

Index

AAS-T. See Ansar al-Shari'a in Tunisia Abadi, Jacob, 184-5 Abdu Nasser, Jamal, 126-7 accustomed authoritarianism, 91-2 adjusted authoritarianism, 98-9 Afghanistan, 15, 32, 74-6 Africa, 32 Agamben, Giorgio, 34, 43, 47 'Ahd al-Amān. See Fundamental Pact Algeria, 43-5, 87-8, 172-3, 178, 215 civil war of, 174 against French, 50-1, 166-8, 198-9 Ali, Muhammad, 102-3 Ali Ben Ghdahem Revolt, 164 Alkam, Egypt, 101-2 Alnasseri, Sabah, 33 Altaleea, 169 Amnesty International, 46, 88 anarchist acts, 107 Al-Anezi, Rashid, 159 Anglo-Egyptian treaty, 110 Anglo-European imperialism, 3-4 Anglo-French Dual Control, 107 Ansar al-Shari'a in Tunisia (AAS-T), 178, 102-3 Anti-Money Laundering Law (2002), 214 anti-terrorism, 1-18, 65, 137-62, 200-23. See also counter-terrorism enemies dealt with by, 136, 156-7 Al-Qaeda shaping, 78 U.S. policy of, 91-2 Anti-Terrorism Act (Saudi Arabia), 93-5 Anti-terrorism Law (2015) (Tunisia). See Law number 26 Regarding Anti-terrorism and Money-laundering Anti-terrorism Law (Egypt), 12, 214-15

Anti-terrorism Law number (no.) 94 (2015), 141-57, 159-60, 162, 217-18 apologie. See glorification AQIM. See Al-Qaeda in the Islamic Maghreb Arab Convention for the Suppression of Terrorism, 15, 78, 83-91, 98, 216 Arab Spring, 2, 13, 49, 78, 220-1 Egypt influenced by, 92, 117, 140-1, 205 Russia influenced by, 96-8 Tunisia influenced by, 92, 173-4, 196-8, 205, Arab states, 37–8, 52, 54–5, 65–7, 96, 207–8. See also Arab Convention for the Suppression of Terrorism anti-terrorism experience of, 138-9 authoritarian ambition of, 216-18 French influencing, 220-2 terrorism defined by, 54, 217 Arab world, 1-18, 77-99, 216-18. See also Egypt; Tunisia West as similar to, 205-6, 216, 220-2 Arabs, 6-7, 51-2, 54, 78, 82, 92-8 Arar, Maher, 204 Arfawi, Khamis, 167-9, 171 armed conflict, 74 Al-Assad, Bashar, 78, 92, 97-8 assassination, 113–14, 127, 130–1, 147–57, 209 Australia, 23 authoritarian ambition, 17-18, 118-19, 199, 201, 215-18, 220-2 censorship reflecting, 211-12 in West, 119 authoritarian regimes, 78, 156-7, 171-4, 200, Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore (Rajah), 10



270 Index

```
authoritarianism, 18, 78, 91-2, 98-9, 113-14, 220-2
                                                      British Intelligence in the Second World War
  colonial heritage and, 161-2, 198-9
                                                           (Hinsley), 40-1
  law development, 216-18
                                                      British Terrorism Act (2000), 63-4, 212-14
  as legal, 83-91
                                                      Brown, Leon Carl, 163-5
  neo-colonial approval of, 161-2, 198-9
                                                      Brown, Nathan, 11, 14, 37-8, 102-3, 108
  new liberal, 46-7
                                                        on constitutions, 113, 163-4
  peak of, 137-41, 185-98
                                                        on Egypt, 110, 121-2, 131, 161, 217
  as post-colonial, 216-18
                                                        on Tunisia, 163-4
                                                      Bush, George H. W., administration, 54-5
Bahrain, 65, 92-3
                                                      Bush, George W, 47
Balfour, Arthur James, 105-6
Barakat, Hisham, 147-57
                                                      Cairo, Egypt, 101-2, 136-7, 159-60
Baring, Evelyn, 108-9, 112
                                                      Canada, 23, 204
Baroody, Jamil, 54
                                                      Canal Zone, 100, 109-12, 121
Beckert, Sven, 26-7
                                                      Cannon, Byron, 106-7
Beinin, Joel, 133-4
                                                      capitalism, 4
Ben Ali, Zine El Abidine, 173-4, 185-8, 196-8,
                                                      case studies, 9-11
                                                      catch-all logic, 5-7, 201
bey, 163-6, 169-70, 198, 210
                                                      censorship, 167-9, 211-12
bin Laden, Osama, 62-3, 86
                                                      centralization, 17-18, 29-31
Black September, 53
                                                        of authoritarian regime, 171-4, 220-2
Bonaparte, Napoleon, 15, 29, 42-3, 100-3, 105
                                                        of British, 17, 29-30
Bouazizi, Mohamed, 173-4
                                                        of FATF, 17, 30-1
Bourguiba, Habib, 171-3, 184-7
                                                        of French, 29-30, 220-2
                                                      Chapter VII, of UN Charter, 30, 75
Bréart (general), 165
Britain, 4, 22-4, 35, 38-41, 128
                                                      Charles I, 35
  Fascist movement in, 13, 40
                                                      Charles X (king), 166
British
                                                      Civil Authorities (Special Powers) Act (Northern
  centralization of, 17, 29-30
                                                           Ireland) (1922), 38-9
                                                      civil war, 5, 174
  colonialism, 4
  colonies experience of, 35-8
                                                      civilization, 25-6
                                                      civilizing mission, 3-4, 22-5, 218
  DORA adopted by, 128
  Egypt influenced by, 9-10, 14, 100-3, 105-6,
                                                      clergy (mufti), 117-18
    121-3, 125-7, 129-38, 161, 175, 207-9, 217,
                                                      Clinton, Hillary, 91
    210-20
                                                      Coady, C. A. J., 125
  Empire, 8-9, 22-4, 48-9, 219
                                                      Cold War, 25, 96
  exceptionalism experienced by, 35-41
                                                      Cole, Juan, 21-2
  freedom of expression restricted by, 205-6
                                                      colonial heritage, 113-14, 161-2, 198-9, 219
  Iraq influenced by, 80-1
                                                      colonial implanting, 207-12
                                                      colonialism, 1-49, 200-23. See also neo-
  laws, 13-14
  in Malaya, 70
                                                           colonialism
  martial law established by, 35-7, 110-12, 156-7,
                                                        common enemy during, 78-83
                                                        Egypt influenced by, 100-19, 121-32, 207-10, 218-23
  militarism of, 31-2
                                                        terrorism during, 51-4
                                                        in Tunisia, 163-76, 178-85, 207-8, 210-12, 215,
  in Northern Ireland, 32, 69-70
  in Palestine, 50-1
  Parliament, 35
                                                      colonies, British experience within, 35-8
  Roach on, 212
                                                      command and supreme power (imperium), 20
  South Africa against, 50-1
                                                      Commission Financière Internationale, 164-5
  special courts of, 112, 122, 129-30, 209
                                                      common enemy, 78-83, 119, 156-7, 220
  state of emergency established by, 35-8, 208-9
                                                      communism, 77-82, 120-1
  Tunisia influenced by, 163-5, 175, 219-20
                                                        Egypt targeting, 78-9, 132
  UK experience of, 38-41
                                                        terror used against, 120-1, 132-8, 153, 161
  war on terror influenced by, 14
                                                        war on, 132-8, 153
```



