The Moral Permissibility of Private Military and Security Companies

Mark R. Fries

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MARK R. FRIES

Abstract

The private military and security industry has had such a profound impact on modern warfare that it deserves closer attention. The real debate that this article seeks to contribute to is whether or not the use of private military and security companies (PMSCs) is ethical, how it affects our globalized societies, and why members of democratic societies in particular have a responsibility to engage with the moral issues that surround PMSCs. This article therefore aims to help establish moral limitations in regards to the use of PMSCs by employing a cumulative legitimacy approach. It also endeavors to demonstrate the effects that PMSCs may have on social structures, such as the possible emergence of neomedievalism, and explain, through the social connection model, why one has a moral responsibility to ensure that PMSCs are utilized in a just manner even if one is not blameworthy for their immoral actions. By understanding if and how PMSCs can be used ethically, one can begin to implement effective and responsible policies to regulate them.

Keywords: Private Military and Security Companies (PMSC), ethics, neomedievalism, social connection model, democracy, cumulative legitimacy approach.

The private military and security industry has had such a profound impact on modern warfare that it deserves closer attention. The real debate that this article seeks to contribute to is whether or not the use of private military and security companies (PMSCs) is ethical, how their use affects our globalized societies, and why members of these societies (democratic societies in particular) have a responsibility to engage with

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1 Complutense University of Madrid. Email: <mrfries51@gmail.com>.
the moral issues that surround PMSCs. This article therefore aims to help establish moral limitations regarding the use of PMSCs, demonstrate the effects that PMSCs may have on social structures, and explain why one has a moral responsibility to ensure that PMSCs are used in a just manner even if one is not blameworthy for their immoral actions. By understanding if and how PMSCs can be used ethically, one can begin to implement effective and responsible policies to regulate them.

States have become increasingly dependent on PMSCs for military assistance since the end of the Cold War. The use of hired soldiers was coupled with the free market agenda encouraged by the Reagan, Bush, and Clinton administrations of the United States government, which provided an optimal seedbed for PMSCs to thrive (Schill 2007, 29). Finally, it was 9/11 and the “War on Terror” that supplied the catalyst for PMSCs to grow into a multibillion-dollar industry. This was made particularly evident by the Iraq war, because during the country’s occupation in 2003 the Coalition forces were supported by the presence of around 20,000 PMSC employees (Cameron 2006, 573). However, this reliance on PMSCs is not limited to governments, as NGOs and private companies also feature among their clients. It has become so normal and acceptable for NGOs to use PMSCs that at least 41% of major humanitarian providers, whether the UN, the Red Cross, or other NGOs, in 2008 contracted armed protective services on one or more of their operations (Stoddard 2009, 2).

The legitimacy of force paradigm has changed, evolving from the state centric Westphalian system to neomedievalism, a non-state-centric multipolar international system. It is following the historical pattern that private soldiering increases when there is a surplus of soldiers, a demand for specialized military skills, and areas of weak governance (Singer 2003, 38). The outsourcing of lethal force to non-state actors reduces the amount of control wielded by states, and therefore which creates the need to define the moral limits of using PMSCs, as well as a new way of assigning moral responsibility when those limits are exceeded. In order to define those moral limits, the Cumulative

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2 See Bull quoted in McFate 2014, 165.
Legitimacy Approach (CLA) will be used. Once the moral limits have been established, the following section will discuss neomedievalism and how it is changing social structures. Finally, since PMSCs are transforming the current social structure into a neomedieval one, moral responsibility is becoming difficult to assign, and moral blame in the traditional sense of liability is no longer sufficient for dealing with the issue of PMSCs. The Social Connection Model of responsibility will therefore be proposed as a way of addressing the shortcomings of the liability model of responsibility in the context of PMSCs.

