isil-daesh-or-islamic-state-after-paris-terror-attacks-french-us-officials-2185029> (accessed on 3 June 2021).
- Mazzetti, Mark, and Matt Apuzzo. 2016. U.S. Relies Heavily on Saudi Money to Support Syrian Rebels. January. Available online: <https://www.nytimes.com/2016/01/24/world/middleeast/us-relies-heavily-on-saudi-money-to-support-syrian-rebels.html> (accessed on 3 June 2021).
- McKernan, Bethan. 2017. Isis Arms Traced Back to America and Saudi Arabia. December. Available online: <https://www.independent.co.uk/news/world/middle-east/isis-us-saudi-arabia-arms-fighters-jihadis-military-capability-enhanced-weapons-syria-terrorism-a8112076.html> (accessed on 9 November 2020).
- Meyssan, Thierry. 2017. Billions of Dollars' Worth of Arms against Syria, by Thierry Meyssan. July. Available online: <https://www.voltairenet.org/article197144.html> (accessed on 2 November 2020).
- Meyssan, Thierry. 2019. France Torches Lafarge Cement Plant in Syria. October 17. Available online: <https://www.voltairenet.org/article207984.html> (accessed on 15 November 2020).
- Mezzofiore, Gianuca, and Arji Limam. 2015. Syria: Isis Executes Al-Sheitaat Tribe Teenager with Bazooka in Deir al-Zour. May. Available online: <https://www.ibtimes.co.uk/syria-isis-kills-shaitat-tribe-teen-bazooka-deir-al-zour-1502356> (accessed on 11 November 2020).
- Mickelson, Karine. 1998. Rhetoric and Rage: Third World Voices in International Legal Discourse. *Wisconsin International Law Journal* 16: 353–419.
- Mignolo, Walter. 2009. Dispensable and Bare Lives: Coloniality and the Hidden Political/Economic Agenda of Modernity. *Human Architecture: Journal of the Sociology of Self-Knowledge* 7: 69–87.
- Moeller, Susan. 2007. Jumping on the US Bandwagon for a "War on Terror"—Major US newspapers struggle to eliminate bias and exaggerations in their reports on terror (Yale Global Online). Available online: <https://web.archive.org/web/20090505191457/http://yaleglobal.yale.edu/display.article?id=9324> (accessed on 3 July 2020).
- Mutua, Makau. 2000. What Is TWAIL? In *Proceedings of the ASIL Annual Meeting*. Cambridge: Cambridge University Press, vol. 94, pp. 31–38. [CrossRef]
- Nord, Randi. 2016. Cargo Ship from Turkey Full of Weapons Seized by Greek Authorities. March. Available online: <https://thefifthcolumnnews.com/2016/03/cargo-ship-from-turkey-full-of-weapons-seized-by-greek-authorities/> (accessed on 3 July 2020).
- Norton, Ben. 2016. U.K. Parliament Report Details How NATO's 2011 War in Libya Was Based on Lies. September 16. Available online: <https://www.salon.com/2016/09/16/u-k-parliament-report-details-how-natos-2011-war-in-libya-was-based-on-lies/> (accessed on 3 November 2020).
- Norton, Ben. 2020. OPCW Investigator Testifies at UN That No Chemical Attack Took Place in Douma, Syria. January. Available online: <https://thegrayzone.com/2020/01/22/ian-henderson-opcw-whistleblower-un-no-chemical-attack-douma-syria/> (accessed on 13 November 2020).
- Nyers, Peter. 2006. *Rethinking Refugees: Beyond States of Emergency*. New York: Routledge.
- Okafor, Obiora. 2005. Newness, Imperialism, and International Legal Reform in Our Time: A Twail Perspective. *Osgoode Hall Journal* 43: 171–91.
- Orford, Anne. 2012. The Past as Law or History? The Relevance of Imperialism for Modern International Law. *Institute for International Law and Justice (IILJ—Working Paper)*, 1–17. Available online: <http://iilj.org/wp-content/uploads/2016/08/Orford-The-Past-as-Law-or-History-2012-1.pdf> (accessed on 13 November 2020). [CrossRef]

- Orford, Anne. 2013. On international legal method. *London Review of International Law* 1: 166–97. [CrossRef]
- Pacherie, Elisabeth. 2002. Naturalistic Epistemologies and Normativity. *Croatian Journal of Philosophy* 2: 299–317.
- Pahuja, Sundhya. 2011. *Decolonising International Law Development, Economic Growth, and the Politics of Universality*. Cambridge: Cambridge University Press.
- Petkova, Mariya. 2015. War Gains: Bulgarian Arms Add Fuel to Middle East Conflicts. December. Available online: <https://balkaninsight.com/2015/12/21/war-gains-bulgarian-arms-add-fuel-to-middle-east-conflicts-12-16-2015/> (accessed on 3 September 2020).