> Index 271

communists, as enemies, 135 comparative legal analysis, 11-15 Comras, Victor, 53 Constitutional Dictatorship: Crisis Government in the Modern Democracies (Rossiter), 33-4 constitutional public authorities, 45 constitutions, 163-4 of Egypt, 10, 14, 110–11, 113, 139–41, 156, 208–9 French, 45 of Tunisia, 10, 169, 173, 186 consultation (shura), 220 Convention of La Marsa, 166 core, of empire, 21 countering, 62-3, 73-5 counter-insurgency, 7-9, 111-12, 166-7, 219-20. See also militarism counter-revolutionary war (guerre contrerévolutionnaire), 41-2 counter-terrorism, 50-76, 91-8, 120-62, 177-99, 220-3 in Arab world, 77–99 colonial rationale for, 218-19 neo-colonial rationale for, 219-20 in twenty-first century, 91-8 UK's influence in, 212-14 Counter-terrorism Act (2004), 86 Counter-Terrorism Committee (CTC), 1-2, 15-16, 59, 63-5, 206-7 France reporting to, 68-9 Syria reporting to, 85-6 Tunisia reporting to, 192-3 Counter-terrorism Judicial Pole, 193-6 Court of Appeal (Tunisia), 193-6 Court of Cassation, 120-1, 133-8 crimes, terrorism-related, 203-18 Criminal Procedure Code, 128-9, 195-6 Cromer (lord). See Baring, Evelyn CTC. See Counter-Terrorism Committee cyber crime draft law, 160-1, 178, 198 Dakahlia Governorate, 145-8 Damais, Alain, 66-7 Darwish, Chakib, 186 death penalty, 194 Declaration on Friendly Relations (1970), 52-3 Decree Number (No.) 115 Concerning Freedom of the Press, Printing and Publishing (2011), 178, 196-8

Defence of the Realm Act (DORA) (1914), 21, 38-40, 128 Defence of the Realm Consolidation Act (DORA), 13-14, 125-6 Defence Regulation 18B, 13-14, 38, 40-1 Defence (General) Regulations (1939), 13-14

democracy, over liberalism, 33-4 Dilou, Samir, 186 Diplomatic Agents Convention, 89-90 dirty wars, 41 disturbances of public order (des Troubles apportés à l'ordre public), 142–3, 160–1, 181, 188–9, 217 Djerba Island, 13, 188-9 DORA. See Defence of the Realm Act; Defence of the Realm Consolidation Act Draft Code of Offences against the Peace and Security of Mankind (1954), 52-3