The Cumulative Legitimacy Approach

One way of assessing the moral concerns surrounding the use of PMSCs would be to take a categorical approach, which consists of an all-or-nothing principle. However, a categorical approach would be too rigid to adapt to the various scenarios in which PMSCs might be employed. Instead, a consequentialist approach will be advocated, specifically: The Cumulative Legitimacy Approach (CLA). According to James Pattison, when it comes to assessing the morality of military organizations and their actions, the CLA is superior to categorical approaches, as it allows for differing degrees of legitimacy. The CLA is scalar and cumulative: it determines moral legitimacy by matter of degree and the combination of military qualities. It also uses a type of moderate instrumentalism, meaning that the overall goal of the CLA is the effectiveness of promoting the enjoyment of human rights, but it also takes into account three non-instrumentalist factors: democratic control of the military, proper treatment of military personnel, and communal bonds (Pattison 2014, 73). The morality of PMSCs is analyzed in relation to several factors. However, while a categorical approach needs every factor to be fully satisfied, the advantage of the CLA is that these factors need only be satisfied to a sufficient degree. Thus, there is room for moral permissibility even without full moral justification.

The CLA theory also considers the overall effectiveness of military organizations in protecting and promoting human rights. It aims to promote “the basic enjoyment of human rights” (Pattison 2014, 74),
which are understood as those outlined in the Universal Declaration of Human Rights. For his theory, Pattison uses Henry Shue’s definition of basic rights as well, “notably the right to physical security (including the rights not to be subject to murder, rape, and torture) and the right to subsistence (including the rights to adequate food, clothing, and shelter)”\(^3\). These are the most morally urgent rights because they “protect individuals’ fundamental interests and welfare” (Pattison 2010, 19). Specific military intervention could therefore be deemed legitimate if a large number of individuals are protected from human rights violations. In other words, the CLA aims to judge whether a military power is morally permissible on an “all-things-considered” basis (Pattison 2014, 73).

He further defines the CLA by listing four factors and the extent to which they are satisfied in order for assessing the morality of military intervention:

“1. Likely effectiveness at fighting just wars and deterring unjust aggressors, which is the primary factor;

2. Democratic control over the use of military force;

3. Proper treatment of military personnel;

4. Effects on communal bonds.” (Pattison 2014, 115)

Thus, “a military does not need to possess all the morally relevant qualities. Rather, it needs to do so sufficiently well on the morally relevant qualities overall” (Pattison 2014, 73; emphasis his). However, this alone does not guarantee total moral legitimacy, only moral permissibility, as the other three factors (democratic control, the proper treatment of personnel, and the reinforcement of communal bonds) also carry moral significance.

According to Pattison, PMSCs can perform three different functions. Firstly, they can intervene directly; secondly, they can provide military support to another force (for example by carrying out special forces operations for the UN during a humanitarian intervention); and thirdly, they can provide support services to the intervening agent’s military units, including logistics, training, or intelligence gathering.

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\(^3\) See Shue quoted in Pattison 2010, 19.
(Pattison 2010, 7). To illustrate this component of overall benefit in moderate instrumentalism, Pattison gives the example of Executive Outcomes’ (a now defunct South African PMSC) proposal to intervene during the Rwandan genocide:

“Suppose, for example, if in the beginnings of the genocide in Rwanda, the international community had taken Executive Outcomes up on its offer of humanitarian intervention. Suppose further that this intervention would have been highly effective at saving thousands of lives, but Executive Outcomes would have been motivated by profit and could have violated some Rwandan citizens’ human rights. Given its effectiveness at tackling genocide, at saving tens of thousands of Tutsi lives, this intervention would have been justifiable overall, despite the problematic motivation and violation of principles of jus in bello. My (Pattison’s) point, then, is that, generally speaking, the central factor in the moral justifiability of an agent’s intervention is its effectiveness. It follows that, if a PMSC is highly effective in one of the three roles identified, its employment can be justifiable overall, despite other moral problems.” (Pattison 2010, 20)

In this example, one can see that there was an “extremely serious” humanitarian crisis and that Executive Outcomes seemed to have a high likelihood of success. In terms of the CLA, using a PMSC to protect thousands of lives would have been morally correct, all things considered.

