

Dogs of War, Days of Democracy

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This paper will examine whether or not Private Security Contractors, commonly employed by the United States Federal Government, may be properly considered mercenaries, and, if so, what their presence suggests about the condition of nation-state power. Following a brief history of mercenarism, I will distinguish a mercenary from a soldier. I'll then argue on the basis of this analysis that Private Security Contractors, henceforth referred to simply as Contractors, are mercenaries. Having established that Contractors are mercenaries, I'll argue that reliance upon mercenaries weakens the power of nation-states. In closing, I'll suggest that the use of Contractors also undermines democratic ideals.

Conflict has, arguably, defined the course of civilizations. It is a red thread that extends millennia, making war one of mankind's most destructive traditions, and mercenarism one of the oldest professions. From Sumerian dynasties to modern democracies, countless political leaders have utilized these actors. From the ancient and admired civilizations of Greece and Rome, to the feudalistic and expanding monarchies of Europe, military forces consisted largely of hired help. As these European states grew into the age of imperialism, sovereign soldiers replaced mercenaries, who found new homes in foreign lands, colonies, and trading posts.¹ There they would remain in the face of two World Wars, little more than a footnote. However, in the Cold War-years that followed, the Contractor would emerge as the contemporary incarnation of the mercenary.

It seems fitting, at this point, to distinguish between a mercenary and a professional soldier. One might worry that, given recent military hiring practices like that of the U.S. during the second Gulf War, the distinction between soldier and a mercenary is a distinction without a real difference. If a U.S. national is hired by the federal government to perform a military service, and then compensated with U.S. taxpayer dollars, doesn't this make them a soldier whether they receive their paycheck directly from the government or indirectly via a private military and security company? Perhaps the routing of a person's pay is irrelevant for present purposes, but there remains at least one crucial difference between the soldier and the mercenary. And the crucial difference is this: while a soldier may receive, and be incentivized by, compensation, they do so under the jurisdiction of a sovereign military. A mercenary on the other hand, provides military services and receives compensation through mechanisms outside the jurisdiction of a sovereign military.

I argue that regardless of their nationality and source of profit, U.S. contractors may still be considered mercenaries precisely because they function through a mechanism outside the jurisdiction of a sovereign military force. This jurisdiction may be viewed as having three main components: a chain of command, a code of conduct, and judicial military review. When a private military and security company receives a federal contract, its employees, Contractors, don't answer to a superior officer and don't ultimately answer to the Commander-In-Chief. Rather, their accountability ends at a corporate office or boardroom.² And, arguably, their obligation is not to some greater idea of god and country, but merely to continued employment.

Oversight and accountability for Contractors, especially in regards to human rights violations and the necessary use of force, is dismal.

There is an International Code of Conduct for Security Service Providers with over 708 signatory companies.³ However, documentation suggests that signing this code is little more than lip service. Private Military and Security Companies such as Academi, formerly known as Blackwater, as well as G4S and DynCorp are all registered signatories, but each faces serious allegations of egregious human rights violations. Helmet camera footage of convoy protection in Iraq during the Second Gulf War, depict a wide range of violent and unjustified actions by Contractors against Iraqi civilians.⁴ Over 35 percent of US officials in Iraq reported having to mitigate an Iraqi response to the misconduct of Contractors.⁵

Options for addressing unlawful or unjustified conduct by Contractors in the Middle East are limited. In some cases, the Contractor is simply reassigned to a different operation or region.⁶ Prosecution is rare. Without the judicial military review process that holds soldiers accountable, Private Military and Security Companies are able to avoid prosecution, often by claiming their actions were in self-defense. Simply put, Contractors are mercenaries who operate outside of a sovereign military jurisdiction. The significance of this fact becomes clear when considering the growing extent of U.S. reliance on Private Military and Security Companies (PMSCs), in particular, during the Second Gulf War, arguably, the first contracted war of the modern era.

U.S. Operations in the Middle East were, and remain, heavily dependent upon PMSCs. The Pentagon did not begin releasing its information on Contractors until 2007, but at that point there were 200,111 Contractors, compared to 190,300 troops. By the end of 2009, that number had risen to 217,832 contractors, compared to 194,000 troops.⁷ With well over 70 companies contracted in the region, the use of Contractors is pandemic. These contractors offered services such as base support, security, translating, logistics and maintenance, construction, transportation, and communications.⁸ I'd now like to consider the implications of Contractor use for the condition of nation-state power. Such a consideration is not unprecedented.

