

KILLING AN ARAB*

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This Essay is a special contribution to the North Carolina Law Review, solicited in response to the invasion in Ukraine and the contradictions it exposed in relation to the paralleling struggles ongoing in Muslim-majority societies.

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INTRODUCTION

On the horizon, a tiny steamer went by, and I made out the black dot from the corner of my eye because I hadn't stopped watching the Arab. . . . The trigger gave; I felt the smooth underside of the butt; and there, in that noise, sharp and deafening at the same time, is where it all started.

Albert Camus, *The Stranger*¹

Killing an Arab stands at the center of *The Stranger*.² The landmark novel, set in colonial Algeria, features the forlorn protagonist Meursault—a white Frenchman who slays an Arab along the beaches of Algiers. These very beaches cradled millions of Algerian women and men before and served as barriers between their soil and the imperial aspirations of European nations to the north.

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1. ALBERT CAMUS, *THE STRANGER* 58–59 (Matthew Ward trans., Random House, Inc. 1989) (1942).

2. *See id.*

During 132 years of untold stories, they were buried—along with their stories—in between the beach shores and pages of French imperial history.³

The Arab of Camus's making is nameless, faceless, and referred to and known by millions of readers only as the "Arab." His existence is narrowed and compressed into an object—far from a living being—left for dead on the book's pages and the beaches of his colonized homeland.⁴ The Arab was flatlined by Camus's pen before Meursault shot him, rendered dead by an objectification that stripped him of a name or a face, a past and a story that adds flesh to figures and unfolds objects into individuals.

Killing an Arab is central to Camus's drama. But "the Arab" is a negligible footnote to Meursault's story. The plot proceeds to center the feelings of the white Frenchman, his travails between nihilism and numbness, and his existential vacillations between those poles and many more. The native Arab sprawled dead on the coastline did not matter. To the storyline, he only mattered as much as Meursault made him matter. The Arab was first a "black dot," then moments later, a limp carcass sprawled on the coastline.⁵ Then nothing more.

Only Meursault mattered. His complexity and directionless days mattered, as did the melancholy and marred relationships that formed the marrow of a life worth making. A life worth making in the motion of a man's life atop a foreign land, formed into a book that stands as the epicenter of modern literature. A stranger in a French colony whose musings about life and death spoke as archetypal narrator for French rule and the foreign settlers they made way for, in Algeria, where its native laid dead—in fiction and reality.⁶ Their blood spilled on beaches, as the endless spill of ink centering the lives and storylines of foreign strangers that walk between and atop them.

Killing an Arab is central to the geopolitical dramas of the last two decades. It formed the mandate of the American "War on Terror," which weaponized law and rhetoric to legitimize the en masse execution of Arabs, Muslims, and Middle Easterners in foreign wars.⁷ In the popular imagination, "Arabs,"

3. *See generally* JENNIFER E. SESSIONS, *BY SWORD AND PLOW: FRANCE AND THE CONQUEST OF ALGERIA* (2011) (covering a critical and comprehensive history of French colonial rule of the North African nation).

4. CAMUS, *supra* note 1, at 59.

5. *Id.* at 58.

6. *Cf.* JAMES MCDUGALL, *A HISTORY OF ALGERIA 86–129* (2017) (analyzing the colonial laws enforced by the French to seize Algerian lands and providing a history of the war crimes committed against Algerians).

7. President George W. Bush, Address to a Joint Session of Congress and the American People (Sept. 20, 2001), <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html> [<https://perma.cc/A6ML-ATDH>]. The "War on Terror" was the label for the domestic and global crusade against "Islamic extremism," which oriented Islam and Muslim as its functional targets.

“Muslims,” and “Middle Easterners” are one in the same, blurred together by the blinding force of Orientalism and the Islamophobia it spawned and gave name to after the 9/11 terror attacks.⁸ In line with Orientalist and literary fictions, the military crusades in Afghanistan and Kashmir and the proxy wars in Yemen and Palestine targeted the same nameless and faceless objects left for dead on Camus’s Algerian beaches. They are all, and at once, “the Arabs,” or the “black dots,” seen behind the barrels of guns or the cockpits of fighter jets.⁹ Neither the legal justification warranting war, nor the righteousness of their struggles mattered. Like Meursault and his Arab victim, western coverage of their struggle prioritized the feelings of the U.S. government over the millions killed in crusade.¹⁰ It prioritized the feelings of imperial violence and opportunistic vengeance over the victims of violence unleashed on millions of victims whose faces and names we did not, and will never, know. Instead, they are forever known, then and now, as “the Arabs.”

Killing an Arab stands, juxtaposed, at the margins of the ongoing war in Ukraine. While the world rushes to celebrate the heroism of Ukrainians defending their homeland against the imperial march of a global superpower, kindred movements for self-determination in the Middle East and Muslim-majority societies have been written out of media coverage. Or, more nefariously, colored with the blunt brush of terrorism then demonized, through military weapons and pens, to dispossess them of land and life.