A more recent example of using a PMSC to protect against human rights violations occurred in 2015 when the president of Nigeria at the time, Goodluck Johnathan, hired STTEP, a PMSC based in Gibraltar. They were hired to train and support an elite strike group for Nigeria’s military in order to deal with the threat of Boko Haram. STTEP was able to help turn the Nigerian government’s campaign against Boko Haram around, and freed “hundreds of girls and women…who were used by Boko Haram as slaves and bush wives” (Freeman 2015). In this case a PMSC was able to protect basic human rights when the national government was unable to.
Therefore, with regards to the first factor of the CLA, fighting just wars and deterring unjust aggressors, those in favor of PMSCs claim that PMSCs are a more efficient and cost-effective alternative to government military (Prince 2013, 91). Although the aforementioned example demonstrates how PMSCs can be effective, the actual effectiveness of PMSCs is not truly known given their secretive nature, and judging their effectiveness impartially is a difficult task. Unlike soldiers in a state military, PMSC employees are not compelled by forms of coercion, such as being arrested or executed. If they abandon their contractual objective, they merely lose the contract and the payment they would have received. They are also not necessarily driven by non-coercive ideas, such as a duty to one’s country. Pattison claims that although PMSCs will not necessarily refuse to fulfill their contractual obligations, they are more likely to do so than a state military (Pattison 2014, 91). Along with the ability to decline work, they also experience effectiveness problems during their operations. Since these companies are often composed of employees that have never worked together before, cohesion and cooperation can be difficult to establish, which could jeopardize accomplishing the mission objective (Pattison 2014, 87).

Furthermore, PMSCs have a serious public image problem. They are often seen as mercenaries and their motives are therefore constantly called into question; they are not expected to fight for just causes. Trust is therefore an issue for effectiveness, especially if they are considered to be aggressive marauders by the people they are hired to protect (87). To further complicate the situation, distinct PMSCs may not wish to cooperate with each other if they are competitors in the same market. They may therefore retain information for fear of giving another company a marketplace advantage (87). All of these above elements can limit a PMSC’s effectiveness to fight just wars and protect against unjust ones.

The second factor considered by the CLA is democratic control, which is “in almost all cases, also a necessary condition and a significant determinant of the legitimacy of the military” (80). This is because it protects the polity from abuses such as an over-allocation of resources or using military solutions over diplomatic ones more frequently. Similarly, if military actions (public or private) are not controlled democratically, it “denies citizens an equal input into the morally significant decisions of
their polity, such as the decisions to go to war” (80). This refers to a congressional or parliamentary body of government that has control over the military. For example, in accordance with the War Powers Resolution, for the U.S. to go to war, Congress must issue a declaration of war (U.S. Congress 1973). PMSCs, however, allow for these kinds of democratic checks to be circumvented because their employees are classed as civilians and not members of the armed forces, so they are not bound by the same laws.

PMSCs also provide a way for governments to avoid negative public opinions. During the Kosovo War, the American public was not particularly interested in fighting in Kosovo, so it would have been political suicide for the U.S. to deploy the National Guard. Thus, a company then known as Brown and Root (now KBR, Kellogg, Brown and Root) was hired (Singer 2003, 6). Although the result of using Brown and Root in Kosovo was positive and the humanitarian crisis there was avoided, they were also used to avoid public scrutiny and democratic control. Governments can also use PMSCs for covert operations, such as Blackwater and the Caspian Sea Pipeline (Scahill 2007, 167), because they can be hired without congressional or public approval and any deaths that occur are often not mentioned in newspapers or other forms of public media (Pattison 2014, 102). The issue of secrecy is exacerbated by the fact that PMSCs are not transparent about their business practices,

“although a number of firms, Sandline and MPRI for example, are eager to triumph their martial aspects, many others do not openly identify themselves as military players. Some, such as Vinnell or Booz Allen are relatively hidden as divisions within larger corporate structures.” (Singer 2003, 73)

As mentioned above, PMSCs compete with each other and might be reluctant to make public any sort of operational information that could give a rival company an advantage. Another issue in this sense is that a PMSC might be under constraints from its employer. For example, Erik Prince claims that Blackwater was prevented from speaking publicly about its operations involving the U.S. State Department:
“Rather than allowing us to defend ourselves under proper official parameters, as we requested numerous times, [the U.S. State Department] threatened to terminate the contract if we did anything to halt the repeated slams by ill-informed talking heads.” (Prince 2013, 167)

Prince’s book *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terror* also contains a publisher’s note that states: “prior to the publication of *Civilian Warriors*, Erik Prince submitted the manuscript to the Central Intelligence Agency for review, honoring the confidentiality agreement he had signed when hired by the agency” (IX). Due to this review by the CIA, parts of the book were removed because they were considered classified. Therefore, at times even if a PMSCs would like to publicly release information, it may be prevented from doing so by its employer. These restrictions on information about the workings of PMSCs reduce the public’s knowledge of the circumstances and limit democratic control over them.

