UNIVERSITY OF BIRMINGHAM
University of Birmingham Research at Birmingham

Transformative Occupations in the Modern Middle East

Jackson, Simon; Moses, Dirk

License:
Other (please specify with Rights Statement)

Document Version
Publisher's PDF, also known as Version of record

Citation for published version (Harvard):
Jackson, S & Moses, D 2017, 'Transformative Occupations in the Modern Middle East', *Humanity*, vol. 8, no. 2.
<http://humanityjournal.org/issue8-2/introduction-transformative-occupations-in-the-modern-middle-east/>

Link to publication on Research at Birmingham portal

Publisher Rights Statement:
All rights reserved. Except for brief quotations used for purposes of scholarly citation, none of this work may be reproduced in any form by any means without written permission from the publisher. For information address the University of Pennsylvania Press, 3905 Spruce Street, Philadelphia, Pennsylvania 19104-4112

General rights
Unless a licence is specified above, all rights (including copyright and moral rights) in this document are retained by the authors and/or the copyright holders. The express permission of the copyright holder must be obtained for any use of this material other than for purposes permitted by law.

•Users may freely distribute the URL that is used to identify this publication.
•Users may download and/or print one copy of the publication from the University of Birmingham research portal for the purpose of private study or non-commercial research.
•User may use extracts from the document in line with the concept of ‘fair dealing’ under the Copyright, Designs and Patents Act 1988 (?)
•Users may not further distribute the material nor use it for the purposes of commercial gain.

Where a licence is displayed above, please note the terms and conditions of the licence govern your use of this document.

When citing, please reference the published version.

Take down policy
While the University of Birmingham exercises care and attention in making items available there are rare occasions when an item has been uploaded in error or has been deemed to be commercially or otherwise sensitive.

If you believe that this is the case for this document, please contact UBIRA@lists.bham.ac.uk providing details and we will remove access to the work immediately and investigate.

Download date: 26. Apr. 2024

Transformative Occupations in the Modern Middle East

Simon Jackson, A. Dirk Moses

Humanity: An International Journal of Human Rights, Humanitarianism, and Development, Volume 8, Number 2, Summer 2017, pp. 231-246 (Article)

Published by University of Pennsylvania Press
DOI: *https://doi.org/10.1353/hum.2017.0017*

For additional information about this article
https://muse.jhu.edu/article/665527

Access provided by University Of Pennsylvania (25 Jul 2017 16:52 GMT)

Simon Jackson and A. Dirk Moses

Introduction: Transformative Occupations in the Modern Middle East

What is a transformative occupation? Adam Roberts's definition provides a useful starting point: "[Those occupations] whose stated purpose (whether or not actually achieved) is to change states that have failed, or have been under tyrannical rule."[1] This dossier explores the histories of such claims and projects in the modern Middle East, from the 1920s to the 2000s, emphasizing their complex sociopolitical dynamics. In doing so, we are conscious that the term "transformative occupation" emerged within a wider set of related concepts that scholars, notably of international law, have employed to understand recent global politics.

This political context has a number of dimensions. First, the United States–led invasions and occupations of Afghanistan and Iraq, since 2001 and 2003 respectively, have triggered a debate about "American empire" and the so-called global war on terror. Referred to by skeptics as a "permanent state of emergency," the war's supporters invoke terrorist threats to justify the erosion of liberties at home and the torture of suspected enemies and drone strikes abroad.[2] Second, these engagements have also stimulated an intersecting debate on global counterinsurgency, hitherto largely the preserve of imperial and military historians.[3] Third, in a parallel development, the belated international responses to the genocides and ethnic cleansings of the 1990s led to an intense discussion about military-humanitarian intervention, culminating in a United Nations General Assembly resolution on the "Responsibility to Protect" doctrine in 2005 and the establishment of an office on genocide prevention in the UN Secretariat.[4] Fourth, observing these debates dominated by political scientists, lawyers, and counterinsurgency intellectuals, many historians began researching the origins of humanitarianism and human rights, arguing that they lie in the eighteenth-century Enlightenment, if not earlier, or countering that they are products of contingency with complicated, often discontinuous relationships with their presumed ancient and Enlightenment roots.[5]

In this multidimensional context, scholars have deployed three keywords—transformation, occupation, and invasion—in various combinations to conceptualize the current conjuncture of global empire/counterinsurgency. "Humanitarian occupations" is a first combination, used to label the concentration of UN peace-keeping and/or reconstruction missions in Haiti, Bosnia and Herzegovina, Kosovo, and East Timor since the early 1990s, thereby distinguishing them from American-led military occupations in Afghanistan and Iraq.[6] "Transformative (or humanitarian) invasions" is another combination, this time to name those American occupations of Afghanistan and Iraq because of their mixture of counterinsurgency with development and

institution-building projects inspired by post–World War II colonial emergencies.[7] Still another combination is "transformative occupation," coined in 2003 by David J. Scheffer in opposition to the concept of belligerent occupation.[8] Unlike the other two terms, transformative occupation possesses the chronological scope to capture long-term phenomena beyond the immediate context of invasion, and the thematic range to encompass, but also surpass, the question of humanitarianism.

This dossier on transformative occupations in the modern Middle East aims to advance discussion of the concept through fine-grained social and political histories of the region that is currently the main target of dramatic interventions. Notably, it is also a region that was constituted as the "Middle East" largely through its imperial appropriation in a prior wave of such interventions after World War I.[9] Given this enduring role of external interventions in the region's geopolitical existence and status, the value of applying the concept of transformative occupation to these varied case studies is borne out by a mutually constitutive relationship between theorizing and empirical enquiry. On one hand, selecting these cases in all their empirical diversity, from Mandate Palestine to contemporary Afghanistan, and marshaling them under the rubric of transformative occupation, allows us to grasp unsuspected commonalities in state formation (and prevention) during and after imperial and colonial occupation. At the same time, the historical approach shows that the theoretical concept of transformative occupation has deeper roots than usually assumed, in periods long before the contemporary moment or even the era of postcolonial states. In this introduction, we briefly sketch these roots and applications in a semantic treatment of both keywords. Durably sedimented in both terms are meanings from the age of imperial conquest, colonial rule, and capitalist modernization, showing that transformative occupation can be as much a postcolonial phenomenon as the more familiar tale of Western imperial tutelage over non-Western societies.

