Private Military Contractors: Shifting International Norms Regarding Mercenaries in 21st Century Warfare

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With the ongoing conflicts in the Middle East arising out of the Global War on Terror, current military practices are under increasing scrutiny. One of the most controversial topics related to 21st century warfare is the use of private military companies, which have become more and more prevalent with the intensification of the U.S. military presence in combat areas such as Iraq and Afghanistan. This paper seeks to outline the proposed rationale behind the use of private military forces (sometimes referred to as defense contractors). It attempts to relate this concept to the understanding of the “legitimate use of force,” and how this understanding has evolved throughout history.

The Global War on Terror (GWOT) has profoundly altered the international political order. In its pursuit to eliminate terrorist threats across the globe and to protect our national security, the United States military is currently engaged in two major theaters of war: Afghanistan, and to a lesser extent, Iraq. The execution of the GWOT has necessitated a radical transformation of the structure and focus of the U.S. military. 21st century warfare is characterized by highly advanced weapons

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technology, increased emphasis on clandestine operations, and a reevaluation of the use of mercenary force. In the words of former Secretary of Defense Donald Rumsfeld, in modern war “[w]e must promote a more entrepreneurial approach: one that encourages people […] to behave less like bureaucrats and more like venture capitalists.”¹ This new attitude is representative of the paradigm shift in modern American warfare, in which we see a rise in military spending and an increasing emphasis on defense contractors and other non-traditional military forces. The government’s contracting out of the use of violent force is a highly contentious issue, and many of these military policies have been sharply criticized. The phenomenon of increased reliance on private military forces has raised a number of questions regarding the traditional relationship between the state and the monopoly of the use of violent force. It has raised other ethical questions as well, such as the morality of waging war with soldiers whose fundamental motivation is payment, rather than a sense of duty and self-sacrifice towards the fatherland.

The purpose of this paper is to chronicle the evolution of the legitimacy of mercenary activity through an examination of that institution as seen through the eyes of various political theorists. This paper intends to show philosophical and pragmatic considerations that have animated this phenomenon throughout history. In order to understand current U.S. policy regarding the use of private military companies, one must step back from the pejorative connotations associated with mercenarism and look at the phenomenon objectively. Therefore, we will start at a brief summary of the current military situation within the context of the GWOT. We will then move on to a broader discussion of the use of mercenary force throughout history and connect that with the evolving political theory regarding the relationship between the state and its responsibilities regarding military power.

We must begin by establishing the background and history of the use of the private military contractors in modern warfare. First, the modern private military contractor (PMC) as a military institution differs substantially from the older, more traditional idea of a mercenary warrior, despite the fact that contractors occupy basically the same place in the structure of military operations. The modern manifestation of the mercenary army is an evolution from the original “dogs of war” into a modern corporate entity, driven by the free market dynamics of supply and demand as well as the political forces that are advancing globalization. Moreover, the private military industry is structured like any other corporate industry that produces goods and services. PMCs are also characterized by offering a much wider variety of services other than simply being guns for hire. In describing the nature of the modern PMC, political scientist P.W. Singer, Senior Fellow at the Brookings Institution, says “[PMCs] are corporate bodies that offer a wide range of services, from tactical combat operations and strategic planning to logistical support and technical assistance.”

Thus, private contractors are engaged not just in direct operational support to modern military forces, but in everything from security protection and surveillance to training, consultation, and even cooking and cleaning. It is important to note that all these services provided by PMCs had been originally provided by regularly enlisted citizen-soldiers before their recent proliferation.