PMSCs also bear importance in terms of democratic control because they have great lobbying power, which provides lawmakers with an alternative incentive for action other than the will of the people. For instance, “the former UK Foreign Minister and Conservative Party leadership candidate, Malcolm Rifkind, was Chairman of ArmorGroup4. KBR, which won a major LOGCAP contract in 2002, was until recently owned by Halliburton, whose CEO from 1995 to 2000 was Dick Cheney” (Pattison 2014, 102). Blackwater too was involved in lobbying with the Alexander Strategy Group (Scahill 2007, 147). In addition, to these issues with PMSCs and democratic control, PMSCs may not promote a “socialization in democratic values, which can be a key mechanism for ensuring the armed forces’ subjugation to the polity” (Pattison 2014, 103). Keeping the military convinced that democratic values are essential will prevent the military from distancing itself from the public and increasing the “civil-military gap” (100).

The third factor of the CLA is concerned with protecting the wellbeing of PMSC personnel. However, given the way the CLA weighs

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4 ArmorGroup is now a part of G4S.
each factor differently, this third factor is of less importance than the previous two. To demonstrate, if a PMSC effectively protects civilians from serious human rights violations, such as genocide, but in doing so harms the wellbeing of its own personnel, for example by not providing adequate living standards, its actions cannot be considered fully morally justifiable. The PMSC would nevertheless acquire a certain degree of moral legitimacy overall, as genocide has been prevented, satisfying the first and most important factor.

This is, however, still cause for concern because PMSCs are profit maximizing entities that often look for ways to cut costs.

“There are incentives and opportunities for PMSCs (and subcontractors) …to mislead and to cover up the roles and risks of a contract so that contractors agree to take on what is a financially lucrative contract for the firm.” (107)

In other words, PMSCs have an incentive to deceive their employees. One example of this is Blackwater’s employment of Colombians to work in Iraq. According to the Colombian magazine *Semana*, which interviewed ex-Colombian soldiers who had worked for Blackwater in 2006, Blackwater was rumored to be paying between 6,000 and 7,000 U.S. dollars a month. However, these rumors turned out to be false and the figure was, once they arrived in Iraq, 1,000 dollars a month. Their plane tickets home were taken from them and they were informed by Blackwater that if they wanted to go home, they had to pay for it themselves. Moreover, if they refused to work they would be put on the street (Scahill 2007, 202-206). This appears to be common practice among PMSCs: according to the American Civil Liberties Union (ACLU), “many [third-country nationals] who secure employment upon arrival in Iraq or Afghanistan often discover that the jobs pay substantially less than advertised. While recruiters regularly promise TCNs salaries between $1,000-3,000 per month, many workers receive only $150-500 per month”⁶.

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⁶ American Civil Liberties Union 2012, 25.
The final factor the CLA takes into account is the impact on communal bonds, since “[a] military that helps to reinforce communal bonds gains in legitimacy. For instance, if citizens are willing to defend their state, it can develop affinity within the community” (Pattison 2014, 83). This factor of communal bonds is important, for instance, in humanitarian intervention involving PMSCs. When attempting to instill peace, if the PMSC involved is not able to build communal bonds, the security will only last, at best, until it leaves. If a country hires a PMSC to defend against an aggressor or enforce the rule of law, it might not produce a bond between the citizens. Imagine that Group A is the ruling class in a country and hires a PMSC. The PMSC is given sweeping enforcement powers and impunity of actions taken in order to police groups B and C. Groups B and C might develop animosity towards not only the PMSC, but also the ruling Group A, thus creating a destabilizing hostility in the state. It is therefore important for the PMSC to promote community bonds. Despite all these potential issues, PMSCs may still be effective in promoting basic human rights (Pattison 2014, 89). Even though it is the lowest ranked factor, it is still morally significant. Not every PMSC will suffer from all of the aforementioned problems all the time. A few of these ailments may affect some PMSCs some of the time, but they might still be effective elements in a just war.

The CLA therefore takes a different approach to other, more categorical theories. It implements an instrumentalist approach and places cumulative moral weight on the four designated factors of just war, democratic control, proper treatment of personnel, and the promotion of community cohesion. According to the CLA, the use of PMSCs is permissible in situations where there is an extremely serious risk of humanitarian crisis, especially if these companies are likely to help ensure a positive outcome. Now, if one accepts the CLA designation of PMSC moral permissibility, there are consequences that must be addressed: neomedievalism and the need for a moral responsibility model.