Accordingly, the essays span a period from World War I to the post-2001 conjuncture, discussing transformative occupations through their social and political histories, with an emphasis on the following subthemes. First, the implementation and appropriation of *developmental ideologies*, metrics, and hierarchies at various political scales from the international to the imperial to the regional, national, and local. Second, the constitution—within and across multiple imperial frameworks—of autonomous, semi-autonomous, or pseudo-autonomous *political spaces*, such as interwar mandates and contemporary special or occupied territories. We treat especially the sociopolitical technologies associated with these spaces—bureaucratic dynamics, blockades, and cross-border networks—through which the legal and moral practices of social life in contexts of transformative occupation are adjudicated. Third, the articulation of *political temporalities* and paths to independence or settlement through which transformative occupations were imagined, appropriated, and later remembered, and the intersection of these long wave temporalities with other, "distinct rhythms of history": the tempos of insurgency, electoral calendars, and the calculative timeframes of developmental economy.[10] Finally, the practices and rhetorical patterns of *violence and resistance* through which transformative occupations were maintained and undermined, and the *humanitarian practices* developed both within and in response to these practices and patterns.

As noted above, our focus on the Middle East responds empirically to the fact that the region has been the theater of two major transformative occupations in recent years, in Afghanistan and Iraq, both of which have now entered a phase of limited imperial withdrawal by the United States and its allies. The region has also been the site of several other recent transformative interventions, from Mali to Syria. Finally, the Middle East contains one of the most long-running instances of transformative occupation: the Palestinian territories occupied by Israel. A new historiography is only now beginning to tell the story of the region's role in the twentieth-century history of humanitarianism.[11]

This dossier therefore aims to explore the varieties and evolutions of transformative occupation within the region. But it also seeks to suggest how prior occupations become sites of later historical-political reference; for example, how the interwar period has served as a repertoire of narratives through which the contemporary situation in the region, and notably the tension between "imperial democratization and national self-determination," is interpreted and enacted.[12]

Occupation and Transformation

In the main, the scholarly discussion of these terms has centered on the inadequacy of the Hague and Geneva Conventions' belligerent occupation stipulations to cover the recent invasion coalitions' ambitious political and economic programs. The point of belligerent occupation as conceived in the Hague Conventions is that it obtains temporarily until a treaty is signed.[13] By contrast, the project in Iraq was more in keeping with the Allied occupations of Germany and Japan after World War II, occupation regimes whose own relationship to belligerent occupation was complicated and contested.[14] In Iraq since 2003, a central issue has been the tension between sovereignty and reconstruction: how can the imperative to respect sovereign continuity be reconciled with the occupiers' transformative, indeed revolutionary, ambitions? Increasingly, the realization is dawning that law cannot account for such geopolitical realities. Occupation is a political fact born of military power; the law merely seeks to regulate it. That it cannot do so satisfactorily is the suggestion of some commentators.[15]

Another discussion strand on transformative occupation has concerned the convergence between the U.S.-led occupations of the 2000s and UN projects, although occupation law does not apply to the latter, authorized as they are by the Security Council. These latter instances stand in the tradition of mandates and trusteeships.[16] Even the United States initially sought to avoid the application of the Hague and Geneva Conventions to its presence in Iraq because the U.S. self-perception as an anticolonial power was felt to be inconsistent with the occupation concept.[17] At the time, one legal scholar referred to occupations in terms of ambiguity, even stigma and embarrassment.[18]

These questions of inadequacy and convergence underline the fact that the three senses of occupation—as belligerent, as mandate/trusteeship, and as de facto annexation—are historically intertwined and impossible to separate neatly, even today. Consider long-term occupations like Israel-Palestine. If international law no longer recognizes the acquisition of sovereignty by occupation—in that sense, colonialism is

now formally illegal—what if no treaty is negotiated and the occupation endures, becoming what has been called a "prolonged military occupation," in the words of Adam Roberts?[19] Like other scholars, Roberts distinguishes such occupations from transformative occupation, because the latter stands in the anti-annexationist tradition of the French Revolutionary wars: this type of occupation, or "imposed constitutionalism" as Peter Stirk calls it, is the means to *end* occupations, not to entrench them.[20] Both authors have Iraq in mind, among other cases, rather than Israel-Palestine, though the developmentalist program of the Palestinian Authority (PA) and international donors, with its gestures toward eventual political-economic independence, is consistent with their notion of transformative occupation.[21]

Other legal scholars have taken a more thoroughgoing historical approach. Nehal Bhuta has identified transformative occupation's origins in the imperatives of the European state system after the Napoleonic wars. Bhuta sees the project as marked by an intrinsic tension between imposing development and democracy by force while seeking legitimacy in the name of a future order.[22] He shows that the keywords of transformation and occupation can be unpacked to illuminate the longer-term imperial meanings and sociopolitical implications of transformative occupation. For if the *application* of transformative occupation has been principally in the Middle East today, its historical roots might also lie there. Indeed, it is our contention, and the basis for this dossier, that productive analysis of the core tension that Bhuta identified—between sovereignty and reconstruction—must be undertaken in terms of the "usages and practices" through which occupation *transforms*.