One of the preeminent scholars of the political school of thought known as Realism, the Florentine Niccolo Machiavelli, expressed an extreme distrust of mercenaries in his famous treatise *The Prince*. Machiavelli perceived the use of mercenaries by the state as a serious mistake. In Chapter 12 he argues: "Mercenaries and auxiliaries are useless and dangerous; and if one holds his state based on these arms he will stand neither firm nor safe... The fact is, they have no other attraction or reason for keeping the field than a trifle of stipend, which is not sufficient to make them willing to die for you."⁹

Machiavelli's critique of mercenaries is that they are useless and dangerous. In the present day, it would be difficult to argue that Contractors are useless considering the full scope of services they provide, but it does not seem to be too much of a challenge to establish that Contractors are dangerous. Accounts of Contractor misconduct in this paper are but a portion of the full scale of documented infractions, which include murder, terrorism, assault, abuse, imprisonment, slavery, displacement, torture and coercion, to name just a few. Yet, aside from the threats Contractors pose to the populace of an occupied or weakened state, and to the moral standing of their employers, their presence also has grave implications for the power of the nation-states that employs them.

I'll focus on two of these. First, considering the function that most PMSCs fulfill, it is a regular occurrence to see a nation-state become dependent upon a PMSC for a service that it can no longer provide itself. This has become commonplace with certain weapons systems and training programs, both for the U.S. and other modern democracies around the world.¹⁰ Second, as more and more services are offered through the private sector, fewer obligations are mandated to public institutions. The concept of security, arguably considered a public trust available equally to everyone, began becoming privatized during the Reagan-era and neoliberal deregulation.¹¹

Privatization has been cumulative and illuminating of a larger theme running through the industry as a whole: the commodification of security. This in turn reprioritizes profit over the public good. As soon as a concept such as security becomes excludable on the grounds of cost to the everyday man, serious questions arise about a nation-state's supposed monopoly over authority and force, especially when the nation-state itself has become reliant on Contractor services. These two factors, the dependence on contractor services and the attendant commodification of security, contribute to the weakening of nation-state power. And these are serious implications for any state, including ours.

In closing, I have argued that the Contractor is the modern-day incarnation of the mercenary and so a nation-state's use of Contractors is constitutive of the use of mercenaries. I have also argued that the use of mercenaries undermines the power of the nation-state. In specific, I've argued that it does so by creating a dependence of the state upon non-state actors. This dependence forces the state to prioritize the interests of these actors over its own interests, prioritizing the profits of these actors over the public good to the extent that the state is willing to overlook human rights violations that are inconsistent with its core democratic values. I'm inclined to go so far as to say that the use of Contractors by modern democracies contradicts the foundational democratic ideals of life, liberty, and the pursuit of happiness. However, defending this further thesis is a matter for another time. In the meanwhile, the contracts will almost certainly continue, an extension of the red thread of conflict that links the present to the past.¹²

Endnotes

1. P.W Singer, *Corporate Warriors* (New York: Cornell UP, 2008), 20-36.
2. Moshe Schwartz and Jennifer Church, *Department of Defense's Use of Contractors to Support Military Operations: Background, Analysis, and Issues for Congress* (Washington D.C.: Congressional Research Service, 2013), 7.
3. "History," last modified 2015, accessed June 17, 2015, <http://icoca.ch/en/history>.
4. "Leaked Blackwater Iraq Videos," YouTube video, 2:42, posted by "LeakSource," April 6, 2012, <https://www.youtube.com/watch?v=xm6hC2oW5P8>.
5. Marcela Gaviria and Martin Smith, "Private Warriors." *Frontline*. Aired June 21, 2005. Boston: PBS. Web. <http://www.pbs.org/wgbh/pages/frontline/shows/warriors/etc/credits.html>.
6. P. W. Singer, "Lessons Not Learned: Contracting Out Iraqi Army Advising," *The Brookings Institution*, May 12, 2008, accessed January 15, 2015, <http://www.brookings.edu/research/opinions/2008/05/12-iraq-singer>.
7. Schwartz and Church, *Department of Defense's Use of Contractors to Support Military Operations: Background, Analysis, and Issues for Congress*, 24-25.
8. "Office of the Deputy Assistant Secretary of Defense: Archived CENTCOM Reports," last modified February 21, 2014, accessed February 7, 2015, http://www.acq.osd.mil/log/PS/archvd_CENTCOM.html.
9. "Machiavelli: The Prince: Chapter 12," last modified n.d., accessed April 15, 2015, <http://www.constitution.org/mac/prince12.htm>.
10. Singer, *Corporate Warriors*, 78.
11. Laura Dickinson, *Outsourcing War and Peace* (New Haven: Yale UP, 2011), 32-34.
12. I am deeply indebted to Dr. Rick Schubert, Professor of Philosophy and Chair of the Cosumnes River College Honors Program, and Professor Martin Morales, Professor and Chair of the Political Science and Global Studies Department, for all of their guidance and help in developing this research project.

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