Economic and Social Council in the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 158-9 economic control, political control and, 103-4, 106-7, 163-5 economic dependence, 114-18, 174-5 economic expansion, 17-18, 26-9 economic imperialism, 21-2 Egypt, 1-2. See also Arab Convention for the Suppression of Terrorism; el-Sisi, Abdel Fattah Alkam in, 101-2 anti-terrorism in, 16-17, 137-62, 200-1 Arab region influenced by, 78 Arab Spring influencing, 92, 117, 140-1, 205 British influencing, 9-10, 14, 100-3, 105-6, 121-3, 125-7, 129-38, 161, 175, 207-9, 217, 210-20 Cairo in, 101-2, 136-7, 159-60 case study of, 9-11 centralization adopted by, 17 colonialism influencing, 100-19, 121-32, 207-10, 218-23 communism targeted by, 78-80, 132 constitution of, 10, 14, 110-11, 113, 139-41, 156, counter-terrorism in, 120-62 CTC reported to by, 64-5 exceptionalism in, 126-32 FATF influencing, 66–7, 154–5, 162, 214–15 under French, 9-10, 100-8, 111-12, 123-6, 141-4, 161, 207–10, 216, 219–20 global war on terror influencing, 15 influence of, 90, 216-18 informal imperialism in, 207-10 Islamic terrorism influencing, 82-3, 119 laws of, 11-15, 120-62 legal analysis of, 11-15 martial law declared in, 110-12, 208-9

migration in, 207-10, 214-15

militarism in, 126-32



272 Index

Egypt (cont.) Europe, Tunisia lent to by, 21-2. See also Napoleonic Penal Code influencing, 207-8, colonialism; imperialism; neo-colonialism European powers, 8-9, 25-7, 163-5. See also 216-17 National Courts of, 112 colonialism; imperialism; neo-colonialism national security of, 121-32, 158-9, 216-18, 222-3 European Union (EU), 219-20 Europeans, 174-5 neo-colonial experience in, 100-19, 214-15, exception, theory of, 33-4 exceptionalism, 17-18, 33-48, 126-32 9/11 attacks influencing, 138, 162, 214-15, 217-18, 221-2 excommunication advocation (takfir), 191-2, 215 overview of, 9-17 extreme legality, 43 Penal Code of, 14-15, 64-6, 78-9, 84, 108, 120, Eyre (governor), 36 $122-6,\,132-8,\,141-57,\,161,\,207-8,\,217-18$ public order of, 158–61 Fascist movement, 13, 40 Resolution 1373 influencing, 64-5, 154-5 FATF. See Financial Action Task Force Roach on, 90, 162 fatwa. See religious opinion rulers of, 82 fear, 189-90, 222-3 Feindstrafrecht. See enemy criminal law sources on, 15-17 Feldman, William, 43 special courts in, 112, 122, 129-32, 139, 209-10 state of emergency declared by, 26, 127-32, Fifth Republic, 44-5 Financial Action Task Force (FATF), 9, 17, 27, 138-40, 209 74–6, 199, 202 State of Emergency Law of, 64-5 terrorism defined by, 12-13, 15, 120-1, 125, 133-4, centralization of, 17, 30-1 141-6, 148-53, 189-90, 208, 214-18 Egypt influenced by, 66-7, 154-5, 162, 214-15 terrorists referred by, 138 overview of, 27-9, 206-7 Tunisia compared with, 177-8, 189-90, 195, 198, Tunisia influenced by, 192, 215 financing, of terrorism, 62-3, 74-5, 154-5, 192-3, UK as similar to, 90-1, 138 206-7 US influencing, 91-3, 114-17, 119, 162 First Consul, 29 West approving of, 162 First French Empire, 123-4 World War II influencing, 110, 127 fixed rule of action, 23-4 Egyptian Criminal Procedures Law number (no.) flexibility, of anti-terrorism law, 222-3 50 (1951), 156 flexible positional superiority, 23-4, 105 Egyptian Revolution (1952), 135 foreign terrorist fighters, 71-4 Egyptian Revolution (2011), 140-1 Foucault, Michel, 104 four perspectives, 17-18 Egypt-Israel Peace Treaty, 114 France, 4, 8-9, 14-15, 32, 68-9, 180. See also emergency powers, 33-48. See also state of French emergency Emergency Powers (Defence) Act (1939), 38-41 anti-terrorism laws of, 141-4 Emmerson, Ben, 94-5, 194 as Fifth Republic, 44-5 empire, 20-4, 95-7 as First French Empire, 123-4 Law on the Freedom of the Press as active in, British, 8–9, 22–4, 48–9, 219 French, 8-9, 15, 22-4, 48-9, 123-4, 176, 219 informal, 3-5, 21-2 new imperialism of, 22-4 Ottoman, 96, 100-3, 110, 163 Paris in, 42, 45-6, 73-4, 101, 222 enemies, 8-9, 46, 130-1, 135, 152, 189. See also Penal Code of, 12, 14-15, 142-4, 210-11 as Second French Republic, 15, 43 common enemy anti-terrorism dealing with, 136, 156-7 terrorist attacks in, 42, 45-6, 73-4, 174, 222 enemy criminal law (Feindstrafrecht), 135-6 Free Officers Movement, 113-14, 130-2, 209-10 Enemy Regulations Ordinance, 37 freedom of expression, 205-6 En-Nahda, 172–4 freedom-fighting, 53-4 environment, as threat-free, 222-3 French. See also Napoleonic Penal Code; Eschasseriaux, Joseph, 101 Napoleonic system; state of siege état d'urgence. See state of emergency Algeria against, 50-1, 166-8, 198-9 EU. See European Union Arab states influenced by, 207-8, 220-2



More Information

Cambridge University Press 978-1-108-47692-8 — Colonialism, Neo-Colonialism, and Anti-Terrorism Law in the Arab World Fatemah Alzubairi Index

