

WORKING PAPER

[2009 – nr 6]
30 November 2009

Security: A Contested Commodity

by Anna Leander
Professor (mso)

Checklist (information and forms you must attach):

Abstract and/or keywords (if not in the WP)	
Bibliography and other information you want mentioned	
A complete Research Reporting form	

Department of Intercultural Communication and Management
Porcelænshaven 18 A, DK-2000 Frederiksberg
Copenhagen Business School

Abstract

This paper argues that security belongs to a specific category of commodities: “contested commodities” around which there is an ongoing and unsettled symbolic struggle over whether or not they can and should be thought of as commodities (section 1). The contested nature of commodification has implications for how markets function; market practices tend to be defined and organized in ways that minimize their contentiousness and obfuscate their expansion. The paper looks at the implications of this argument for the conceptualization of the security. It focuses on the three central articulations of contestation: the discussion about whether the use of force can be left to the market, whether it can be so in the international realm and the discussion about whether or not markets trigger increased insecurity. It shows how this specific articulation of contestation has produced markets where the practice/definition of security is as public rather than private (section 2), as inside rather than outside (section 3) and as a responsible reaction to a threat rather than as something contributing to the constitution of threats (section 4). Conceptualizations of private security consequently have to be devised to capture these practical consequences of contested commodification; they need to capture the private in the public, the inside in the outside and the securitizing in the response to threats.

Security: A Contested Commodity

By Anna Leander (ale.ikl@cbs.dk)

Working Paper:

Paper presented at the International Workshop:
Governing Private Security: Perspectives on the Public-Private Divide

Organized by
The Centre for Security Economics and Technology University St. Gallen (CSET) and the Geneva
Centre for the Democratic Control over Armed Forces (DCAF)

Geneva, 2-3 November 2009

Introduction

The rapid expansion of a global market for private security/military services since the end of the cold war has triggered concern with the issue of how to understand the governance of private security generally and more specifically and instrumentally with how to regulate the divide between the public and the private (as indicated by this title of this workshop).¹ This concern is often articulated in terms of a need to draw “limits to the market” or defining “inherently public tasks”. This paper is a contribution to this discussion. More specifically, it makes the argument that the way we understand (or conceptualise) private security is critical to the prospect that the efforts to limits around acceptable market activities and/or to define inherently public tasks have of being effective (in the sense of filling the function they are intended for).

More specifically, this paper argues that security belongs to a specific category of commodities: “contested commodities” around which there is an ongoing and unsettled symbolic struggle over whether or not they can and should be thought of as commodities (section 1). The contested nature of commodification has implications for how markets function; market practices tend to be defined and organized in ways that minimize their contentiousness and obfuscate their expansion. The paper looks at the implications of this argument for the conceptualization of the security. It focuses on the three central articulations of contestation: the discussion about whether the use of force can be left to the market, whether it can be so in the international realm and the discussion about whether or not markets trigger increased insecurity. It shows how this specific articulation of contestation has produced markets where the practice/definition of security is as public rather than private (section 2), as inside rather than outside (section 3) and as a responsible reaction to a threat rather than as something contributing to the constitution of threats (section 4). Conceptualizations of private security consequently have to be devised to capture these practical consequences of contested commodification; they need to capture the private in the public, the inside in the outside and the securitizing in the response to threats. Efforts to draw

¹ The general history of this expansion has been well covered elsewhere including e.g. Democratic Control over Armed Forces DCAF, “Private Military Companies,” (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2002), Peter W. Singer, *Corporate Warriors. The Rise of the Privatized Military Industry* (Ithaca and London: Cornell University Press, 2003)., or Anna Leander, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force* (Rome: Centro Militare di Studi Strategici, 2006). An indication of the extent to which this has triggered a “mad scramble” to institute effective regulation and accountability can be gathered from a search in any database with law journals. See also Ian Kierpaul, “The Rush to Bring Private Military Contractors to Justice: The Mad Scramble of Congress, Lawyers, and Law Students after Abu Ghraib,” *The University of Toledo Law Review* 39 (2008).

limits around markets and define inherent state functions in other words need to break with conventional distinctions between inside/outside, public/private and security/threat. If they are to fill the function they are intended for, they have to be constructed through conceptualizations that reflect the extent to which the contested nature of private security makes it span these distinctions.

Security as a contested commodity

Not everything is a commodity to everyone. Although at one extreme economic theorists such as Gary Becker have argued that everything quite literally can be conceptualized as a commodity, economic anthropologists and legal/political theorists have persuasively underscored that the boundaries of commodification are contextual reflecting differences in social and moral political economies. The present context is marked by extensive commodification as amply problematized in contemporary social theory ranging from the Frankfurt school's preoccupation with the "colonization of the life world by the system world" and "commodity fetishism" to Foucauldian concerns with neo-liberal governmentality. However, even in this context the commodification of certain goods and services—for example sex, body parts, and children—remains heavily contested. Many people simply refuse to accept that these things should be thought of as commodities with consequences for how markets operate and are organized.

"Contested commodities" are contested because there is fundamental disagreement about whether or not they are commodities in the first place. Some people think that they should not be thought of as things to be exchanged, bought and sold. The reasons obviously vary. It may be rooted in understandings of *personhood* as it is for Janet Radin—from whom the concept of contested commodity is borrowed. She discusses the contemporary context and thinks that commodities become contested when they (for some people) are "personal" and not "fungible"; that is when some people consider something an inalienable part of their person that can not be given "exchange value" (i.e. that is not fungible). When this is the case, commodification will be strongly contested.² Radin's account focuses on some clear examples of this in the current context—namely the sale of sex, organs and children (through adoption and surrogate motherhood)—which some people think of as profoundly contestable because they involve inalienable parts of personhood.

