

**THE COMMON DEFENSE: CHALLENGING STATE AUTHORITY AND  
THE CITIZEN ARMY THROUGH THE PRIVATIZATION OF FORCE**

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in

Political Science

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by

Jared Wilson Kramer

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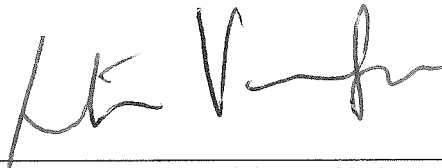
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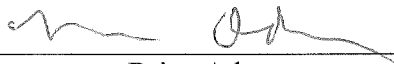
The Common Defense: Challenging State Authority and the Citizen Army

Through the Privatization of Force



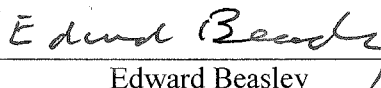
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## **ABSTRACT OF THE THESIS**

The Common Defense: Challenging State Authority and the  
Citizen Army Through the Privatization of Force

by

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Master of Arts in Political Science

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The national army represents the strength of a nation and, ideally, its monopoly on force allows the state to respond to emergencies by deploying loyal and well-organized citizen soldiers. This thesis explores the exponential growth of the U.S. private military and security industry to reveal how commodified force is tainting the uniformed military's global mission. The dilution of the professional military is displacing volunteer troops with corporate fighters, thus seemingly undermining the state's authority to exact order. In this thesis, I argue that privatized force inhibits the American state's ability to demonstrate moral governance and secure certain strategic advantages that are necessary to maintain the global stature of the United States. I will provide a detailed synopsis as to what constitutes privatized force and account for the repercussions associated with its use abroad, particularly the United State's waning influence in an increasingly dangerous world.

### **KEYWORDS:**

Private military contractors, national army, citizen soldiers, private security companies, United States, conscription, Iraq, Afghanistan, terrorism, mercenaries, state authority, privatized force, legitimacy, force monopoly

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## CHAPTER 1

### INTRODUCTION

As a nation in its infancy, the United States established a centralized force to combat foreign encroachment, quell civil unrest and expand the frontier, oftentimes forcibly and without regard to native inhabitants. The centuries that followed produced several institutional iterations of the Armed Forces, including conscription, volunteer service and a combination of the two during wartime and through periods of relative peace. Throughout this time, military and civilian leaders monitored the deployment of troops and placed considerable emphasis on the allegiance of a state-based uniformed army, answerable to a regimented central command. This national fighting force provided reliable service and its members and veterans ostensibly enjoyed considerable public support, even when their exploits and specific operations became highly controversial. Due to many political and financial considerations, however, private military contractors (PMCs) represent a new development in military evolution that on the surface appears to challenge the state's monopoly on force, as well as its tradition of battlefield legitimacy.

As non-state fighters expand their interdisciplinary ranks, to what extent is this impression correct, and what are the other discernible effects, particularly in terms of the effect on the U.S.'s global standing? Does the integration of PMCs into the state's combat structure imply the displacement of the uniformed national army, or merely the diversification of force? My thesis is an attempt to answer these questions by looking specifically at the PMC's augmented by the US government. I argue that these effects are compromising the state's claim that it controls the legitimate use of force, resulting in mounting skepticism both at home and abroad regarding various deployments. Military privatization is a serious phenomenon that metastasized throughout the American defense industry, altering the composition and strategic capabilities of the nation's fighting force.

I further argue that the federal government's growing dependence on PMCs to wage war is indicative of a state in crisis, which threatens to destabilize national authority. Similarly, the U.S.'s reliance on contractors such as DynCorp International and Constellis Holdings, Inc. not only undermines the effectiveness of the uniformed army, but also taints the legitimacy of international military actions. I develop this argument by providing a brief history of the advancement of PMCs, followed by their use since the outset of the 'Global War on Terror' (GWOT). The research reveals a correlation between force privatization and state destabilization that begins with siphoning away the strategic importance of the uniformed military. The delegation of authority to defense contractors weakens the state's power, and if the central government is to remain consequential and in control of its professional military, the administration of force needs to be its exclusive purview.

Questioning the legitimacy of private armies is especially important during this period of sustained U.S. military intervention, and while I do not explore the merits of each operation, the manner in which the government deploys troops deserves heavy scrutiny. Ideally, most Americans should expect their government to utilize force under extraordinary circumstances, just as strategic partners and fair-weather allies also expect some restraint when U.S. troops are involved. However, Stevenson's (2006) findings in the 2006 Quadrennial Defense Review (QDR) indicate the following military outlook: Current global conflict demands a "U.S. capability to engage enemies in countries with which it is not at war [...] [using] long-duration, complex operations involving the U.S. military, other government agencies and international partners [to engage] simultaneously in multiple countries around the world." Accordingly, this thesis presumes the U.S. will continue under its current military operational tempo and that the deployment of uniformed soldiers over PMCs yields an occupation that is relatively more transparent and subject to legitimate oversight. The deployment of the Armed Forces serves as a demonstration to the world that a particular mission is of vital national or humanitarian importance and thus deserving of American participation.

The evolving nature of global crises for which the national military must respond generates many questions surrounding the wisdom of utilizing these contract fighters, beginning with whether their allegiances are in line with that of the citizen soldier. It is important for the public to distinguish between conflict entrepreneurs and volunteer U.S.

military personnel because citizens rely on the belief that the Armed Forces are committed to their safety, irrespective of the commercial benefits of providing security. Thus, citizens benefit most from an allegiant army, commanded by a singular state authority committed to preserving national sovereignty and advancing relative peace through strength. PMCs are not exactly interlopers in the world of global security, as it is often governments – in particular, the U.S. – that invite these actors to share in the spoils of conflict. For this reason, I briefly assess whether the ideological persuasion of a particular Presidential administration, or Congress' susceptibility to saleable influence, fosters an environment that is more conducive with enlisting the private military and security industry.

This thesis draws upon a collection of primary and secondary textual resources that evaluate decades of PMC collaboration with the U.S. government. These sources reveal the evolution of force privatization, beginning with relatively small-scale defense assignments, leading up to combatant training and warfare integration. Additionally, I provide a limited number of anecdotes as a participant-observer while serving in the Army overseas during Operation Iraqi Freedom from 2003-2004. Much of the discourse surrounding PMCs tends to focus on the impact of contract fraud, legitimacy and instances of abuse, largely ignoring the sentiments expressed by uniformed military personnel serving alongside contractors in forward areas. Despite the importance of understanding conflict perspectives at the troop level, my research is principally concerned with the national/international implications of defense contracting.

In the literature review, I focus primarily on scholarship related to private military contracting and characteristics of the national army, as well as the administration of state-sanctioned force. This literature highlights three main areas of interest and resonates throughout the thesis, beginning with a general discussion of the development of PMCs, including some specific historical case studies. Another focus is a brief theoretical discussion of state authority and legitimate order-enforcing agencies, which culminates with an analysis of the development of the U.S. Armed Forces. The final element provides a specific discourse on the utilization of PMCs by the U.S. government amid the post-9/11 anti-terror operations conducted in Afghanistan and Iraq. The research herein offers a comprehensive account of the consequences of expanding private military responsibility, while demonstrating the consequentiality of the nation's professional army.



This thesis develops the basic argument about centralized force and its ability to preserve state legitimacy over three chapters, beginning with an analysis of the U.S. private security and defense industry leading up to the nation's so-called GWOT. The political influence ascribed to this industry highlights how these actors can navigate through an array of commercial and political obstacles to effect changes in national security policy that favor force commodification. Chapter two presents a timeline of the nation's standing army, which includes a systematic review of the professional military from colonial times, to the emergence of an all-volunteer force. This chapter provides a brief history of the American Army's inception, beginning with its colonial lineage during the Revolutionary War, followed by the establishment of a constitutional mandate to protect the homeland from foreign and domestic threats. Additionally, I offer a cursory examination of America's conscript-era army, along with an account of the all-volunteer force, which has embodied the U.S. Armed Forces since 1973 (Galston 2004).

Also included in chapter two is a short outline of the broader theoretical arguments that describe the significance of state power and centralized force. Specifically, I examine the basis for a well-regulated militia and its successor, the uniformed army, to demonstrate that the creation of a professional fighting force was a central component of the campaign to forge a distinct national identity. The establishment of this national character required the necessary force to safeguard these emerging democratic values and the fledgling state machinery needed to project meaningful authority to its citizens, as well as to international onlookers. The formation of a trained and unified army serves as the strength of a nation, charged with defending the public from harm, upholding their shared cultural identity and safeguarding the critical state institutions that facilitate governance. After more than two centuries, the U.S. military - led by the state - has strengthened considerably, while maintaining its position as an integral facet of the U.S. government and as the principal defender of constitutional freedoms.

Chapter three explores the contemporary corporatization of U.S. defense capabilities to illustrate how the expansion of commercialized force within the ranks challenges America's national military identity. The U.S.-led GWOT created countless worldwide opportunities for American-based PMCs, and while President Obama rebranded this national fight, military operations, security missions and training commitments continue to attract

defense contractors. This chapter focuses largely on the campaigns in Iraq (Operation Iraqi Freedom: 2003-2011) and Afghanistan (Operation Enduring Freedom: 2001-ongoing), and includes specific examples related to PMC malfeasance that inhibits the state's ability to take control of those hostilities. The thesis concludes with a restatement of the findings and demonstrates why the preservation of monopolized force is an essential element of state authority and national relevance. Although institutionally distinguishable, the national army cannot stand alone without the backing, or operational importance, ascribed to it by the state.

## **CHAPTER 2**

### **HISTORICAL OVERVIEW: THE PRIVATE MILITARY AND SECURITY INDUSTRY**

Simply dissecting contemporary elements of privatized force provides an incomplete picture as to how this industry developed over the centuries, leaving readers to speculate over what events shaped the current defense predicament. Providing a chronology of any phenomenon reveals its nexus, and for some imaginative researchers, offers one or two clues to determine its trajectory. Privatized force did not materialize in an instant, nor was the business of selling the means to wage war representative of a product in search of a customer. Rather, ruthless and moral men alike understood the necessity of a military, and when their own civic overtures failed to muster adequate forces, desperation or ambition inspired them to assemble the largest force possible by any means necessary. Technical and tactical evolution made these armies considerably more lethal, while sophisticated economic development expanded their appeal by creating a global market place that continues to swell.