Attention to the quotidian and granular aspects of transformation has proved fruitful in a variety of scholarly fields, as is clear if we consider further the keyword of transformation. The precapitalist transformation wrought by settler colonialism, when indigenous societies were subjected to a "logic of elimination" (Patrick Wolfe) that aimed to replace them by settler ones, is evident in both conceptual and historical treatments of the matter, as Chris Tomlins observes in relation to colonial America:

> Colonizing meant the kind of quotidian piecemeal transformations that can add up to profound change: transformations realized in the daily acts of taking possession, and in the manner of working the fields once possession was secured; transformations in the status of those who worked; transformations in the way rule was exercised over them, and by them.[23]

Transformation is a term also commonly used to describe the subsequent capitalist revolution in land and other property relations in both European and colonial historiography of the nineteenth century in particular, starting with Marx's views of capitalism's progressive role in accelerating the march of history in Britain's colonies. In other modes of colonial occupation, the transformation concerns the indigenous subject, indeed the invention of categories of native and settler, with concomitant revolutions in culture and temporality, as Talal Asad has eloquently described.[24] The British state in India, for example, was an "ethnographic state" that through various "cultural technologies of rule" would "set in motion transformations every bit as powerful as the better-known consequences of military and economic imperialism."[25]

Such transformations have been called "epistemological violence" for creating the categories of knowledge that at once served the colonial state and subjected the colonized.[26]

The transformative occupation literature also passes over other features of postcolonial scholarship in its positing of a rigid binary between an activist Western occupier and the passive Oriental occupied. For almost twenty years, by contrast, historians have conceived of the metropole-colony relationship as a "single analytic field," in which the former is transformed as it transforms the latter.[27] Britain and France *were made* in the acquisition of their various possessions, just as an enduring imperial concern was the corrupting effects of colonial rule on metropolitan culture.[28]

In transformations no less dramatic, British indirect rule in Africa named and empowered indigenous elites, thereby partly creating and freezing tribal-ethnic divisions with sometimes genocidal postcolonial consequences.[29] Continuing this pattern, as Nida Alahmad shows in her essay here, the United States after 2003 recast Iraq along ethnic rather than political lines, transforming that society away from a polity organized by different principles.[30] To be sure, local actors took up opportunities and adopted, creatively or not, the identities thrust upon them by Europeans.[31] Indeed, ironically, anticolonial nationalists themselves posited the stark colonizer-colonized binary and often adopted the colonizer's version of a timeless, precolonial culture as the basis for their posited postcolonial nation-state.[32] These elites attempted to "catch up" with the West by "making the national project a form of transformative project."[33] The Kemalist regime in Turkey since the early 1920s is perhaps the paradigmatic example, reinventing patterns observable in Europe.[34] The struggles of anticolonial nationalism can therefore also be seen as a form of transformative occupation, engaged as it is in the authoritarian internal colonization of its own territories and histories in the face of local resistance, often aided at key moments by the Western powers with anticommunist agendas.[35]

Throughout the nineteenth century, meanwhile, Western European commentators compared the dynamic transformations taking place in their own "civilized" societies with the purported stasis of the "barbarian" non-European world. Colonial rule's civilizing mission would bring the emoluments of progress, it was claimed, in a context of philanthropic and humanitarian activity's growing "interpenetration with projects of governmentality."[36] British colonial rule in the 1820s and 1830s, for example, was not only the object of humanitarian lobbying but incorporated policies of indigenous amelioration as its *raison d'être*. And among the various legal and political formations through which colonial rule operated, trusteeship is especially important, since it influenced the mandate model of colonial rule—the "sacred trust" in the words of the League of Nations Covenant—after World War I.[37]

Trusteeship

As an ideal type, trusteeship has been defined in the following terms:

> [It] assumes that some notion of defect joins ruler and ruled in a hierarchical relationship, one based explicitly on a condition of inequality, whereby the

enlightened instruct the ignorant in the true nature of things. And it assumes that the end towards which this tutelage is directed is concerned fundamentally with promoting the welfare of dependent peoples.[38]

Historically, trusteeship varied and evolved markedly alongside wider colonial dynamics, coming into being within a matrix of pre-existing and related categories, first of all in British political theory rooted in the activities of the East India Company. Thus Edmund Burke used the term in the 1780s to discuss the rights and obligations the British Crown's subjugation of Indian subjects should yield.[39] Some mid-nineteenth century liberal theorists of education, trade, and government then elaborated proximate ideas of "fitness and unfitness for liberty," as imperial expansion forced new grappling with colonial difference. For J. S. Mill "the achievement of liberty was fulfilled within a progressive temporality exemplified by education, civilization, and government," and "his work has become the normative political theory that rationalized the governing of liberty as representative government for some and despotism for others."[40]

Nevertheless, positivist liberalism as a facilitator of European empire was not monolithic. By the time of the Berlin conference of 1884–85, launched by German chancellor Otto von Bismarck to regulate the competitive expansion of European imperial sovereignty and trade in the Congo especially, trusteeship appeared in concert with the more central concept of "effective occupation," and under the influence of the principles of the British antislavery movement. Important in the latter was the Christian concept of all peoples' right to exploit natural resources (conceived of as divinely endowed) via the accompanying institution of "progressive" commerce based on capitalist property relations.[41]

Below the surface of the Berlin Conference Act, the tensions between trusteeship and effective occupation manifested themselves in heated debate and forms of anti-imperial liberal jurisprudence. If some liberal jurists in Berlin made the case for European imperial expansion in Africa by arguing that European "effective occupation" was legitimate where continuous territorial sovereignty was not maintained by Congolese authorities, others certainly did not.[42] In practice, most colonial states ignored assurances about African property rights in subsequent decades.[43]

Relevant in this context is the British colonial administrator Frederick Lugard (1858–1945), who acted as governor of Nigeria during World War I and later became a member of the League of Nations Permanent Mandates Commission (PMC). Lugard's ideas revolved around a "dual mandate" conception of colonial trusteeship—envisaged as beneficial both to metropolitan industry and colonized peoples. His rather derivative vision is pertinent mainly for its wide influence.[44] But it is also significant for its conceptual emphasis on progressive nominal reciprocity between rulers and ruled as a basis for transformative but (equally nominal) time-limited imperial rule.

