

# Intellectual Discourse

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Volume 34

Number 2

2026



**International Islamic University Malaysia**  
<https://journals.iium.edu.my/intdiscourse/index.php/id>

# *Intellectual Discourse*

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Volume 34

Number 2

2026

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*Intellectual Discourse* is abstracted in SCOPUS, WoS Emerging Sources Citation Index (ESCI), ProQuest, International Political Science Abstracts, Peace Research Abstracts Journal, Muslim World Book Review, Bibliography of Asian Studies, Index Islamicus, Religious and Theological Abstracts, ATLA Religion Database, MyCite, ISC and EBSCO.

ISSN 0128-4878 (Print); ISSN 2289-5639 (Online)

<https://journals.iium.edu.my/intdiscourse/index.php/id>

Email: [intdiscourse@iium.edu.my](mailto:intdiscourse@iium.edu.my); [intdiscourse@yahoo.com](mailto:intdiscourse@yahoo.com)

Published by:

IIUM Press, International Islamic University Malaysia

P.O. Box 10, 50728 Kuala Lumpur, Malaysia

Phone (+603) 6196-5014, Fax: (+603) 6196-6298

Website: <http://iiumpress.iium.edu.my/bookshop>

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## Transliteration Table: Consonants

Arabic	Roman		Arabic	Roman
ب	b		ط	ṭ
ت	t		ظ	ẓ
ث	th		ع	‘
ج	j		غ	gh
ح	ḥ		ف	f
خ	kh		ق	q
د	d		ك	k
ذ	dh		ل	l
ر	r		م	m
ز	z		ن	n
س	s		ه	h
ش	sh		و	w
ص	ṣ		ء	’
ض	ḍ		ي	y

## Transliteration Table: Vowels and Diphthongs

Arabic	Roman		Arabic	Roman
اَ	a		اَ، اِيَّ	an
اُ	u		اُو	un
اِ	i		اِي	in
اَ، اِ، اِيَّ	ā		اَو	aw
اُو	ū		اَي	ay
اِي	ī		اُو	uww, ū (in final position)
			اَي	iyy, ī (in final position)

*Source: ROTAS Transliteration Kit: <http://rotas.iium.edu.my>*



## References

- Saner, Y. (2024, December 11). *The ties between Israel and Hay'at Tahrir al-Sham (HTS)*. United World International. <https://uwidata.com/36819-the-ties-between-israel-and-hayat-tahrir-al-sham-hts/>
- Aldoughli, R., & Al Kassir, A. (2021, July 15). *Empower Syrians not warlords: Against the re-branding of Hay'at Tahrir al-Sham*. Atlantic Council. <https://www.atlanticcouncil.org/blogs/menasource/empower-syrians-not-warlords/>

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**Al-Kassimi, Khaled. (2022). *International law, Necropolitics, and Arab lives: The legalization of creative chaos in Arabia* (1st ed., 318 pp.). Routledge. ISBN 978-1-032-30714-5.**

*Reviewer:* Nath Aldalala'a, Professor of International Relations, Department of Political Science and Madani Studies, International Islamic University Malaysia (IIUM), Malaysia. Email: [alnath@iium.edu.my](mailto:alnath@iium.edu.my)

*International Law, Necropolitics, and Arab Lives* makes a significant contribution to contemporary debates on international law, sovereignty, and violence by interrogating the foundations of *jus gentium*, the body of law historically understood as governing relations among political communities. Originating in Roman law and later elaborated by scholastic jurists, *jus gentium* came to denote a universal legal order grounded in reason rather than revelation and was subsequently institutionalised as modern international law through secular, positivist jurisprudence. Khaled Al-Kassimi's central claim is that this universalist legal project is not merely uneven in its application, but structurally necropolitical in its effects on Arab life.

Anna Agathangelou, in her foreword, presents the book as a necessary contribution that exposes *jus gentium* as a violent epistemological structure and situates it as an uncompromising critique of Latin European modernity grounded in a reassertion of Arab epistemological and juridical self-understanding beyond the frameworks of secular sovereignty. She observes that, by interrogating the collation of *jus gentium*, Al-Kassimi seeks to clarify what Arabs have long attempted

to communicate about nature, law, and existence within a modern legal order that persistently misreads them (p. xiii).

The book advances an unsettling claim. Mass death, displacement, and political destruction across Arab societies are not approached as aberrations arising from legal failure, policy error, or weak enforcement. Instead, they are presented as outcomes that can be anticipated within a positivist *jus gentium*, where doctrines of sovereignty and humanitarianism structure the exercise of violence while simultaneously distancing actors from responsibility. Within this framework, law does not merely fall short of restraining violence in Arab space; it renders such violence lawful, intelligible, and administratively manageable, thereby normalising what it purports to regulate (emphasis in Ch. 4).