Index 273

censorship legacy of, 167-9, 211-12 Hobson, J. A., 23-4 centralization of, 17, 29-30, 220-2 Hocking, Jenny, 31 colonialism, 4 Hoffman, Bruce, 50-1 counter-insurgency of, 166-7 Hollande, François, 42, 45, 222 Egypt under, 9-10, 100-8, 111-12, 123-6, 141-4, Holt-Wilson, Eric, 40 161, 207–10, 216, 219–20 hostile associations, 13-14, 40-1 Empire, 8-9, 15, 22-4, 48-9, 123-4, 176, 219 hostile origins, 13-14, 40-1 exceptionalism experienced by, 34-5, 41-6 Human Rights Watch, 94-5, 152, 188 freedom of expression restricted by, 205-6 Hussain, Nasser, 32 Hussein, Saddam, 25, 96-7. See also Gulf War laws, 14-15 military courts of, 169-71 Revolution, 29, 42-3, 101-2, 175-6 ICCPR. See International Covenant on Civil and state of emergency relied on by, 42, 45-6 Political Rights ICJ. See International Court of Justice state of siege declared by, 168-71, 183, 210-11 ICP. See Iraqi Communist Party Tunisia under, 9–10, 80, 86, 163–71, 175–85, 195-6, 198-9, 207-8, 210-13, 215-16, 219-20 illegal content, 205-6 French, David, 8, 31-2, 36-8, 41-2 imperialism, 3-5, 19-49, 103-8, 163-5, 207-12 on British, 108, 111, 208-9 imperium. See command and supreme power French Civil Code (1804), 207-8 implanting, colonial, 207-12 French Constitution (1958), 45 "In the Highest Degree Odious: Detention without French Law Regarding the State of Siege (1849), Trial in Wartime Britain" (Simpson), 40-1 15, 45, 128, 142–3 incitement, 14, 68-71, 86, 151-3, 179-81, 187-8 French Penal Code (1810). See Napoleonic Penal excommunication advocation and, 191-2, 215 overview of, 211 French Resident General, 166, 168-71, 198, 210-11 in Penal Code, 212 Fundamental Pact ('Ahd al-Amān), 163-4 in West, 205-6 India, 212-13 Gaddafi, Muammar, 97 Indian Mutiny, 36 Galula, David, 81 informal empire, 3-5, 21-2 Garland, David, 48 informal imperialism, 103-8, 163-5, 207-12 Gaulle, Charles de, 44-5 institutional Darwinism, 28 General Assembly, 30, 53 insurgency, 5, 8-9, 181-3, 210-11, 219-20 Germany, 53, 205-6 insurgents, 170-1 al-Ghannouchi, Rashid, 172-3 Internal Security Act (1960), 69–70 global anti-terrorism legislation, 200-23 International Convention for the Suppression of the Financing of Terrorism, 56, 62 global centralization, 30-1 global legislation, 75 International Court of Justice (ICJ), 87-8, 191-2 global war on terror, 13-15, 185-7, 200, 218-23 International Covenant on Civil and Political glorification (apologie), 14, 68-71, 86, 192, 205-6, Rights (ICCPR) (1966), 158-9 international level, 50-76 212-13 Go, Julian, 3-4, 21, 25 international security, 200-1 Internet, 154 Gold Book of the National Courts, 123, 126 Grand Council, 164 Iran, 25 Greece, 96 Iraq, 46, 79-81, 96-7, 217. See also Gulf War; Guantanamo Bay, 8-9 Islamic State guerre contre-révolutionnaire. See counter-Iraq War, 25 Iraqi Communist Party (ICP), 81 revolutionary war la guerre révolutionnaire. See revolutionary war Ireland, 35. See also Northern Ireland Gulf War, 25, 51-2, 54-5 Irgun, 50-1 ISIS. See Islamic State Hajjar, Lisa, 24 Islamic Military Counter Terrorism Coalition, 95 Islamic State, 1-2, 32, 46-7, 71-4, 206 Hilmi, Abbas II, 107 Hinsley, F. H., 40-1 attacks against, 74-6 historical legal analysis, 11-15 recruiting success of, 220



Index

274

Islamic terrorism, 51, 77–8, 82–3. *See also* war on terror as common enemy, 79, 82–3, 119
Islamists, 140–1, 148, 172–4, 185–99 terrorism definition influencing,

Israel, 50-1, 53, 114-16

Jakobs, Günther, 136 Jamaican insurrection, 36 Jasmine Revolution, 173–4 Jellaz Conflict, 168 Jewish liberation group, 50–1 Jordan, 65, 138–9 Jullien, Thomas Prosper, 101–2

Kamal, Hussein, 107 Kelly, George A., 41–2, 46 Kenya, 36 Kiernan, V. G., 219 Kitson, Frank, 37, 219–20 knowledge, 103–6, 119 knowledge-control, 103–6 Kuwait, 90–1, 96–7. See also Gulf War

Lavrov, Sergei, 97

Law Concerning Support for International Efforts to Combat Terrorism and Prevent Moneylaundering, 13, 65, 188–9

Law for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work (2017), 121, 157–60

Law in Support of International Efforts to Fight Terrorism and the Repression of Money Laundering (2003), 186, 189–93, 215

Law no. 8 Regarding Regulating Terrorist Entities and Terrorists (2015). See Law number 8 Regarding Regulating Terrorist Entities and Terrorists

Law no. 26 Regarding Anti-terrorism and Moneylaundering (2015). See Law number 26 Regarding Anti-terrorism and Moneylaundering