This notion of a temporally bounded form of administrative tutelage would increasingly become a political pinch point, as peoples living under mandate or trusteeship projects of late colonial rule demanded independence or fiercely criticized their failures to deliver even on their own terms.[45] The United Nations trusteeship system,

to which the mandate system gave way after the Second World War, and that was established in chapters XII and XIII of the UN Charter, stood apart markedly from its predecessor as a result.[46] As Nele Matz has noted of trusteeship in the period of national self-determination, "In regard to security, oversight and economic relationships between the trusteeship territory and the administering power, the two systems differed considerably."[47]

This shift to time-limited forms of trusteeship did not go uncontested, as the world stumbled from racialized to economistic criteria of development in the 1940s and 1950s.[48] For example, the anti-idealist and historicist view of trusteeship was updated in early apartheid South Africa to justify the subjugation of racialized "customary" national cultures.[49] Subsequently, in response to the anticolonial nationalist developmentalism of the "Bandung Era," elements of such essentializing trusteeship strategies, geared to the permanent deferral of independence for the occupied, became available to various segments of the global New Right in the 1960s, including in the Israel-Palestine context discussed by Seth Anziska in this dossier.[50]

Development and Modernization

Ideas of development and modernization nevertheless proliferated globally in the late nineteenth and then the twentieth century.[51] And though Africa remained a key site, the Middle East too saw a rich bloom of developmentalist thought in this period.[52] As Jacob Norris has noted regarding Mandate Palestine, British "politicians and officials used the word 'development' almost obsessively."[53] Such ideas, far from representing an import arrived with the British, refigured a long tradition of Ottoman enthusiasm for socioeconomic development.[54] Egypt's state-led espousal of substantial development and infrastructure projects is now well known, for example. The Syrian provinces' shift to cash crop cultivation and their penetration by various railway projects in the late nineteenth century also prompted multiple discourses of transformative development.[55]

These iterations of Middle Eastern economic development emerged in the first instance from the specificities of local histories. Plainly though, the political matrix via which these local histories related to wider developmentalist thought and practice was contestation of colonial rule.[56] And equally clearly, wider developmentalist thought and practice in the twentieth century operated spatially through the workings and intermeshing of empire and trusteeship.[57] Through this triple dynamic—local, anticolonial, and imperial/trusteeship—Middle Eastern development did not spread uniformly across the region but coagulated lumpily in an imperial and global network of depots and hubs.[58] Meanwhile, as mentioned above, the very term "Middle East" slowly crystallized in the years around World War I to classify a regional space whose internal dynamics and outer boundaries also refigured wider circuits, for instance of pilgrimage and commodity flow.[59]

The mandate system and its accompanying efforts at infrastructural development and national-imperial territorial delimitation were particularly important in this process of economic development. Indeed, mandate rule, through its simultaneous creation of imperial, international, national, and local jurisdictional scales of operation, territorialized economic life in complex ways.[60] To trace the transformative

effect of mandatory rule, it is therefore necessary to follow its protagonists across the new national frontiers that were simultaneously such a rich source of jurisdictional arbitrage, speculative development planning, and potential profit.[61] To sketch how the dossier seeks to address the issues described above, we turn now to the essays themselves.

The Essays

In an opening pair of contributions, the interwar British Mandate in Palestine and the French Mandate in Syria-Lebanon anchor the dossier. Several aspects of the mandate system touched on above make this a logical choice. These mandate territories had an internationalized legal status and a position at the heart of the British and French Empires in the Middle East—polities that in turn influenced the political architecture of much of the region for the twentieth century. They also had a role, in the British case above all, as a critical influence on the establishment of the contemporary dynamics of transformative occupation in Israel-Palestine, to which the dossier subsequently transitions.

Simon Jackson's essay tackles humanitarian and relief practices developed both within and in response to practices and patterns of violence and resistance. He explores how the imperial politics of humanitarian relief on the Eastern Mediterranean littoral during and at the close of World War I empowered specific Lebanese actors, who mediated imperial and diaspora food relief action in 1918.[62] Across an "occupation decade" from 1915 to 1925, the dynamics of relief, he argues, solidified into a durable developmental regime that both produced and sought to relieve emergency situations in the postarmistice 1920s. Postwar humanitarian efforts also informed the creation of the mandate's civic order, granting a "humanitarian notability" privileged access to strategic positions in the mandate's political economy.

Jacob Norris, meanwhile, works with the tools of colonial history to show how the mandate system in Palestine operated within a reinvented British imperial system of development after World War I. Hewing to our collective concern with the way developmental ideologies, metrics, and hierarchies operate as part of transformative occupation, Norris traces a "highly interventionist colonial regime" that set out to transform Palestine. From the late Ottoman period to the construction of mandate rule under the aegis of the League of Nations, Norris springs Mandate Palestine from its standard analytic geography, showing how the British and their allies sought to make it a beacon of modern development from the Eastern Mediterranean to the Indian Ocean.

Building on this foundation, the dossier then presents a pair of essays focused on the contemporary history of Israel-Palestine, from the 1970s to the present day, a situation that "requires us to take seriously the transformative effect of the accumulation of aborted events and frustrated expectations."[63] Seth Anziska's essay focuses on the politics of autonomy in the period after the Camp David accords. He engages with our concern to explore the political temporalities of occupation and the constitution of pseudo-autonomous political spaces. Whether imagined as a path to Palestinian independence or as an agenda for Israeli settlement, he shows how these temporalities intersected with the tempo of resistance, with electoral politics, and with

Cold War developmental economy across the region. Focusing on the 1970s and the early 1980s, Anziska is able to show how diplomatic and political debates on Palestinian "autonomy" after Camp David worked to generate a crucial concept of limited, functionalist autonomy, one detached from territorial sovereignty over the very land that was simultaneously transformed by Israeli settlement. He thereby articulates a dynamic with wider ramifications for contexts of transformative occupation: the dialectic between prolonged political disenfranchisement on the one hand—through the development of flexible political concepts, such as autonomy, that stunt sovereignty—and on the other hand the physical encroachment of settlements on the ground, which blur political boundaries.