- Pichon, Frederic. 2017. *Syrie, Une Guerre Pour Rien*. Paris: Les Éditions du Cerf.
- Porterfield, Carrie. 2021. Netanyahu Defends Strike on AP Media Building in Gaza As Editor Calls for Full Investigation. May 16. Available online: <https://www.forbes.com/sites/carlieporterfield/2021/05/16/netanyahu-defends-strike-on-ap-media-building-in-gaza-as-editor-calls-for-full-investigation/?sh=f7faa4971241> (accessed on 3 June 2021).
- Postol, Theodore. 2017. A Critique of ‘False and Misleading’ White House Claims About Syria’s Use of Lethal Gas. Available online: <https://www.truthdig.com/videos/a-critique-of-false-and-misleading-white-house-claims-about-syrias-use-of-lethal-gas/> (accessed on 8 February 2020).
- Postol, Theodore. 2019. Syria Scandal: New Whistleblower Claims Chemical Weapons Watchdog OPCW Suppressed Douma Evidence. Available online: <https://thegrayzone.com/2019/11/16/syria-scandal-new-whistleblower-claims-un-chemical-weapons-watchdog-buried-douma-evidence/> (accessed on 3 November 2020).
- Prince, Erik. 2013. *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror*. Portfolio.
- Putz, Ulrike. 2012. The Burial Brigade of Homs: An Executioner for Syria’s Rebels Tells His Story. March. Available online: <https://www.spiegel.de/international/world/profile-of-rebels-in-homs-and-their-executioners-a-824603.html> (accessed on 5 May 2020).
- Quine, Willard van Orman. 1969. *Ontological Relativity and Other Essays*. New York: Columbia University Press.
- Raimbaud, Michel. 2019. *Les Guerres de Syrie*. Paris: Éditions Glyphé.
- RAND. 2008. *Unfolding the Future of the Long War: Motivations, Prospects, and Implications for the U.S. Army*. Santa Monica, CA: RAND Corporation. Available online: <https://www.rand.org/pubs/monographs/MG738.html> (accessed on 20 January 2020).
- Rice, Condoleezza. 2002. 2002 Wriston Lecture: A Balance of Power that Favors Freedom. October. Available online: <https://www.manhattan-institute.org/html/2002-wriston-lecture-balance-power-favors-freedom-5566.html> (accessed on 5 May 2020).
- Ricks, Thomas. 2006. Military Plays up Role of Zarqawi. April. Available online: <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/09/AR2006040900890.html> (accessed on 15 May 2020).
- Rodrigues, Charlene. 2019. Yemenis Mourn the Destruction of Historical Sites: ‘I’m Watching an Entire Generation Lose Our History and Heritage.’ June. Available online: <https://www.independent.co.uk/news/world/middle-east/yemen-historical-sites-destruction-mount-sabir-taiz-civil-war-houthis-saudi-arabia-a8929201.html> (accessed on 15 May 2020).
- RT. 2016. Over 40,000 Foreign Militants from 100 Countries Fighting in Syria—US State Department. June. Available online: <https://www.rt.com/usa/345269-40000-foreign-terrorists-syria> (accessed on 10 May 2020).
- RT. 2019. US Contractors Sued for Allegedly Paying Protection Money to Taliban. December. Available online: <https://www.youtube.com/watch?v=zhC6CNrAvFI> (accessed on 5 May 2020).
- Sachs, Jeffrey. 2018. Should the US Be Part of Solution in Syria or Leave? April. Available online: <https://www.msnbc.com/morning-joe/watch/should-the-us-be-part-of-solution-in-syria-or-leave-1209166915804> (accessed on 21 May 2020).
- Salman, Hayan, and Mohamad Rabih. 2019. الاقتصادية الحرب سوريا. Available online: <https://www.youtube.com/watch?v=tSQPRboTqX0> (accessed on 6 March 2020).
- Sanger, David. 2012. Rebel Arms Flow Is Said to Benefit Jihadists in Syria. October. Available online: <https://www.nytimes.com/2012/10/15/world/middleeast/jihadists-receiving-most-arms-sent-to-syrian-rebels.html> (accessed on 5 April 2020).
- Sasa. 2016. What Has Syria Lost With the Destruction of Aleppo? December 16. Available online: [https://syrianobserver.com/EN/features/24566/what\\_has\\_syria\\_lost\\_with\\_destruction\\_aleppo.html](https://syrianobserver.com/EN/features/24566/what_has_syria_lost_with_destruction_aleppo.html) (accessed on 20 February 2020).
- Scahill, Jeremy. 2007. Bush’s Shadow Army. March. Available online: <https://www.thenation.com/article/bushs-shadow-army/> (accessed on 5 May 2020).