The deployment of mercenaries commenced many centuries ago, but the deployment of several thousand able-bodied men to wage a war that is not necessarily theirs yielded profound consequences. The first example I wish to highlight involves the Swiss who are often associated with neutrality, but their efforts to provide contract military labor (an estimated 1 million Swiss men between 1450 and 1850) to France, Spain and the Netherlands made them a legendary purveyor of privatized force (Casparis 1982, 593). France, in particular, depended upon the tenacity of Swiss troops to outmaneuver monarchial-led armies, as well as to coerce European nations into ratifying treaties that benefited French Kings, while obtaining recognition for the territorial borders of present-day Switzerland (Fischer 1982). Such dependency on mercenary forces made France susceptible to granting difficult concessions to Swiss troops, and because there was no royal allegiance between the two sides, contract forces shifted their loyalty to whoever met their contractual demands.

Monetizing military fidelity can potentially lead to a scenario under which the loyalty of state defenders requires constant negotiation, making it exceedingly difficult to maintain unit cohesion.

Professional Swiss mercenaries were well suited for combat and bolstered the fighting capabilities of vendor kingdoms, but loyalty to the French was not always included as part of the negotiations. Swiss Pikes participated in a European mercenary market, and on one occasion in 1545 when English King Henry VIII offered more favorable terms than the French could muster, these men defected, resulting in a weakening of French capabilities (D. Potter 1996). Because of the enormous expense related to procuring quality Swiss fighters, long-term campaigns, such as the Thirty Years' War, grew unsustainable after only a few years of combat. When willing to fight, however, the Swiss engaged in brute force, often causing considerable collateral damage to city structures and civilian populations, unnecessarily creating potential new enemies of the Kingdom of France (Winter 2014). By draining valuable resources, needlessly angering serf populations and struggling through mercenary defections, the Swiss experience created various periods of instability within France.

The French Revolutionary Army embodied a decidedly new service standard, forgoing mercenaries in favor of conscription to meet the Napoleonic goal of *levée en mass* (French for “mass mobilization”), needed to enhance military capabilities and create a selfless citizen army (Lynn and Connolly 1989). However, not all European nations followed suit, as Great Britain in 1776 had only 8,000 national troops stationed within the 13 colonies, prompting royal military leaders to solicit wealthy Prussian princes to allow British officers to command their auxiliary forces (Underwood 2012). Nearly 30,000 Hessian soldiers deployed to North America throughout the Revolutionary War, but despite their significant numbers and overall professionalism, these foreign troops failed to secure victory for the British army, and instead rallied American forces to retaliate with increased vigor (McGrath 1988). Although loosely organized and poorly equipped, colonial troops demonstrated that, when confronted with seemingly insurmountable odds, America's citizen army possessed considerable mettle and resourcefulness. The Continental forces advocated strongly for national sovereignty, and the surrender of the remaining British troops in 1783, aided by the

French, revealed that the colonial army was, indeed, the strength of a budding American nation (Ferling 2007).

King George III hoped for a speedy resolution to the colonial insurrection in North America, and with his deployment of Hessian mercenaries he sought to intimidate his wayward British subjects into capitulating to quash the rebellion. This decision, however, yielded the opposite effect and instead galvanized the colonial population to resist British meddling in the colonies. In response, Thomas Jefferson (1776) drafted the Declaration of Independence, which included the following indictment against the King:

He is at this time transporting large Armies of foreign Mercenaries to compleat [sic] the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. (Para. 2)

Similarly, just as the use of Hessian fighters turned colonials against ongoing British rule, it also solidified political opposition against the King within Britain, based on moral objections to dispatching mercenaries against fellow subjects (Schmidt 1958). When Britain commenced with a military solution to combat the American Revolution, the result was a consolidation of resistance emanating from both sides of the pond.

The private security and defense industry evolved over the past two centuries to meet the challenges of contemporary conflict, and to find acceptance as a provider of an ostensibly governmental function: Providing security and military support within a combat theater. Because executing military action is the responsibility of the nation's order-enforcing agency, PMCs receive delegated authority to conduct operations on behalf of their prescribed clients, to include governments or organizations seeking security services (Abrahamsen and Williams 2010). Despite being unaffiliated with the state (a prerequisite to obtaining status as a legitimate dispenser of force, according to Gellner [1983]), some contemporary defense analysts argue that PMCs can establish some measure of legitimacy through transparency and compliance with the law (Herbst 2013). Delegating authority to commercial actors establishes a series of legal and moral questions regarding the legitimacy ascribed to PMCs that engage in this conduct, beginning with whether the state can temporarily bestow such power onto a non-state participant. If a commercial actor accepts and embraces the legitimacy, conferred upon it by the state, what is to stop this entity from refusing to

relinquish such authority at the cessation of hostilities, thereby creating a potential crisis between it and the uniformed military?

While the decision to deploy private defense forces appears as timeless as warfare itself, my emphasis in this thesis is on the contemporary elements of privatized force, as information technology, strategic organization and influential financial benefactors make these contract forces increasingly mobile in a globalized economy. Mursitama and Setyawan (2012) credit multi-national companies (MNC) with widespread troop privatization due to substantial investments in the international security market, which expanded their global presence and diversified capital investments to capture market share. Further, they posit that privatized force is comprised of two foundational constituents that, while seemingly interchangeable with respect to providing security services or combatant training, are nonetheless uniquely different entities. The first is the private security company (PSC), which is often associated with MNCs, as it provides substantial protection support to the international business community by safeguarding commercial facilities all over the world (Adebajo and Sriram 2000). The second prong is the private military contractor (PMC) whose primary function is to assist governments with international relations by providing training for host country national armies, or to offer combat security support for convoys and military or political dignitaries (Avant 2005).

While PMCs operate freely within the sphere of international relations, Singer (2003) reviewed their offerings and established three categories within this sector, based on the types of services marketed and the nature of their clients' economic and political goals. The type 1 PMC category represents firms that provide tactical services to a client whose own military strength and competencies are insufficient to wage war autonomously (this tier typically provides specialized personnel and conventional weaponry to bolster their capabilities against sophisticated adversaries). Type 2 PMCs serve primarily as advisors and training cadres, charged with preparing struggling armies to develop unit cohesion and the ability to engage in combat missions, while also providing specialized instruction for new DOD-funded weapons systems (to include Aegis air defense and General Dynamics' interim armored vehicles [Strykers]). Finally, type 3 PMC firms are less militaristic in nature and constituted in such a way as to avoid combatant and troop advisory roles, thus allowing these firms to provide logistical support to rear echelon troops, including recreational,

transportation and technical services. To be sure, some private military company services are similar to those offered by private security companies, but the nature of their clients' commercial offerings distinguishes one organization from another.

Not to be confused with frontline corporate combatants, private security companies exist largely within the realm of international business, to include "states, non-governmental organizations (NGOs), international organizations like the UN, media services and other private companies" (Percy 2009, 58). However, these firms do not subscribe to a single PCS business model and instead fall into three classifications, beginning with operational or tactical support related to, among other things, detainee interrogation (Alimahomed 2014) or weapons system familiarization (Clanahan 2013). The second PSC category involves policing or security missions (Hill and Beger 2009), whereby paramilitary forces are contracted to perform perimeter or convoy protection for a larger commercial or governmental operation. The last PCS grouping offers its clients a menu of military advisory and training options (D. Johnson 2010), which remain popular with national governments seeking to establish and equip indigenous armies with the tools necessary to protect their respective nation-states from civil and external conflict. Despite the differences between a PCS or PMC, I use these terms interchangeably because they each fall within the realm of privatized force and inflict some measure of injury on state legitimacy, depending on the degree of delegated authority.

### **RAISING AMERICA'S PRIVATE ARMY: POLITICAL AND ECONOMIC CONSIDERATIONS**

Burgeoning military privatization is not a new phenomenon within the U.S. defense industry, but contractors avoided meaningful scrutiny during previous wars, in part because of their evolving mission roles, which once relegated them to service support, but now have them operating as combatants (Bacevich 2011). Prior to America's GWOT, an improved economy during the early post-Cold War era enabled state bureaucracies to redirect funding to train and pay for an increasingly tech-savvy full-time military. With the so-called peace dividend in place, the seeming economic boom of this decade allowed the U.S. Department of Defense to reduce its active duty Army divisions from 18 in 1991, down to just 10 in 2000 (Smith 2002, 107). However, in more recent years the U.S. utilized defense-related contract

labor in a technical and tactical support capacity, including armed security services and assistance to active duty aviation crews to pilot unmanned aircraft systems (UAS) used for strike missions throughout the world (Sauer and Schörnig 2012). As of 2008, over 200,000 defense contractors were supporting military operations in the Iraqi theater, with over 30 percent responsible for providing physical security services to facilities and critical personnel (Schaub and Franke 2009, 88).

Although conducive to certain favorable economic factors, privatized force garners much of its support from a sympathetic political class seeking tangible benefits for their favored constituencies. The public-private partnerships associated with physical security expanded as a result of President George W. Bush's ideological embrace of the 'Ownership Society' that proposed integrating free market solutions within the defense industry to combat government largess and inefficiency (Wray 2006). President Bush sought fundamental transformation of the relationship between U.S. military and commercial security forces by expanding private sector opportunities in the GWOT. This despite the concerns that for-profit agents lack the necessary standing to participate in wartime missions because their utilization subverts Congressional authority to declare war by removing uniformed troops from the equation (Avant and Nevers 2011). Such political support for PMCs stems from the belief that battlefield sacrifice is a commodity to outsource to commercial entities whose financial support allows these relationships to persist (Langhorne 1983).