Nowhere is the modern use of PMCs more apparent than in the major areas of operation of the GWOT, i.e. in the wars of Iraq and Afghanistan. As of June 2009, Iraq and Afghanistan have a combined total of 243,735 private contractor personnel directly or indirectly supporting military operations in both countries,

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according to statistics put out by the Department of Defense (DOD). The number of uniformed personnel in the same area is roughly estimated at 282,000. This represents a ratio of .87:1 of private contractors to civilian personnel.\(^3\) It must be understood that this estimate includes all private contractors in the region, including unarmed personnel who have been contracted out to provide services such as laundry, foreign language translation, or construction on military bases. Armed contractors, such as those that protect diplomatic convoys and political VIPs, account for a fraction of the total private contractor force, and these are simply designated as private security contractors [PSCs]. Government estimates put the number of PSCs in Iraq at roughly 13,145 personnel, merely 11% of the DOD private contractor work force.\(^4\) Also, this study provided for Congress by the DOD does not include the military contractors that are employed by the U.S. Department of State, or by other non-state entities such as NGOs or private business corporations. These statistics demonstrate a very high number of private military contractors, armed or otherwise, deployed in the service of the United States government and its foreign policy objectives. Whether they are security contractors, trained to act with violent and possibly deadly force, or merely private contractors engaged in technical, logistical, or other non-combative support services, the fact remains that the total of the military force that is currently being used by the United States in its execution of the GWOT is almost a 50/50 split between the private and public actors.

The public’s interest and subsequent outcry at the use of PMCs in modern warfare has been strong, especially after the highly publicized scandal of the Abu Ghraib prisoner abuse, in which some of the perpetrators were United States military contractors, or the equally scandalous and tragic incident in which four PSCs were ambushed in their military convoy, their bodies ultimately

\(^{3}\) Moshe Schwartz, CRS Report - The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress, 5.

\(^{4}\) Ibid., 8.
being hung from a bridge in the Iraqi city of Fallujah. Even members of the military and political establishment have sharply criticized the private military industry. For example, Jeremy Scahill is the author of the international bestseller *Blackwater: the Rise of the World's Most Powerful Mercenary Army*, in which he constructs a scathing exposé of the practices of the American private military industry and the U.S. government, using the private military company based out of North Carolina, Blackwater USA, as the primary target of his attacks.\(^5\) In his book, Scahill quotes Joe Wilson, former United States Ambassador to Iraq, who opined to author that “it’s extraordinarily dangerous when a nation begins to outsource its monopoly on the use of force and the use of violence in support of its foreign policy or national security objectives.”\(^6\) The fear that the modern nation-state is losing its “monopoly on the use of force” is one shared by many other political commentators as well.

As evidenced by the strong reaction to these and other events surrounding PMCs in Iraq and Afghanistan, it would seem that the taboo against mercenary use in the GWOT (or in war generally) is alive and well, at least in the minds of the media and much of the general public. However, while one should not deny or attempt to cover up PMC abuses in Iraq or Afghanistan (which is undoubtedly the source of much of the public’s mistrust and anger), final judgment on the use of private military contractors as part of our national security policy must be informed by a careful and objective study of the use of mercenary


force and private military companies in the context of history. One must carefully weigh the practical and theoretical considerations that led to various societal perspectives on the legitimacy or illegitimacy of the use of that force, in order to have a better grasp of the various ethical and moral questions that surround the use of private military companies in warfare today.

Soldier of Fortune: The World’s “Third” Oldest Profession

Although this paper aims to critique a modern military phenomenon, it is important to note that PMCs have their roots in a very old military institution. One can find countless examples of the use of mercenary forces in society, from the ancient times to the modern age. For example, many political scientists like P.W. Singer have noted that civilizations from Ancient Egypt to Victorian England have utilized private contract military forces, loyal to no single state or nation. One of the more famous stories from ancient times is about the deeds and exploits of an entire host of mercenaries known as the Ten Thousand, an army of Greek soldiers who in 401 BC fought under the command of Cyrus the Younger in his attempt to gain control of the Persian Empire. The Anabasis, written by the famous Greek historian Xenophon (himself a mercenary warrior in the army of the Ten Thousand), chronicles their journey across what is now modern-day Turkey and Iraq, and back toward the Black Sea. Their expedition has been described by many as one of the greatest adventures in human history.