Law no. 97 (1992). See Law number (no.) 97 (1992) Law no. 106 regarding Combating Money Laundering and Terrorism Financing. See Law number 106 regarding Combating Money Laundering and Terrorism Financing

Law no. 162 Concerning the State of Emergency (1958). See Law number 162 Concerning the State of Emergency

Law number (no.) 8 Regarding Regulating Terrorist Entities and Terrorists (2015), 12, 141–57, 195–6, 202–3, 214–15 Law number (no.) 26 Regarding Anti-terrorism and Money-laundering (2015), 178, 188–96

Law number (no.) 97 (1992), 141–57, 162 Law number (no.) 106 regarding Combating Money Laundering and Terrorism

Money Laundering and Terrorism Financing, 90

Law number (no.) 162 Concerning the State of Emergency (1958), 12, 64–5, 120, 122, 127–30 State Security Courts established by, 131–2

Law of 9 March 1928, 170-1

Law of 14 August 1941, 171

Law on the Freedom of the Press (1881), 68–9, 86, 125, 152, 167–8, 187–8

France, as active in, 211

Law number 26 Regarding Anti-terrorism and Money-laundering and, 192

terrorism definition influenced by, 212 Law regarding Anti-terrorism and Money-

Law regarding Anti-terrorism and Moneylaundering, 13

Law Regarding the State of Siege of 1849 and 1878, 43-4, 126

laws, 11–15, 120–62, 177–99, 216–18. See also antiterrorism; martial law

cyber crime draft, 160–1, 178, 198 migration of, 207–15

migration of, 207–15 rule by, 21

rule of, 10, 222

rule of, 10, 222

Lebanon, 65–6, 78–9, 159, 217

legal analysis, 11-15

legal authoritarianism, 83-91

liberal legality, 217

liberalism, democracy over, 33-4

liberalization, 46-7

Libya, 97, 178, 215

local authoritarianism, 113-14

Lockman, Zachary, 133-4

Loewenstein, Karl, 113

London, UK, 14, 68, 212-13

Low Intensity Operations (Kitson), 37

Maghreb, 166–7, 217. See also Algeria; Morocco; Tunisia

Malashenko, Alexey, 97-8

Malaya, 36-7, 70

Mann, Michael, 3-4, 20-2

martial law, 32, 35-6, 138-9

British establishing, 35–7, 110–12, 156–7, 208–9 Egypt declaration of, 110–12, 208–9

Marxists, 135-6

McCulloch, Jude, 6, 61-2

measures. See anti-terrorism; counter-terrorism MENAFATF. See Middle East and North Africa

Financial Action Task Force

Menon, Rajan, 96



Index 275

Middle East, 21–2, 162	colonialism and, 100-19
Middle East and North Africa Financial Action	domination of, 74–6
Task Force (MENAFATF), 28, 75	as economic dependence, 114–18
migration, of law, 207–15	Egyptian experience of, 100–19
militarism, 17–18, 31–3, 126–32. See also martial law	emergence of, 52, 54–6
military courts, 169–71, 211–12	of Russia, 97–8
minimum use of force, 31–2, 111–12, 135–6	in Tunisia, 163–76, 185–98
Mixed Courts, 106–7	new imperialism, 3–4, 22–4
Moreau, Jean F., 176	new liberal authoritarianism, 46–7
Mornagula Prison, 194	NGOs. See non-governmental organizations
Morocco, 87–8	NGOs Law. See Law for Regulating the Work of
Morsi, Mohamed, 115, 139, 141, 148	Associations and Other Institutions Working in the Field of Civil Work
Mubarak, Hosni, 114–15, 117, 127, 139–40, 209–10	
on terrorism, 221–2	9/11 attacks, 1–3, 11, 25, 47, 206. See also War on
Mueller, Gerhard O. W., 176	Atghanistan
mufti. See clergy	aftermath of, 52, 56–74, 91–2, 162, 186, 199, 202,
Munich Olympics massacre, 53–4	206–7, 212–14, 221–2 Egypt influenced by 128, 162, 214, 15, 217, 18
Muslim Brotherhood, 109, 113–14, 130–1, 139, 152,	Egypt influenced by, 138, 162, 214–15, 217–18,
²⁰² –3 Muslims, 6–7	exceptionalism influenced by, 34
witishins, o-/	FATF influenced by, 27–8
Naguib, Muhammad, 113	Resolution 1373 influenced by, 202, 206–7
name and shame list, 28–9	terrorism after, 56–74
Napoleon, Louis, 29–30, 42–3	Tunisia influenced by, 13, 178, 186, 193, 199, 215
Napoleonic Penal Code, 12, 15, 89, 123–5, 142–4,	war on terror demonstrated by, 222
153	Niva, Steve, 24
Arab states influenced by, 207–8	non-cooperative countries and territories list, 28–9
Egypt influenced by, 207–8, 216–17	non-governmental organizations (NGOs), 121,
Tunisia influenced by, 170–1, 176, 178–83, 190–1,	144–5, 157–60
194, 207–8, 210–11, 215–16	North Atlantic Treaty Organization (NATO), 97
Napoleonic system, 17, 88	North Korea, 115–17
Nasser, Gamal Abdel, 113–14, 130–1, 135–6	Northern Alliance, 74
national anti-terrorism legislation, 200-23	Northern Ireland, 32–3, 69–70, 212–14
National Commission for the Regulation of	Northern Ireland (Emergency Provisions) Act
Foreign Non-Governmental Organizations,	(1973), 38–9
157-9	not classical imperial power, 24-5
National Commission to Combat Terrorism, 193,	Noyon, Jennifer, 172–3
215	, , , , , , , , , , , , , , , , , , , ,
National Courts, of Egypt, 112	Obama, Barack, 74, 92–3
national defense, 196–8	Occident, 104–6
national security, 200-1, 205-6, 216-18	OECD. See Organisation for Economic
of Egypt, 121–32, 158–9, 222–3	Co-operation and Development
of Tunisia, 177–99, 222–3	Operation Eagle, 111–12
national unity, threatening of, 217	ordre public. See public order
NATO. See North Atlantic Treaty Organization	Organisation for Economic Co-operation and
Nazi regime, 33-4	Development (OECD), 28–9
necessity, 41	Orient, 104–6
Neocleous, Mark, 46-7	other, 105, 202–3
neo-colonial approval, of authoritarianism, 161-2,	otherness, 42
198–9	Ottoman Empire, 96, 100–3, 110, 163
neo-colonial era, terrorism in, 52, 54–6,	Owen, Roger, 162, 216
185–98	
neo-colonial migration, of law, 212-15	Palestine, 36, 50–1
neo-colonialism, 1-49, 56-74, 200-23	Palestinians, 51-4, 91