### **JUSTIFICATIONS FOR PRIVATIZED FORCE**

To be sure, PMCs have no shortage of detractors, but those who advocate on behalf of these firms outline several perceived benefits associated with utilizing alternatives to the national army, while dismissing fears that contract forces hamper transparency and accountability. Brooks and Shevlin (2005) outline five primary advantages to employing private military and security firms (what they now refer to as the 'Peace and Stability Industry'), beginning with their surge capacity and speed, which allows these firms to quickly augment the national army using a global pool of specially-trained military veterans. Similarly, force multiplication refers to the rapidity with which private sector personnel and equipment deploy around the world, whereas national governments and international



governing bodies muddle through excessive deliberation and bureaucratic delays. Next, private contractor units offer a higher degree of specialized skills and technical sophistication because attrition requires uniformed militaries to retrain recruits as each new enlistee changes his/her duty station or is discharged or retired from service. Similarly, uniformed military personnel are an expensive resource that requires extensive training, salaries and potentially long-term benefits. Finally, PMCs avoid many federal civil/military service protections and Congressional budget fights that inhibit hiring and firing to cultivate the best possible force.

As a countervailing argument to those who oppose PMCs on the basis that such conduct violates the legitimate authority ascribed only to the state, there are scenarios under which force privatization serves the public interest by fulfilling specific functions grounded in moral legitimacy. Firstly, Feaver (1999) explains that the current structure of the all-volunteer force unfairly distances itself from society by limiting military service to only a fraction of the overall population, thus negating the principle of shared sacrifice. Structuring the army to include private military and security companies (PMSC) exposes the civilian population to the armed forces culture, which bolsters civil-military relations and broadens the base of those willing to sacrifice for the state. Since the first Gulf War (1991), efforts to incorporate PMCs into the national force began with one contractor for every 100 uniformed soldiers; however, by 2008 in places like Iraq and Afghanistan, the ratio evolved into an equal distribution between these two components (Pattison 2012, 133). While seldom beneficial to maintaining a free society, the availability of PMCs can circumvent the democratic constraints associated with seeking congressional authorization for use of force, as these companies are easily deployable under the guise of providing humanitarian assistance.

To mollify those who oppose the nation's participation in military action, PMC engagements are referred to as 'peacekeeping operations' or 'commercial security', while assuring members of the public that the American government will not provide any boots on the ground. Minimizing the opposition to over-extending uniformed military personnel requires rebranding certain overseas missions to remove any obvious militaristic overtones, particularly when those PMCs are indigenous to an area and acclimated to the terrain or localized political structures (Hodge 2005). Further, "government clients have found that private sector services are preferable to 'in-house' policy tools simply because they are

largely free of the political baggage typical of government or military operations,” referring to the congressional infighting associated with use of force authorizations (Brooks and Shevlin 2005, 106). This maneuvering is pervasive, allowing the Department of Defense to create a force structure that is increasingly reliant on the use of corporate entities to maintain weapons systems, equip soldiers in the field and provide force protection to a myriad of overseas installations (Shrader 1999). The U.S. is strategically dependent on these contractors and this practice is now too lucrative and entrenched to halt the corresponding commercial encroachment – particularly as privatized conflict rages throughout the Middle East and Africa.

### **OPPOSITION TO PRIVATIZED FORCE**

While the Defense Department fancies itself as an apolitical, civilian-led institution, critics of the private military and security industry lament the practice of large numbers of retired military officers entering these firms as executives after the completion of their contractual obligation (Blum 2005). PMCs expend considerable resources recruiting veterans because prior service members possess the unique skill sets required by international companies and governments, and because this service provides a seamless transition to citizen soldiers entering into the private sector. Conversely, the allure of paramilitary service hampers Reserve and National Guard recruitment because many enlisted members who complete their active duty statutory enlistment leave the service completely for lucrative security opportunities. Just as Roeder (2007) explains the tangible benefits of military service in socializing soldiers into loyal servants of the state, PMC culture inevitably reverses the training and attitudes cultivated during a particular service member’s enlistment period. As senior military personnel descend onto the private defense industry after having completed their own enlistment contracts, impressionable young recruits still serving in uniform remain susceptible to certain overtures, such as improved career prospects and a more favorable viewpoint of privatized force.

Just as the private military industry dilutes the potency of state authority by corrupting the legitimacy ascribed to those who exercise force, these entities are also destructive because they divert national defense funding away from critical military functions conducted by uniformed personnel (Pattison 2012). Maintaining dual force structures is

challenging enough to the state's authority, but siphoning finite public resources away from the national army is a zero sum occurrence that weakens the military, both politically and economically. While PMCs garner much of their funding from public organizations, they do not adhere to the same legal principles set forth in the Uniformed Code of Military Justice (UCMJ), instead falling under the jurisdiction of the following legal regimes: International law, host-nation law and U.S. civilian law (Chapman 2010, 1059). However, these edicts prove to be antiquated and susceptible to prosecutorial discretion because the ability to maintain good relations with the U.S. often hinges on whether foreign victims and indigenous governments are courageous enough to seek redress for contractor misconduct. The Federal Tort Claims Act (FTCA) (the law that allows civilians to sue the U.S. in federal court for actions committed by individuals acting on their behalf) applies to PMCs who then proclaim commercial status to avoid UCMJ adherence, while attorneys for the accused highlight their government contracts to obtain an exemption under the 'combatant activities' provision (Wilson 2008).

Despite the chorus of free market proponents who see cost-savings as one of the greatest incentives for privatizing defense, employing PMCs is actually an expensive undertaking that begins with uncompetitive contract bidding, followed by cost overruns and little financial accountability (Fulloon 2013). What is so problematic about this particular defense is that it conflates efficiency with cost-effectiveness, and despite the similarities inherent within these two concepts, they yield decidedly different outcomes for the government. Deploying contractors only in the event of conflict fails to take into account that the government maintains a standing national army during peacetime, and funding an idle force is an especially costly undertaking. In particular, an army that does not deploy must still train, receive sustenance and be compensated for their service, which results in an enormous amount of spent ordinance or fund appropriations for pay and benefits (Grange 1999). Private sector war profiteering is historically inevitable, but there is a distinction to be drawn between those companies that advocate for conflict and those whose financial betterment is incidental to a nation's strategic maneuvering.

One of the surest ways to curtail the financial incentives that PMCs find so enticing is to reduce global conflict, although such a proposition seems entirely unrealistic. There are tangible alternatives, however, beginning with broadening the legal definition of

‘mercenaries’ and holding PMCs directly responsible for their wartime conduct. In particular, the 1989 UN Convention on Mercenaries is decidedly limited as to what constitutes a soldier-for-hire, making it “necessary to ensure that PMCs behave within a framework of law which they are held personally accountable” (Kwok 2006, 37). Short of banning their participation in state-sanctioned violence, establishing definitive liability standards for PMC conduct creates disincentives for these actors to pursue certain conflict situations. Much like the U.S.’s aversion to joining the International Criminal Court, defense contractors understand the implications of expanding the scope of their criminal accountability.

The same U.S. political leaders championing free market solutions for organizing national defense believe that PMC augmentation achieves cost control and efficiency, while corporate malfeasance remains the responsibility of the free market, rather than the governments that appropriate funding. Strangely, following the invasion of Iraq in 2003, President Bush did something remarkably antithetical to the free market by denying non-coalition partners (anyone firmly outside of the President’s infamous 46-member ‘coalition of the willing’) the opportunity to compete in the post-war reconstruction efforts (Chwastiak 2013, 36). This Euro exclusion allowed U.S. construction and logistical firms to monopolize reconstruction projects throughout the country, thus solidifying U.S. security firms as the exclusive arbiters of privatized force. The Coalition Provisional Authority (CPA) reinforced this commercial monopoly by decreeing that contractors were subject to the laws of the country of origin, meaning that “countries that opposed the war may have a particularly hard time prosecuting contractors for crimes committed in Iraq” (Avant 2004, 24). The political and economic consequences of utilizing private military assets are numerous, as are the harmful effects upon the indigenous civilians and the life-sustaining infrastructure languishing under corporate heavy-handedness at the behest of the U.S. government.

### **THE SOLDIERS’ PERSPECTIVE**

While non-service affiliated surveys reveal that military contractors serve in the interest of helping others or meeting new challenges, their responses “do not necessarily correspond to their actual behavior in the field,” which is context-dependent and influenced greatly by the particular mission (Franke and von Boemcken 2011, 737-738). These openly expressed attitudes notwithstanding, contractors do not adhere to the same contractual

obligations required of national troops, granting them considerably more latitude to refuse assignments or negotiate the terms of their employment. While serving with the 598<sup>th</sup> Transportation Terminal Group (TTG) in 2003 during the first wave of Operation Iraqi Freedom, I had daily contact with members of the Camp Arifjan, Kuwait force protection group, led by DynCorp International. Those men and women did not represent a caricature of the classical mercenary, but nearly all conversations regarding their contractor compensation elicited the following response: “Tax free, baby.” To be sure, DynCorp employees volunteer to serve that company, but unlike service men and women who are subject to the UCMJ for refusing their duties, contractors need only submit their two-week notice to withdrawal from theater.

State authority is not the only thing impacted by defense privatization, as the social and emotional well-being of uniformed military personnel suffers materially through disparate treatment between the forces, both real and perceived. In particular, U.S. troops experience negative social comparisons “on such key outcomes as pay, autonomy, and degree of organizational care for workers,” which harms service members’ “job satisfaction, cohesion, and organizational commitment” (Kelty and Bierman 2013, 6-7). In turn, troops develop some measure of unhealthy resentment toward their contractor counterparts, further eroding the working relationships between these two entities. Soldiers draw much of their inspiration to fight from, among other ancillary factors, “group cohesion, unit allegiance, pride, ideology and patriotism” grounded in the “bond formed among members of a squad or platoon” (Reilly 2000, 81). Contractor teams and designated military units hail from two competing tribes, making it exceedingly difficult to maintain continuity between the forces and manifest the unit support needed to sustain combat.

### **CHALLENGES TO AMERICAN AUTHORITY**

Integrating national militaries and opportunistic contract forces bolsters numerical superiority, but there are material consequences to diluting the citizen army that require consideration to preserve the integrity of this institution and its relationship to the state. The incorporation of private military contractors undermines state power by challenging its collective monopoly on violence, which has the potential to create overlapping claims of authority by establishing parallel force structures in a particular theater (Avant 2004). Such

confusion between these actors carries the risk of exacerbating the existing tensions for which private sector defense contractors must mitigate, to include territorial and commercial disputes or to fill the gaps in governmental security services, thus perpetuating the cycle of crisis. Meaningful state influence erodes when control over national territories cedes to contract forces, which complicates the efforts by local leaders and international actors to adjudicate regional conflicts between native populations and the central authority presiding over the mission (Neff 2008). Deescalating such conflict requires the participation of a central political authority, as unrest cannot be resolved adequately using private or provincial violence as an alternative to state enforcement.