Neomedievalism

Private soldiering has been the norm throughout history. It was only after the Thirty Years War, in 1648, that the Treaty of Westphalia was
signed, creating the beginning of the sovereign state system that still exists today. Private soldiering continued to exist outside this new state system in the form of charter trading companies, which controlled great expanses of territory and wealth during the colonial period. This dual existence of state and private soldiering ceased in the 19th century with the rise of Napoleon. The Napoleonic wars saw the success of the citizen-soldier and pushed private soldiers underground.

During the 20th century, warfare was carried out almost entirely by standing citizen armies, as opposed to private soldiers. The century’s major wars were fought between large national armies in total warfare, but the end of the Cold War saw a change in the paradigm. Large total war scenarios transformed into much more specialized combat situations and this decreased the need for such large armies. Specialization and the large amounts of money being spent on PMSCs during the Iraq and Afghan wars gave rise to the modern private military industry.

In the previous section it was established that the use of PMSCs can be morally permissible according to the CLA. Nevertheless, the moral permissibility of using PMSCs brings with it the issue of neomedievalism. Using PMSCs has, and will continue to have, profound effects on international and domestic relations. The rise of PMSCs is changing how the world works, how states go to war, how the use of force is legitimized, and how international relations are conducted. In this new world order, both state and non-state actors have access to military-level force, which reduces the influence of the Westphalian order, the idea of strong state sovereignty where only states have influence on both domestic and international affairs. This new situation known as neomedievalism is “a non-state-centric and multipolar world order characterized by overlapping authorities and allegiances. It is a metaphor for a global phenomenon and is not intended to be Eurocentric. Nor does it imply worldwide atavism” (McFate 2014, 165).

In order to legitimize his claim that the world order is moving to a neomedieval system, McFate applies Hedley Bull’s test for neomedievalism. There are five criteria for this test: “the technological unification of the world, the regional integration of states, the rise of transnational
organizations, the disintegration of states, and the restoration of private international violence”\(^\text{7}\). It would seem that our current world already meets these requirements: it is unified through the internet, regions of the world cooperate through organizations such as the European Union (EU), the African Union (AU), the Economic Community of West African States (ECOWAS), Mercosur (Southern Common Market) in South America, the Association of Southeast Asian Nations (ASEAN), and the North Atlantic Treaty Organization (NATO). There are also transnational organizations, such as NGOs or multinational corporations. Other transnational organizations, such as the ICC and the UN, can be seen as transnational moral authorities. Akin to the medieval church’s authority over the moral lives of people in Europe, the ICC and international law produce overlapping authorities within a given territory (McFate 2014, 75). There are also weak and troubled states such as Libya, Somalia, and Syria; and finally, the restoration of private international violence can be clearly seen in the use of PMSCs.

The twentieth century marked the pinnacle of the Westphalian world order. It saw two world wars in which nation-states fought against each other, and complete control of internal domestic affairs held by states during the Cold War. For most of the twentieth century, nation-states dominated international relations and the world order. However, since the end of the Cold War, many non-state actors have gained power and influence within the realm of international relations and domestic affairs, such as the UN, NGOs, multinational companies, and even drug cartels and terrorist organizations. Their willingness, and sometimes need, to hire PMSCs is changing how the use of force is legitimized, as states no longer have a monopoly on the use of force. Examples of neomedieval warfare can be seen in the war in the Balkans, the Sunni and Shia conflict in Iraq, the Taliban in Afghanistan, the genocide in Darfur, conflicts in the Congo, wars in West Africa, the civil war in Syria, and the drug wars in Latin America (94).

The power of non-state actors to create and enforce international laws that supersede the domestic laws of nation-states could potentially

\(^{7}\) See Bull quoted in McFate 2014, 75.
derive from using PMSCs. This is especially true when coupled with the Responsibility to Protect (R2P) principle, which weakens state sovereignty with the idea that the international community has the right to violate state sovereignty in order to protect against human rights violations such as genocide, war crimes, and ethnic cleansing (UN 2009). Once again, one can use the example of the Rwandan Genocide:

“Executive Outcomes approached then [United Nations Department of Peacekeeping Operations] chief Kofi Annan and offered to help contain the violence as the United Nations generated a competent peacekeeping force, which normally requires several months.” (McFate 2014, 38)

The UN turned the offer down, even though it was the cheapest option and could have saved thousands of lives (Singer 2003, 185).

