

Contents

<i>A note on the criteria for transliterating the Arabic terms</i>	x
<i>Introduction</i>	xii

PART I

Intervening for humanity	1
1 The origins of humanitarian intervention	3
1.1 What legitimation for humanitarian intervention: A historical reconstruction	3
1.2 The theory of humanitarian intervention: Barbarous humanity and the civilization of European peoples	5
1.3 Natural law and "Human law": Western humanity's principle of solidarity	9
1.4 The Eastern question	11
1.5 Partitioning the empire	17
2 Civilization and power: Developing the colonial paradigm	21
2.1 Colonial thinking: Tocqueville and the "Eastern question"	21
2.2 Algeria: Domination and colonization—outlines of a paradigm	24
2.3 Tocqueville's Qur'ān	27
2.4 Representing the colonized: The contribution of psychiatry—a "Muslim psychiatry"	29
2.5 Frantz Fanon: Decolonizing the "Mental illness" of the colonized	30
2.6 Human and nonhuman: "How to make men out of those who are not yet men?" Colonialism and an inferior humanity	34

3	Deconstructing the concepts of humanity and human nature	40
3.1	The Western paradigm: Human nature and cultural differences	40
3.1.1	Human nature and Western hegemony	40
3.1.2	The condition of slavery of the Indios: A different humanity	41
3.1.3	The conquest of humanity	41
3.1.4	What barbarism? Cannibalism and the force of customs; reason and common sense	42
3.1.5	Hume: The science of man and human nature	43
3.1.6	Rousseau: Human nature as identification with the other	45
3.1.7	From civilization to civilizations	46
3.1.8	Human egoism and human nature	47
3.1.9	International law and Western civilization	47
3.2	A relation of complementarity between psychic universalism and cultural plurality: Human life, psychic unity, and cultural diversity	48
4	The responsibility to protect, humanitarian intervention, and neocolonial policies	53
4.1	The international community and sovereignty: An irreversible crisis?	53
4.2	War, humanitarian intervention, and the function of law	56
4.3	Humanitarian intervention and the "responsibility to protect"	57
4.4	Hegemonic logics and forms of neocolonialism	59
4.5	More on sovereignty: How to redefine it? A standing hypocrisy?	63
4.6	Hegemonic techniques, constitutionalism, and international law	65
4.7	Excursus: Humanity—history of an idea	68
4.7.1	Humanity and dignity	68
4.7.2	Humanity, international law, and international human rights law	72
PART II		
	New democracies?	77
5	Anticolonial nationalism and Arab nationalism	79
5.1	Anticolonial nationalism	79
5.2	Anticolonial nationalism, nation, and state	81
5.3	The nationalist mission	82
5.4	Arab nationalism	83

6 The system of Arab states and the persistence of traditional social structures	88
6.1 The system of Arab states	88
6.2 Traditional structures and nation-state building	89
7 Colonial law and the formation of the nation-state	92
7.1 Colonial law	92
7.2 The colonies' political and administrative organization	94
7.3 The colonial government of Tunisia and Algeria	97
7.4 The reception of French law in the Muslim world	99
7.5 The failed attempt of the <i>Code Morand</i>	102
7.6 Importation, cross-fertilization, assimilation	105
8 Democracy in Islam and Western democracy: Convergences and divergences	108
8.1 Constitutional transformations	108
8.2 Independence and constitutions	110
8.2.1 Al-Sadāt's "Permanent constitution"	112
8.3 An Islamic constitutionalism?	116
8.4 Islam and democracy: How to tackle the problem?	117
8.5 Islamic reformism	117
8.6 The Islamic concept of the civil state: Ethics and religion	120
8.7 Two democracies, Western and Islamic: What divergences?	122
8.8 The sovereignty of God and the sovereignty of the people	125
8.9 Legitimacy and validity	126
8.10 Which sovereignty?	127
8.11 Excursus: Interpretation	128
8.12 One more excursus: Muslim law and religion	130
8.13 Democracy and <i>shūrā</i>	131
8.14 Colonialism, nationalism, secularization	133
8.15 One final excursus: An interpretation of Islamic reformism	135
8.16 The perspective of liberal and democratic reformism	137
9 Tunisia and Egypt: Two constitutional models	143
9.1 Constitutionalism and revolutions	143
9.2 The Tunisian case: A model for a path towards democracy	144

9.3	Egypt: A postcolonial revolution	148
9.4	The Egyptian constitutional model	150
9.5	The new Egyptian constitution: The Janus-faced nature of the Egyptian state	153
9.6	Tunisia: A democratic future	159
9.7	Tunisia: At long last the first elections in the new democracy	164
9.8	The Arab Springs in the destabilized landscape of the Middle East	165
9.9	Tunisia: What prospects for the future?	166
9.10	Can the compromise stand?	168
9.11	The challenges ahead	171
10	The Arab Springs: An analysis of its roots and causes	175
10.1	The causes of the uprisings	175
10.2	From revolt to revolution: The people reclaiming their dignity	178
10.3	The civil war in Libya	181
10.4	After the fall of the regime	186
10.5	Autumn after spring?	188
10.5.1	What peace for Libya?	189
10.5.2	Europe's role	190
10.6	Revolt and revolution in Tunisia	192
10.7	The crisis of the Arab Spring in Egypt	196
10.8	The end of the Arab Spring in Egypt	200
10.9	What future for Egypt?	203
11	Democratization and development in the Arab countries of the Mediterranean area	210
11.1	The Europeanization of the southern Mediterranean countries	210
11.1.1	A Short reconstruction of relations between the two shores of the Mediterranean	210
11.1.2	Beyond Barcelona	211
11.1.3	The Europeanization of North African countries	213
11.1.4	New prospects for cooperation	214
11.2	The complex relation between Islam and democracy	216
11.2.1	Democracy and Islam in the Mediterranean	216
11.3	The relation between democracy and development	219
11.3.1	Democracy as a condition of economic development	219
11.3.2	Immigration, development, and European policies	220

11.4	Europe's challenges in fostering democracy along the Mediterranean's southern shore	221
11.4.1	The European Union, human rights, and democracy	221
11.4.2	The state's security and human security as a new prospect for cooperation	223
11.4.3	A new development model	225
11.5	What next?	229
11.5.1	The Arab Spring revolutions and the possible future of Euro-Mediterranean relations	229
11.5.2	Migrations across the Mediterranean and Europe: What does the future hold?	232

Index

241