276 Index

Paris, France, 42, 45-6, 73-4, 101, 222 PTA. See Prevention of Terrorism (Temporary Pasha, Isma'il, 107 Provisions) Act Pelletier, George A., Jr., 46 public order (ordre public), 15, 45-6, 126, 128 Penal and Procedures Military Code no. 92 (1957). disturbances of, 142-3, 160-1, 181, 188-9, 217 See Penal and Procedures Military Code of Egypt, 158-61 of Tunisia, 181, 185, 188-9, 196-8, 215 Penal and Procedures Military Code number (no.) public safety, 128 Putin, Vladimir, 96-7 92 (1957), 12–13, 184–5, 211 Penal Code, 122-6 of Egypt, 14–15, 64–6, 78–9, 84, 108, 120, 122–6, Al-Qaeda, 55-6, 62-3, 71-4, 78, 86, 206. See also 132–8, 141–57, 161, 207–8, 217–18 War on Afghanistan of France, 12, 14-15, 142-4, 210-11 Al-Qaeda in the Islamic Maghreb (AQIM), 178 of Tunisia, 12-13, 15, 177-83, 187-8, 191, 207-8, Qatar, 93 Qutab, Said, 82-3 Penal Code (1810). See Napoleonic Penal Code Penal Code (1883), 12, 122-6, 152, 161, 208 Raice, Ben, 170-1 Penal Code (1904), 120-2, 153 Rajah, Jothie, 10 Penal Code (1913), 12-13, 177-83, 210 rebellion, 12-14, 42-3, 122-5, 181-3, 210-11 Penal Code (1937), 124-5, 141-57, 161, 208 rebels, 69-70, 107, 170-1, 182-3, 211-12 Penal Code (1943), 78-9 reforms, 26-9, 173 Regulation 14B, of DORA, 13-14 Penal Code (1949), 78-9 Penal Code (1992), 12, 78, 84 Regulation 18B, of Defence (General) Regulations People's Court, 130-1 (1939). See Defence Regulation 18B Pickering, Sharon, 6, 61-2 religious opinion (fatwa), 117-18 plotting, incitement and, 179-81 Resolution 40/61, 53-4 police, 32-3, 111-12 Resolution 1267, 55-6 Polisario Front, 87-8 Resolution 1373 (2001), 13, 27-8, 57-67, 75, 85-6, political control, economic control and, 103-4, 106-7, 163-5 colonialism influencing, 213-14 political events, 11 Egypt influenced by, 154-5 political submission, 114-18, 174-5 9/11 influencing, 202, 206-7 Tunisia influenced by, 178, 186, 188-9, 215 Political Theology: Four Chapters on the Concept Resolution 1566 (2004), 67-8, 75 of Sovereignty (Schmitt), 33-4 Portuguese empire, 22-4 Resolution 1624 (2005), 14, 68-71, 86, 98, 154, positions of power, as unequal, 48-9 212-13 postcolonial world, 50–76, 201 Resolution 1973 (2011), 97 postcolonialism, 113-14, 171-4, 216-18 Resolution 2178, 71-4, 186-98 post-independence, common enemy during, Resolution 2253, 73-4 Resolution 3034 (XXVII) (1972), 53-4 82-3 Powell, Colin, 119 resource committee, 170-1 power, 48-9, 78, 104 Restoration of Order in Ireland Act (1920), 13-14 pre-emptive approach, 5-7 revolt, 44-5, 164 president, 207-8, 216 Revolt of Cairo, 101-2 Presidential Decree number (no.) 375 (1992), 139 revolution, 135, 140-1, 173-4 Presidential Decree of 26 January 1978, 12-13, 183 French, 29, 42-3, 101-2, 175-6 Press and Publication Law number (no.) 3 (2006), Revolution of 2011, 177-8, 186 00-1 revolutionary acts, 120-1 Press Law. See Decree Number 115 Concerning revolutionary war (la guerre révolutionnaire), 41-2 Freedom of the Press, Printing and Reza, Sadiq, 110, 128-9, 208-9 Roach, Kent, 6, 57, 61, 63-4, 67-8, 73 Publishing; Law on the Freedom of the Press Prevention of Terrorism (Temporary Provisions) on British, 212 Act (PTA), 213-14 on Egypt, 90, 162 procedural regulations, 155-7, 193-6 Rosand, Eric, 61 protection agreements, 218-19 Rossiter, Clinton, 33-4, 39, 43-4