In regards to PMSCs, there is still no strong legal framework, as they are hard to class as civilians or mercenaries, “[…] further blurring the Westphalian distinction between combatant and civilian and that between war and peace” (McFate 2014, 95). A good example of this confusion would be the Nisour Square Massacre, which occurred on September 16, 2007 when Blackwater employees killed 17 Iraqi civilians at Nisour Square in Baghdad, and the long and complex legal battle that followed (Apuzzo 2014). The current situation is marred by a lack of legally binding coherent treaties, agreements or laws that could help produce a more ethical industry in the sense of liability, finding guilt or blameworthiness. The Montreux Document and International Code of Conduct for Private Security Service Providers expect PMSCs to self-regulate, but this produces a legal gray area that makes it difficult to genuinely hold PMSCs responsible for their actions. The major legal issue is that PMSCs are difficult to define in legal terms as they are not exactly mercenaries, yet they are also not really civilians. Article 47 “Mercenaries” of the 1977 addition to Protocol I of the Geneva Convention. This article opens with a definition of what a mercenary is:

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“A mercenary is any person who:

a) is specially recruited locally or abroad in order to fight in an armed conflict;

b) does, in fact, take a direct part in the hostilities;

c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;

e) is not a member of the armed forces of a Party to the conflict; and

f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.” (International Committee of the Red Cross, 1977)

According to Article 47, an individual must meet all six requirements in order to be considered a mercenary. PMSCs are able to take advantage of the oversights in this treaty by arguing that their employees do not meet this definition and are therefore not mercenaries. Due to this legal ambiguity, PMSCs often manage to avoid prosecution for crimes they are accused of committing.

The Westphalian order, which has come to dominate international relations during the last three centuries, is currently being challenged. The rise of PMSCs is reinstating the historical norm of using private soldiers to fight wars. As a result, non-state actors such as the UN, NGOs, multinational corporations, and even drug cartels or wealthy individuals are able to exert greater influence on the international arena, which in turn dilutes state power and creates new social structures. This article promotes the CLA as a way to create an ethical and legal structure for PMSCs to operate. But with that, neomedievalism then raises one question in particular: How can moral responsibility be assigned if what is creating an injustice is not any moral agent in particular but a social structure itself?
Social Connection Model

It is difficult to say whether or not neomedievalism will be better or worse than the Westphalian order, but it will certainly be different. The power structures that a neomedieval world creates are challenges to the traditional liability model of assigning responsibility, which according to Iris Marion Young is mostly retrospective and seeks to identify those who should be sanctioned, punished, pay compensation, or redress (Young 2011, 98). In other words, this model is used to find guilt or fault for any harm caused. This model functions well in specific cases of moral wrongdoing, such as the Nisour Square Massacre. However, PMSCs call into question this direct blame-finding liability model, because of the interconnectedness of a globalized world, which produces a structure where if one participates in a government, NGO, or private company, one supports a system that allows PMSCs to operate without moral constraints, and although one may not be morally blameworthy, one may still be morally responsible. The CLA establishes moral permissibility, albeit not full moral justification. However, neomedievalism begs another moral question: Why then is one morally responsible if not morally blameworthy?

The distinction between moral blame and responsibility is between one’s action and one’s participation in a social structure. For example, one may buy a new shirt because they need one; there is nothing immoral about this action. There is no reason to assign moral blame to this moral agent. However, if this moral agent is participating in a social structure where slave labor is used to produce shirts, this agent may not be morally blameworthy for the slavery, he/she is morally responsible for changing the social structure that allows for slavery to happen.

To deal with the issue of moral responsibility of structural injustices, as opposed to seeking liability for a given action, Young provides a future-oriented way of perceiving responsibilities that takes into consideration an individual’s role in the structure of society: The Social Connection Model. She argues that a teacher, for example, has certain responsibilities due to their social status and these responsibilities differ from those of other citizens with different roles, such as a doctor. Thus, each person shares moral responsibility even if
they have different capacities to contribute to correcting structural injustices. Our responsibility therefore derives from our connectedness, “from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects” (105). She also asserts that “all who dwell within the structures must take responsibility for remedying injustices they cause, though none is specifically liable for the harm in a legal sense” (105). Consequently, although an individual may not be legally responsible or liable for a structural injustice, they have a responsibility to right it.