Killing an Arab is an event, a recurring event, that the world has become desensitized to. It is an act so common that it bears not mentioning, and for journalists curating which war victims deserve coverage, it is a passing occurrence for “places like Iraq or Afghanistan, that has seen conflict raging for decades.”¹¹ The War on Terror, and the network of actual and epistemological wars that preceded it, conditioned the world not only to ignore the killing of

President George W. Bush gave the amorphous campaign its formal name nine days after the 9/11 terror attacks. *Text: President Bush Addresses the Nation*, WASH. POST (Sept. 20, 2001), https://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushaddress_092001.html [<https://perma.cc/P4JM-DQBY>] [hereinafter *War on Terror Speech*].

8. See generally Khaled A. Beydoun, *Between Muslim and White: The Legal Construction of Arab American Identity*, 69 N.Y.U. ANN. SURV. AM. L. 29 (2013) (examining how civil courts presiding over the naturalization claims of Arab immigrants cast Islam as non-white until 1944, and in turn, conflated Arab with Muslim identity).

9. CAMUS, *supra* note 1, at 58.

10. Anadolu Agency, *At Least 12.5 Million Muslims Died in Wars in Past 25 Years, Expert Says*, DAILY SABAH (Apr. 21, 2018, 12:00 AM), <https://www.dailysabah.com/world/2018/04/21/at-least-125m-muslims-died-in-wars-in-past-25-years-expert-says> [<https://perma.cc/BN6Y-4W3M>].

11. CBS News, CBS: *Ukraine Is “Civilized,” Unlike Iraq and Afghanistan*, YOUTUBE, at 00:14 (Feb. 26, 2022), <https://www.youtube.com/watch?v=m3eDZean39s> [<https://perma.cc/32JE-55P5>].

Arabs, but to accept it.¹² Like Meursault, walking across a colonized city while his emotions whirled within, we are numb to it. Numb to the killing of Arabs, Muslims, and non-white peoples in plundered lands on the margins of Europe, America, and “civilization.”¹³

Killing an Arab is the focus of this Essay, moved by the double standards brought to light by the political and media discourses emanating out of Ukraine and specifically inspired by a piece published in the *Washington Post* in the aftermath of the Russian invasion.¹⁴ The piece was untimely for many but timely for the millions who saw their private thoughts in print. This Essay, building on the piece’s bones, aims to give flesh and voice to the lives interlocked between these double standards. It then reveals the faces of struggles for self-determination unfolding in non-white, Muslim societies that have been disfigured by fictive tropes and forceful misrepresentations. It aspires to show that, despite the shrill of the War on Terror logic and the abetting hands of media neglect, the complexity of Arab and Muslim existence should not be determined by the elements that antagonize them or defined by the antagonists that leave them dead on the beaches of Algiers or atop the hills of Afghanistan.

Killing an Arab is twisted reality blurred with racial fiction.¹⁵ It is absurd theatre that renders the lives of its targets worthy of whatever violence comes their way. This is a fiction that has overpowered and eclipsed the reality of righteous struggles in the Middle East and Muslim-majority societies. The struggles of those who, despite the cruel spell of reality and the piercing bullets of fiction, fight for the very humanity that its deniers quickly bestow upon the Ukrainian people.

12. Edward Said theorized this master discourse as a process whereby the West, or the “Occident,” defined itself as the mirror opposite image of the Muslim world, which comprised a segment of the “Orient.” See generally EDWARD W. SAID, *ORIENTALISM* (1978) (discussing master discourse theory).

13. “[Ukraine] isn’t a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades. You know, this is a relatively civilized, relatively European—I have to choose these words carefully—city, one where you wouldn’t expect that, or hope that it’s going to happen.” CBS News, *supra* note 11, at 00:12.

14. See Khaled A. Beydoun, *The World of Inconsistencies Between Ukraine, the Middle East and Beyond*, WASH. POST (Mar. 7, 2022, 12:57 PM), <https://www.washingtonpost.com/opinions/2022/03/07/ukraine-palestinians-kashmir-yemen/> [<https://perma.cc/U5C7-8RUT> (dark archive)] [hereinafter Beydoun, *The World of Inconsistencies*].

15. Cf. MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S*, at 55 (2d ed. 1994) (defining racialization as “an unstable and de-centered complex of social meanings constantly being transformed by political struggle” assigned to identities in society).

I. KILLING A UKRAINIAN

The images out of Ukraine in late February, following the Russian invasion, were harrowing. Endless crowds of people piled into makeshift bomb shelters, state and civilian buildings pummeled by relentless Russian airstrikes—and most profound among the visuals—everyday Ukrainians taking arms against one of the world’s most formidable militaries to defend their land.¹⁶ The resistance put on by besieged Ukrainians was, all at once, sublime and unnerving.