The privatization of organized violence establishes efficiency within the State sponsored force structure and provides protection services to retain the agility and flexibility that is characteristically absent from many government bureaucracies. However, two actors operating in the same theater, and maneuvering independently of one another, tend to result in confusion and jurisdictional acrimony that detracts from strategic and logistical mission goals. In practice, “if PSCs [private security companies] are deployed alongside state forces in a coalition, their actions are expected to sow confusion on the battlefield and increase friction” (Petersohn 2013, 469). Intra-force battlefield competition is nothing new, as evidenced by General George

Patton’s animus toward Field Marshal Bernard Montgomery, or even the Army v. Navy rivalry that rouses soldiers and sailors every year; however, failure to communicate in combat inevitably jeopardizes the lives of soldiers and civilians. Preventing such confusion in the future requires states to maintain their monopoly on force by removing the temptation to incorporate market forces into the arena of combat-related national defense, thereby maintaining a singular national military mindset.

In addition to ceding strategic control to defense contractors operating in the field, these corporate agents were investigated on numerous occasions for jeopardizing the nation’s legal authority by frequently operating outside the acceptable boundaries of U.S. and international law (Chapman 2010). Defense contractors have largely escaped prosecution for their efforts to depose uncooperative or despotic leaders in the developing world, or for their failure to minimize civilian casualties or property destruction within their areas of operation (Krahmann 2012). Jurisdictional squabbles and claims of immunity for conducting their

actions under the authority of the federal government often delay or diffuse any potential prosecutions. Status of Forces Agreements (SOFA) between the U.S. and other host nations, as well as the U.N. charter on the prohibition against deploying or financing mercenaries (A/RES/44/34), fail to hold many private military contractors liable for their misdeeds, due in large part because of favorable political relationships (Lindemann 2007). Any lawlessness perpetrated by defense contractors translates – albeit unfairly - to the U.S. military at large, further tarnishing its image at home and abroad, yet national governments continue to utilize these forces.

The ability to create substantive and durable Status of Forces Agreements between the U.S. and other nations is a testament to the effectiveness of America's ability to exert its global influence by codifying its cultural and political authority within an international treaty. The SOFA provides a legal basis for the continued deployment of U.S. troops within the host country, as well as to establish prosecutorial jurisdiction over U.S. personnel operating within its territorial boundaries (Bassiouni 2010). A strong America that steers the content of these treaties to safeguard its military personnel from foreign prosecution is representative of a persuasive state, thereby commanding concessions from those nations that have grown reliant upon U.S. resources. That is not to say that American influence is always an endearing quality, but it is a necessary component of state preservation and to the process by which America's cultural, ideological and economic influences disseminate throughout the world (Rady 1993). If America's adversaries and allies perceive her as weak, international relationships strain because U.S. military support is not a forgone expectation during periods of crisis.

The evolving nature of privatized force allows it to exist and thrive in many geographical regions due to its public/private relationships and the prevalence of global insecurity, which creates numerous opportunities for the industry. This chapter introduced relevant historical literature that demonstrated some of the consequences of deploying PMCs, followed by an analysis of their 20<sup>th</sup> century growth. Additionally, I presented arguments in favor of these entities, which are quite convincing to a large number of governments and corporate enterprises around the world. Similarly, I offered a strong critique of the private security industry, emphasizing primarily on its detriment to state authority, as well as to the effectiveness of the national army. With so many PMCs now integrated into the U.S.

military, it is important that we delineate between corporate troops and citizen soldiers of the uniformed army, which requires a specific definition of centralized force under the American state.



## CHAPTER 3

### THE EMERGENCE OF AN AMERICAN ARMY

In the years preceding the formation of the Republic, the uniformed colonial army was emblematic of a fledgling American nation during its war for independence against the world's foremost military power at the time: Great Britain. However, a mere Declaration of Independence from a band of would-be statesmen failed to achieve that end, and would instead require the establishment of a centralized state authority and the formation of a national army to provide for the common defense. Post-Revolutionary America fielded a professional full-time army for over 235 years, and during that time, these troops held a monopoly over wartime force. However, the privatization of core defense duties gave rise to a growing phalanx of private military contractors who oftentimes operate independently of the U.S. Armed Forces while engaged in overseas contingency operations. Such an arrangement raises several questions as to whether these for-profit paramilitary forces corrupt the spirit of American preeminence by eroding the state's sole constitutional authority to dispense force.

The power of any state derives, not from a collection of shared cultural values, economic wherewithal or linguistic homogeneity, but rather the size and professionalism of its citizen army. Citizen armies are characteristically more adept at maintaining their loyalty to the state during periods of crises, and in deference to Benedict Anderson (1991) and Eric Hobsbawm (1990), for the purposes of this chapter, I use the terms "nation" and "state" interchangeably. Dubbed the 'popularization of military power', an all-volunteer army transformed the nation into a political organization during wartime, thereby solidifying its opposition to repressive British authority (Roeder 2007). Citizens wielding influence over their state's ability to engage in military endeavors strengthens its resolve throughout the conflict because popular support for military personnel often translates into increased loyalty to the mission (Baum 2001). As such, the creation of a uniformed army was a necessary

invention, as it provided colonists with an outlet to resist the British, thus strengthening support for the Revolution (Agresto 1979).

There are indications, however, that the formation of America's full-time military provided a medium through which to mobilize the populace around the concept of national loyalty, as well as deference to those in uniform. For example, as former subjects of the Crown, early colonial leaders understood the benefits of military service by conditioning young recruits to heed the call to arms, thus emerging as patriotic soldiers of the state (Simonsen 2007, 573). The order and discipline within military culture offers a premier training environment for impressionable youths whose behavior or political persuasion have yet to be molded by the governing authority, making them promising candidates for military service. Because the military is an extension of the state, its institutional identity stems from the fusion of a political creed, personified by the citizen soldier, making it necessary that military personnel adhere to a specific national purpose (Abdelal et al. 2009, 154). The U.S. Armed Forces has long been a bastion for volunteerism, patriotic fervor and professional ethos, and it is this unique standing (that of a soldier, sailor, airman or Marine) that cultivates a largely universal reverence for this seemingly brave and selfless institution.

Those who rely upon state protection ascribe tremendous symbolic value to the standing army; however, just as it is important to reassure the public, it is equally imperative that state forces possess the requisite size and equipment capable of deterring international conflicts through the appearance of strength. Provocative shows of force give political and military leaders the opportunity to project their army's strength without committing troops or armaments to actual conflict, thus bolstering the perceived stature of the army (Bobrow 1965, 68). A nation's ability to project overwhelming strength and express its willingness to execute certain military threats is taken seriously when backed by a highly structured, well-financed or genuinely fanatical army. Bravado alone lacks the disincentives necessary to discourage threatening actors, which demands that any deterrent must exhibit the proper measure of credibility to effect the desired changes in behavior (Lever 2011). As such, early American proponents of independence understood that appeals to the British Crown regarding matters of economic liberty and political representation required substantially more effort than merely drafting a tersely written Petition to the King.

In response to Britain's refusal to accommodate the colonists' growing list of grievances, the Second Continental Congress convened in May 1775 to marshal the deteriorating war effort, which already experienced limited skirmishes at Lexington and Concord (Arsenault 2002). The leaders of the American Revolution later sought to avoid the difficulties associated with mustering a colonial army, and pursuant to Article I, Sect. 8 of the U.S. Constitution, the Congress obtained the exclusive authority to raise an army to provide for the common defense. Years before the Constitution was drafted, however, the overriding motivation for establishing such a provision was that previous colonial resistance to British governance was carried out with little organization and coordination, making it necessary to establish a unified national wartime effort. While provincial militias retained their ability to take up arms against British forces from the outset of the War for Independence, the inaugural Continental Army units were constituted primarily of Boston-area militiamen, and soon expanded into areas throughout New England (Bonin 2013). Despite the ability of colonialists to procure armaments and logistical supplies from poorly guarded British stockpiles, many of these scavengers and would-be soldiers lacked the intestinal fortitude needed to endure pitched battles or extended periods of bivouac in the wilderness.

As commander of the newly minted and poorly equipped Continental Army, General George Washington, realized that his forces were a distinguishing feature of the American nation, and as such, took steps to establish universal discipline within the ranks (Countryman 2009). For the American army to symbolize the nation in a manner representative of individual/collective liberty and moral governance, the military justice system adopted the Articles of War outlining universal standards for battlefield conduct (Ferling 2008). Although colonial militiamen demonstrated ingenuity in their ability to muster some political and strategic unity at varying junctions throughout the war, social unification and cultural alignment proved much more elusive under the Continental authority. At the time, many of the colonists standing against Great Britain were born elsewhere in the world, and their relationship to the 'Old World' made it difficult to cultivate a uniquely American identity, leading to some ethnic splintering (Arsenault 2002, 18). The process of successful nation building requires the integration of citizens who possess an array of cultural and religious backgrounds, and the army was a suitable environment for carrying out this experiment.

The shared sacrifices of the patriot army served as a catalyst for mobilizing the soldiers to bring together diverse populations, as demonstrated at Valley Forge when the inhospitable Pennsylvanian winter tested the resolve of General Washington's beleaguered troops. The Northern Army emerged from its winter respite with an enhanced sense of purpose, after having undergone rigorous soldier drills at the hands Baron Friedrich Wilhelm von Steuben, a dispossessed Prussian army officer who quickly established himself as Washington's foremost combatant trainer (Hamner 2012). In the centuries after the British were defeated at Yorktown, Virginia, American troops participated in a diverse string of global missions, and the military remains more closely aligned with the goals of the national government than any other state institution. This is so because unlike other agencies within government, the U.S. military bears the primary responsibility of defending the nation from enemies during periods of crises and protecting its strategic and economic interests abroad (though the civilian leadership mandate, prohibitions against unionization or open dissent within the ranks helps to maintain its neutrality) (Dell, Ewing, and Tarantino 2008). This institution exists as a defender of American ascendancy, charged with safeguarding the country's sovereignty and promoting its prescribed humanitarian values whenever called upon to serve.