By the 15th century in Italy we find mercenarism entrenched in the military structure of the various Italian city-states. This particular form of mercenary was called a condottiero, the Italian

7 Mercenarism has been often described as the third oldest profession after prostitution and spying.
word for contractor. Much like private military contractors of the modern age, the condottieri’s military services were outlined in their condotta, or contract. These condottieri hired themselves out to the various kings and princes of Europe, and they were especially popular with the Italian city-states, which were constantly at war with each other. The city-states either would not or could not raise citizen armies of their own, and so had to rely on the mercenaries to fight their wars for them.

Against the backdrop of this state of affairs, the preeminent political theorist of the Italian Renaissance, Niccolò Machiavelli, attempted to instruct the political leaders of his time in matters of statecraft. Thus, Machiavelli wrote Il Principe, or The Prince. An important theme in Machiavelli’s instruction to the prince is the maintenance of his political control. Part of this entails the complete rejection of the use of mercenary arms. In the political writings of the West up to this time, there had been no formal condemnation of their use; they were accepted as a matter of course, and used when it was deemed necessary to win the war. However, Machiavelli is explicit in his censure of mercenaries, and forcefully cautions the prince against relying on them. As Machiavelli says in Book XII of The Prince, “The mercenaries […] are useless and dangerous, and if any supports his state by the arms of mercenaries, he will never stand firm or sure, as they are disunited, ambitious, without discipline, faithless, bold amongst friends, cowardly amongst enemies, they have no fear of God, and keep no faith with men.”

He goes on to say that mercenary armies will threaten the power and control that the prince has over the state. The prince must rely on his own men, men that he can trust and who he knows are loyal to him and to their country. Machiavelli is making a definite argument for a citizen army, one that fights for an ideal that is embodied in their nation and not for pecuniary interests.

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Machiavelli’s theory regarding mercenarism has a very practical purpose as well, which has translated well into the modern world. Machiavelli’s strong condemnation of mercenary forces and explicit instruction against their use are, in large part, a reaction to the political realities of his time. At the time Machiavelli was writing *The Prince*, the condottieri exercised an inordinate amount of control over the Italian city-states and their rulers. Machiavelli laments the state of affairs across Italy, writing that “the ruin of Italy is now caused by nothing else but through her having relied for many years on mercenary arms.” On a very practical level then, his criticism of mercenary soldiers is based on his theory that citizen soldiers would be much more akin to the interest of the prince and the maintaining of the state. In a piece written for the *Journal of Military and Strategic Studies*, author Scott Fitzsimmons expresses this in a very rational and utilitarian way, saying that the argument in *The Prince* against the use of mercenaries and concurrent advocacy for citizen armies is “based explicitly on Machiavelli’s perceptions of mercenaries’ relative utility for implementing the defense policies of states and the problems caused by employing mercenaries.”

Machiavelli commentator J.G.A. Pocock gives us a very clear picture of the dichotomy between the mercenary and the citizen soldier. He writes:

“[M]ercenaries appear as half-hearted because they are ignoble; they fight poorly because they are not part of what they fight for; they lack *virtus* in the field because they lack that *virtus* which can be exercised only in the city. Citizens with arms in their hands, by contrast, can not only be praised as exemplifying Periclean virtue.”

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10 Ibid., 45.


Nevertheless, whether the emphasis is on utility or on civic virtue, Machiavelli’s fundamental caution to the prince is the same: rely on your own forces, for mercenaries are a dangerous threat to the republic.

At least at the outset, it does not seem that Machiavelli was very successful in his remonstrance of the use of mercenaries. Prussia and Great Britain, who well into the 18th century were using mercenary troops, stand in contrast to the ideal’s set forth in Machiavelli’s political theory. For example, Hessian mercenaries were used by the British in the Revolutionary War. Military forces that are essentially mercenary in character still exist even today, though admittedly on a much smaller basis. The French Foreign Legion and the Swiss Guard in the Vatican are both modern day examples of the old institution. Machiavelli’s argument in the 15th century was by no means accepted universally as a new norm. The concept of the nation-state and the political institutions associated with that notion, such as standing citizen armies, were not fully developed ideas in European political theory at this time. However, people in the western world would soon develop a new understanding of socio-political relationships within the framework of a concept that shared similar qualities with Machiavelli’s ideal: the nation-state predicated upon a common vision of political and social unity. This new socio-political conception was about to take hold in Europe and would help solidify the norm against mercenarism and its gradual acceptance in both political and military policy.