While Russia’s advances into Ukraine—a country interlocked between European aspirations and Russian imperialism—exposed the ambitions of Vladimir Putin, western nations and their media outlets sang a common chorus. In stunning uniformity, western halls of state and societal power condemned Russia’s siege of Ukraine as “imperialism.”¹⁷ Then, they praised the courage of the Ukrainian people fighting against an indomitable army and against impossible odds.¹⁸ The language of resistance and the face of anti-imperialism, which long colored campaigns old and new beyond Europe, were given a white and western face.

Immediately, and rightfully, the world lauded Ukrainians brandishing Molotov cocktails and forming citizen-soldier legions as “freedom fighters.”¹⁹ The images of middle-aged women brandishing rifles, former heavyweight champions sacrificing luxury for love of land, and a president rebuffing offers of evacuation and proclaiming, “[T]his is the last time you might see me alive,” powered a global narrative of good against evil, of David versus Goliath.²⁰ Ukraine was, by objective measure, no “war.” But an asymmetrical clash between a people duly defending their native land, and a foreign power seeking to restore its imperial reach westward.

Killing a Ukrainian, or the very thought of it, stood against the weight of the value assigned to their lives. This value, quantified by the scale of media coverage and the global support from scores of governments across the world, fortified global solidarity with the Ukrainian people and their struggle. This solidarity was hardly isolated to politicians on the floors of state buildings or pundits speaking high atop their media platforms—it also included everyday people. In European and American cities, and villages and towns beyond and

16. *Photos: Six Months of Russia’s War in Ukraine*, AL JAZEERA (Aug. 24, 2022), <https://www.aljazeera.com/gallery/2022/8/24/photos-six-months-of-russias-war-in-ukraine> [<https://perma.cc/3EAV-SL6S>].

17. Beydoun, *The World of Inconsistencies*, *supra* note 14.

18. *Id.*

19. *Id.*

20. Barak Ravid, *Zelensky to EU Leaders: “This Might Be the Last Time You See Me Alive,”* AXIOS (Feb. 25, 2022), <https://www.axios.com/2022/02/25/zelensky-eu-leaders-last-time-you-see-me-alive> [<https://perma.cc/K5D7-4EYN>]; Beydoun, *The World of Inconsistencies*, *supra* note 14.

in between, lay people waved Ukrainian flags from their homes and businesses, appended buttons bearing the blue and yellow to their lapels, and placed stickers of the flag onto the shells of their computers.²¹ The Ukrainian bicolor was more than just a flag, *far more* after the Russian siege. It became an emblem of resistance.²² Even more, it became a symbol that screamed “Ukrainian lives matter” from the collars and cars of people around the world.²³

Killing a Ukrainian, the very horror of it, triggered the swelling tide of support rushing to their side. This support was, in part, the play of *realpolitik*, but in greater part race and racism, and most poignantly, the entwined fervor and force of the two. An integration whereby whiteness, as only whiteness can, drove the political urgency and discursive solidarity delivered to Ukraine and its soldiers and refugees, politicians, and president. Whiteness stands for heroism and victimhood, innocence, and freedom; all of this and more saturated the television and handheld screens following the invasion of Ukraine.

Killing a Ukrainian is killing freedom, or in the words of a British media outlet, the siege is an “attack on civilization itself.”²⁴ Ukraine is not merely a part of “civilization,” as some see it, but a standing embodiment of it. Positioned atop the very continent that birthed it, proponents proclaim, Ukraine populated by a people that embody it as standing archetypes of civilization.²⁵

Those holding whiteness are incessantly centered as victims, yet this narrative *requires* one to unsee the humanity of slain Arabs.²⁶ The resonance of white Ukrainians huddled in bomb shelters, fighting in front of bombed buildings, and spread dead atop the soil of their very homeland was overpowering for gatekeepers in government, reporters in media, and the billions taking in the horror from their homes.

Killing a Ukrainian, for those that saw themselves *in* them, shocked the conscience beyond measure. “It’s very emotional for me because I see European people with blue eyes and blond hair being killed every day,” shared a guest on

21. See Elissaveta M. Brandon, *In a Visual Rebuke to Putin, Ukraine’s Colors Are Being Displayed in Protest All Over the World*, FAST CO. (Mar. 17, 2022), <https://www.fastcompany.com/90732077/in-a-visual-rebuke-to-putin-ukraines-colors-are-being-displayed-in-protest-all-over-the-world> [https://perma.cc/4T7B-8UWX].

22. *Id.*

23. *See id.*

24. Harry Bruinius, *They Seem So Like Us’: How Bias Creeps into War Reporting*, CHRISTIAN SCI. MONITOR (Mar. 4, 2022), <https://www.csmonitor.com/USA/Politics/2022/0304/They-seem-so-like-us-How-bias-creeps-into-war-reporting> [https://perma.cc/EAR9-E3AQ].