### **CITIZEN SOLDIERS AND THE DRAFT**

America's all-volunteer force is a relatively new phenomenon, but it is important to understand what constitutes a national army and this thesis acknowledges that enlistees, draftees and multi-national soldiers are acceptable elements of the state military. During America's War for Independence, the colonial government relied heavily on local lotteries to fill critical personnel positions, whereas the first national draft materialized during the Civil War to combat Southern secession, led by a determined Confederate enemy (Warren 2012). President Abraham Lincoln's decision to institute the Militia Act of 1862 (followed soon thereafter by the Enrollment and Conscription Act of 1863) served to consolidate state control over federal troop enlistments, which strengthened the relationship between the American government and its professional military (Perri 2008). One of the more sinister elements of the Militia Act, however, was the provision allowing reluctant or apathetic citizens to pay a \$300 commutation fee directly to the draft board for relief from service for a

period of three years. Despite the government's initial support, this fee option was short-lived during the Civil War, although a similar, though qualitatively different, exemption offered to young men during the Vietnam War granted draft deferments in exchange for attending college (Bergan 2009).

Service to the nation is one of the highest forms of participatory citizenship, and using one's economic wherewithal to purchase an exemption to this privilege cheapens not only the commitment to national military service, but also what it means to be an American citizen (Mettler 2005). Walzer (1983) describes the commutation fee option as a blocked exchange and one that fails to establish the principle of equal treatment because those who are affluent will always retain the ability to pursue alternatives to sacrifice. Instead, it creates a class of free riders who enjoy the benefits of citizenship, to include all the protections afforded to citizens by the national army, without the inconvenience of military service. Similarly, it creates a potential crisis during a national emergency, such as personnel shortfalls or questionable unit solidarity amid soldier recusals, by transforming the public act of engaging in military service during wartime into a private transaction (Walzer 1983, 99-100). Ethical leadership and adherence to the rule of law are no doubt important to maintaining a civil society, but the survival of the nation when challenged by foreign threats is wholly dependent upon the willingness of patriotic men and women to wear the uniform.

The subsequent iteration of the military draft occurred in the months preceding the United States' involvement in World War II, as Germany and Japan expanded their empires throughout Europe and the Pacific. For the first time since the creation of the national army, the federal government initiated a peacetime draft when it passed the Selective Training and Service Act of 1940 (Desch 2002). Prior to its passage, conscription procured essential military occupational specialties (MOS) during conflict, but the peacetime draft enabled the leadership to mobilize troops preemptively so that readiness would not suffer during the onset of any particular engagement (Maxwell 2006). While the growing hostilities in Europe and Asia motivated young men to volunteer for military service, the World War II draft effort accounted for an astonishing 10.1 million troops, which constituted nearly two-thirds of all U.S. military personnel who ultimately served during the war (Dunn 2009, 4). The institution and preservation of the national draft authority allowed the state to strengthen its uniformed military using able-bodied men who, prior to the counter-culture of the 1960s, were

seemingly more inclined to fulfill their compulsory service obligation (Keim 1978). The willingness of a particular draftee to serve honorably notwithstanding, donning the nation's uniform, even for a relatively brief enlistment period, permitted these men to dispense force in a uniformed and state-sanctioned fashion.

The U.S., not unlike the United Kingdom or France, provides a relevant case study for measuring military mettle, as the government instituted the draft on several occasions, allowing for comparisons between conscription-era engagements and those of the all-volunteer force. U.S. military history demonstrates that heroism and mission success are in no way exclusive to volunteer troops, which may indicate that the mere act of serving one's country is one of the few consequential measurements of a national army (Burk 2001). Because draftees and enlistees performed their service exclusively as members of the uniformed military, their prescribed orders and responsibilities were the same, thus bringing their loyalties into alignment. While overall proficiency or disciplinary integrity suffer under conscription, involuntary membership in the U.S. military does not challenge national sovereignty because it exists within a singular state-sponsored force. Military service is, among other things related to territorial defense, meant to appeal to one's patriotism and commitment to their nation's cultural and political preeminence (White 1951); however, allegiance purchased as a commodity is subject to market disruptions.

Though seldom celebrated by the draft-age male populace, compulsory military service ensured that the American army achieved its personnel goals, regardless of how unpopular a particular conflict was to the general public (Millett 1988). The policy of conscription remained in effect during the World Wars, Korea and Vietnam, although historically, volunteer military service represented a primary mechanism for yielding a substantial number of combat arms recruits. Certain factors propelled military service, such as the Montgomery G.I. Bill (Schneider, 1981), reduced civilian job opportunities (Eighmey 2006) and renewed American patriotism when confronted with fascism, communism or militant Islamic fundamentalism (Moskos 2002). Wartime emergencies relied on conscription efforts to shore up the national army, and draftees and volunteers served alongside one another throughout most major American wars prior to the Vietnam conflict. Such integration within the ranks suggests that, regardless of an individual's willingness to

serve their country, the national army continued to exemplify the strength of a nation with near exclusivity.

While evidence indicates that draftees demonstrated remarkable bravery on the battlefield, a more detailed examination of their service histories would determine if American primacy and battlefield resolve diminished under conscription. For instance, post-WWII draftees completed an average statutory service period of approximately two years and produced only a 10 percent reenlistment rate, whereas enlistees typically served on active duty for an average of four years, and reenlisted at a rate of nearly 50 percent (Korb and Duggan 2007). Similarly, the U.S. Army estimates that enlisted soldiers (excluding commissioned and warrant officers) require a minimum of three years active duty service to reach the requisite competency level needed to demonstrate adequate combat service and support skills, which means that draftees often failed to achieve their full potential as soldiers. The desired goal of the national army is to ensure that its recruits develop a meaningful and uniform skill set, whereupon soldiers are able to cross-train to one another's military occupational specialties in a timely and cost-efficient manner to prevent disruptions in operational tempo (Gellner 1983, 27). To be sure, the draft did improve America's ability to raise an army in decades past, but beyond winning the war of attrition against the Confederacy or Third Reich, conscription contributed to a national army decidedly less proficient than that of an all-volunteer force.

### **MULTINATIONAL ARMIES**

Commodifying organized force is not always practical or popular for a particular nation, although some armies (to include colonial powers whose expansionist tendencies outstripped their native military capacity) devised strategies to supplement their citizen soldiers with foreign recruits, while maintaining a nationalized force. National militaries comprised of multi-national forces do not constitute privatized force because these recruits operate under the same force structure and their singular goal is not to profit from the conflict. Instead, these volunteers and conscripts adhere to the strategic and humanitarian orders set forth by the state and serve under the command of origin-nation officers who conduct operations in accordance with their national leadership (Palin 1995). While integration of multinational armies presents a united front during an engagement, managing

dual allegiances and preventing certain nations from establishing their dominance over member states within the coalition is the responsibility of the numerically superior force (Jonson 2003). Despite these potential conflicts, multinational armies represent an alliance of nations that ostensibly share the same goal, as was the case with the Entente Powers and Allied Forces who banded together during the World Wars to defeat Central and Axis Powers, respectively.

Humanitarian operations draw multinational forces together, but there are several other conflict categories that attract member states to adopt a shared purpose for participating in a particular engagement, to include resource security or protecting religious minorities. An exceptional example of a country augmenting its national troops with foreign volunteers is the French Foreign Legion, established in 1831 to pacify colonial insurrections and provide the state with a rapid response force (Cooper 2006). This expeditionary force was not a mercenary army in the technical sense, as the foreign subjects were obliged to submit to French authority upon enlistment (service in this unit was/is voluntary) and to carry out missions in accordance with the state (Porch 1991). However, the relationship between Frenchmen and these sympathetic foreigners carries significant risk for France's national identity because transnational recruits are responsible for higher levels of violence than are citizen soldiers (Malet 2010). If, however, these foreign nations choose to embrace the values ingrained within this French fighting force, the result is that the national army gains significant combat experience from veterans of global conflict, as well as indigenous navigators providing service to the legionnaires while deployed abroad.

Military diversity strengthens a unit's core and soldiers who fail to conduct themselves in a manner that is reflective of good-standing national character will inevitably harm that nation's ability to project moral strength and rally potential allies to a particular cause. The Gurkhas, another formidable multinational force, hailed from Nepal and entered into the British army in 1817, although these soldiers served in racially segregated regiments commanded by Anglo British officers (Roy 2000). Although large swathes of Nepalese territory fell to the British East India Company during its campaign to expand control over wealthy cross-border areas within the region, Gurkha fighters were not subject to widespread conscription and instead volunteered to police Central and Southeast Asia (Caplan 1991). Despite longstanding unequal treatment regarding pay and duty assignments, these men



offered their allegiance to the British Army and used their salaries to provide support to their families when the Nepalese governments could ill-afford to employ its citizens (Dickinson 1991). While the Gurkhas failed to qualify as citizen soldiers, they nonetheless served the British army in a largely volunteer capacity and defended its national interests against any perceived enemies of the Crown, while maintaining loyalty to the officers who commended them.

The establishment of the American state required the creation of a uniformed national army whose primary directive it was to administer centralized force. In this chapter, I examined the history of the U.S. military from its early colonial nexus, to the all-volunteer iteration that represents the current state of the armed forces. One of the primary takeaways is that compulsory service in the military under the draft did not diminish the authority of a state army because the same measure of control governs both draftees and enlistees. Further, multi-national armies adhere to a singular order-enforcing agency, which aligns any divergent allegiances that enlist within the ranks during the initial formation of an army. With the U.S. army now competing for certain security assignments abroad, I will introduce the contemporary elements of privatized force, emphasizing their role in the GWOT.

## **CHAPTER 4**

### **FORCE PRIVATIZATION: THE CONTEMPORARY ERA**

Since the fateful attack on September 11, 2001, the U.S. government has been engaged in its 'War on Terror', although the policies, goals and measurements for strategic success evolved considerably over the past several years (Chayes 2006). However, the state's broader anti-terror strategy is to disrupt global terrorist networks through a series of military, economic and political maneuvering designed to impede their efforts to recruit, finance and carry out attacks (Czerw 2008). While the official goals of various administrations garner some approval amongst Americans, the manner in which the government carries out the country's mission has eroded public support over the past decade (Hetherington and Suhay 2011). In particular, opposition to nation-building (Robichaud 2007), civilian casualties (Lauterbach 2007) and U.S. troop deaths (Greentree 2013) reduced the approval of these particular expeditions. Despite these wartime failings, the corporate security industry uses its influence within the Departments of Defense and State to procure lucrative contracts, as well as the requisite prosecutorial immunity needed to operate more freely throughout the world.