**Enlightenment Political Theory and the Monopoly of the Use of Force**

It would seem that Machiavelli’s argument for a citizen army presupposes that such citizens are willing to fight for the state in the first place. This motivation may come from a variety of places, such as civic virtue or love for one’s *patria*. Such sentiments ought not to be discounted. Indeed, they have been the animus of generations of warriors. Nevertheless, the citizen’s
motivation may not be civic virtue alone, or may be qualified. There must be something that is underlying, something that animates the love of one’s country. The relationship between the individual and the state must be mutually beneficial. If the state is to expect its citizens to fight, then it must provide benefits to the citizens at the same time.

In the centuries following Machiavelli’s writing, his conception of the nation-state became more prevalent in western political philosophy. There are a number of reasons for this. For example, the first half of the 17th century was a tumultuous time for Europe. Besides the violence and turmoil, the Wars of Religion that swept across the continent after the Protestant Reformation contributed much political instability. This only ended with the Peace of Westphalia in 1648. The Peace of Westphalia is significant in that it helped usher in a new political order, i.e. that of the nation-state. As stated by Schreier and Caparini:

“[T]he idea of states as providers of security became constitutive and defining for modern statehood. Ever since the 18th century, states have monopolized violence with the ability to raise armies and wage war. Governments have conscripted or enlisted their own citizens to secure their citizenry and sovereignty from internal and external threats. Citizens fought wars in the name of the state, out of loyalty, nationality, and ideology.”

Thus, the rise of the nation-state created the political conditions necessary for the norm against mercenarism to take hold. There was now an established political order that allowed people to identify themselves with a particular nation. The people saw the benefits of this rationale. It became apparent that there was a high level of stability in a state where the citizens shared a common ideology, culture and ethnicity. This growing self-

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identification with the nation-state strengthened the people’s sense of investment in their country. The nation came to be something worth fighting for because there was a very real sense that it belonged to the citizen and that it was inherent to their identity. The rationale behind the rise of the nation-state, and with it the rise of this new way of thinking about one’s political and social relations, became infused in the philosophies of the Enlightenment. The political thinkers of this age, besides laying the foundation for modern democracy, did much to build the theoretical framework for the rejection of the private use of violent force. The idea that the state had a monopoly on this power began to be developed during the Enlightenment period.

We can see this theoretical framework for the monopoly of force within the political philosophies of the social contract theory, introduced by thinkers such as Thomas Hobbes and John Locke. The basic premise of the social contract rests on the dichotomy between the state of nature (Hobbes styles it as the state of war) and the social state, or civil society. As Hobbes says in the *Leviathan*, life before civil society is a *bellum omnium contra omnes*: a war of all against all. Again, according to Hobbes, life without civil society is described as “solitary, poor, nasty, brutish, and short.”14 John Locke’s characterization of the state of nature is not as stark as Hobbes’. In Locke’s interpretation of the state of nature, men are equally free to dispose of themselves and their possessions as they see fit. Nevertheless, their actions are still bound by the law of nature. The only time that the state of war arises in Locke’s theory is when a man attempts to take away from another man what is his rightfully his own, such as life or personal property.

The problem that underlies both theories is that the state of nature is inherently unstable and anarchic. In the state of nature, there is no authority that will enforce any kind of guarantee of the

safety of one’s own life or personal property. According to both Hobbes and Locke, this is one of the main reasons that men leave the state of nature and form civil societies. Locke says in his *Second Treatise on Government*, “[f]or where there is an Authority, a Power on Earth, from which relief can be had by appeal, there the continuance of the State of War is excluded, and the Controversie is decided by that power.”\(^\text{15}\) Civil society is seen as the check against the potential injustices and mishaps that threaten man constantly in the state of nature.