According to the Social Connection Model, individuals bear responsibility if they “participate in the structural processes that have unjust outcomes. These processes are ongoing and ought to be transformed so that they are less unjust” (110). Young argues that if the actions of one group harm another group and no specific individual is to blame, the responsibility must be shared. Even if the actions themselves are legally and/or morally acceptable, there exists the responsibility to change the community’s structure to make it more just. Note that shared responsibility is not the same as collective responsibility:

“A collective of persons…might be said to be responsible for a state of affairs without any of its constituent individuals being determinately responsible for it. Shared responsibility…is a personal responsibility for outcomes or the risks of harmful outcomes, produced by a group of persons.” (Young 2010, 111)

Given the globalized world we inhabit, with social systems in which multiple people affect and are affected by each other, it stands to reason that the Social Connection Model can be applied on an international scale. Young supports this notion by asserting that “many injustices in today’s world result from structural social processes that are potentially global in scope” (123). The fact that often only a few people can be held accountable for certain acts does not excuse the general public for not acting to change the global structures that allow these injustices to occur. In line with the Social Connection Model, belonging to the global community therefore makes every one of us responsible for
global problems such as climate change or the impact of the textile and food industries on people’s lives. Young gives the example of sweatshops to argue that the Social Connection Model should apply across borders to raise awareness of the tragic working conditions some employees are forced to endure in certain parts of the world (normally in poorer countries) where many brands of clothing are made (to be sold in richer countries). According to Young, if people knew that they were in some way responsible for the existence of these sweatshops, they would become activists and fight for better working conditions in the textile industry (Young 2011, 125). However, this is not the case. Young emphasizes that ordinary people cannot see how consumers and retailers are responsible for the working conditions in a factory thousands of miles away in a different country: “If people producing the clothing we market and buy must labor under inhumane conditions, they say, this has nothing to do with us.” (126)

Similarly, ordinary people knowingly or unknowingly buy from companies that hire PMSCs, they donate to NGOs that hire them, and they even vote for politicians and governments that hire them. PMSCs play an increasingly important role in our global society and are becoming part of the global structural fabric. Due to this global structural context and the continuing development of the private military industry, Young’s Social Connection Model is effective for analyzing PMSCs and the responsibility borne by individuals and organizations linked to them, looking beyond their personnel and the people that contract them. Actually, the fact that the general public, especially in democratic states, buys from, votes for, and donates to institutions that hire PMSCs (albeit without the intention of funding military operations) demonstrates how useful this model is in analyzing them; its underlying concept of shared responsibility on a global scale makes sense with relation to PMSCs as they operate across the globe, allowing individuals on one continent to have an impact on the lives of those living on a different one.

PMSCs have a profound effect on how war, business, and even humanitarian aid are managed, especially in less developed countries where they are particularly active. Their personnel might be stationed on ships to protect them from pirates, they might guard oil pipelines and mines, they
might protect private businesses or an NGO administering humanitarian aid in volatile regions of the world, while their contractor might be located thousands of miles away. As seen in Iraq and Afghanistan, the U.S. State Department hired PMSCs to protect politicians. The State Department receives funding from the US government, which is voted for by the American citizens. Clearly, then, PMSCs affect global human interaction and every person in the world, and as a result we all have a shared responsibility regarding their use, even if we are not directly involved in or liable for their actions. It is therefore important to make people aware of the presence of PMSCs and the consequences of contracting their services.

The Social Connection Model applies well to PMSCs because of its forward-looking aspect. In this regard, Young seeks to “assign responsibility for structural social injustice that has existed recently, is ongoing, and is likely to persist unless social processes change” (Young 2011, 109). The private military industry is a fairly recent phenomenon but one that is growing rapidly. Similar to sweatshops, its effects are felt most deeply in poor and unstable countries, while richer countries provide the funding and maintain the status quo. To give a specific example: whenever an American citizen buys a product, donates to an NGO, or votes, they are supporting institutions that contract PMSCs. Consequently, the private military industry will continue to exist for the foreseeable future, funded by ordinary people on one side of the planet and affecting the lives of those on the other side. Due to the continued existence of PMSCs, the social connection model adds to the liability model by helping one understand their role in the structural injustices.