The relationship between commercialized force and the American government is an important one because it illustrates the evolving trajectory of U.S. foreign policy that is decidedly market-based and thus influenced by cost-effectiveness and maintaining commercial relationships. With an ever-increasing operational tempo, American forces and equipment dispatch around the world to safeguard an array of commercial interests (not all of them exclusively American, such as Libyan oil exports earmarked for Britain and France), with a particular emphasis on Middle Eastern petroleum (L. Potter 2011). Historically, U.S. PMCs assumed non-combatant roles, to include information technology and administrative support, as well as personnel training and medical screenings (Heaton 2005). Recent warfare in Iraq and Afghanistan, however, experienced widespread incorporation of semi-

autonomous civilian combat teams charged with conducting physical and compound security, as well as convoy safety for personnel or equipment (Leander 2005). As the U.S. involves itself in international conflicts, the corporatization of national defense inevitably forestalls the development of post-colonial nations in crisis.

History is replete with instances of defense contractors operating within the combat theater, although focusing on specific case studies related to America's 'War on Terror' provides relevant examples as to how PMCs are delegitimizing state authority. In particular, these commercial foot soldiers adhere to a decidedly unique hierarchal force structure during their deployments, thus appearing to operate outside the normal chain of command or sphere of responsibility (Hooker 2011). Similarly, by providing much of the physical security for dignitaries and high-ranking officials (rather than those tasks being performed by uniformed military personnel – U.S. or those belonging to the host nation), their presence undermines the trust that civilians have in their government (Hedahl 2012). Further, violence perpetrated by PMCs engenders virulent anti-Americanism in many parts of the world, creating a generation of potentially violent or outspoken enemies of the state (O'Connor and Delaney 2009). The American foreign policy currently showcased around the world receives its own share of international criticism, although the violence, misappropriation and negative stereotypes attributed to PMCs are, in some places, inhibiting state political development.

## AFGHANISTAN

The commercial airliner attacks on the World Trade Center and Pentagon were profitable tragedies for the private security industry, as they immediately readied their commercial pitches to legislative and agency appropriators determined to demonstrate their commitment to protecting Americans (Ferris and Keithly 2001). As the Federal government mobilized the military and cultivated its strategy to bring the 'evildoers' to justice, wartime profiteers calculated the benefits associated with any postwar reconstruction throughout the area that would encompass Operation Enduring Freedom. On October 7, 2001, President George W. Bush followed through on his pledge to pursue Osama Bin Laden and expel al-Qaeda from the Taliban-led sanctuary government by launching the U.S.-led invasion of Afghanistan (Goldstein 2012). Once allied troops drove the Taliban from Afghani city centers and into Pakistan, the U.S. military mission transitioned from that of a round-the-

clock aerial bombardment to one geared towards nation building with targeted counter-insurgency patrols (Watts and Martin 2006). The installation of Hamid Karzai as the President of Afghanistan presented a tremendous opportunity for PMCs to infiltrate the war effort to profit from the political instability jeopardizing the safety of the newly appointed Afghani leadership (Felbab-Brown 2013).

### **THE IMPERIAL GUARD AND STATE DELEGITIMIZATION**

The security firms charged with protecting Afghani leaders benefited enormously from the nation's efforts to adopt certain democratic and economic reforms that were wholly unfamiliar to those living under tribal or theocratic rule (Marten 2009). Dyncorp International was one of the first defense contractors to establish a sizable presence within the country by obtaining a government contract to offer physical security to the Afghan Interim Administration. At the outset of the invasion, Afghanistan's fledgling government received its protection from distinguished members of the U.S. Army Special Forces, but the allure of private security resulted in widespread personnel changes (Tepperman 2002). The decision to surround a U.S.-backed Afghani leader with corporate sentries paid for by the occupying national army has effectively delegitimized the governing authority of the Karzai regime. With so much emphasis placed on the security of Afghani leaders, Karzai undermined his mandate by neglecting the needs of his people, which resulted in increased opposition to the American occupation.

While defense contractors erected troop barracks and makeshift tarmacs to facilitate U.S. aerial missions, average Afghanis were envisioning the potential benefits associated with U.S. troops and resources, but skepticism was swift. For instance, "external intervention [from the Americans] has focused on security [and state power], but its failure to address material issues has resulted in its inability to end local violent contests" (Richmond 2015, 59). Further, U.S. control over the Afghani political process weakens the nation's ability to obtain international recognition from its neighbors and potential allies, thus strengthening the perception that the nation exists as nothing more than a 'puppet regime' (Sher 2003). PMC malfeasance also angered the civilian population to the point where Kaizai responded with public criticism against the U.S. and engaged in collaborative talks with Taliban insurgents to discuss the eventual postwar landscape (Maley 2007). Deteriorating trust between the

Afghani Government and surrounding nation-states inevitably weakens the national sovereignty that U.S. forces labored to establish while serving in country, which endangers the local population once American troops are fully withdrawn.

To be sure, the initial use of force materialized without much regard for international consensus, but some cooperation followed, as Status of Forces Agreements underwrote the U.S. occupation of Afghanistan between the U.S. government and the Islamic Republic of Afghanistan. Despite these accords, as of May 2014, President Hamid Karzai had refused to sign the Bilateral Security Agreement due to U.S. demands placed on conducting unilateral military operations, obtaining full immunity for all U.S. citizens/personnel from Afghani prosecution and the continuation of cross-border incursions into Pakistan (Iqbal 2013). Contractor-involved drone strikes were particularly troublesome for the president, although U.S. military personnel were equally responsible for the growing unpopularity of American boots on the ground. As a result, President Karzai has resisted cooperation due to PMC's insistence upon securing immunity for their employees' misconduct, as well as to shield their commercial enterprises from civil liability, which remains a point of contention.

### **THE DRONE WARS**

The U.S. government initiated Operation Enduring Freedom on October 7, 2001, following a brief series of ultimatums given to Taliban forces by then-President Bush, including a demand that the Afghani governing authority unconditionally surrender Osama Bin Laden to coalition forces (Feinstein 2002). Under the administration's interpretation of the post-9/11 Authorization for use of Military Force (Senate Joint Resolution 23, enacted on Sept. 18, 2001), the CIA and DOD expanded the use of Unmanned Aircraft Systems (UAS – Predator and Reaper drones). In doing so, drone warfare became an integral weapon systems used against Afghani militants and foreign insurgents operating within northeastern provinces and into the interior of Pakistan (Bergen and Rowland 2013). The expansion of Air Force UAS sorties in Afghanistan created an opportunity for American defense contractors to develop, maintain and provide technical assistance during flight operations. In particular, the world's largest defense contractor, Lockheed Martin (Stansbury, Vyas, and Wilson 2009), followed by Northrop Grumman (Finn and Wright 2012) and Boeing (Butler 2004), received contracts from the U.S. government to enhance the nation's drone capabilities and

sustainability in Afghanistan and elsewhere. This gave PMCs a stake in America's ground and air operations abroad, but also exposed them to further criticism regarding excessive civilian casualties in Afghani city centers, as well as poorly conceived hellfire missile strikes.

Without arguing the merits of using unmanned aerial systems, the emergence of armed drones represents a remarkable technological advancement in contemporary warfare, while at the same time creates new legal and moral issues related to their use. By decoupling troops from combat, the U.S. government is shifting sacrifice away from its standing army to perpetrate a 'clean war', as "PMCs and UAS free states from the accountability typically associated with state-centric and defense-oriented wars" (Baggiarini 2015, 129-130). Scenes of flag-draped coffins arriving home at Dover Air Force Base undermine political proponents of a particular conflict, and the prospect of utilizing defense contractors to create a bloodless war resonates with many Americans. Of course, when the state designates a contractor as a 'non-combatant', these technicians continue to provide indirect support to a state combatant, such as relaying aerial surveillance to an army gunship or artillery battery or by performing maintenance on those systems in between missions (Heaton 2005). When the state relies upon PMCs to develop, maintain and even operate UAVs, military leaders deprive uniformed personnel of the opportunities for cultivating that skill set within their own units.

### ESCAPING LIABILITY

One of the most famous war crime prosecutions in world history took place during the Nuremburg Trials when the Allied Forces conducted a war tribunal against surviving members of the German High Command, as well as the political and industrial leaders culpable in the enslavement and murder of millions of European minorities (Hodak 2007). Mindful of the executions resulting from those prosecutions, U.S. government contractors sought to gain immunity for their potential battlefield misconduct, and those efforts paid off during early federal court decisions. In *Al-Quraishi v. L-3 Services, Inc.* and *Al Shimaria v. CACI International, Inc.* (each defendant in these cases was a DOD-contracted information technology firm accused of providing material support to U.S. interrogation efforts against suspected insurgents), the U.S. Court of Appeals for the Fourth Circuit held that "state tort actions against military contractors are preempted by important federal interests" (K. Johnson 2012, 1418-19). The delineation between preemption and prosecutorial immunity requires

further analysis to determine whether the immunity conferred upon the U.S. military extends to private military contractors accused of malfeasance against international civilians.

It is also important to note that PMCs self-regulate some of their actions, and that their government contracts often stipulate the regulations needed to maintain the business relationship, although the emphasis is on market accountability rather than criminal culpability. Admittedly, U.S. military forces have not always abstained from their own battlefield misconduct, as is evidenced by the Mai Lai Massacre (Beidler 2003), Abu Ghraib (Mastroianni 2013) or the Panjwai Massacre (R. Johnson 2012), all of which damaged America's working relationships with South Vietnam, Iraq and Afghanistan. However, tremendous skepticism characterizes the people of Afghanistan over whether the cadre of heavily armed, fair-skinned men in shaded sunglasses surrounding their president is conducting its mission out of a profound sense of genuine hopefulness for Afghans. Despite the gulf between the national army and civilian defense industry, Afghans are unlikely to distinguish between a contractor and a soldier when the latter commits violations of the rules of engagement (Lindermann 2007, 85). The image of uniformed foreign troops marching through one's community is no doubt unnerving to those who have witnessed it, but the presence of armed U.S. civilians conducting convoy security or waging firefights in downtown Kabul represents vigilantism to many innocent bystanders.