25. “There’s a difference in welcoming Ukrainians not just for the political reasons . . . Ukrainians are largely white, Christian Europeans rather than Middle Eastern and African individuals who are seeking safety.” Aime Ferris-Rotman, *They Called Ukraine Home. But They Faced Violence and Racism When They Tried To Flee*, TIME (Mar. 1, 2022, 9:28 PM), <https://time.com/6153276/ukraine-refugees-racism/> [https://perma.cc/F9KH-DLXA] (citation omitted).

26. *See generally* Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993) (discussing the property value attached to whiteness, and the legal and de facto values attached to it).

BBC News.²⁷ An explicit overture that did not elicit alarm, but agreement from the interviewing anchor, who followed: “I understand and respect the emotion.”²⁸ The guest, a former Ukrainian deputy general, made plain what sat quietly at the center of everybody’s mind. White life and white struggle are extended that instant humanity foreclosed to Arabs and Muslims immersed in the very same struggles—struggles far from Europe and America, but oftentimes, made by them by way of direct war, proxy war, or a War on Terror that weds them both together.

II. KILLING A STRUGGLE

The phantasmic struggle for self-determination playing out in Ukraine is not isolated to Europe. While media coverage may make it seem as such, this is hardly the case. Ukrainian resistance, and the deeply moving images that piece it together, have been unfolding in Yemen, Palestine, Kashmir, and other Middle Eastern and Muslim-majority contexts for decades—different theatres, indeed, with distinct struggles. Yet, the essence of these quests for self-determination against military actions have rendered dramatically different treatments from western governments, and radically contrary coverage from media outlets of record.²⁹

The slow and unseen quest for dignity unfolds in real time in the West Bank and Gaza. Unarmed Palestinians resisting state seizure of their homes in Sheikh Jarrah are conflated with armed militants, rendering them “terrorists.”³⁰ The reoccurring killing of civilians in Gaza by Israeli airstrikes is justified by sweeping indictments that “they are Hamas” and that “Palestinian militants are using children and women as human shields,”³¹ excuses adapted by Putin’s propaganda that the Ukrainian resistance is spearheaded by “Neo-Nazis”

27. NL Team, ‘Europeans with Blue Eyes, Blonde Hair Being Killed’: Media Coverage of Ukraine Criticised for Racism, NEWS LAUNDRY (Feb. 28, 2022), <https://www.newslaundry.com/2022/02/28/europeans-with-blue-eyes-blonde-hair-being-killed-media-coverage-of-ukraine-criticised-for-racism> [<https://perma.cc/LZX9-N3WJ>] [hereinafter *Media Coverage of Ukraine Criticised for Racism*]; see also Alan MacLeod (@AlanRMacleod), TWITTER (Feb. 27, 2022, 11:37 AM), <https://twitter.com/AlanRMacleod/status/1497974245737050120> [<https://perma.cc/88VC-RUHB>].

28. MacLeod, *supra* note 27.

29. See Beydoun, *The World of Inconsistencies*, *supra* note 14.

30. See generally NOURA ERAKAT, JUSTICE FOR SOME: LAW AND THE QUESTION OF PALESTINE (2019) (examining human rights challenges confronted by the Palestinian people living in the West Bank, in Gaza, and within the boundaries of Israel).

31. See Michael Martinez, *Is Hamas Using Human Shields in Gaza? The Answer Is Complicated*, CNN (July 23, 2014, 8:23 AM), <https://www.cnn.com/2014/07/23/world/meast/human-shields-mideast-controversy> [<https://perma.cc/588L-RWQJ>] (highlighting that while Hamas has a military wing, it also has a civilian component as well, and when people are killed it is not always clear if they were a part of Hamas’s military wing, civilian wing, or just a civilian).

wielding “women and children as human shields.”³² Lies at worst, and gross embellishments at best, they are shot out against victims to make them into monsters.

Yemen, the poorest country in the Middle East, offers another lurid illustration of the world of inconstancy between it and the Ukrainian struggle of self-determination. For nearly six years, Yemen has been relentlessly pummeled by a Saudi regime seeking to expand its regional footprint.³³ Supported by the United Arab Emirates and backed by the United States, the grossly asymmetrical “war” has sunk Yemen into emergency famine and disaster.³⁴ Instead of global condemnation, Yemenis struggling for their very survival have been met with silence, the American sword of Saudi support, and the incessant indictment of terrorism. Fighting terrorist ghosts and the boogiemans of Iran, Saudi Arabia—armed by its close allies in Washington, D.C.—has license to kill Yemenis en masse. Without alarm from state actors or the urgency of media coverage.