² Margaret Jane Radin, *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts and Other Things* (Harvard: Harvard University Press, 1996): 84.

Contestation may also be analyzed at a *societal level* as it is for example by Karl Polanyi. Polanyi does not talk of “contested” but of “fictitious” commodities. However, the basic idea is very similar. A central part of his critique of liberal thinking is that it fails to acknowledge the limits to commodification that cannot be extended too things that are too closely linked/intertwined with human livelihood and social organization; they are an inalienable part of the organization of society (no longer of the individual person). Attempts to do so creates “fictitious commodities” (labour, land and capital are the fictitious commodities Polanyi looks at in his work) and a “spontaneous counter movement” that is “at the origin of our times”, i.e. world war two and fascism.³ Whether for reasons linked to understandings of personhood or of society, the point is that the constitution of some things in some contexts as commodities is profoundly contested.

That commodities are contested has important general implications for the *organization of market practices*. At the very basic it means that commodified and non-commodified understandings of the same thing co-exist and shape market practices. In Radin’s terminology, this makes for an “incomplete commodification regime”. This complicates the prospect of providing easy answers to basic questions regarding the limits to the market. The limits are conceived of and practiced in a plurality of ways. But more than this, it wreaks havoc with “the market compartmentalization of traditional politics/ markets [that shapes contemporary thinking and practice and is theorized by e.g. Michael Walzer⁴]... which becomes oversimplified at best... and worse... fails to give us a theoretical handle on how to evaluate these cultural crosscurrents”.⁵

To get such a “theoretical handle” it is important to develop a conceptualization which recognizes that commodification *is not yet “normalized” or naturalized* in the context but rather the object of an ongoing symbolic struggles over legitimate meaning—over whether or not a thing (e.g. sex, organs, children, land, labour, capital or security...) can and should be conceived of as a commodity.⁶ It is also important to acknowledge that this struggle is bound to leave traces on the way that market practices are organized. Specifically, because the legitimacy of the market as such is questioned and under threat, market practices are bound to

³ Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 1st edition 1944 ed. (Boston: Beacon Paperback, 1957).

⁴ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983)..

⁵ Radin, *Contested Commodities*.: xiii.

⁶ For general notion of symbolic struggle here is used in Bourdieian fashion. For an elaboration see e.g. Pierre Bourdieu, *Science De La Science Et Réflexivité. Cours Du Collège De France 2000-2001* (Paris: Raisons d’agir, 2001) or Anna Leander, “*Habitus and Field*,” *Blackwell: International Studies Compendium Project* (2009).

be organized in ways which diminishes the significance of this threat and makes the market appear as “normal” and uncontested as possible.

Two kinds of mechanisms are therefore likely to be particularly salient for the organization of market practices. The first is the kind of mechanisms that *minimize the salience of contesting commodification* in the given context. The resentment of commodification rests on a certain number of contextually specific more or less articulated assumptions about what exactly it is about commodification that is disturbing. For example, the use of surrogate mothers may be contested because it is a way of forcing women to alienate their own bodies, perhaps because they do not have sufficient means of subsistence. To placate these concerns market actors are bound to react first of all by creating ways to ensure that women do this out of consent and perhaps even to deal with the subsistence argument by a combination of increasing the reward and limiting the context from which surrogate mother are drawn. To diminish contestation of an existing market, practices within it are in clear bound to be organized in ways that to the extent possible limit the salience of the objections that are raised against them.

A second mechanism that is bound to become central to the organization of market practices as a consequence of the contestation of commodification is that which involves an *obfuscation of the commodification process* altering the context. The contestation of commodification makes the expansion of markets a particularly sensitive subject. Yet, at the same time markets have an inherent tendency to expand as market actors strive to innovate, improve, grow and capture new market shares. The consequence is “market imperialism” and “domino effects of markets.”⁷ Contested commodification strains this process as it by definition implies that expansions will be seen as negative by some people. As a consequence there is a strong tendency to obfuscate market expansions, making them and the processes through which they take place invisible to the extent possible. Radin captures this nicely when she shows how references to broadly commonsensical values—such as entrepreneurship and free speech—obfuscates the role of these in further commodification.⁸

It may be important to underscore that the “symbolic struggles” and “mechanisms” just discussed are neither necessarily intentional nor explicitly conceived of as such. The tendency to naturalize, to decrease the salience of opposition and to obfuscate commodification processes in markets for contested commodities are not an expression of conspiratorial activities by which market actors consciously intended to marginalize

⁷ Walzer, *Spheres of Justice*.

⁸Radin, *Contested Commodities* with regard to prostitution see 135-6 and for children 174-5.

contestation. It certainly cannot be excluded that market actors do conspire or devise reflected strategies to normalize and extend commodification.⁹ However, it is more likely that the centrality of the two mechanisms just discussed—minimization and obfuscation—are linked to the immediate and pragmatic concerns of those involved in the markets. Part of the persuasiveness of Polanyi’s account stems precisely from his ability to capture this; he analyses liberal thinkers and policy-makers as engaged in their own debates—not in some conspiratorial effort to extend “self-regulating markets”. He also masterfully shows the even if there is no conspiratorial intention, discourses do things: the liberals engaged in their own debates did expand commodify.¹⁰

Intentional or not, this section has shown that the contested nature of some commodities makes the “symbolic struggle” over whether or not they should be understood as commodities leave traces on the organization of the market. Mechanisms minimizing the salience of contestation and obfuscating further market expansion become particularly central. The remainder of the paper draws on this insight to highlight the implications for the conceptualization of a specific contested commodity: security. It does this by looking the three central articulations of the symbolic struggles over private security, showing for each of them how the symbolic struggle shape market practices in ways that makes minimization of salience and the obfuscation of expansion and suggesting ways in which the conceptualization of private security can account for this.

