“America’s Transnational War-Law”

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Shortly after Obama assumed Presidency in 2009, Tom Engelhardt wrote: “it’s hard for Americans to grasp that [...] the United States is a war state, that it garrisons much of the planet, and that the norm for us is to be at war somewhere at any moment.” Englehardt’s words remain prescient: U.S. wars are proliferating, even as the political discourse in the U.S. is one of wind-down and withdrawal. As the U.S. faces different ‘threats’ in new ‘operations theaters’, Obama’s not-so-secret wars are re-signifying the very ontology of war in two key ways: America’s wars are transnationalizing (see Benvenisti 2010) across both borders and continents (“AFRICOM”/“CENTCOM”; Afghanistan/Pakistan; Yemen/Somalia; Nigeria/Niger/Mali) and as they do, they are blurring the distinctions between il/legality and il/legal legitimacy. In this paper I sketch the contours of the specifically transitional and il/legal dimensions of what Derek Gregory (2011) has called the ‘Everywhere War’. I then connect these transformations to a series of observations made by the late Edward Said in his Orientalism and Culture & Imperialism. In particular, I argue that we need new accounts of American (military) domination in the age of transnational war-law, not only because colonial wars are spreading in evermore-insidious ways – often wrapped in a skein of legality – but also because since Said made his seminal contributions, scholars have insisted that ‘Orientalism’ never was ‘cut from a single cloth’ (e.g. Gregory 1994; Lockman 2004; Porter 2011). I support my argument with empirical research conducted with U.S. military lawyers of the Judge Advocate General Corps, and emphasize the travelling practices of a decidedly legal orientalism. I conclude by suggesting a tentative mapping of how different Orientalisms and different ‘Orients’ are being realized, subsumed and re-written by the transformative discourse and practice of America’s transnational and legalistic wars.