The contradictions are not exclusive to the Middle East. In a display of stunning militarism, Indian forces marched into Kashmir two years ago and annexed the disputed territory.³⁵ Driven by an imperial mandate fueled by Hindu supremacy, Narendra Modi stewarded the legal revocation of Kashmir’s longstanding autonomy and then proceeded to claim it by force.³⁶ Kashmiri state leaders were jailed en masse, journalists and dissidents were arrested, and men, women, and youth who took arms to protect already precarious aspirations of self-determination were wholly branded “terrorists.”³⁷ Like its Russian

32. Adam Taylor, *As Russians Advance on Kyiv, Ordinary Civilians Heed Calls To Fight for Ukraine However They Can*, WASH. POST (Feb. 25, 2022, 2:07 PM), <https://www.washingtonpost.com/world/2022/02/25/ukraine-civilians-weapons-molotov/> [https://perma.cc/MLZ4-ANHB (dark archive)].

33. See HELEN LACKNER, *YEMEN IN CRISIS: THE ROAD TO WAR 54–57* (2019) (detailing the initial Saudi involvement in Yemen). Lackner’s book also outlines an accessible history of the Saudi-led war on Yemen and its people. *Id.*

34. Sudarsan Raghavan, *An Unnatural Disaster*, WASH. POST (Dec. 27, 2018), <https://www.washingtonpost.com/graphics/2018/world/yemen-famine-crisis/> [https://perma.cc/S4VS-WQBM (dark archive)]; see also Lisa Schlein, *Conflict and Economic Collapse in War-Torn Yemen Worsening Hunger Crisis*, VOA NEWS (July 28, 2021, 12:32 PM), <https://www.voanews.com/a/middle-east-conflict-and-economic-collapse-war-torn-yemen-worsening-hunger-crisis/6208845.html> [https://perma.cc/2CT6-RDAL].

35. See Anchal Vohra, *Modi Took Complete Control of Kashmir Two Years Ago—And Got Away with It*, FOREIGN POL’Y (Aug. 3, 2021, 4:14 PM), <https://foreignpolicy.com/2021/08/03/modi-took-control-of-kashmir-2-years-ago-and-got-away-with-it/> [https://perma.cc/M8GV-KR4L] (describing the annexation of Kashmir). See generally Jasjit Singh, *Kashmir, Pakistan, and the War by Terror*, 13 SMALL WARS AND INSURGENCIES 81 (2002) (providing historic background on Kashmir and its precarious positionality).

36. Vohra, *supra* note 35.

37. See Devjyot Ghoshal & Alasdair Pal, *Thousands Detained in Indian Kashmir Crackdown, Official Data Reveals*, REUTERS (Sept. 12, 2019, 6:57 AM), <https://www.reuters.com/article/us-india-kashmir->

counterpart, Indian imperialism swept into Kashmir with the arrogance and impunity of its government leader, Narendra Modi. But unlike Russia and the strongman at its helm, the world stood still and silent as India annexed Kashmir with brute military power.³⁸

Palestinians, Yemenis, and Kashmiris have embodied—for decades—the very resistance put forward by the Ukrainian people. They, too, put their very lives on the line against global and regional powers. They, too, wielded makeshift weapons to protect their “land, loved ones, and way of life”—the trilogy of motivations that world leaders have uttered over and over again in response to the gallant Ukrainian resistance.³⁹ But their stories are ignored, and even more so, demonized by states, media outlets, and War on Terror discourses that bind the two.⁴⁰

But what explains the world of difference between the Ukrainian struggles and the ongoing quests for self-determination in Muslim-majority lands? The narratives of the underdog against the superpower, the imperial bully flexing its might against its weaker neighbor, and David versus Goliath are astonishingly clear, yet misrepresented or ignored in relation to Palestine, Yemen, and Kashmir.

Within the realm of geopolitics, race, religion, and interests still matter. The three are deeply entwined, particularly in relation to the Middle East and the Muslim world, where a protracted War on Terror renders anybody Arab, Brown, or Muslim as a putative terrorist, notwithstanding the righteousness of their struggle or the unhinged imperialism of their opponents.⁴¹ The public imagining of *freedom fighter* and *terrorist*, *victim*, and *villain* is intensely racial, and it enables the lay Ukrainians taking arms and throwing Molotov cocktails to be seen as heroes and powerless Muslims engaged in the very same acts, in pursuit of the same self-determination, as extremists.

Race, and the racialization of Islam as the enemy of western civilization, has defined western geopolitical interests over the last several decades.⁴²

detentions/thousands-detained-in-indian-kashmir-crackdown-official-data-reveals-idUSKCN1VX142 [https://perma.cc/EYZ6-CDEU] (reviewing the mass arrests made after India’s military takeover of Kashmir in September 2019).

38. See Vohra, *supra* note 35.

39. See Beydoun, *The World of Inconsistencies*, *supra* note 14.

40. Cf. Khaled A. Beydoun, *Islamophobia: Toward a Legal Definition and Framework*, 116 COLUM. L. REV. ONLINE 108, 119 (2016) (“Islamophobia is also a systematic, fluid, and deeply politicized dialectic between the state and its polity: a dialectic whereby the former shapes, reshapes, and confirms popular views or attitudes about Islam and Muslim subjects inside and outside of America’s borders.”).