Public Control/Enmeshed Practices

Security is a strongly contested commodity essentially because providing it may involve the use of force and in particular decisions to kill or let live.¹¹ For many matters of life and death cannot and should not be settled in markets and security, therefore, should not be equated to a commodity. For historical and contextual reasons the contestation of the commodification of security has crystallized around three issues. The first of these is the issue of the importance of public control (or perhaps better authority) over the use of force.

Indeed, the idea of public control/authority over the use of force is quintessential to modern political and social theory. Weber defines the state as the institution

⁹ In fact, for the market for force some individuals and companies have demonstrably played a self-conscious in promoting commodification. This is the case of e.g. Tim Spicer (of Sandline, Trident Maritime and Aegis) who

¹⁰ Consider his analysis of Bentham’s panopticon (for the imposition the commodification of labour) or of the Speenham Land Act (for the imposition of the commodification of land).

¹¹ For a fuller theoretical argument regarding why security specifically should be understood as a contested commodity see Montgomery Sapone, “I Have Rifle with Scope, Will Travel: The Global Economy of Mercenary Violence,” *California Western International Law Journal* 30, no. fall (1999).

that can successfully claim a monopoly on the legitimate use of force. But Weber is far from the only thinker who has considered a state monopoly on the legitimate use of force as quintessential to the modern state. It is part of modern social and political theory. From Hobbes and Bodin onwards, the state control over the use of force has been seen as the answer to threats of generalized and uncontrolled violence in society. This is not to say that there has not been extensive awareness of the fact that this monopoly on the legitimate use of force is naively perceived as necessarily just and benevolent. Quite to the contrary, from Hobbes and onwards the potential for extreme injustice and violence on behalf of the Leviathan—and the importance of limiting it—has been a recurring subject of debate.¹² Nor is this to say that there is no room for private actors or markets in the use of force. Rather, on the contrary as long as market actors act in conformity in with the way that the state has defined the legitimate use of force—i.e. within the realm defined by the state authority—markets cause little concern.¹³ This said, the widely accepted idea that a state monopoly on the legitimate use of force is important, central and positive has made it a logical focal point for contestations those who contest the commodification of security.

The consequence is that market practices have become organized in ways that tend to *mimimize the relevance of the objection* that market developments are undermining the public control and authority over the use of force. Private market actors consequently insist that only rouge firms act in ways that challenge or is conceived of as opposed to states and to public regulation. This is articulated very consistently and as a central part of public statements on behalf of private companies. In individual and collective codes of conduct and ethics hence persistently emphasise the importance of conforming to laws (national and international), to the interests of their home states as well as the willingness to promote regulations and transparency. The British Association of Private Security Companies characteristically flags (the two first points on its webpage) that it is aimed “to build and promote open and transparent relations with UK Government departments and relevant International Organisations; and to promote compliance with UK values and interests and

¹² Amongst many see: Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell University Press, 1989), M, Norbert Elias, “Civilization and Violence: On the State Monopoly of Physical Violence and Its Infringements,” *Telos*, no. 16 (1982), Wolfgang Sofsky, *Traktat Über Die Gewalt* (Frankfurt a.M.: Fischer, 1996).

¹³ One way of illustrating this is through the emphasis placed on the fact that authority remains with the state when an issue become controversial. For example, in the case of the Blackwater involvement in the “CIA Killing Programs”, defenders of the controversial involvement insisted that the company only played a “mechanical” role, not involving “judgement” and that authority remained with the state republican senator Hoeckstra quoted in Andrea Mitchell, “Msnbc Interview with Representative Pete Hoekstra (R-Mi) About Cia Subcontracting Assassination Program,” in *Federal News Service* (2009).

with the laws of the countries in which its Members operate” “to promote compliance with UK values and interests and with the laws of the countries in which its Members operate”.¹⁴ Its charter then conjugates these aims in a variety of concrete ways.

Perhaps even more telling of the impact that the concern with leaving public control/authority intact has on market organization is the growth of a secondary consultancy industry aimed at assisting companies in the development of their codes of conduct and in ensuring their conformity to the law. We hence find companies (such as WBB consulting) promising to help companies conform with legislation and compose codes of conduct necessary for their operations “wherever this may be”.¹⁵ The market in clear defines itself and is organized in ways that minimize the salience of any critique that would interpret it as undermining public control/authority.

Second, because contestation of the market tends to focus on the importance of public control and authority, market practices tend to be organized in ways that effectively *obfuscates any expansions of the market*. This is most clearly captured in the tendency of the private security market to be enmeshed within the state and to expand largely through this enmeshment. Individuals often have dual positions in the market and inside the private sector in ways which makes it very unclear that the market may in fact be expanding. It certainly is impossible to say it is expanding against states as it is largely within states. There is something of a conscious strategy of obfuscation of the extent to which markets play a role including from within states. Continental European states—that on average fail to acknowledge that they rely extensively on market actors and persistently proclaim that they think a state monopoly on the legitimate use of force is essential—are in fact more eager to set up public private partnerships than is the private sector.¹⁶ But even when public-private-partnerships are openly sought and encouraged, as they are in the US where they have arguably become part of a “new religion”,¹⁷ they distract attention from the degree to which they encourage the growth of markets. The connotations of partnership and those of markets are quite distinct.