However, enjoying the protection of the state in the state of society comes with its sacrifices as well. By living in civil society, man must give up the exercise of that executive power which he possesses in the state of nature. It is by this power that man executes the natural law, which authorizes him to use the force necessary to go after those who are actively in pursuit of limiting personal liberty, taking personal property, and directly going after one’s own life. The natural executive power that is inherent in man must be handed over to the state, who in turn exercises it for the benefit of the common good. As Locke states:

“[T]hough every Man who has enter’d into civil Society, and is become a member of any commonwealth, has thereby quitted his power to punish Offences against the Law of Nature […w]here-ever therefore any number of Men are so united into one society, as to quit every one his Executive Power of the law of Nature, and to resign it to the Publick, there and there only is a Political, or Civil Society.”\(^\text{16}\)

Thus, the object of the executive power changes from personal good to public good. It is the state, and not the individual, that exercises the executive power in almost all cases.


\(^{16}\) Ibid., 325.
However, the important implication for this paper is that the social contract theory establishes clear and rational principles for the rejection of the use of private force. The state of nature, in which private force is sanctioned, has been firmly established as a terrible and inferior state in which man can live. The benefits of civil society have been clearly exposed, and these principles have been ingrained in the political structure of much of the Western world. In the post-Enlightenment world, political theorists and statesmen would always turn to the democratic principles of the social contract to protect the people and the state whenever the prospect of anarchy or civil unrest was foreseen. Even in the early 20th century, the stability of the nation rested on the relationship between the state and violence, a relationship which the political theorist Max Weber characterized as an especially and necessarily intimate one. Against the backdrop of extreme political instability in post-World War I Germany, Weber gave a lecture titled Politik als Beruf, or Politics as a Vocation. In it he outlined the definition of the state according to the principle of the public monopoly of the use of violent force, which had been outlined previously by the Enlightenment thinkers. According to Weber, “we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”

Thus, Weber gives his opinion that the modern concept of the state, which has been developing in western political theory since Machiavelli, is to be considered the only legitimate source of the use of violent force. At the beginning of the 20th century, we have an explicit definition of the state which affirms the ideal that was laid out by Machiavelli regarding military power and the use of force. In other words, legitimate government and the use of violent force must go hand in hand. Weber adds that this monopoly may be distributed to other institutions or individuals, but only if the state permits it. Weber’s political ideas at the turn of the 20th century have their basis in the political philosophies born out of modern Europe.

Nevertheless, during Weber’s lifetime changes in the predominant social and political order were beginning to come about, changes that would have a profound impact on the way that policy makers viewed what was and was not legitimate regarding the use of force and the exercise of executive power.

In light of Weber’s definition, one might make the argument that this concept still applies even today. For example, despite the fact that modern states like the U.S. are starting to emphasize the use of PMCs, one might say that this is simply an extension of the state’s monopoly on the use of violent force through its power to contract with individuals or entities in the private sector. Whether the modern state has the power to do this, especially when it comes to warfare, is a question that has been intensely debated. Regardless of where one falls in this argument, it is clear that the use of PMCs in modern warfare represents a dramatic shift, one might even say violent break, from the traditional conception of the close and unequivocal relationship between legitimate government authority and military power. Especially within the framework of democratic government that has been so prevalent in the western world, the trend toward PMCs can be seen as distorting the people’s link to their government and its military and foreign policies. Nevertheless, proponents of PMCs point to a new socio-political shift that has necessitated a shift in the understanding of proper military activity. Thus, a new understanding of the use of violent force is necessary to meet the challenges of the 21st century.