41. See generally KHALED A. BEYDOUN, *AMERICAN ISLAMOPHOBIA: UNDERSTANDING THE ROOTS AND RISE OF FEAR* (2018) (theorizing how expressions of Muslim identity raise the presumption of terror suspicion).

42. See SAHAR AZIZ, *THE RACIAL MUSLIM: WHEN RACISM QUASHES RELIGIOUS FREEDOM* 6 (2022) (“The September 11 terrorist attacks [and the War on Terror that followed] finalized a

Despite popular discourses confining American racial reckonings to the home front and internationalism plummeting among western pundits and intellectuals, the War on Terror has shaped global framing of Arab and Muslim quests for self-determination as terrorism. In turn and in line with this framing, the global crusade has shifted state responses against them toward draconian, military measures in the lands where righteous struggles continue; and in other places where they have been summarily crushed.⁴³

While global leaders rush to stand alongside a besieged Ukrainian people fighting for their very existence, Yemenis and Kashmiris, Palestinian and Uyghur Muslims wait. And continue waiting. Waiting on the wrong side of the geopolitical divide, for a world of support that may never come.⁴⁴

III. KILLING CONTRADICTIONS

Ukraine occupies unenviable geography. It stands between the revitalized Russian empire and the seductive draw of Europe. It is a nation pulled westward by the very affinity for democracy that spurred the Russian invasion in late February. An invasion that spiraled the liminal European into unwanted war, and a fight for its existence that may very well wipe it from the map.

The narrative of the besieged Ukrainian underdog was indelible and undeniable. It shaped the chorus of western media support for the Ukrainian resistance and the millions of refugees flooding neighboring nations, and beyond. It dissolved traditional divides on immigration across the continent and in the United States. Immigration was no longer a wedge issue. At least, not for Ukrainians. However, it remained virulently divisive when the refugees were Arabs or Muslims, Black or Brown immigrants washed from their homelands by western war or economic despair.⁴⁵

The stunning double standards were on full display in the immediate aftermath of the Russian invasion, the thick of the wartime stages that followed, and the spill of refugees across Europe. Media outlets across the United States and Europe and across their respective political spectrums humanized the plight

transformation of Muslim identity that had had been in the making for decades and was grounded in European Orientalism.”).

43. See Khaled A. Beydoun, *Exporting Islamophobia in the Global “War on Terror,”* 95 N.Y.U. L. REV. 81, 92–100 (2020) (highlighting instances where the American conception of the “War on Terror” was used to punish, persecute, and oppress Muslim communities).

44. Beydoun, *The World of Inconsistencies*, *supra* note 14.

45. See Frank Langfitt & Eleanor Beardsley, *International Students Are Facing Challenges as They Try To Leave Ukraine*, NPR (Mar. 3, 2022, 1:09 PM), <https://www.npr.org/2022/03/01/1083775486/africans-and-south-asians-are-having-an-especially-difficult-time-leaving-ukrain> [<https://perma.cc/LP4C-3GLV>].

of Ukrainians.⁴⁶ Meticulous vignettes about real people packing their bags and fleeing their homeland powerfully connected the refugee crisis with viewing audiences worldwide. Ukrainian refugees had real names and stories, with real children and real lives left behind for an uncertain future in a foreign land far from home.

However, when it came to non-white refugee populations, humanizing stories were left untold and unpublished. Millions of Syrian refugees remained faceless and, if their story is covered, flatly represented despite their massive number and harrowing struggles across countries and continents. Bereft of the humanizing tales that invite humanitarian support and the prospect of policy support, the bulk of western media coverage devoted to Syrian refugees centers on xenophobia or the Islamophobic resistance of populist politicians and pundits.

While Syrian and Afghan refugees languish between statelessness and media silence, outlets like *France 24* only made mention of them in relation to the far-right populism sweeping through the nation. In the midst of the Ukrainian refugee crisis, the French news outlet finally ran a story that involved “Arab refugees.”⁴⁷ However, it did not specify which ones. Nor did it extend the journalistic care or humanizing storytelling given to Ukrainian refugees. Rather, it referred to them as an indistinguishable monolith, tethered to the hateful voice of far-right presidential candidate Eric Zemmour, who said, “If [Ukrainian refugees] have ties to France, if they have family in France . . . let’s give them visas.”⁴⁸

Zemmour then compared them to “Arab or Muslim immigrants,” stating, “There are people who are like us and people who unlike us. Everybody now understands that Arab or Muslim immigrants are too unlike us and that it is harder and harder to integrate them.”⁴⁹ For media outlets, mention of “Muslim immigrants” is relegated to the reoccurring theme of inassimilable aliens—not real humans in need of safe haven. Objects, all over again, like the nameless and faceless character of a famous book left for dead on the beaches of Algiers.⁵⁰

On one hand, the impulse to cover and call out the racial double standards is commendable. But it is not enough. It always stops there for Arab and African, Black and Muslim refugees. There has been no shortage of stories comparing the rush of love directed at Ukrainian refugees to the xenophobia

46. See Lateshia Beachum, *These Women Fled Besieged Ukrainian Cities. Here’s What They Brought*, WASH. POST (Apr. 6, 2022, 8:00 AM), <https://www.washingtonpost.com/world/2022/04/06/ukraine-refugees-items/> [https://perma.cc/5U25-ZAKH (dark archive)].