¹⁴ BAPSC, “The British Association of Private Security Companies,” <http://www.bapsc.org.uk/> . Similar statements can be found in the IPOA code of conduct and on company websites.

¹⁵ www.wbbinc.com/laws-of-war-news.html

¹⁶ Nicholas Dorn and Michael Levi, “Private-Public or Public-Private? Strategic Dialogue on Serious Crime and Terrorism in the EU,” *Security Journal* forthcoming (2007).

¹⁷ Martha Minow, “Public and Private Partnerships: Accounting for the New Religion,” *Harvard Law Review* 116, no. March (2003) and Paul Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge: Cambridge University Press, 2007).

Along similar lines, the role of markets is obfuscated in the language used to talk about the role of commercially employed individuals more generally. According to a high ranking National Intelligence Council official for example: “We don’t characterize it [outsourcing] as outsourcing. That has a lot of negative connotations... Blackwater and the like. We term it ‘intelligence community associates’”.¹⁸ This is not only about language and connotations. It translates into ambiguous practices that keep the role of companies unclear and vague. An example of this is the role of Blackwater in the CIA retention and targeted assassination program, revealed by CIA director Leon Panetta in June 2009. Alvin Bernard Krongaard (formerly highly placed within the CIA) had moved to Blackwater in 2004 at which date part of the so called “Killing Program” was also outsourced to the company. Very little is known about the substantial role of Blackwater since there are no written documents and the arrangement was based on “informal agreements”.¹⁹

The centrality of public authority/control over the use of force hence plays an important role in shaping market practices. The concern to minimize salience makes the market practices unusually prone to affirm and conform to public control/authority and the need to obfuscate any possible contradiction and market expansion leads to an uncommon importance of “enmeshed” practices²⁰; where the public and private are merged. For the conceptualization of private security (and for considering limits to markets/ inherent state tasks) this matters. If the conceptualization is to give a leverage to understand and regulate (and not merely serve to further obscure), it has to rest on a conception of markets acknowledging that market practices span the public-private divide; which conceives of the markets as being also inside states.

Security Markets/Peacekeeping Practices

A second point around which contestation of the commodification of security has been articulated is around the importance of state control of international uses of forces. Just as there has been an overwhelmingly strong consensus around the importance that states retain

¹⁸ Mathew Burrows, “Conference around the Report “Global Trends 2025: A Transformed World”” (paper presented at the DIIS Public Conference, Copenhagen, 7 September 2009).

¹⁹ For a fuller discussion and references see Anna Leander, “Risk and the Fabrication of Apolitical, Unaccountable Military Markets: The Case of the CIA “Killing Program”, *Forthcoming* (2009)..

²⁰ Anna Leander, “Securing Sovereignty by Governing Security through Markets,” in *Sovereignty Games: Instrumentalising State Sovereignty in Europe and Beyond*, ed. Rebecca Adler-Nissen and Thomas Gammeltoft-Hansen (London: Palgrave, 2009).

their monopoly on the legitimate use of force, so has there been a strong commitment to the idea that this of particular importance in the international realm.

Machiavelli's critique of the "whores of war" has left profound traces in thinking about legitimate forms of soldiering and war. Even though mercenarism has of course played a key role historically, been widely relied upon and never eradicated (however, strong the claims to a state monopoly on the legitimate use of force), there has been a high degree of suspicion against the profession.²¹ This has suspicion has been articulated more strongly since the mid 19th Century when the uses of force internationally was nationalized and a series of national and international measures adopted to restrict mercenarism, privateering and piracy.²² Underlining the growing sense that mercenaries were not acceptable, they were explicitly excluded from protection under the Geneva Conventions. It is certainly fair to argue that although no strong and unitary law against mercenarism has developed the norm against mercenaries has been very strong.²³ In fact, it may even understate the case. The term mercenary itself has become a negative and pejorative term. Using it is sufficient to cast a negative light on the market on commodification as visible in the extensive use of the term by those contesting commodification.²⁴

In this context, it should come as no surprise that market practices are organized in ways that *minimize the possibility of drawing links to mercenarism*. In part this has taken the form of an explicit effort to ensure that the private security markets developed in the wake of the Cold War are distanced from traditional mercenarism. Companies, the professional associations tied to them, as well as self-selected advocates have gone to considerable lengths to explain that the current market is not simply mercenarism 2.0 and that the contemporary contractors are more like "messiahs than mercenaries".²⁵ The adoption of the Montreux

²¹ Peter Cheney, "Iraq: A Legal Fronier," *Boston Globe*, 18 April 2008, Oded Löwenheim, *Predators and Parasites: Persistent Agents of Transnational Harm and Great Power Authority* (Ann Arbor: The University of Michigan Press, 2007).

²² Janice Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994).

²³ Sarah Percy, "Mercenaries: Strong Norm, Weak Law," *International Organization* 61, no. 2 (2007)..

²⁴ The references here could be almost infinite in number but see e.g. E.L. Gaston, "Mercenarism 2.0? The Rise of the Modern Private Security Industry and Its Implications for International Humanitarian Law Enforcement," *Harvard International Law Journal* 49 (2008), War on Want, "Corporate Mercenaries,"

<http://www.waronwant.org/Corporate%20Mercenaries%2013275.twl> , David J. Francis, "Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?," *Third World Quarterly* 20, no. 2 (1999), Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* (Washington: Nation Books, 2007)..