Tareq Baconi takes up the analysis where Anziska leaves off, in the 1990s, but this time from the perspective of the occupied. His essay interrogates the practices and rhetorical patterns of violence through which the Israeli transformative occupation is both maintained and undermined. Baconi anatomizes the resistance strategies of the Palestinian Islamic Resistance movement Hamas in the period of the Second Intifada (2000–2006), showing how resistance practices transform quite as radically as does the territory held by the occupier. Through a close analysis of Hamas discourse, he charts the organization's hesitant, contingent, and internally disputed shifts after the collapse of the Oslo framework in 1999. Baconi's analysis of the mutually constitutive dynamics of Israeli occupation and Hamas resistance discusses both the tactical rhetoric of parity and equivalency in play politically in the context of the Second Intifada, and Hamas's attempts to regionalize and internationalize resistance to Israeli occupation through diplomatic and international legal means.

From the contemporary Israel-Palestine context the dossier then moves to a pair of essays focused on the twin sites of United States–led transformative occupation since 2001: Iraq and Afghanistan. Working between political science and science and technology studies, Nida Alahmad examines the constitution and maintenance of another politics of developmental measurement, in this case through a study of the Iraqi state under U.S. occupation after 2003. She focuses first on the intellectual movement for contemporary state-building, as it germinated in North American academic new institutionalism, and then on the specific site of the Iraqi electricity grid. Alahmad vividly explores how the sociopolitical arrangements associated with this site became the theater in which the political and moral practices of social life under transformative occupation were performed and adjudicated. At a time when it has become normal to think of the state as an object of measurement, management, design, and building—indeed of transformative intervention—Alahmad interrogates what the expertise of state building means for our sense of the state.

While Iraq has been one the primary sites of United States–led transformative occupation since 2001, Afghanistan has been the other. Here, Artemy Kalinovsky and Antonio Giustozzi tack back and forth between the developmental ideologies, metrics, and hierarchies of the Cold War and post 9/11 conjunctures, showing how the transformative occupations of Soviet and NATO forces alike served to crystallize the differing visions of state-led and neoliberal development in vogue in the respective periods. With close attention to the granularities of social reproduction, they show how the Afghan middle class fractured, recombined, and evolved in the period from

the 1970s to the present day, working under successive regimes while transforming from a primarily state-employed bureaucratic class to one enmeshed in the capital accumulation strategies of the new business elite and omnipresent in the institutional landscape of NGOs.

Finally, A. Dirk Moses's contribution, though rooted empirically in Israel-Palestine, also appraises the contemporary international system's legal-political nature and its possibilities as a forum for the dynamics of transformative occupations. Moses traces the genealogy of international law, and international humanitarian law (IHL) in particular, showing how, far from providing protection for indigenous peoples, it has licensed forms of "defensive" aggression and transformative occupation for almost half a millennium. In a culminating discussion of this tradition's appropriation in the context of the Israeli occupation of Palestine, Moses argues that "IHL . . . allows creeping annexation despite the global norm against colonial conquest." Through a careful historical contextualization of IHL's arguments on "defensive" transformative occupation, Moses thereby fits the case of Israel-Palestine into a wider exegesis of colonial legal reason.

Conclusion

If the global politics of humanity derives its legitimacy from its promise to generate new legal and political orders, to shape new social realities and relations, to establish new economic imperatives and interests, and to forge new cultural connections and values, our focus on transformative occupation in the twentieth-century Middle East offers a way to investigate these processes in a set of case studies that contains both strong internal comparative elements and also operates as a constellation to shed light on longer-run dynamics and processes. Needless to say, these dynamics and processes were not and are not confined to this region. Immediately to the north, for example, the temporary Italian occupation of Greek islands during World War II is currently the focus of research on its modernizing agenda and legacies.[64] The "developmental imperialism" conducted by Japan in Asia—whether in Korea in various forms since the late nineteenth century, in Manchuria between 1932 and 1945, or the shorter 1941–45 occupations—is also a case in point. Although ultimately unsuccessful, the Japanese occupations in particular so disturbed the foundations of rival imperial projects, like the French in Indochina and Dutch in Indonesia, that they were unable to consolidate themselves after the war.[65] The fledgling Indonesian state then engaged in transformative occupations of its archipelago, against fierce and persistent domestic resistance.[66] In Central Asia, finally, the Soviet project to "overcome backwardness" from the 1920s to the 1960s, awkwardly positioned in standard typologies of imperial formation, presents another propitious case for exploration with the conceptual map we have sketched above.[67]

Shared by empire-states and nation-states, transformative occupations are thus an enduring feature of modern governmentality. If our focus on the Middle East responds to its preeminence as a site of transformative occupation in the present conjuncture, our hope, equally, is that this dossier will constitute a point of departure for further historical investigation of its dynamics in a variety of global contexts.

NOTES

We thank the *Humanity* editorial collective and the anonymous reviewer for their helpful criticism on drafts of this essay. We are grateful to the Department of History and Civilization at the European University Institute, Florence, for its support of the workshop at the genesis of this dossier.

1. Adam Roberts, "Transformative Military Occupations: Applying the Laws of War and Human Rights," *American Journal of International Law* 100, no. 3 (July 2006): 580.

2. On the United States empire, see Paul A. Kramer, "Power and Connection: Imperial Histories of the United States in the World," *American Historical Review* 116, no. 5 (December 2011): 1348–92, and Charles S. Maier, *Among Empires: American Ascendancy and Its Predecessors* (Cambridge, Mass: Harvard University Press, 2006); Aniceto Masferror, ed., *Post 9/11 and the State of Permanent Legal Emergency: Security and Human Rights in Countering Terrorism* (Dortrecht: Springer, 2012). See on the Middle East Andrew J. Bacevich, *America's War for the Greater Middle East: A Military History* (New York: Random House, 2016); Lloyd C. Gardner, *Three Kings: The Rise of an American Empire in the Middle East after World War Two* (New York: New Press, 2009); Rashid Khalidi, *Resurrecting Empire: Western Footprints and America's Perilous Path in the Middle East* (Boston, Mass.: Beacon Press, 2005).