The Postmodern Age: New Political Realities and a Reevaluation of Norms

The 21st century has been a particularly trying time for The United States of America, as its people and its government struggle to maintain its global identity in the face of a rapidly changing world. For almost a century now, it has been seen as the general provider of security and stability for the rest of the world. In the 20th century, it was seen as the staunch defender of
individualism and human rights in the face of crushing totalitarian ideologies such as fascism global communism. Even today, it is viewed by many as the world’s leading superpower, and the president of the United States has often been called the “leader of the free world.” Also, from its inception it has been viewed as an inheritor of the political philosophy of the Enlightenment, carrying on the theories of the social contract and enshrining them within its founding documents and governmental structure. Because of America’s political and cultural heritage, one can say that the principles of the Enlightenment still live on today.

However, despite this heritage, the United States, and indeed the entire world, is faced by the surge of a radically new political order. It is one that is constantly changing and adapting, and it is slowly starting to change everything in our world, from social relationships and identities to global communication. Everyone talks about globalization and comments on the increasing interconnectedness of human beings and the growth of international collaboration. Whereas nationalism characterized the majority of societies from the time of the Enlightenment up to World War II, the 21st century could be characterized by a growing sense of a more international spirit and identity. It is a time in which the citizen’s identification with the nation-state, and the political authority that results from that relationship, is starting to lose its hold. In their essay dealing with the regulation of PMCs “Privatising Security: Law, Practice and Governance of Private Military and Security Companies,” Schreier and Capparini state that “[p]rivatization is not only manifest in the increase of civil strife and internal conflicts around the globe, pitting states and non-state forces against each other. Recent events [around the world] have heralded the return of paramilitaries led by warlords and mercenaries.”

Also, transnational organizations such as NGOs and the United Nations are further eroding the nation-state’s political autonomy and its monopoly on the use of

violence. Furthermore, the growth of international crime, manifested by global terrorism and international crime syndicates, are all examples of the privatization of war and the use of violence. In today’s world, we see the authority of the nation-state being challenged by the political and social institutions of the modern day. The forces of globalization are attempting to transcend the traditional conventions of political and national boundaries that were set up in the period following the Peace of Westphalia.

The current state of affairs in the world today has had a profound impact on the perception of the use of mercenary arms. What was once considered illegitimate is now being reassessed, and what was once taboo in much of the developed Western world is no longer considered taboo. We have a long way to go before we go back to a universal acceptance of mercenarism, but in this increasingly global world the fact that this is a topic of increasing debate is revealing of what may prove to be an ever-increasing trend in military affairs. What is even more revealing is the United States government’s virtually open acknowledgement of the use of private military contractors in the GWOT.

How did we come to this particular state of affairs? To answer this, we must put the growing trend toward globalization and internationalism in the context of recent history and modern political realities, which are themselves results of the end of the Cold War and the rise of international terrorism. We must realize that all of these elements combined have played an enormous role in the rise of privatized force. For example, the emphasis in demilitarization that developed during the George H.W. Bush and Bill Clinton administrations as a result of the end of the Cold War has been very influential. The size of the current U.S. military is down by about a third from its peak during the Cold War. 19 At the same time, the U.S. military currently finds itself

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fighting a war on multiple fronts. The Global War on Terror has spread the military across the four corners of the earth, fighting international terrorism and Muslim extremism. The U.S. military has concentrated much of its force in the Middle East, specifically Afghanistan and Iraq. Nowhere is the use of private military contractors more noticeable, or necessary, than in this region. With a downsized military, private contractors have risen up to fill the vacuum and provide necessary services which cannot be performed by the human resources provided by the modern U.S. military.

While the necessity of PMCs has often been articulated by many U.S. policy makers, less has been said about the overall effectiveness of their work. A leader in exposing this is Tim Spicer, former president of a private military company Sandline International. He, and many others within the private military industry, point to the general political unrest and violence that was endemic in Africa and other Third World regions during the 1990s. The example of Sierra Leone is sufficient enough to provide evidence for the effectiveness of PMCs. The use of mercenaries hired by the private military company Executive Outcomes helped quell a brutal rebel uprising known as the Revolutionary United Front (RUF). The RUF had become notorious for its use of child soldiers and the practice of amputating the limbs of thousands of Sierra Leoneans. The government of Sierra Leone had neither the financial nor political capital to put down the rebellion on its own. Help from the developed nations of the Western world did not come, and so the Sierra Leonean government turned to the aid of Executive Outcomes.20 It has been argued that the rise of the private military company in situations like that of Sierra Leone is a response to western states’ refusal to help stabilize these regions. It seems that private military companies will go places that the West has judged politically or financially inexpedient to assist.