²⁵ Doug Brooks, "Messiahs or Mercenaries? The Future of International Private Military Services," *International Peacekeeping* 7, no. 4 (2000), Gaston, "Mercenarism 2.0? The Rise of the Modern Private Security Industry and Its Implications for International Humanitarian Law Enforcement.". The references to this effect are numerous. This is just the titles cited.

document (an additional document relative to the Geneva conventions specifying state obligations when relying on private security contractors) and the evolving stance of the UN working group on mercenaries (that has been involved in redefining and rethinking its role in relation to private contractors) are clear indications of the effectiveness of this minimizing strategy.

But more than this the pressure to avoid the “mercenary” connotation has pushed companies to define themselves as “security” rather than “military” companies. In a closed meeting one of the representatives of a major security contractor (with a long history in the sector) explained that in his view “since the closing of EO [Executive Outcomes closed in 1998] here are no military companies; only security companies”. Companies, in logistics, consultancy, intelligence or training, of course advertise their contractual relationship to the armed forces. But they are logistics, intelligence... companies subcontracting to the armed forces. Companies selling guarding service and personal security including in the context of armed conflicts do not advertise themselves as selling “military” services but as providing “security services”. The need to minimize the possible links to mercenarism in clear places a strong pressure on market practices to be organized primarily as a security market tied directly to a national state as opposed to an international market.

More than this, the need to distance the market from mercenarism creates a *considerable degree of obfuscation* of the link the military that is certainly a condition for the rapid expansion of the market; the market is linked to peace and democracy rather than to war and military. The strongest expression of this is no doubt in the (explicitly and publicly reflected upon²⁶) Orwellian use of language by the US American interest group organization (with global ambitions and pretensions). The organization not only terms itself the *International Peace Operations Association* but it has also decided to consistently promote the wording “international peace and stability industry” to denote the international military industry and to link to consistently tie it to peace, human security, ethical behaviour and democracy. The preamble of the IPOA code of conduct for example states that: “This Code of Conduct seeks to ensure the ethical standards of IPOA member companies operating in conflict and post-conflict environments so that they may contribute their valuable services for the benefit of international peace and human security...”²⁷ Even more strongly, companies often place emphasis on the extent to which they contribute to create peace and fill human

²⁶ J.J. Messner, “What’s in a Name? The Importance of Language for the Peace and Stability Operations Industry,” *Journal of International Peace Operations* 2, no. 6 (2007).

²⁷ IPOA, “Code of Conduct (Last Version Adopted February 2009),” available at www.ipoaworld.org (2009).

security needs. Blackwater (now renamed Xe) for long ran a series of effective advertisements beginning “Afghanistan, Somalia, Bosnia, Congo, Sudan, Iraq...” and ending “through selfless commitment and compassion for all people Blackwater works to make a difference in the world and provide hope to those who still live in desperate times”. Along similar lines EODT has run a simple advertising campaign with a picture of something like a refugee camp or an Asian or African child accompanied by the text “EODT supports humanitarian missions everywhere”. This linkage effectively obfuscates the ties between violence and war and the market and instead focuses attention on their humanitarian peace promoting function.

The marketing and communication strategies of companies directed at potential clients (and especially at private companies) have a similarly obfuscating effect. In this communication, the emphasis is always placed on the capacity of the companies to cater for the security needs of their potential clients working in difficult environments. The French company SECOPEX for example tells its potential clients that : “Attentive aux besoins de ses clients, SECOPEX revendique une expertise et une expérience opérationnelles sur l’ensemble des cinq continents et s’appuie sur un vaste réseau de correspondants et de sociétés partenaires à l’international.”²⁸ Similarly, the company Mission Essential promises its client to “provide certainty”. It can cover all kinds of issues—“our disciplines include training and advising, and world-wide mission support for language and culture, emerging markets, stability and reconstruction, specialized mission, and expeditionary operations” across the world—“we are a global company with over 4,000 people in 11 countries”.²⁹ The flip side of this focus on the security needs of the clients is clearly to distract attention to the effect that providing this security has on the environment in which the services are provided and hence on the military like role that the companies take on and hence on the potential link that might be constituted to mercenarism.

The articulation of the contestation of security commodification around its link to mercenarism directly fashions practices in the market. The need to minimize the relevance of the idea of mercenarism has pushed practices designed to define the market as one essentially about security and not military matters and in prolongation of this it has brought companies to define tie their operations to peace, stability and democracy in an effort to distract from the link to war. The consequence is that an adequate conceptualization of private security has to acknowledge the degree to which commodification spans but also links the military and

²⁸ http://www.secopex.com/index.php/a_propos

²⁹ <http://www.missionep.com/index.xml>

security as well as peace and war; it has to be sensitive to the degree to which the outside (military and war) is also present in the inside. Efforts to limit markets and define inherent state tasks consequently will need to depart from an acknowledgement of the blurred nature of the inside/outside distinction in the practices it is trying to capture and regulate.

Selling Safety/Threat Constructing Practices

The final and last point around which the contestation of the commodification of security has been articulated and which has consequently left an impact on the way that private security market has developed, is around the significance of potentially destabilizing effects of spiralling insecurity.