3. Roel Frakking surveys the field in "Beyond Sticks and Carrots: Local Agency in Counterinsurgency," *Humanity* 5, no. 3 (Winter 2014): 391–415. See also Celeste Ward Gventer, David Martin Jones, and M. L. R Smith, eds., *The New Counter-Insurgency Era in Critical Perspective* (New York: Palgrave Macmillan, 2014); Douglas Porch, *Counterinsurgency: Exposing the Myths of the New Way of War* (Cambridge: Cambridge University Press, 2013).

4. Jennifer M. Welsh, ed., *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004); Andrew J. Bellamy, "The Responsibility to Protect—Five Years On," *Ethics & International Affairs* 24, no. 2 (Summer 2010): 143–69. Office of the Advisor on the Prevention of Genocide, accessed December 30, 2014, http://www.un.org/en/preventgenocide/adviser/responsibility.shtml.

5. See the review of the literature by Michelle Tusan, "Humanitarianism, Liberalism, Genocide," *Journal of Genocide Research* 17, no. 1 (2015): 82–105. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010); Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011).

6. Gregory H. Fox, *Humanitarian Occupation* (Cambridge: Cambridge University Press, 2008). See also Lise M. Howard, *UN Peacekeeping in Civil Wars* (Cambridge: Cambridge University Press, 2007).

7. Timothy Nunan, *Humanitarian Invasion: Global Development in Cold War Afghanistan* (Cambridge: Cambridge University Press, 2016); Moritz Feichtinger and Stephan Malinowski, "Transformative Invasions: Western Post-9/11 Counterinsurgency and the Lessons of Colonialism," *Humanity* 3, no. 1 (Spring 2012): 35–63; Stephen Wertheim, "A Solution from Hell: The United States and the Rise of Humanitarian Interventionism, 1991–2003," *Journal of Genocide Research* 12, nos. 3–4 (2010): 150. See relatedly Fabian Klose, ed., *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present* (Cambridge: Cambridge University Press, 2016).

8. David J. Scheffer "Beyond Occupation Law," *American Journal of International Law* 97, no. 4 (October 2003): 842–60; Roberts, "Transformative Military Occupations," 580.

9. James Renton, "Changing Languages of Empire and the Orient: Britain and the Invention of the Middle East, 1917–1918," *Historical Journal*, 50, no. 3 (September 2007): 645–67.

10. Ilana Feldman, *Governing Gaza: Bureaucracy, Authority and the Work of Rule, 1917–1967* (Durham, N.C.: Duke University Press, 2008), 2.

11. See Keith David Watenpaugh, *Bread from Stones: The Middle East and the Making of Modern Humanitarianism* (Berkeley: University of California Press, 2015).

12. Nehal Bhuta, "The Antinomies of Transformative Occupation," *European Journal of International Law* 16, no. 4 (September 2005): 740.

13. The extent to which an occupier can engage in reforms to maintain order or change manifestly unjust laws is a subject of extensive debate. Yutaka Arai-Takahashi, *The Law of Occupation: Continuity and Change in International Humanitarian Law, and its Interaction with International Human Rights Law* (Boston: Martinus Nijhoff, 2009); Eyal Benvenisti, *The International Law of Occupation*, 2nd ed. (Oxford: Oxford University Press, 2012); Jonathan E. Gumz, "Norms of War and the Austro-Hungarian Encounter with Serbia, 1914–1918," *First World War Studies* 4, no. 1 (2013): 97–110.

14. Hans Kelsen, "The Legal Status of Germany according to the Declaration of Berlin," *American Journal of International Law* 39, no. 3 (July 1945): 518–26.

15. Scheffer "Beyond Occupation Law"; Peter G. Danchin, "International Law, Human Rights and the Transformative Occupation of Iraq," in *Great Expectations: The Role of International Law in Rebuilding Societies after Conflict*, ed. Brett Bowden, Hilary Charlesworth, and Jeremy Farrall (Cambridge: Cambridge University Press, 2009), 64–89; Conor McCarthy, "The Paradox of the International Law of Military Occupation: Sovereignty and the Reformation of Iraq," *Journal of Conflict & Security Law* 10, no. 1 (Spring 2005): 46, 48. A prescient earlier intervention is Davis P. Goodman, "The Need for Fundamental Change in the Law of Belligerent Occupation," *Stanford Law Review* 37, no. 6 (July 1985): 1573–608.

16. Carsten Stahn, *The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond* (Cambridge: Cambridge University Press, 2008).

17. Andrew J. Bacevich, *The New American Militarism: How Americans Are Seduced by War* (New York: Oxford University Press, 2005).

18. Steven R. Ratner, "Foreign Occupations and International Territorial Administration: The Challenges of Convergence," *European Journal of International Law* 16, no. 4 (September 2005): 695–96.

19. Adam Roberts, "Prolonged Military Occupation: The Israeli-Occupied Territories since 1967," *American Journal of International Law* 84, no. 1 (January 1990): 44–103.

20. Roberts, "Transformative Military Occupation," 581; Peter M. R. Stirk, *The Politics of Military Occupation* (Edinburgh: Edinburgh University Press, 2012), chap. 8, 203–27.

21. Mushtaq Husain Khan, Inge Amundsen, and George Giacaman, eds., *State Formation in Palestine: Viability and Governance during a Social Transformation* (London: Routledge Curzon, 2004); Nubar Hovsepian, *Palestinian State Formation: Education and the Construction of National Identity* (Newcastle: Cambridge Scholars, 2008); Raja Khalidi and Sobhi Samour, "Neoliberalism as Liberation: The Statehood Program and the Remaking of the Palestinian National Movement," *Journal of Palestine Studies* 40, no. 2 (Winter 2011): 6–25.