This is not a study of particular conflicts in the Middle East, nor a conventional critique of Western foreign policy. It positions the Arab World as a site through which the underlying structure of modern *jus gentium* is rendered visible, analysing international law as an ontological project that governs life and death through historically produced hierarchies of civilisation and legitimacy. In doing so, Khaled Al-Kassimi challenges the assumption, common across both International Law and International Relations, that law's violence lies in its misuse rather than in its structure. Therefore, the book's point of departure is the discourse of "creative chaos," articulated by United States policymakers during the invasions of Iraq and Lebanon and later retroactively applied to the Arab uprisings of 2011.

Creative chaos denotes a form of legal rationality in which fragmentation and demographic destruction are not unintended consequences but anticipated conditions of governance. Disorder becomes productive when administered within a legal regime that preserves the universalist self-image of international law (pp. 79, 176). Therefore, the book argues that the continuous disorder and destruction pervasive in 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 civilisation "lacking democracy" and being "despotic in nature", but rather on a *jus gentium* that continues to be informed by principles based on a positivist jurisprudential logic using cultural differences as a (temporal) legal argument to adjudicate extrajudicial treatment" (p. 198).

From this starting point, the book reframes doctrines such as pre-emptive self-defence (Ch. 2) and the Bethlehem Legal Principles (Ch. 4) as technologies of legal authorisation rather than pragmatic responses to new security challenges/environments. Sovereignty is recalibrated from a principle of restraint into an entitlement to anticipatory violence, particularly against societies represented as incapable of ethical self-regulation. What emerges subsequently is not the marginalisation or erosion of international law, but its operationalisation as a framework for producing what necropolitical theory describes as death worlds (pp. 8-11).

Methodologically, the book is situated at the intersection of Third World Approaches to International Law and necropolitical analysis. This positioning enabled Dr. Al-Kassimi to historicise contemporary legal doctrines within longer colonial and theological genealogies while foregrounding their racialised effects. Sovereignty is considered a bio and necropolitical system that confers upon sovereign figures the authority to decide whose lives are protected, whose deaths are acceptable, and whose destruction is legally inconsequential.

The early chapters reconstruct the genealogy of modern international law by tracing the secularisation of revealed law within European jurisprudence. Through sustained engagement with Iberian scholastics, nineteenth-century positivist jurists, and colonial legal doctrine, the book demonstrates how cultural difference was translated into legal hierarchy. *Jus gentium* emerges, therefore, as a “civilisational project” that elevated a particular European epistemology to the status of universal norm while relegating non-European societies to conditions of legal inferiority. Within this framework, the book testifies that the war on terror constitutes “a (re)-turning point recounting the cultural civilizational legal marker of “sovereignty” being denied to Arab civilization because they are imagined as lawless, lack social organization, and are deficient in the arts of war” (p. 112).

From this genealogy emerges the positivist separation of law from morality at the core of the book’s argument. Once legality is detached from ethical judgement, violence requires only procedural validation, making pre-emptive war a routine instrument of governance in Arab contexts where threat is considered as permanent. Neo-Orientalist imaginaries convert cultural and temporal difference into legal

incapacity, a dynamic illustrated through the Arab uprisings, where liberal narratives alternately celebrate protest or condemn its aftermath while displacing Arab agency (Ch.3). Neo-Orientalism thus operates as a constitutive condition of legal reasoning, regulating access to sovereignty and allowing *jus gentium* to maintain a universalist form through systematic exclusion.

The book's most concrete analysis centres on the Bethlehem Legal Principles and Operation Timber Sycamore, which reveal how epistemic hierarchy is translated into operational violence through the outsourcing of killing to proxy forces and covert programmes, not as a failure of sovereignty but as one of its most effective expressions. Law insulates decision makers from accountability while rendering mass violence administratively lawful, so that death and displacement in Arab space appear not as legal breakdowns but as indicators of legal function. The later chapters extend this critique beyond doctrine into the ontological foundations of modern international law, theorising sovereignty as a violent relation oriented toward the production of expendable life, through which Arab bodies are constituted as living dead. Central to this analysis is the figure of the *muselmann* (pp. 229-237), treated as a juridical and political subject position that renders Arab life bare and disposable within zones where death is normalised and politically inconsequential, with camps, border zones, and devastated cities emerging as the spatial paradigms through which law and violence converge.