The idea of that insecurity tends to spiral comes in many versions. One classical rendering of this is captured by the notion of racketeering as used by organized criminal organizations. At the heart of this notion is a concern that those selling protection are in reality selling protection against threats that are a more or less direct consequence of their own activities and that these sales (and the market) increase (rather than decrease) the prevailing insecurity; a spiralling insecurity.³⁰ The state claim to a monopoly on the legitimate use of force has been explicitly tied to this idea.³¹ It has even been suggested a considerable “amnesia with regard to the genesis” of this monopoly is necessary to forget this as well as to overlook the continued violence of the state through its domination of symbolic systems and particularly through law.³² In international politics, the “security dilemma”—of having to prepare for war although one knows that this will trigger similar preparations on behalf of others—leads to a similar fear of spiralling insecurity: the markets increase the potential that states, but also non-state actors and “terrorists” in particular, can pose threats and may consequently induce conventional arms race.³³ A final version of this spiral argument comes from the constructivist contribution to the understanding of international security which emphasizes the centrality of “securitization” (that is of rendering something a

³⁰ For a substantial discussion of this process see Diego Gambetta, *The Sicilian Mafia: The Business of Private Protection* (Cambridge: Harvard University Press, 1993).

³¹ Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, ed. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985).

³² Pierre Bourdieu, *Raisons Pratiques: Sur La Théorie De L'action* (Paris: Editions du Seuil, 1994). for the formulation in terms of an amnesia of the genesis and Walter Benjamin, “Zur Kritik Der Gewalt,” *Archiv für Sozialwissenschaft und Sozialpolitik*, no. 47 (1920/1). for the argument about the violence of law.

³³ Dean C. Alexander, *Business Confronts Terrorism: Risks and Responses* (Madison: The University of Wisconsin Press, 2004), Jody Freeman and Martha Minow, *Government by Contract: Outsourcing and American Democracy* (Harvard: Harvard University Press, 2009).

threat³⁴). From this perspective the role of companies “selling” and hence advertising and lobbying for understanding specific issues as threats induces spirals of insecurity.³⁵ These three figures of through where commodification of security is linked to spirals of insecurity is not intended to be exhaust the possible examples of how commodification is tied to insecurity. The intention is simply hint at the origins of the widespread articulation of the contestation around commodification around spirals of insecurity.

The consequence of this articulation has been first that markets have been organized in ways that *minimize the pertinence* of critique to the effect that they may induce spirals of insecurity. This is articulated strongly in the recurring organization of market practices in ways that underscore that are in no way pushing or forcing their services onto clients. They are “responding to a demand”. It is the security needs (of states, organizations, private businesses and individuals) pre-existing and independent of they company they respond to. Private companies hence underscore their capacity to help clients assess and understand the risks and threats. Characteristically, the UK firm Olive Group hence defines it self as “a leading, global provider of integrated risk mitigation solutions to multinational corporations, governments, non-governmental organisations and private individuals”.³⁶ Many companies —e.g. Background Asia Risk Solutions providing piracy protection—include the idea that they provide solutions in their name.³⁷ More than this, to distance themselves from spirals of violence, companies profess to only answer the demand of “legitimate clients” and their codes of conduct make frequent reference to a wish not to alter political, military or social situations in the contexts of work.³⁸ By hence defining the market as “responding” to the demands of (individual) legitimate clients, companies are effectively refusing an engagement with the question of whether their violence will lead to spirals of violence. They are solving problem for specific cases and often explicitly defer broader considerations to relevant public authorities.

³⁴ For the original introduction of this notion see Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security. A New Framework for Analysis* (Boulder, London: Lynne Rienner, 1998). A small truck load of commentary and discussions around it has since been developed in IR journals.

³⁵ Anna Leander, “The Power to Construct International Security: On the Significance of Private Military Companies,” *Millennium* 33, no. 3 (2005), Anna Leander, “Privatizing the Politics of Protection: The Authority of Military Companies,” in *The Politics of Protection: Sites of Insecurity and Political Agency*, ed. Jef Huysmans, Andrew Dobson, and Raia Prohkovnik (London and New York: Routledge, 2006), Anna Leander, “Regulating the Role of Pmcs in Shaping Security and Politics,” in *From Mercenaries to Markets: The Rise and Regulation of Private Military Companies*, ed. Simon Chesterman and Chia Lehnardt (Oxford: Oxford University Press, 2007), Anna Leander, “Practices (Re)Producing Orders: Understanding the Role of Business in Global Security Governance,” in *Business and Global Governance – Business in Global Governance* ed. Morten Ougaard and Anna Leander (London: Routledge, 2009).

³⁶ <http://www.olivegroup.com/index.htm>

³⁷ <http://www.piracysuppression.com/>

³⁸ Viz. that of the BAPSC quoted in footnote 14.

These organizational characteristics are effective in *obfuscating* the role of commodification in spiralling insecurity necessary for the expansion of the market. There is no reason to deny that the companies assess and suggest responses to security threats largely as response to a demand for them to do so—they are contacted and contracted for this purpose. However, it is naïve to think that that this in and of itself is not part of defining and constructing security needs: an assessment of security is the constitution of security. More than this, the security sector is not different from any other sector in the sense that companies market, advertise and lobby for their products. In the case of security that amounts to constructing (awareness of) insecurity. The rapid development of the sector is leading to the development of professional standards of various kinds which increases the effectiveness of this kind of insecurity construction: it can be formulated on the basis of technical expertise and professional knowledge and is hence difficult to counter. The consequence is a trend to broaden the boundaries of the security field, i.e. a very rapid market growth. Even if firms indeed do sell only to legitimate clients³⁹, the concrete translation of this is that these clients will devote an increasing amount of their resources to security/military services and that the context will be increasingly focussed on military/security issues. The conflicts surrounding the “militarization” of humanitarianism, of development aid and of foreign policy are only some of the expressions of the resulting tensions.⁴⁰ Something one might reasonably call militarization/securitization is in other words obfuscated by the contestation of security commodification on the grounds that it produces spirals of violence.