Index 277

"Round up the Usual Suspects: The Legacy of British Colonialism and the European Convention on Human Rights" (Simpson), 36 Rudebeck, Lars, 166 rule by law, 21 rule of law, 10, 222 Russia, 1, 5, 9, 25, 46, 49 Arab world entered by, 78, 95–9 Court of Cassation influenced by, 133-4 neo-colonial policy of, 97-8 Resolution 1566 influenced by, 67 Syrian interference of, 78, 92, 95, 97-9 Russian Empire, 95-7 sabotage, 88, 120-5, 170-1, 181-3 Sadat, Anwar, 114, 127, 209 Sahrawi activists, 87-8 Said, Edward, 23-5, 104-5, 109 al-Said, Nuri, 81 Samy, Mahmoud, 87 Saudi Arabia, 54-5, 78, 91-5, 98-9 Scheinin, Martin, 139-40 Schmitt, Carl, 33-4 scientific expeditions, 103-6 Second Empire, 29-30 Second French Republic, 15, 43 Secret Intelligence Service, 136-7 security, 91-8, 222-3 sedition, 125-6 September 11, 2001, attacks. See 9/11 attacks Sharmen, J. C., 28 Shohat, Ella, 24 shura. See consultation Simpson, A W Brian, 36, 40-1 Singapore, 69-70 Siracusa Principles. See Economic and Social Council in the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights el-Sisi, Abdel Fattah, 92, 115-17, 141-57 social compact, 25 social crime, 135 social media, 198 socialist principles, 135-6 South Africa, against British, 50-1 Southeast Asia, 37 Soviet Union, 5, 79-80, 96 Spain, 58–9 Spanish empire, 22-4 Special Branch, 41 special courts of British, 112, 122, 129-30, 209

in Egypt, 112, 122, 129-32, 139, 209-10 Special Recommendations on Terrorist Financing, 27-8 speech, terrorism related to, 151-4, 191-2, 205-6, 219-20 speech crimes, 68-71 State, Power and Politics (Owen), 216 state of emergency (état d'urgence) British establishing, 35-8, 208-9 Egypt declaring, 26, 127-32, 138-40, 209 French relying on, 42, 45-6 overview of, 36-8 Presidential Decree of 26 January 1978 regulating, 12-13 Tunisia declaring, 183-5, 211, 215 State of Emergency Law. See Law number 162 Concerning the State of Emergency state of siege, 42-5, 168-71, 183, 210-11 military courts and, 169-71 during World War I, 43, 168 State Security Court (Jordan), 138-9 State Security Courts (Egypt), 131-2 state-of-exception, 37 Strathern, Paul, 101 subversions, 5, 36, 133-4, 177-8 Suez Crisis, 127 Supreme Constitutional Court, 131-2 Syria, 32, 46, 65, 78-9, 85-6, 97-8. See also Al-Assad, Bashar; Islamic State communist movement in, 79-80 Russia interfering in, 78, 92, 95, 97-9 US influencing, 91-2 Syrian Civil War, 5

takfir. See excommunication advocation Taliban, 32, 55-6. See also War on Afghanistan Talmon, Stefan, 57-8 Tan, Kevin, 37 Tartus, Syria, 97-8 Technical Research Department, 117 terminology, 3-7 terror, communist use of, 120-1, 132-8, 153, 161 terrorism, 2, 5-7, 50-99, 203-18. See also Arab Convention for the Suppression of Terrorism; Islamic terrorism; war on terror Arab states defining, 54, 217 during colonialism, 51-4 definition of, 12-15, 40-1, 78-91, 98, 125, 133-4, 141-6, 148-53, 185-93, 198, 200-18 DORA influencing, 13-14 Egypt defining, 12–13, 15, 120–1, 125, 133–4, 141-6, 148-53, 189-90, 208, 214-18 financing of, 62-3, 74-5, 154-5, 192-3, 206-7 Kuwait defining, 90-1