47. *French Far-Right Candidate Zemmour Says Ukrainians Welcome, but Not Arab Refugees*, FR. 24 (Mar. 9, 2022, 12:17 PM), <https://www.france24.com/en/europe/20220309-french-far-right-candidate-zemmour-says-ukrainians-welcome-but-not-arab-refugees> [https://perma.cc/X5XG-VSAB].

48. *Id.* (citation omitted).

49. *Id.* (citation omitted).

50. CAMUS, *supra* note 1, at 59.

unleashed against non-white immigrants, by European and American media outlets. However, this coverage is not followed up by what Afghan, Syrian, and Rohingya refugees need—the humanizing tales and layered storytelling that is faithfully extended to Ukrainians. They are objects of media coverage, not subjects of stories devoted to making them human, and making them whole.

The faddish race consciousness within leftist media space is equally confining. Too often, it raises notice of non-white refugees as a counterpoint to identify racism, or a reference point that stops at comparison. Non-white refugees do not exist simply to evidence racism in refugee resettlement and immigration. Nor are they a homogenous bloc that only warrants reference when gratifying the liberal sensibilities of journalists, or entire media outlets, keen on representing themselves as non-racists. Particularly when their media coverage, or lack thereof, shows intentionally or disproportionately otherwise.

The power of whiteness is most luridly on display within the media. Its gatekeepers, in western nations, are overwhelmingly white and, naturally, their journalistic lens sees the world through its exclusionary contours.⁵¹ The racism coming from the mouths of populists and pundits regarding Ukraine found unison among liberal and centrist media voices. Charlie D’Agata, of CBS News, cried on air, “[Ukraine] isn’t a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades. This is a relatively civilized, relatively European—I have to choose these words carefully—city, one where you wouldn’t expect that, or hope that it’s going to happen.”⁵²

His message was clear. “European” meant “white.”⁵³ Which together stood for everything wholly, holy and “relatively civilized.”⁵⁴ Unlike Iraq or Afghanistan, the two nations decimated by two decades of American war and terror, which represented bastions of uncivility, extremism, and “forever war.”⁵⁵ Immigrants fleeing these nations, and refugees flung across the world war carried the threat of terror with them. Stained with this stigma and devoid of

51. This is especially the case in the United States, for the entire ecosystem of news media that converges and interacts with mainstream news media outlets. See Gabe Schneider, *U.S. Newsrooms Are Very White. So Are the Critics and the Journalists That Cover Them.*, POYNTER (Dec. 4, 2020), <https://www.poynter.org/commentary/2020/u-s-newsrooms-are-very-white-so-are-the-critics-and-the-journalists-that-cover-them/> [<https://perma.cc/NNM8-892T>].

52. CBS News, *supra* note 11, at 00:12.

53. “‘European’ has become a code word for white and a justification of the primary reason that people should care about the conflict, displacement, and killing. Bloody conflicts in Syria, Somalia, and other places have not received the wide-reaching international media coverage—or urgent international government action—that the invasion of Ukraine has inspired.” Rashawn Ray, *The Russian Invasion of Ukraine Shows Racism Has No Boundaries*, BROOKINGS (Mar. 3, 2022), <https://www.brookings.edu/blog/how-we-rise/2022/03/03/the-russian-invasion-of-ukraine-shows-racism-has-no-boundaries/> [<https://perma.cc/R5TX-YG55>].

54. CBS News, *supra* note 11, at 0:23

55. For a critique of this Orientalist trope in relation to Afghanistan, see Steven A. Cook, *End the “Forever War” Cliché*, FOREIGN POLY (Apr. 22, 2021, 7:06 AM), <https://foreignpolicy.com/2021/04/22/end-the-forever-war-cliche/> [<https://perma.cc/596Y-QU7X>].

the whiteness held by Ukrainian refugees, they were cast as undesirables by the very nations that opened their borders and arms to the blue-eyed and blond-haired victims of the Russia siege. Then, cast as unworthy subjects of news stories that the Ukrainian refugees received by endless video reel and newsprint.⁵⁶

Yellow journalism has always pervaded the media. But even more distorting is the imprint of whiteness, which skews journalistic ethics and uplifts the stories of those that look like the people who hold power, believe like them, and share kindred traditions.⁵⁷ The Arab and Middle Eastern Journalist Association swiftly called it to task, and condemned the racism pervading media coverage of Ukraine and the neglect of non-white refugee populations in the days after the Russian invasion. It maintained, through a formal statement, that “[n]ewsrooms must not make comparisons that weigh the significance or imply justification of one conflict over another — civilian casualties and displacement in other countries are equally as abhorrent as they are in Ukraine.”⁵⁸

The statement brought to the fore what so many saw, quietly, unfolding in real time. The Association questioned the ethics of media outlets that prioritized freedom fighters and refugees, resistance and war that served an existential mirror; and served the two masters of whiteness and western interests as they stared at their reflection.