### **RAISING AN ARMY IN OUR IMAGE**

National armies can vary considerably, and they each possess an equally diverse and distinguishable military culture that fosters a unique sense of patriotism and *esprit de corps*, with a collection of ethical standards that influence troop conduct and state allegiance. Prior to U.S. forces toppling the Taliban government at the outset of Operation Enduring Freedom, Afghanistan was devoid of any significant national army, which made assembling a unified force comprised of varying ethnic and tribal groups a very challenging endeavor (Giustozzi 2009). In 2002, the U.S. Government tasked the International Narcotic and Law Enforcement Affairs with establishing a civilian defense force that, by 2010, swelled to 96,800 officers capable of providing public security and conducting law enforcement interdictions (Johnson 2010, 107). U.S. law enforcement and military personnel are quite formidable, and their efforts to bring competency to the Afghani police force yielded tangible results, both in terms

of proficiency and allegiance to the central government. A concern about the U.S. advisory personnel, however, is whether this civilian defense force underwent the requisite nationalization needed to unite the country and protect the state from civil conflict and domestic lawlessness.

Training an Afghan force that is uniquely Afghani suffered in 2010 when the DOD awarded a \$232 million contract to DynCorp, Inc. to provide advisors for the Combined Security Transition Command – Afghanistan (CSTC-A) and the NATO Training Mission (NTM) to develop the Afghanistan Ministry of Defense (Dyncorp International 2010, 1-2). Comprised almost exclusively of American contractors, the Afghani security forces had their collective nationalistic mindset altered in a manner that interfered with their ability to discern genuine enemies of the state (i.e., Taliban and al Qaeda forces), from those categorized as such by the Americans. Because non-state actors are typically more violent than the uniformed military, Afghani security forces received training and developed attitudes that increased the probability that law enforcement actions will be overly aggressive (Bunker 2013). Consequently, increased attacks against U.S. military personnel at the hands of Afghani security forces (often referred to as ‘insider’ or ‘green-on-blue’ attacks) coincided with Dyncorp’s procurement of a DOD contract to train the civilian defense service. Following the award of Dyncorp’s contract in 2010, the insider attacks accounted for just two percent of all coalition fatalities, but by 2012, that number increased over seven-fold to nearly 15 percent (Chan 2009, 32-33).

Beyond the potential for increasing the violent tendencies of the Afghani national defense forces, this fledgling army absorbed Western values that are not entirely conducive with their own distinct cultural and ideological preferences. DynCorp administered the training curriculum to local security personnel, and the values transferred to these impressionable recruits impact their service to the nation. The ‘Soldier’s Creed’, which was reflected in their training, calls on troops to “serve the people of the United States,” while “destroy[ing] the enemies of the United States” and serving as a “guardian of freedom and the American way of life” (U.S. Army 2014). The implication here is that Afghani security personnel undergoing U.S. contractor-sponsored training regimens learn to accept all American enemies as their own. This further complicates efforts by Afghani leaders to



reconcile with certain tribal factions ostracized by the U.S. government, regardless of whether they are in any way detrimental to local security.

Americans and Afghans alike remain hopeful that these newly formed troop regiments will exhibit the courage and proficiency necessary to repel future insurgencies and safeguard their developing political institutions from theocratic or authoritarian destabilization. U.S. military personnel, in particular, want the satisfaction of knowing that the loss of nearly 2,200 uniformed military personnel resulted in meaningful and lasting change for Afghani civilians, as well as improved global and domestic security for Americans (Department of Defense [DOD] 2014). While the U.S. provided some foundation for a sustainable force structure, the success of the Afghan National Army ultimately depends on the development of camaraderie and bravery within the ranks. There is no guarantee that Afghan soldiers will develop into an independent and indefatigable fighting force, comprised of patriotic veterans and inspiring command staff, but enduring hardship together ensures they at least have a chance. In the meantime, America's invasion of Afghanistan fostered a civil war, and "for the foreseeable future, the Afghan National Army is, for all intents and purposes, deployed to its own country" (Norris 2012, 36).

## **IRAQ**

Not content with limiting America's search for Islamic fundamentalists to the nation of Afghanistan, President Bush petitioned the U.S. Congress for authority to use force against Iraq in late 2002, just 10 months after receiving authorization for military force against Osama bin Laden and the al-Qaeda stronghold. Enacted by the Congress on October 16, 2002, the Authorization for use of Military Force against Iraq (Joint Resolution 114) gave President Bush the authority to launch a military offensive against Iraq using violations of previous cease-fire agreements, tenuous terror links and the possession of weapons of mass destruction as justification (Crook 2005). In addition to providing security and training to Iraq's provisional government, the nation's oil reserves provided PMCs with commercial opportunities, to include providing security services to commercial petroleum syndicates intent upon safeguarding their coveted spoils of war. At the time of the invasion, Iraq possessed upwards of 120 billion barrels of proven oil reserves, providing PMCs with a potentially expansive new protection market to offer refinery security to British Petroleum or

a growing number of Chinese firms operating within the country (Collective 2004, 253). As the U.S. governing authority awarded oil contracts to international corporations, the Iraqis witnessed the PMCs facilitating the division of their nation's oil wealth to foreign companies that contributed virtually nothing to the country's nascent liberation.

As Iraq's most coveted source of revenue, its oil reserves served as collateral to finance, in part, the toppling of Saddam Hussein, although such financial planning failed to take into account the needs of everyday Iraqis who endured recurring power outages and a lack of fresh water (Alaric Nightingale 2004). Worse still, the distribution of Iraqi oil rights represented "the transfer of productive public assets from the state to private companies," thereby dispossessing countless Iraqi refinery workers and the millions of civilians who depend on oil royalties for sustenance (Harvey 2003, 161). Iraqi civilians who believed the U.S. invasion would usher in an era of prosperity and some measure of reduced tyranny, instead witnessed the privatization of their central government's security, as well as their nation's most valuable commodity. To be sure, Russia, Scandinavia and Canada each possess large petroleum reserves, but the U.S. and Europe continue to meet their energy needs, in large part, by importing Middle Eastern oil (Dolgoplova, Hye, and Stewart 2014). By commercializing the oil procurement in Iraq, the U.S. asserted its authority over the global petroleum market, which in 2005, accounted for over 11 percent of the world's reserves, at an estimated 132.5 billion barrels (2005 figures, according to the BP Statistical View of World Energy) (Nell and Semmler 2007).

### **SHOOT FIRST**

The Iraqi landscape developed into a fertile environment for defense privatization because the sizable presence of State Department personnel, Iraqi lawmakers and U.S. command staff provided a range of high-value targets in need of physical security in and out of the fortified Green Zone (Jamail 2007). A prominent PMC operating within Iraq during this time was Blackwater Worldwide (now reconstituted as Academi), whose contractors had responsibility for State Department security and transport facilitation throughout Iraq (Welch 2009). While passing through a traffic circle en route to an off-site State Department meeting, Blackwater personnel claimed to have come under attack, which prompted several of their operators to open fire on dozens of Iraqi civilians and gunmen, killing 17 and

wounding nearly 18 others (Crook 2009, 361). There was nothing exceptional about Blackwater's service in theater, as "they were in Iraq, not to fight for democracy or even domination, but because they were paid handsomely to be there – and paid by a company whose sole business is to make a profit" (Gutman 2004, 12). For many of these well-compensated defense contractors, Iraq represented a safari retreat where volunteers enjoyed adventure, monetary incentives and the legal protections to carry out increasingly dangerous missions.

Once deployed to Iraq, Blackwater and some its contemporaries forged their autonomy from the U.S. command to engage in limited warfare under the guise of conducting force protection. For instance, these contractors established their own roadblocks to screen civilians and establish control, as happened in April 2003 when the PMCs "Hart Group, Control Risks and Triple Canopy were all simultaneously involved in heated battles with Iraqi insurgents in and around the city of Kut" (Kwok 2006, 35). While the ambush incident in May of 2007 garnered much of the attention, that same month a Blackwater guard shot and killed an Iraqi civilian near the Interior Ministry – and incident that was likely precipitated by increased anxiety over having lost four contractors on March 31<sup>st</sup>, 2004 (Hedahl 2009). With an equal distribution of soldiers and contractors deployed throughout the Middle East (the vast majority of which are male), force privatization represents the 'remasculinization' of the state with "the construction of the fighter as an exclusively male figure" (Stachowitsch 2013, 77). The gender analysis of PMCs seems to suggest that masculinity is a contributing factor to the use of excessive force, which is why, after several operational scandals, Blackwater labored to professionalize its unflattering image as marauding globetrotters.

This chapter explored the contemporary use of privatized force, focusing on its involvement in the GWOT and the specific tasks for which it is responsible under the terms of its relationship with the American state. It seems evident that privatized force is now heavily involved with U.S. military missions around the world and I have presented multiple instances where the use of PMCs in Iraq and Afghanistan yielded tangible consequences for both host nation governments and U.S. power. This literature indicates that defense contracting is an invasive phenomenon that, once experimented with, is virtually impossible to roll back due to shrewd political influence and the growing dependency on these fighters.

The previous chapters outline the historical development of PMCs, the relevance of the U.S. military and the composition thereof, as well as the current reliance upon defense contractors to coordinate American military missions. The above research creates an opportunity to unmask the extent in which contractor dependence is harming state authority by challenging the U.S. military's monopoly on force.

## CONCLUSION

While the political dynamic of a particular state will determine some of its strength, the professional army garners a tremendous amount of influence, not from historical prestige or its impressive arsenal, but from its national charter as the primary dispenser of force. The dispersion of violence is the responsibility of a central political authority, reserved for a clearly identified, well-centralized disciplinary agency operating within the state apparatus (Gellner 1983, 3-4). This order-enforcing agency safeguards its monopoly on legitimate violence by maintaining societal order and segregating itself from aspects of non-governmental social life. Organized force that operates outside the boundaries of a central political authority represents a state in crisis because it challenges the prescribed national order, which relies on some measure of statism to provide security and establish acceptable levels of conduct (Volkov 1999). Maintaining the appearance of unparalleled national strength is paramount to the state, and managing the use of violence within the public dominion is a key element of preserving national sovereignty.