22. Bhuta, "The Antinomies of Transformative Occupation."

23. Chris Tomlins, *Freedom Unbound: Law, Labor and Civic Identity in Colonizing English America, 1580–1865* (Cambridge: Cambridge University Press, 2010), 7. On replacement as the logic

of elimination, see Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006): 387–88.

24. Talal Asad, "Afterword: From the History of Colonial Anthropology to the Anthropology of Western Hegemony," in *Colonial Situations: Essays on the Contextualization of Ethnographic Knowledge*, ed. George Stocking (Madison: University of Wisconsin Press, 1992), 314.

25. Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, N.J.: Princeton University Press, 2001), 19, 9. Cf. Nehal Bhuta, "Against State Building," *Constellations* 15, no. 4 (December 2008): 517–24.

26. Nicholas B. Dirks, "Foreword," in Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, N.J.: Princeton University Press, 1996), xii; Abdelmajid Hannoum, *Violent Modernity: France in Algeria* (Cambridge, Mass.: Harvard University Press, 2010). For skepticism about the success of this violence, see Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 201.

27. Frederick Cooper and Ann Laura Stoler, "Between Metropole and Colony: Rethinking a Research Agenda," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley: University of California Press, 1997), 1–58.

28. Cooper, *Colonialism in Question*, 172; A. Dirk Moses, "*Das römische Gespräch* in a New Key: Hannah Arendt, Genocide, and the Defense of Republican Civilization," *Journal of Modern History* 85, no. 4 (December 2013): 867–913.

29. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, N.J.: Princeton University Press, 1996).

30. Lise M. Howard, "The Ethnocracy Trap," *Journal of Democracy* 23, no. 4 (October 2012): 155–69.

31. Edmund Burke III, *The Ethnographic State: France and the Invention of Moroccan Islam* (Berkeley: University of California Press, 2014); Patricia M. E. Lorcin, *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria* (London: I. B. Tauris, 1999).

32. Burke, *The Ethnographic State*.

33. McDougall, *History and the Culture of Nationalism in Algeria*, 7.

34. Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914* (Stanford, Calif.: Stanford University Press, 1976). On Turkey, see Christine Philliou, "When the Clock Strikes Twelve: The Inception of an Ottoman Past in Early Republican Turkey," *Comparative Studies of South Asia, Africa and the Middle East* 31, no. 1 (2011): 172–82; Erik Jan Zürcher, *The Young Turk Legacy and Nation-Building: From the Ottoman Empire to Atatürk's Turkey* (London: Library of Modern Middle East Studies, 2010); and Carter Vaughn Findley, *Turkey, Islam, Nationalism, and Modernity: A History, 1789–2007* (New Haven, Conn.: Yale University Press, 2010).

35. Bradley R. Simpson, *Economists with Guns: Authoritarian Development and U.S.-Indonesian Relations, 1960–1968* (Stanford, Calif.: Stanford University Press, 2008).

36. Michael Adas, *Machines as the Measure of Man: Science, Technology, and Ideologies of Western Dominance* (Ithaca, N.Y.: Cornell University Press, 1989), 197; Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2014), 7.

37. Michael D. Callahan, *A Sacred Trust: The League of Nations and Africa, 1929–1946* (Eastbourne: Sussex Academic Press, 2004), 198.

38. William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power*

(Oxford: Oxford University Press, 2003), 26. See also Chris Allsobrook and Camilla Boisen, "Two Types of Trusteeship in South Africa: From Subjugation to Separate Development," *Politikon: South African Journal of Political Studies*, published online January 13, 2016, DOI: 10.1080/02589346.2015.1121623; on the resurrection of trusteeship in international legal scholarship, see, for example, Ralph Wilde, "From Danzig to East Timor and Beyond: The Role of International Territorial Administration," *American Journal of International Law* 95, no. 3 (July 2001): 583–606; Brian Deiwert, "A New Trusteeship for World Peace and Security: Can an Old League of Nations Idea be Applied to a Twenty-first Century Iraq?," *Indiana International & Comparative Law Review* 14, no. 3 (2004): 771–806.

39. Allsobrook and Boisen, "Two Types of Trusteeship," 2.

40. Lisa Lowe, *The Intimacies of Four Continents* (Durham, N.C.: Duke University Press, 2015), 15, 104.

41. William Bain, " 'Repaying the National Debt to Africa': Trusteeship, Property and Empire," *Theoria* 59, no. 133 (December 2012): 12–14.

42. Andrew Fitzmaurice, "Liberalism and Empire in Nineteenth-Century International Law," *American Historical Review* 117, no. 1 (February 2012): 133.

43. Ibid.

44. Susan Pedersen, "Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations," *Journal of Imperial and Commonwealth History* 40, no. 2 (2012): 245.

45. F. D. Lugard, *The Dual Mandate in British Tropical Africa* (London: Frank Cass, 1965), 617. See also Frederick Cooper, "Conditions Analogous to Slavery: Imperialism and Free Labor Ideology in Africa," in Frederick Cooper, Thomas C. Holt and Rebecca J. Scott, *Beyond Slavery* (Chapel Hill: University of North Carolina Press, 2000), 111–12; Kevin Grant, *A Civilized Savagery: Britain and the New Slaveries in Africa, 1884–1926* (New York: Routledge, 2004), 2.

46. Meredith Terretta, " 'We Had Been Fooled into Thinking That the UN Watches over the Entire World': Human Rights, UN Trust Territories, and Africa's Decolonization," *Human Rights Quarterly* 34, no. 2 (May 2012): 329–60.

47. Nele Matz, "Civilization and the Mandate System under the League of Nations as Origin of Trusteeship," *Max Planck Yearbook of United Nations Law* 9 (2005): 88. See also H. Duncan Hall, *Mandates, Dependencies and Trusteeships* (Washington, D.C.: Carnegie Endowment for International Peace, 1948), and Ramendra Nath Chowdhuri, *International Mandates and Trusteeship Systems: A Comparative Study* (Gravenhage: Martinus Nijhoff, 1955).