- Schmitt, Eric. 2012. C.I.A. Said to Aid in Steering Arms to Syrian Opposition. June. Available online: <https://www.nytimes.com/2012/06/21/world/middleeast/cia-said-to-aid-in-steering-arms-to-syrian-rebels.html> (accessed on 11 February 2020).
- Shinkman, Paul. 2014. What’s in a Name: Obama’s Anonymous War against ISIS. September. Available online: <https://www.usnews.com/news/articles/2014/09/29/whats-in-a-name-obamas-anonymous-war-against-isis-in-iraq-syria> (accessed on 5 May 2020).
- Singer, Peter. 2007. The Dark Truth about Blackwater. October. Available online: <https://www.brookings.edu/articles/the-dark-truth-about-blackwater/> (accessed on 15 May 2020).
- Sisk, Richard. 2014. US Operation Against ISIL in Iraq Remains Nameless. August. Available online: <https://www.military.com/daily-news/2014/08/18/us-operation-against-isil-in-iraq-remains-nameless.html> (accessed on 5 May 2020).
- Sly, Liz. 2016. The Islamic State Has Been a Catastrophe for Sunnis. November. Available online: [https://www.washingtonpost.com/sf/world/2016/11/23/isis-a-catastrophe-for-sunnis/?utm\\_term=.80e78e6cf427](https://www.washingtonpost.com/sf/world/2016/11/23/isis-a-catastrophe-for-sunnis/?utm_term=.80e78e6cf427) (accessed on 3 January 2020).
- Solomon, Jay, and Nour Malas. 2012. U.S. Bolsters Ties to Fighters in Syria. June. Available online: <https://www.wsj.com/articles/SB10001424052702303410404577464763551149048> (accessed on 6 September 2020).

- Sunter, Andrew. 2007. TWAIL as Naturalized Epistemological Inquiry. *Canadian Journal of Law & Jurisprudence* 20: 475–510. [CrossRef]
- Tausch, Arno, Grinin Leonid, and Andrey Korotayev. 2018. Why Arab Spring Became Arab Winter: World System and World Values Perspectives. In *Islamism, Arab Spring, and the Future of Democracy: World System and World Values Perspectives*. Gewerbestrasse: Springer, pp. 1–19.
- Thomson, Janice. 1996. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. Princeton: Princeton University Press.
- UNHCR. 2019. Syrian Regional Refugee Response. May 16. Available online: <https://data2.unhcr.org/en/situations/syria> (accessed on 3 June 2021).
- Ventura, Lorella. 2016. The “Arab Spring” and Orientalist Stereotypes: The Role of Orientalism in the Narration of the Revolts in the Arab World. *Interventions* 19: 282–97. [CrossRef]
- Weber, Max. 1958. *The Protestant Ethic and the Spirit of Capitalism*. New York: Scribner.
- Wheeler, Marcy. 2015. The Benghazi Outrage We Actually Should Be Talking about. May 28. Available online: [https://www.salon.com/2015/05/28/the\\_benghazi\\_outrage\\_we\\_actually\\_should\\_be\\_talking\\_about/](https://www.salon.com/2015/05/28/the_benghazi_outrage_we_actually_should_be_talking_about/) (accessed on 3 June 2021).
- Winter, Timothy. 2011. Muslim Theology and Islamic Mysticism. Available online: <https://www.youtube.com/watch?v=CbvG4KffgSI&list=PL71F855370A4EA2B7&index=5> (accessed on 12 February 2020).
- Wintour, Patrick, and Jessica Elgot. 2016. MPs Deliver Damning Verdict on David Cameron’s Libya Intervention. September 14. Available online: <https://www.theguardian.com/world/2016/sep/14/mps-deliver-damning-verdict-on-camerons-libya-intervention> (accessed on 3 June 2021).
- Woody, Christopher. 2017. US Special Operations Command chief claims ‘60,000 to 70,000’ ISIS fighters have been killed. July. Available online: <https://www.businessinsider.com/gen-raymond-thomas-socom-60000-to-70000-isis-fighters-killed-2017-7> (accessed on 3 June 2021).
- Wright, Quincy. 1926. The Bombardment of Damascus. *The American Journal of International Law* 20: 263–80. [CrossRef]
- Yates, Dean. 2007. Senior Qaeda Figure in Iraq a Myth: U.S. Military. July. Available online: <https://www.reuters.com/article/us-iraq-qaeda/senior-qaeda-figure-in-iraq-a-myth-u-s-military-idUSL1820065720070718> (accessed on 3 June 2021).
- Žabec, Krešimir. 2013. Tajna Letova Jordanskih Aviona s Plesa Sirijski Pobunjenici Dobivaju Oružje Preko Zagreba! February. Available online: <https://www.jutarnji.hr/vijesti/hrvatska/tajna-letova-jordanskih-aviona-s-plesa-sirijski-pobunjenici-dobivaju-oruzje-preko-zagreba/1202351/> (accessed on 3 June 2021).