This section looked at the Liability Model and Young’s Social Connection Model. While the former merely seeks to assign blame to the individual that performs an action, the latter promotes the notion of shared responsibility and claims that all members of society are responsible for structural injustices that exist within it. As PMSCs also form a part of our society, affecting everything from business practices to humanitarian aid, transforming structures of responsibility into a neomedieval form. Therefore, every individual shares responsibility for a PMSC’s actions and for ensuring that the PMSC are used in an ethical way in this neomedieval structure. In our global society, we all have the shared responsibility to alter the current situation and change the way
the private military industry operates. In doing so, we can make PMSCs and society as a whole more just and moral by reflecting on the forward-looking aspect of the Social Connection Model.

Conclusion

The use of PMSCs has been increasing dramatically, and they are now a significant element in international affairs. The aim of this article has been to discuss the moral permissibility of private military companies and the moral responsibility of their use. First, it was suggested that using PMSCs could be morally permissible, even if not fully justifiable, by using the CLA. Second, it was shown that since PMSCs are permissible, their use contributes to undermining the Westphalian order and contributing to the development of neomedievalism. And third, that this neomedieval structure creates the need for a more comprehensive model of moral responsibility than the traditional liability model, one that takes into account one’s participation in a social structure that produces injustices, such as the Social Connection Model.

The Cumulative Legitimacy Approach looks at the consequences of PMSCs overall and requires them to reach an adequate degree of legitimacy, meaning that, according to this approach, a military (private or public) does not need to satisfy every morally relevant quality fully. The CLA’s assessment of legitimacy is scalar and cumulative, based on four factors: the likely effectiveness at fighting just wars and deterring unjust aggressors, democratic control over the use of military force, proper treatment of military personnel, and effects on communal bonds (Pattison 2014, 115). It is important to remember that these four factors are not of equal moral weight. The likely effectiveness of promoting human rights (fighting just was and deterring unjust aggressors) is the key, “overall determination of the legitimacy of the military” (74). For example, if a PMSC does not treat its personnel well, but it is extremely effective at stopping mass human rights violations, this company can be considered morally permissible. Ultimately, the CLA allows for the use of PMSCs in a limited spectrum, essentially in circumstances where they would be the most effective way to protect people from grievous human rights violations such as genocide.
If PMSCs have the potential to transform the global order into neomedievalism, as McFate suggests, then it will be imperative to ensure that this multipolar structure is just. The current model of moral responsibility, the liability model, is not sufficient in handling the profound structural change that could be produced. PMSCs play a fundamental role in supporting the power structure of a neomedieval world order, and it is therefore important for all those who participate in this global structure to understand their interconnectedness and why they should make sure PMSCs are used ethically.

The Social Connection Model was suggested for this purpose because of its forward-looking advocation of shared responsibility. It also states that when there is an injustice, it may not be the fault of any particular person or group, which differentiates shared responsibility from the liability model. The Social Connection Model promotes a society that sets up a structure in which the culmination of innocent actions cannot produce an unjust outcome. As PMSCs are a part of a global structure, it makes sense to assess one’s responsibility towards them by using this model. PMSCs are a new element and most people cannot be considered responsible for PMSCs under the liability model, which means that the majority of people ignore them. However, according to the Social Connection Model, it is the shared responsibility of everybody who participates in the global social structure to make sure that the use of PMSCs is moral.

Private military companies can have an impact on a plethora of other topics that concern ethics. With their ability to use force, they can alter power dynamics and social structures, potentially influencing not only how war is fought but how trade and diplomacy are performed as well. However, despite all the reasons to doubt the morality of PMSCs, they may have an ethical role in our global society, by being more ready and willing to protect, or help protect people from grievous human rights violations. The morally permissible stance to PMSCs suggested in this article is an instrumental one, based on the CLA coupled with the Social Connection Model of responsibility. These two perspectives provide a way of looking at the moral issue of PMSCs and the neomedieval social structure that they create. It provides a direction in which one can go to promote the most ethical use of PMSCs, all things considered.
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