According to Tim Spicer, “[s]ince the end of the Cold War ethnic conflicts have broken out all over the globe. In the old days, one or other of the superpowers would have snuffed them out. Now, the forces of the traditional ‘policemen’ are depleted. Most have neither the resources nor the political will to involve themselves in faraway conflicts, particularly if it is not nationally significant.”

It is perhaps ironic that in the 21st century the United States finds itself in exactly that situation, and that in contrast to its policy of the 1990s it expending large amounts of financial capital in a faraway war that could not be fought without the enormous amount of private contractors in the region.

A summary of the current state of affairs is perhaps best given by Deborah Avant, a noted scholar on the subject of privatized force. “The security challenges posed by a globalized world have led to the articulation of new goals on both sides of the U.S. political spectrum—some requiring the use of military force—that do not fit easily with the kind of national interest behind which the public is easily mobilized.” The nature of the use of private force is such that the people are becoming increasingly disconnected with the operations of U.S. foreign and military policies. The nature of the GWOT has a direct link to the proliferation of a new kind of war strategy, characterized by a more entrepreneurial spirit that blurs the line between the public interest and the private sector. One would hope that the decisions being made are truly in the interest of the general public. As it stands today, it would seem that the general consensus is that the political realities of the 21st century have, for good or for ill, necessitated the resurgence of private mercenary arms.

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Conclusion

The private military industry is in full swing. There is no indication that the growing trend of privatizing force will stop or even slow down. The recent surge in the war in Afghanistan will probably necessitate a simultaneous surge in the number of private contractors in that region, as we have already seen how vital private military contractors are to the war effort. The general consensus is that the political and military situation, being what it is, requires the presence of private military companies for the long term.

The research on this growing phenomenon has sparked much criticism. Many political scholars, such as Deborah Avant, have decried the utilization of mercenary forces, and have demanded that the current policy be discontinued. Other critics, such as Max Boot, err on the more pragmatic side, advocating increased oversight, a better implementation of international laws and military codes that regulate mercenary actions and punish abuses. Private military forces are necessary, and we just need to figure out ways to make them better, more efficient, and more normalized. Examples of this would be the Universal Code of Military Justice and the Military Extraterritorial Jurisdiction Act, both of which have been recently restructured to better regulate private contractors.23

The use of private military companies has found a window of legitimacy within the political framework of the 21st century, a world in which it seems that the political institutions of the nation-state are giving way to the rising forces of globalization. However, these forces are not only associated with conceptions of global democratic reform or movements toward free trade. The forces of what can only be described as a globally united

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23 For more details on efforts by the US government to regulate private military contractors, see the U.S. CRS Report for Congress: Private Security Contractors in Iraq: Background, Legal Status, and Other Issues. The full text is available at http://www.fas.org/sgp/crs/natsec/RL32419.pdf.
terrorist movement have arisen, and these forces are vigorously, sometimes violently, trying to press upon the rest of the modern world their particular ideology and standards. The events of 9/11 stand as a particularly poignant witness to these state of affairs. These circumstances have, in the view of many of the United States military and political leaders, necessitated the adoption of private military forces in order to augment the forces comprised of citizen-soldiers.

In summary, what must be realized is that the rise and fall of the taboo against mercenarism has operated under the influence of the particular social and political pressures of the time. It is a response to not only the particular needs of the time, but the particular national sentiment as well. At the time when the discontinuation of the use of mercenaries was being advocated, it was perceived that the security of the state and the people depended upon. In the world of the 21st century, the understanding of that security, and with it the attitude toward mercenarism, seems to have shifted once more.
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