The concluding chapter shifts from diagnosis to epistemological confrontation by challenging the secular ontology underpinning modern *jus gentium*. Al-Kassimi argues that the separation of reason from revelation enables sovereignty to occupy a quasi-divine position, exercising the power to decide over life and death while disavowing moral responsibility. Against this, the book advances an alternative conception grounded in limitation rather than mastery. The reconciliation of revelation and reason operates here as an ontological limit on sovereign violence. This move will likely prove the most contentious aspect of the book, particularly for doctrinal international lawyers for whom the epistemological critique may appear excessive or resistant to reformist approaches. Its significance rests in redirecting attention from questions of legal refinement to the conditions under which legal reasoning itself authorises violence. Al-Kassimi is therefore less concerned with improving international law than with showing how its procedures make lethal outcomes both permissible and intelligible.

The book's reception is therefore likely to be uneven. Within International Law, particularly among scholars working in critical legal studies and Third World Approaches to International Law, it constitutes a serious and unsettling intervention that demands engagement with law's necropolitical foundations. In International Relations, it is likely to resonate most strongly within critical security studies, postcolonial theory, and political theology, while sitting uneasily with aspects of International Relations scholarship that treat law as an institutional backdrop rather than as a mechanism through which violence is authorised.

## GUIDELINES FOR AUTHORS

*Intellectual Discourse* is an academic, refereed journal, published twice a year. Four types of contributions are considered for publication in this journal: major articles reporting findings of original research; review articles synthesising important deliberations related to disciplines within the domain of Islamic sciences; short research notes or communications, containing original ideas or discussions on vital issues of contemporary concern, and book reviews; and brief reader comments, or statements of divergent viewpoints.

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1. Original research and review articles should be 5,000-8,000 words while research notes 3,000-4,000 words, accompanied by an abstract of 100-150 words. Book review should be 1,000-1,500 words.
2. Manuscripts should be double-spaced with a 1-inch (2.5 cm) margins. Use 12-point Times New Roman font.
3. Manuscripts should adhere to the *American Psychological Association* (APA) style, latest edition.
4. The title should be as concise as possible and should appear on a separate sheet together with name(s) of the author(s), affiliation(s), and the complete postal address of the institute(s).
5. A short running title of not more than 40 characters should also be included.
6. Headings and sub-headings of different sections should be clearly indicated.
7. References should be alphabetically ordered. Some examples are given below:

### **Book**

In-text citations:

Al-Faruqi & al-Faruqi (1986)

Reference:

Al-Faruqi, I. R., & al-Faruqi, L. L. (1986). *The cultural atlas of Islam*. New York: Macmillan Publishing Company.

## **Chapter in a Book**

In-text:

Alias (2009)

Reference:

Alias, A. (2009). Human nature. In N. M. Noor (Ed.), *Human nature from an Islamic perspective: A guide to teaching and learning* (pp.79-117). Kuala Lumpur: IIUM Press.

## **Journal Article**

In-text:

Chapra (2002)

Reference:

Chapra, M. U. (2002). Islam and the international debt problem. *Journal of Islamic Studies*, 10, 214-232.

## **The Qur'ān**

In-text:

(i) direct quotation, write as 30:36

(ii) indirect quotation, write as Qur'ān, 30:36

Reference:

*The glorious Qur'ān*. Translation and commentary by A. Yusuf Ali (1977). US: American Trust Publications.

## **Ḥadīth**

In-text:

(i) Al-Bukhārī, 88:204 (where 88 is the book number, 204 is the ḥadīth number)

(ii) Ibn Hanbal, vol. 1, p. 1

Reference:

(i) Al-Bukhārī, M. (1981). *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār al-Fikr.

(ii) Ibn Ḥanbal, A. (1982). *Musnad Aḥmad Ibn Ḥanbal*. Istanbul: Cagri Yayinlari.

## **The Bible**

In-text:

Matthew 12:31-32

Reference:

*The new Oxford annotated Bible*. (2007). Oxford: Oxford University Press.

Transliteration of Arabic words should follow the style indicated in ROTAS Transliteration Kit as detailed on its website ([http://rotas.iium.edu.my/?Table\\_of\\_Transliteration](http://rotas.iium.edu.my/?Table_of_Transliteration)), which is a slight modification of ALA-LC (Library of Congress and the American Library Association) transliteration scheme. Transliteration of Persian, Urdu, Turkish and other scripts should follow ALA-LC scheme.

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ISSN 0128-4878 (Print)

ISSN 2289-5639 (Online)