48. Daniel Speich, "The Use of Global Abstractions: National Income Accounting in the Period of Imperial Decline," *Journal of Global History* 6, no. 1 (March 2011): 7–28.

49. Bain, " 'Repaying the National Debt to Africa' "; Camilla Boisen, "The Changing Moral Justification of Empire: From the Right to Colonise to the Obligation to Civilise," *History of European Ideas* 39, no. 3 (2013): 335–53.

50. For a wider assessment of settler colonial strategies, see Martin Thomas, *Fight or Flight: Britain, France and their Roads from Empire* (Oxford: Oxford University Press, 2014).

51. Joseph M. Hodge, "Writing the History of Development, Part 1: The First Wave," *Humanity* 6, no. 3 (Winter 2015): 429–63; Nils Gilman, *Mandarins of the Future: Modernization Theory in Cold War America* (Baltimore: Johns Hopkins University Press, 2003); David C. Engerman and Corinna R. Unger, "Introduction: Towards a Global History of Modernization," *Diplomatic History* 33, no. 3 (June 2009): 375–85.

52. On Africa, see Helen Tilley, *Africa as a Living Laboratory: Empire, Development, and the Problem of Scientific Knowledge, 1870–1950* (Chicago: University of Chicago Press, 2011). On the Middle East in the Cold War, see representatively Nancy Y. Reynolds, *A City Consumed: Urban Commerce, the Cairo Fire, and the Politics of Decolonization in Egypt* (Stanford: Stanford University Press, 2012).

53. Jacob Norris, *Land of Progress: Palestine in the Age of Colonial Development, 1905–1948* (Oxford: Oxford University Press, 2013), 10–11; Priya Satia, "Developing Iraq: Britain, India and the Redemption of Empire and Technology in the First World War," *Past & Present* 197, no. 1 (November 2007): 211–55; Sara Pursley, "The Stage of Adolescence: Anticolonial Time, Youth Insurgency, and the Marriage Crisis in Hashimite Iraq," *History of the Present* 3, no. 2 (Fall 2013): 160–97.

54. Thomas Philipp and Birgit Schäbler, eds., *The Syrian Land: Processes of Integration and Fragmentation: Bilād Al-Shām from the 18th to the 20th Century* (Stuttgart: F. Steiner, 1998); Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876–1909* (London: I. B. Tauris, 1998).

55. Timothy Mitchell, *Rule of Experts: Egypt, Techno-Politics, Modernity* (Berkeley: University of California Press, 2002); Alan Mikhail, *Nature and Empire in Ottoman Egypt: An Environmental History* (Cambridge: Cambridge University Press, 2011); Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, His Army, and the Making of Modern Egypt* (Cairo: American University in Cairo Press, 2002).

56. Pursley, "The Stage of Adolescence," 160; Nathan J. Citino, "The Ghosts of Development: The United States and Jordan's East Ghor Canal," *Journal of Cold War Studies* 16, no. 4 (Fall 2014): 159–88.

57. Liat Kozma, Cyrus Schayegh, and Avner Wishnitzer, eds., *A Global Middle East: Mobility, Materiality and Culture in the Modern Age, 1880–1940* (London: I. B. Tauris, 2015).

58. James L Gelvin and Nile Green, eds., *Global Muslims in the Age of Steam and Print* (Berkeley: University of California Press, 2014).

59. Michael E. Bonine, Abbas Amanat, Michael Ezekiel Gasper, eds., *Is There a Middle East? The Evolution of a Geopolitical Concept* (Stanford, Calif.: Stanford University Press, 2011).

60. Cyrus Schayegh, "The Many Worlds of 'Abud Yasin; or, What Narcotics Trafficking in the Interwar Middle East Can Tell Us about Territorialization," *American Historical Review* 116, no. 2 (April 2011): 273–306.

61. Daniel Neep, *Occupying Syria under the French Mandate: Insurgency, Space and State Formation* (Cambridge: Cambridge University Press, 2012); Patrick Wolfe, "Purchase by Other Means: The Palestine Nakba and Zionism's Conquest of Economics," *Settler Colonial Studies* 2, no. 1 (2012): 133–71.

62. Keith David Watenpaugh, "Between Communal Survival and National Aspiration: Armenian Genocide Refugees, the League of Nations, and the Practices of Interwar Humanitarianism," *Humanity* 5, no. 2 (Summer 2014): 159–81; Watenpaugh, *Bread from Stones*.

63. Lori Allen, *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine* (Stanford, Calif.: Stanford University Press, 2013), 27.

64. Valerie McGuire, "Arcadian Histories: Italian Encounters in the Eastern Mediterranean," in *New Perspectives in Italian Cultural Studies*, ed. Graziella Parati (Madison. Wis.: Fairleigh Dickinson University Press, 2012), 231–58.

65. Prasenjit Duara, "The Imperialism of 'Free Nations': Japan, Manchukuo, and the History

of the Present," in *Imperial Formations and Their Discontents*, ed. Ann Stoler, Carole McGranahan, and Peter Perdue (Santa Fe, N.M.: School of American Research Press, 2007), 211–40. Our thanks to Konrad Lawson for illuminating discussions of transformative occupation in East Asia.

66. Bart Luttikhuis and A. Dirk Moses, eds., *Colonial Counterinsurgency and Mass Violence: The Dutch Empire in Indonesia* (Abingdon: Routledge, 2014).

67. Artemy Kalinovsky, "Not Some British Colony in Africa: The Politics of Decolonization and Modernization in Soviet Central Asia, 1955–1964," *Ab Imperio*, no. 2 (2013): 191–222; Adeeb Khalid, "Backwardness and the Quest for Civilization: Early Soviet Central Asia in Comparative Perspective," *Slavic Review* 65, no. 2 (Summer 2006): 231–51.