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The Morality of Private War: The Challenge of Private Military and Security Companies

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only be achieved through unrestricted discussions with all the different viewpoints represented. Only in this way would the party's new adherents be able to overcome any bourgeois tendencies in it. During August 1890, Engels wrote several letters to, among others, Wilhelm Liebknecht, F.A. Sorge, and a student called Otto v. Boenigk in which he developed this point of view.

Finally, a main theme of the letters in this volume is Engels' work on the writings left behind by Marx, in particular the third volume of *Capital*. We also find references to other works by Engels, such as the fourth edition of the *Communist Manifesto*. Engels attached importance to new editions of some of his and Marx's shorter writings, as emerges clearly from his subsequent correspondence with Adler and F.A. Sorge. With Sorge, Engels frequently touched upon his reasons for acting as he did.

One of the strong points of this volume is the completeness of Engels' correspondence over this 14-month period. Such concentration allows us to gain an insight into the intensive endeavors on his part to find the appropriate way forward. It must be remembered that the labor movement was still in its early stages, as shown by the different political directions taken by the parties, which in some cases led to splits.

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James Pattison, *The Morality of Private War: The Challenge of Private Military and Security Companies* (Oxford: Oxford University Press, 2014)

In the past couple of decades the market for mercenaries has grown tremendously. So James Pattison's thorough investigation, analysis and evaluation of private military force in *The Morality of Private War* is welcome. During the first Gulf War (1990–91), there was approximately one contractor to every 100 soldiers. By 2008, during the second Gulf War, the ratio was more like 1:1. There were an estimated 163,000 Department of Defense contractors in Iraq by September 2008 and 117,000 in Afghanistan in March 2012 (2).

Given the massive expansion of the mercenary industry in recent years and accusations of involvement in massacres, abuse of detainees,

and association with a sex-slave scandal (147), awareness of their activities and examination of their legitimacy is long overdue. Pattison challenges theorists of Just War and international politics to address the problems associated with private contractors and mercenaries and to modify their positions accordingly. He presents his own, plausible, account of the legitimacy of different kinds of military force (all-volunteer, conscripted, public v. private), which he calls "the Cumulative Legitimacy Approach". The book is clearly written and will be of interest to anyone concerned with the moral issues surrounding war.

Pattison's perspective on war is a liberal cosmopolitan one but there is much in the book for socialists and Marxists to agree with and there is an abundance of useful information and stimulating arguments. He argues that most wars are unjust (62) and that public military force is preferable to private military force. He also, briefly, presents more general reasons to prefer public to private provision of services (in health, education and postal services [229–232]).[1]

Pattison looks at a number of problems with private military and security companies (PMSCs). Mercenary firms have been accused of violating basic human rights, as in the case of the Nisour Square incident, where Blackwater forces are accused of killing 17 unarmed civilians, including several women and children.[2] The firms act without fear of reprimand[3] – Paul Bremer's decree, Order 17, granted immunity to private contractors working in Iraq (30–32).

Private contractors often act independently of the states they work for. They may well be employed by a state other than their home state, and they exercise their own private judgement about whether to go to war (32–36). Moreover, private contractors are often criticised for being driven by mercenary motives (36–46).[4] Pattison argues that PMSCs are likely to be less effective than regular armies because: 1) they are not

1. There is an important disanalogy between services like healthcare and military force which Pattison does not comment on. Healthcare is unequivocally a good and the more we have of it the better, but armed forces, even regular, non-privatized, ones are not so clearly a good. The kind of force used by armies inevitably inflicts non-consensual harm on others and stands in need of justification in a way that health care does not.
2. For a detailed account of the incident see Jeremy Scahill, *Blackwater*, London: Serpent's Tail, 2007, 3–8.
3. New charges were brought in October 2013 against those accused of the Nisour Square massacre, but as yet no one has been prosecuted. Blackwater employees have also been accused of shooting the bodyguard of Iraq's Vice President (the accused was flown out of Iraq by Blackwater under Washington's instruction and his punishment was to have his security clearance revoked), shooting three guards at the Iraqi Media Network, and various other crimes. Scahill, *Blackwater*, 10–11.

sufficiently subject to democratic control; 2) they often treat their personnel poorly; and 3) they erode communal bonds. He also suggests that PMSCs are likely to undermine formal and informal constraints on war, deepen inequalities in access to security, and cause greater international instability.

The major weakness of Pattison's book is that although he talks about problems of inequality brought about by private military companies in terms of access to security he does not give sufficient weight to class inequalities within countries or to inequalities in power between states. There is very little sense that the analysis of war should take into account the system which forms the backdrop to the various wars. Capitalism is barely mentioned and imperialism is ignored. Hence the admittedly utopian character of the ideal that he puts forward.

Pattison's ideal is a global public monopoly on both the authorization and provision of military force. In practice this might take the form of a "cosmopolitan all-volunteer force" under the auspices of the United Nations (207–208). In this scenario there would be no private military companies and no state militaries. The structure of the UN would itself be reorganised so that its Security Council would be based not on five permanent members but instead on "democratically organized regional organizations" (208).

The problems with this proposal are suggested by the way the UN currently functions. The five permanent members of the Security Council each have veto power on decisions relating to the use of force and can exempt themselves and their allies from legal sanctions. You do not have to be a Marxist to recognise that this set-up is far from ideal. In her recent introduction to ethical considerations surrounding war, Helen Frowe argues:

> ... the structure and hierarchy of the UN make it unsuitable as a judge and jury capable of dishing out punishment. ... We usually require impartiality on the part of those who work in the legal system. ... We would not, for example, think it just to allow a judge to rule on a case in which he had a personal vested interest. But, at the moment, the UN does allow that a state can refuse to authorise uses of force in cases where such force might conflict with its own interests.[5]

4. Pattison distinguishes motives from intentions (somebody might be motivated by, say, money but nonetheless intend to do something good) but there remains the problem that mercenary motives might well skew the intentions of private contractors.
5. Helen Frowe, *The Ethics of War and Peace: An Introduction*. Abingdon: Routledge, 2011, 82.

The UN was set up in a way that enshrined the dominance of the major powers. They use the UN as a fig leaf if they can get its endorsement but they ignore it if it gets in their way (as in the case of Iraq). This suggests that the problem cannot be resolved simply by altering the structure of the UN, but must address the enormous inequalities in power between nations.

In addition to addressing power relations between nations we should also look to power relations within nations. It is naïve to suppose that when commentators speak of a nation's interests, they are giving equal value to the interests of each and every one of its citizens. The world's largest superpower, the US, is governed by politicians drawn disproportionately from the employer class and from wealthy backgrounds; more than half of the members of Congress are millionaires.[6] The fight for a more peaceful and just world is intimately connected to the fight for a more equal society.

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6. A. Katz, "Congress is now mostly a millionaires' club," *Time*, January 9, 2014.