For conceptualization of private security the implication is that the extent to which the articulation of security commodification around its role in generating spirals of insecurity shapes market practices has to be built in. As just argued this would entail integrating an awareness of the extent to which selling safety (in response to a demand) also amounts to selling (and thereby creating awareness of and willingness to act upon) threats. The conceptualization in other words has to account for the extent to which the selling safety also and simultaneously amounts to constructing threats.

³⁹ They demonstrably do not. Moreover, this leaves aside the obvious point that who exactly is to be considered a legitimate client is far from straightforward. In most conflict contexts that is the key bone of contention. But more than this even in national contexts it is an open question whether or not it is legitimate to work for clients pursuing controversial policies (such as the CIA pursuing its war on terrorism through the “Killing program”).

⁴⁰ For discussions see James Cockayne, “Commercial Security in the Humanitarian Space,” *International Peace Academy* (2006), http://www.ipacademy.org/pdfs/COMMERCIAL_SECURITY_FINAL.pdf, Christopher Spearin, “What Manely Missed: The Human Security Implications of Private Security in Afghanistan,” *The Human Security Bulletin* 6, no. 3 (2008), Lars Buur, Steffen Jensen, and Finn Stepputat, eds., *The Security-Development Nexus* (Capetown: HSRC Press, 2007), James R. Coleman, “Constraining Modern Mercenarism,” *Hastings Law Journal* 55, no. June (2004). respectively.

Conclusion

This paper departed from the general observation that when commodities are contested and commodification regimes incomplete as is the case with private security this has some rather general and tangible consequences for market practices: it induces market practices minimizing the salience of contestation and obfuscating practices figure centrally on the repertoire of contestation. The paper proceeded to flesh out this general insight with reference to the notion of private security. The paper suggested that the three key articulations of the contestation of security privatization (around the importance of the state monopoly on the legitimate use of force, around the significance of national control of international uses of force and around the necessity to limit spirals of insecurity), have shaped the market practices: it has lead to practices that are marked by a high degree of public controls and public private enmeshment, that are located as in the realm of security and peace and that are defined as being about selling security obfuscating threats.

This matters for the conceptualizations of private security, in general and more specifically for the current thrust to draw limits around markets and to define inherent state tasks. Conceptualizations should help us conceive of things, that is to help us understand and capture them. The reason we care about “conceptualization” is that, if ill conceived, it may do the opposite: obscure rather than enlighten. This often (and understandably) often happens with conceptualizations of private security as they (logically) rest on the key distinctions that mark and shape contemporary political and social thinking: the distinctions between public /private, between inside/outside and between security/insecure. Most conceptualizations indeed focus on *private security* quite literally that is they assume that is private (not public), internal (not external) and about security (not threat construction). Yet, if the argument in this paper holds sway this is inadequate. Because the commodification of security is contested market practices have been organized so that the private is in the public, the outside is in the inside and the insecure is in the secure. This has to be integral to the conceptualization of private security if the conceptualization is not to hide more than it reveals about market practices; something which is a precondition for regulation effective boundary drawing and definitions of inherent state tasks. The conceptualization in other words has to be conceived of as spanning the conventional divides of the public/private, the inside/outside and the

secure/insecure. (Shifting the terminology away from “private security” to commodification or commercialization of security may make this easier.⁴¹)

References

- Alexander, Dean C. *Business Confronts Terrorism: Risks and Responses*. Madison: The University of Wisconsin Press, 2004.
- BAPSC. “The British Association of Private Security Companies.” <http://www.bapsc.org.uk/>
- Bauman, Zygmunt. *Modernity and the Holocaust*. Ithaca: Cornell University Press, 1989.
- Benjamin, Walter. “Zur Kritik Der Gewalt.” *Archiv für Sozialwissenschaft und Sozialpolitik*, no. 47 (1920/1): 809-32.
- Bourdieu, Pierre. *Raisons Pratiques: Sur La Théorie De L’action*. Paris: Editions du Seuil, 1994.
- . *Science De La Science Et Réflexivité. Cours Du Collège De France 2000-2001*. Paris: Raisons d’agir, 2001.
- Brooks, Doug. “Messiahs or Mercenaries? The Future of International Private Military Services.” *International Peacekeeping* 7, no. 4 (2000): 129-44.
- Burrows, Mathew. “Conference around the Report “Global Trends 2025: A Transformed World”.” Paper presented at the DIIS Public Conference, Copenhagen, 7 September 2009.
- Buur, Lars, Steffen Jensen, and Finn Stepputat, eds. *The Security-Development Nexus*. Capetown: HSRC Press, 2007.
- Buzan, Barry, Ole Wæver, and Jaap de Wilde. *Security. A New Framework for Analysis*. Boulder, London: Lynne Rienner, 1998.
- Cheney, Peter. “Iraq: A Legal Frontier.” *Boston Globe*, 18 April 2008.
- Cockayne, James. “Commercial Security in the Humanitarian Space.” *International Peace Academy* (2006), http://www.ipacademy.org/pdfs/COMMERCIAL_SECURITY_FINAL.pdf.
- Coleman, James R. “Constraining Modern Mercenarism.” *Hastings Law Journal* 55, no. June (2004): 1493-537.
- DCAF, Democratic Control over Armed Forces. “Private Military Companies.” Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2002.
- Dorn, Nicholas, and Michael Levi. “Private-Public or Public-Private? Strategic Dialogue on Serious Crime and Terrorism in the Eu.” *Security Journal* forthcoming (2007).
- Elias, Norbert. “Civilization and Violence: On the State Monopoly of Physical Violence and Its Infringements.” *Telos*, no. 16 (1982): 133-54.
- Francis, David J. “Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?” *Third World Quarterly* 20, no. 2 (1999): 319-38.
- Freeman, Jody, and Martha Minow. *Government by Contract: Outsourcing and American Democracy*. Harvard: Harvard University Press, 2009.
- Gambetta, Diego. *The Sicilian Mafia: The Business of Private Protection*. Cambridge: Harvard University Press, 1993.
- Gaston, E.L. “Mercenarism 2.0? The Rise of the Modern Private Security Industry and Its Implications for International Humanitarian Law Enforcement.” *Harvard International Law Journal* 49 (2008): 221-48.