278 Index

terrorism (cont.) under French, 9-10, 80, 86, 163-71, 175-85, Mubarak on, 221-2 195-6, 198-9, 207-8, 210-13, 215-16, 219-20 in neo-colonial era, 52, 54-6, 185-98 informal imperialism in, 207-8 after 9/11 attacks, 56-74 Islamic terrorism influencing, 82-3 laws of, 11-15, 177-99 offenses of, 190-2 speech related to, 151-4, 191-2, 205-6, 219-20 legal analysis of, 11-15 Tunisia defining, 13, 185-93, 198, 210, 212, migration in, 207-8, 215 military courts influencing, 169-71, 211-12 UN defining, 52-4 Napoleonic Penal Code influencing, 170-1, 176, terrorist attacks, 11, 145-8. See also 9/11 attacks 178–83, 190–1, 194, 207–8, 210–11, 215–16 national security of, 177-99, 222-3 in France, 42, 45-6, 73-4, 174, 222 Paris, 42, 45-6, 73-4, 222 neo-colonial experience in, 163-76, 185-98, 215, in Tunisia, 13, 186-9 Terrorist Entities Law. See Law number 9/11 attacks influencing, 13, 178, 186, 193, 199, 215 8 Regarding Regulating Terrorist Entities and overview of, 9-17 Penal Code of, 12-13, 15, 177-83, 187-8, 191, **Terrorists** terrorists, 91, 138, 148-9, 173, 189, 211-12 207-8, 210-12 public order of, 181, 185, 188-9, 196-8, 215 acts, 149-52 entities, 145-9 Resolution 1373 influencing, 65-7, 178, 186, fear and, 222-3 188-9, 215 objective of, 145 rulers of, 82 sources on, 15-17 organizations of, 12-13, 184-5, 190, 204, 211 Tewfiq Pasha, 107-8 state of emergency declared by, 183-5, 211, Third French Republic, 180 state of siege in, 168-71, 183, 210-11 Thompson, Elizabeth F., 80-1 Thompson, Robert, 31-2 terrorism defined by, 13, 185-93, 198, 210, 212, threatening, of national unity, 217 threat-free environment, 222-3 terrorist attacks in, 13, 186-9 torture, 91-2 terrorists emphasized by, 173, 189, 211-12 Toyota, 206 uprising in, 173-4, 186 training, 190 US aiding, 175 treason, 107, 207-8 West approving of, 174-5, 198-9 Treaty of Bardo, 165 Tunisian Communist Party, 80 des Troubles apportés à l'ordre public. See disturbances of public order UAE. See United Arab Emirates UK. See United Kingdom Trump, Donald, 1-2, 92-5, 98-9, 115-17 UN. See United Nations Tunisia, 1, 21-2, 192 anti-terrorism in, 16-17, 65, 200-1 UNDP. See United Nations Development Arab Spring influencing, 92, 173-4, 196-8, 205, Programme unequal positions of power, 48-9 British influencing, 163-5, 175, 219-20 United Arab Emirates (UAE), 65-6, 86 case study of, 9-11 United Kingdom (UK), 8-9, 24. See also Britain centralization adopted by, 17 British experience within, 38-41 colonialism in, 163-76, 178-85, 207-8, 210-12, counter-terrorism influence of, 212-14 215, 218–23 DORA applied in, 21 communism in, 80 Egypt as similar to, 90-1, 138 constitution of, 10, 163-4, 169, 173, 186 London in, 14, 68, 212-13 counter-terrorism in, 177-99 UN Security Council influenced by, 14 CTC reported to by, 192-3 United Kingdom Terrorism Act (2000), 63-4 Egypt compared with, 177-8, 189-90, 195, 198, United Nations (UN). See also Counter-Terrorism Committee; specific resolutions European powers considering, 163-5 Charter, 30, 50-1, 57-8, 75 FATF influencing, 192, 215 Economic and Social Council in the Siracusa France influencing, 14-15 Principles on the Limitation and Derogation



Index 279

Provisions in the International Covenant on Civil and Political Rights of, 158-9 General Assembly, 30, 51–4, 56, 202 Security Council, 1-2, 5, 8-9, 13-14, 17, 27-8, 30, 51-76, 78, 86, 96-7, 162, 186-99, 202, 204, 212-15, 219-22 Special Rapporteurs, 94-5, 139-40, 192, 194 terrorism defined by, 52-4 United Nations Development Programme (UNDP), 16 United States (US), 1-2, 8-9, 24-6, 46, 48-9. See also global war on terror; Guantanamo Bay; Gulf War; 9/11 attacks; War on Afghanistan anti-terrorism policy of, 91-2 in Arab states, 52 Arar apprehended by, 204 Egypt influenced by, 91-3, 114-17, 119, 162 ISIS warred against by, 74 Middle East influenced by, 162 new imperialism of, 22 Saudi Ārabia backed by, 92–5, 98–9 Syria influenced by, 91-2 Toyota questioning of, 206 Tunisia aided by, 175 uprising, 173-4, 186 'Urabi, Ahmed, 107-8, 122-3 'Urabi Revolt, 107-9, 122-3, 161 US See United States use of force, 31-2, 111-12, 132-6

value for money, 28 Vietnam War, 25 violent extremism, 73–4, 76 virtue, 25–6

war of terror, 33 War on Afghanistan, 15, 32, 74-6 war on communism, 132-8, 153 war on terror, 14, 25-6, 32-3, 156-7, 201, 222. See also Arab Convention for the Suppression of Terrorism; global war on terror war on communism influencing, 137-8 West, 1-5, 15, 98-9, 104-6, 119, 205-6. See also colonialism; France; imperialism; neocolonialism; United Kingdom; United States Arab world as similar to, 205-6, 216, 220-2 authoritarian regimes supported by, 78, 156-7, Egypt approved of by, 162 Tunisia approved of by, 174-5, 198-9 Western Europe, 219–20 Western Sahara Case, 87-8 Westernization, of authoritarian regime, 171-4 Wikileaks, 91 Wilkinson, Paul, 33 winning, of hearts and minds, 73-4, 117-18 World War I, 33-4, 36, 38-40, 109, 128. See also Defence of the Realm Act; Defence of the Realm Consolidation Act state of siege during, 43, 168 World War II, 8-9, 40-1, 110, 127. See also Defence Regulation 18B aftermath of, 24, 30, 32, 37, 50-2, 96, 210-20 World Wars, 38-41, 219-20 Yemen, 92-3

al-Zind, Ahmed, 152