The incorporation of PMCs onto the battlefield calls into question whether standing armies can capably serve as a nation's primary dispenser of force, or if their strength and influence wane under interference from competing purveyors of force. After obtaining government clients, PMCs developed into independent fighting organizations within the territorial boundaries of host nations, thereby establishing themselves as autonomous order-enforcing agencies (Saikal 2006). As such, they challenge the legitimacy of the state and its rational-legal authority, which refers to the willingness of the public to obey laws, based on their reasonableness "in accordance with a legally defined structure directed towards a publicly acknowledged goal" (Clapham 1985, 44-45). The public does not always adhere to a particular charismatic or traditional leader, but the state encourages obedience to a collection of predetermined principles. The state's bureaucratic machinery facilitates the public's

adherence to national laws, as well as their acknowledgement that legitimate force derives exclusively from this authority.

Citizens will adhere to legitimately prescribed laws voluntarily because they are binding, just as they will respond affirmatively to the use of state force (Weber and Whimster 2004). Additionally, these laws and the order-enforcing agencies charged with enforcement are just and necessary to maintain the foundation for a civil society, sometimes requiring exercises in strength, if necessary. Such willful adherence to state laws signifies legitimacy, whereas compulsory observance of authoritarian state dictates signifies illegitimate authority because the government is instead exercising its dominance. Rational-legal authority derives from the legitimacy of a particular office or governing/legislative assembly, which has a formidable bureaucracy at its disposal (Houghton 2010). The bureaucratic machinery drafts regulations and manages state functions, which is the basis for this authority and one that needs to ensure societal compliance.

As it relates to the national army, the military works in concert with the state bureaucracy to demonstrate institutional solidarity and provide the necessary security to ensure meaningful governance. The important thing to remember, however, is that the application of force does not necessarily constitute legitimacy, nor does it always represent a failure of that authority when force applies to a particular crisis (Nachbar 2012). In most instances, the state will defend its authority by ascribing legality and purpose to its specific missions to stifle any public skepticism over the merits of that action. Despite the overwhelming strength of the state, and the resources at its disposal, its authority is still reliant upon the public recognizing that power as justifiable, and those actions as necessary. Of course, the state cannot always hope for public compliance and must sometimes utilize force to promote compulsory allegiance, when needed.

The army's relationship to the state transcends mere symbolism and is now a representation of sovereignty and strength, as well as the fidelity of those who volunteer to serve their country, regardless of pedigree. Defense corporatization is a threat to the American military because contract labor does not approach service because of a genuine sense of patriotism, which is the key ingredient to forming and sustaining a national army (Murphy 1969, 193). Unfortunately, a 2003 GAO report on military contracting indicated that defense outsourcing is largely preferred for the following reasons: The potential for

gaining access to specialized technical skills, bypassing the limits placed on uniformed military personnel deployed overseas and ensuring that limited resources are available for prioritized missions (Avant 2004, 22). The personal and economic benefits to military service are plentiful, but unqualified allegiance to the state and electoral accountability are what distinguishes professional soldiers from their opportunistic counterparts in the private defense and security industry. Without this ideological attachment to the United States, the reliability of the standing army comes into question, further weakening the nation's capacity for projecting strength in a world of potentially hostile actors.

The preceding analysis of privatized force reveals that the private military and security industry erodes state authority while deployed overseas, although the U.S. government maintains this relationship, saddling the national army with embedded corporate sponsorship. Another reality is that "privatization is a reaction to prevailing insecurity [and] the commercialization of many functions of the armed forces or police has been pursued as part of a wider process of deregulation and outsourcing government functions" (Wulf 2011, 138). Top-down privatization in the GWOT is the delegation of authority to private security actors, which exposed gaping inadequacies in the state's monopoly on force and weakened the core of its institutional legitimacy. The U.S. should not dismiss the technical proficiency exhibited by PMCs, but if the nation's military is lacking in operational sophistication, then perhaps it would be in the state's best interest to train the national army to meet its own prescribed needs instead of farming out the business of national defense. Money can buy almost anything, although the loyalty of a patriotic and determined military is always more desirable when said allegiance is borne of selflessness and national pride, rather than financial self-interest that stems from public/private cronyism.

Americans should be overwhelmingly concerned that their government employs dual force structures for providing service to the state, especially when these two entities do not adhere to the same legal and ethical standards ascribed to volunteer military service. Delegated authority is a destabilizing influence, as "a state that is unable to uphold its monopoly of control over the army, [and] has to accept rival private 'armies' or 'police forces' on its territory, is considered a failed state" (Jachtenfuchs 2005, 38-9). The use of force is the state's most powerful instrument because it can deny citizens their life and liberty, and if such power transfers to competing interests, the central government risks

destabilization. In this particular instance, power acquired by PMCs without the corresponding responsibility that accompanies state authority, creates an imbalance within the defense industry that erodes coordination between the national army and its contract forces (Chigbo 2014). Similarly, as greater authority and resources shift toward elements of privatized force, the state loses its ability to quell internal and external threats because of its diminished capacity to obtain the cooperation of its subordinates.

Further, delegated authority is illegitimate in the hands of private actors because the state accumulates this power to ensure the safety of the public, and any transfer of this responsibility violates the social contract between citizens and their government. Pattison (2012, 135-138) explains that military legitimacy derives from three key elements, which include effectiveness, subjugation to democratic control, and the treatment of military personnel. While it seems plausible that PMCs adhere to the standards set forth in these principles to attain legitimacy, their effectiveness stems from the state's willingness to deny resources to citizen soldiers and shield them from meaningful legislative oversight. Consequently, growing reliance on PMCs serves to displace the nation's all-volunteer force, while sully their reputation with reports of contractor malfeasance that are ultimately attributed to U.S. soldiers, albeit unfairly. The core competency of the U.S. military is to wage war, and while privatized force is capable of doing so in kind, the uniformed military is answerable only to the state, whereas PMCs enjoy considerable operational discretion (Singer 2003).

As discussed previously, the corporatization of the national army risks losing its effectiveness and its special relationship to the state, calling into question whether the nation could survive without a central enforcing agency to defend the institutions of government. If the national army commoditizes like a commercial franchise, government institutions privatize in the same fashion, thereby weakening the centralized political authority that safeguards the legitimacy of the state. Further, if the military cedes its allegiance to the state, the nation risks cannibalization, leaving only a well-connected and highly mobile ruling class to gravitate through any hemisphere it finds most hospitable. There are corollaries to challenging authority, and failure to understand causation as it relates to influencing a uniformed army, defending the state and preserving the nation will ultimately result in a collapse of all three. Citizen soldiers arise from the public to serve the state as the strength of

the nation, but take away its army, and the state will inevitably fall, followed by its territorial sovereignty.

The U.S is presiding over a defense privatization campaign, used to train foreign troops, protect international leaders and provide security to the logistical routes needed by troops serving overseas. The withdrawal of U.S. forces from Iraq (2011), and the tentative redeployment of most troops from Afghanistan beginning in 2015, creates a considerable void in the private defense market. In turn, PMCs possess fewer opportunities to solicit their services to the state, relying instead upon their corporate clients based in regional conflict zones to procure resources needed for global commerce. The military operations in past years, to include U.S./coalition airstrikes against the Libyan regime (Rivers 2004), Syria and Iraq (Marshall 2014), and the deployment of 3,000 U.S. troops to combat Ebola in Liberia (Cooper, Shear, and Grady 2014) represent a decline in lucrative campaigns associated with the GWOT. Since the American public lost its appetite for large-scale conventional troop deployments, the market for state-sponsored PMC aggression reduced, giving the state an opportunity to restore some of its legitimacy.

Re-establishing this legitimacy, however, is not an expeditious undertaking, nor will the benefactors of defense privatization willingly relinquish their control over government clients to herald the restoration of the state's rational legal authority. Since war attracts PMCs, congressional opponents of Operation Iraqi Freedom attempted to reinstitute the national draft to erode support for the mission, which embraced the theory that politicians are less eager to wage war if their sons and daughters conduct the fighting (Devins, 2003). Despite there being virtually no support for such a measure in the Congress, or the public at large, the campaign to starve the beast by depriving the U.S. of combat action did not specifically address defense contractors, although if passed, the impact on privatization would be incidental. The U.S. requires a formidable military that wages war on multiple fronts, while doing so in an ethical and cost-efficient manner, but without delegating the responsibility of national defense to corporate entities. While so often elusive, one of the best deterrents to U.S. adventurism and privatized force is to elect competent leaders who possess the seemingly uncharacteristic rationale to discern legitimate national threats.

Though still a necessary function in a dangerous world, war is a primitive instrument that requires the wielding authority to exercise the appropriate responsibility needed to



protect the state from avoidable destabilizing influences. The monopoly on force is a distinguishing characteristic of the modern state and it requires real and perceived legitimacy to use such force against citizens or international actors, lest it forgo its institutional authority (Weber 1978). In turn, the state must protect its integrity by rejecting privatization, while at the same time ensuring that its engagements and occupations are decidedly just, as well as necessary. A promising step towards realizing this goal is excising PMCs from troop formations to preserve international cooperation with other state actors who labor to discern between mercenaries and the uniformed military (Chapman 2010, 1051). Perception remains a powerful element of strength and authority, and despite its best intentions, the state cannot maintain its legitimacy on any scale when its moral and strategic foundation appears lost.

As the U.S. continues its wartime participation, the corporatization of national defense and the privatization of conflict remain significant threats to American authority, particularly as it relates to the state's ability to project legitimacy amid growing international skepticism. Americans are rightfully concerned that this commercial battlefield allegiance trades as a commodity with public funds, thus entrusting the lives of others to those who might not otherwise have volunteered to provide service to the country. Similarly, this delegated authority diminishes the state's power for reasons that are purely economic or ideological, and in doing so, hampers its ability to provide citizens with the appropriate level of security. Maintaining the monopoly on force suggests that some measure of statism exists around the U.S. military, and providing order and safety through a centralized force structure constitutes an acceptable level command and control. The U.S. possesses the capacity to achieve great things in the modern world, but without the authority to carry out these deeds, as well as the requisite legitimacy needed to convince others of its virtue, the American government risks alienating those who genuinely need help.

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