Media ethics are built upon the cornerstone of fair, balanced, and objective coverage—a mission marred by the heavy hand of whiteness, within newsrooms, and more intrusively, on the very screens that breathe life into the human within its square lines. Lines that humanize those from within and sideline those at its margins or bury those beyond its markings. This humanization often materializes into aid that people struggling against the formidable odds of war, and the even more formidable plight of statelessness, need. Aid needed to fight, and one day after war is over, if that day comes, to “fe[el] free . . . and ready to live . . . again.”⁵⁹

CONCLUSION

I’m alive
I’m dead
I’m the stranger
Killing an Arab.

56. See Ray, *supra* note 53.

57. See *id.*

58. See ARAB & MIDDLE E. JOURNALIST ASS’N, STATEMENT FROM ARAB AND MIDDLE EASTERN JOURNALISTS ASSOCIATION ON UKRAINE 2 (2022), <https://newpol.org/6072-2/?print=pdf> [<https://perma.cc/7PHX-57WG>].

59. CAMUS, *supra* note 1, at 122.

The Cure, "Killing an Arab"⁶⁰

As a young boy living in Beirut, the ten-minute trek from school to our family apartment was a *mise-en-scène* of war's tragedy. It was the late 1980s, and Lebanon was gripped by the final stages of an existential unmaking. It was never the same, and the war that shattered its people forged its new fractured national identity. A disintegrated identity from within, which mirrored the decimated buildings and broken souls limping on the outside. Many of these souls walked aimlessly across Beirut's famous Corniche, and like the beaches of Camus's novel, served another site on the Mediterranean where Orientalist reimagining and fatal violence converged.

One afternoon, in March, I saw a man with grey hair. The man stood horizontally, as only he could. He had no legs, but two muscular arms and a torso tied to a beige skateboard that moved him about. He was a man, but at that moment, he was a metaphor. For a nation stripped of its limbs, and a people making do and moving about with whatever they had left. Whatever they could scramble together atop that stage of war and the soil that it left barren.

I was young, and the first feelings his image spurred were sadness and pity. I had not read the works of Camus or Jean Paul Sartre yet, or the great novelists of the Arab world that wrote about native trials in my native tongue. But, as a wartime child, I could feel the nihilistic force that surrounded my world, and the weight of an existential absurdity only war could inscribe in and around me. I *felt* that and more, and my eyes locked in on the man. The more closely I watched, the more I understood him and the war that made and unmade him. I absorbed the beauty of the creases across his brow, the shine of the brown glowing from his skin, the strong grey locks atop his crown, and the might of the will that moved him forward. Then rolled him onward.

He was a man. And a man first. Not an Arab or a Muslim. Not a Sunni or a Shiite. Not a cripple or a casualty. But a man, and that mattered before any other fact or footnote did. And it mattered more as I took the time to scrutinize his story, and soak in the nuances of his personhood as I stood there, twenty yards away, on the opposite side of age. The lens of my young eyes, perhaps too young to appreciate the travails of his world, could still see the trace of his scars and the depth of his wrinkles. He was a man, with a story made up of a place and a plot, a past and a future. A future that he rolled into, every day along those accosted Beirut avenues and backways, with a gallant stride that no man's pity or child's sorrow could undo.

He survived. Against the odds of war and the crushing angst of life that met him on the other side. The other side of death that could not claim him. He lived in a nation where Killing an Arab was everyday theatre. Where pity

60. THE CURE, *Killing an Arab*, on BOYS DON'T CRY, at 00:37 (Fiction Records 1980).

for “the nation” and its fragmented peoples rounded up “as Arabs” was a scarce export.⁶¹ Where millions of Arabs, like him in Lebanon and the entire region beyond, were “black dots” in the eyes of strangers but real human beings, scarred with depth of life’s beauty and tragedy, to those that took the time to *see* them.⁶²

Alive, to me, but killed by the denial and dehumanization of media coverage while they still walked the earth. Only to be killed again, in that barren chamber of silence and anonymity, by an American drone or Saudi airstrike that fell from a sky that showered violent reigns. Killed, for the billionth time, on the beaches of Algiers, the alleyways in Aden, or along the outstretched coastline of Beirut’s Corniche.

61. For an excellent history of the civil and proxy wars in Lebanon, see generally ROBERT FISK, *PITY THE NATION: THE ABDUCTION OF LEBANON* (2002).

62. CAMUS, *supra* note 1, at 58.