⁴¹ Anna Leander, “Commercial Security Practices,” in *Handbook of New Security Studies*, ed. Peter J. Burgess (London and New York: Routledge, 2009)..

- IPOA. "Code of Conduct (Last Version Adopted February 2009)." *available at* www.ipoaworld.org (2009).
- Kierpaul, Ian. "The Rush to Bring Private Military Contractors to Justice: The Mad Scramble of Congress, Lawyers, and Law Students after Abu Ghraib." *The University of Toledo Law Review* 39 (2008): 407-35.
- Leander, Anna. "Commercial Security Practices." In *Handbook of New Security Studies*, edited by Peter J. Burgess. London and New York: Routledge, 2009.
- . *Eroding State Authority? Private Military Companies and the Legitimate Use of Force*. Rome: Centro Militare di Studi Strategici, 2006.
- . "Habitus and Field." *Blackwell: International Studies Compendium Project* (2009).
- . "The Power to Construct International Security: On the Significance of Private Military Companies." *Millennium* 33, no. 3 (2005): 803-26.
- . "Practices (Re)Producing Orders: Understanding the Role of Business in Global Security Governance." In *Business and Global Governance – Business in Global Governance* edited by Morten Ougaard and Anna Leander. London: Routledge, 2009.
- . "Privatizing the Politics of Protection: The Authority of Military Companies." In *The Politics of Protection: Sites of Insecurity and Political Agency*, edited by Jef Huysmans, Andrew Dobson and Raia Prohkovnik, 19-33. London and New York: Routledge, 2006.
- . "Regulating the Role of Pmcs in Shaping Security and Politics." In *From Mercenaries to Markets: The Rise and Regulation of Private Military Companies*, edited by Simon Chesterman and Chia Lehnardt, 49-64. Oxford: Oxford University Press, 2007.
- . "Risk and the Fabrication of Apolitical, Unaccountable Military Markets: The Case of the Cia "Killing Program"." *Forthcoming* (2009).
- . "Securing Sovereignty by Governing Security through Markets." In *Sovereignty Games: Instrumentalising State Sovereignty in Europe and Beyond*, edited by Rebecca Adler-Nissen and Thomas Gammeltoft-Hansen, 151-70. London: Palgrave, 2009.
- Löwenheim, Oded. *Predators and Parasites: Persistent Agents of Transnational Harm and Great Power Authority*. Ann Arbor: The University of Michigan Press, 2007.
- Messner, J.J. "What's in a Name? The Importance of Language for the Peace and Stability Operations Industry." *Journal of International Peace Operations* 2, no. 6 (2007): 24.
- Minow, Martha. "Public and Private Partnerships: Accounting for the New Religion." *Harvard Law Review* 116, no. March (2003): 1229-70.
- Mitchell, Andrea. "Msnbc Interview with Representative Pete Hoekstra (R-Mi) About Cia Subcontracting Assasination Program." In *Federal News Service*, 2009.
- Percy, Sarah. "Mercenaries: Strong Norm, Weak Law." *International Organization* 61, no. 2 (2007): 367-97.
- Polanyi, Karl. *The Great Transformation: The Political and Economic Origins of Our Time*. 1st edition 1944 ed. Boston: Beacon Paperback, 1957.
- Radin, Margaret Jane. *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts and Other Things*. Harvard: Harvard University Press, 1996.
- Sapone, Montgomery. "I Have Rifle with Scope, Will Travel: The Global Economy of Mercenary Violence." *California Western International Law Journal* 30, no. fall (1999): 1-43.
- Scahill, Jeremy. *Blackwater: The Rise of the World's Most Powerful Mercenary Army*. Washington: Nation Books, 2007.
- Singer, Peter W. *Corporate Warriors. The Rise of the Privatized Military Industry*. Ithaca and London: Cornell University Press, 2003.

- Sofsky, Wolfgang. *Traktat Über Die Gewalt*. Frankfurt a.M.: Fischer, 1996.
- Spearin, Christopher. "What Manely Missed: The Human Security Implications of Private Security in Afghanistan." *The Human Security Bulletin* 6, no. 3 (2008): 8-12.
- Thomson, Janice. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. Princeton: Princeton University Press, 1994.
- Tilly, Charles. "War Making and State Making as Organized Crime." In *Bringing the State Back In*, edited by Peter Evans, Dietrich Rueschemeyer and Theda Skocpol, 169-91. Cambridge: Cambridge University Press, 1985.
- Verkuil, Paul. *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It*. Cambridge: Cambridge University Press, 2007.
- Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books, 1983.
- War on Want. "Corporate Mercenaries."
waronwant.org/Corporate%20Mercenaries%2013275.twl .
- WBB Consulting. "How Does Your Company Meet the Laws of War Requirements?"
www.wbbinc.com/laws-of-war-news.html.