

Is Investing in Private Security Better than Investing in National Security?

Written by Jack Buckley

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Is Investing in Private Security Better for Citizens than Investing in National Security?

There are two approaches that focus on two very different responses as to whether investing in private security or investing in national security is better for citizens. The first of these two perspectives is a political economic one that focuses on the liberalisation of the international economy and the commodification of certain aspects of security. The process loosely defined as globalisation has seen market forces remove barriers to trade and financial transactions throughout the world that have, in turn, seen the outsourcing of certain security functions to the free market in which the state is now a consumer (Krahmann 2008, 381). The second perspective focuses on deontological ethics, that is, the morality of an act based on adherence to a rule or set of rules. This ethic is represented by the classical realism of Hobbes and the contractarian organisation of national security, which according to Hobbes, forms the basis of the social contract between the state and the individual and is a central organising principle of society. In particular, it is claimed that the state can legitimately ask for anything from its citizens except for sacrificing their own life in exchange for the security that the state provides (Ullman 1983, 130).

The central claim made here is that it is the presence of a deontological ethic which consists of “good laws” – the regulation of the private security industry and “good reputations” – provides the necessary legitimacy for the use of violence by PSCs for the betterment of citizens.^[1] Legitimacy in the use of force reinforces a deontological ethic because of Hurrell’s (2005, 16) characterisation of legitimacy as “a particular kind of rule-following or obedience, distinguishable from purely self-interested or instrumental behaviour on the one hand, and from straightforward imposed or coercive rule on the other.” As such, no longer considering national security to be a public good poses an ethical challenge to the existing deontology that is outlined in Just War Theory. Global market forces have led to the commodification of security and investing in national security when private security alternatives are procurable in a globalised market appears to be an economically rational option. Investigating the complex dyad between the Just War deontology, characterised by the traditional contractarian organisation of society, and globalisation reveals that establishing government regulations within the private security industry and the presence of free market forces obligates PSCs to commit to the deontological security ethic outlined in a reformulated Just War Theory. This analysis proceeds by first investigating why security is no longer a public good, albeit with certain ethical caveats such as the state retaining the exclusive right to engage in combat under existing international law. Following this is an investigation of the ethical trade-offs in considering security as a private good because it poses ethical challenges for the use of violence, particularly in terms of the lack of public accountability currently experienced by PSCs and their impunity that is exploited by governments when these governments are unable to legitimately use violence. This analysis then illustrates how a reformulated Just War Theory that incorporates both “good laws” and “good reputations” is necessary for national governments to legitimately investment in private security as an option that is just as good an option for citizens as investing in national security.

Why Security is No Longer a Public Good

There is a need to compare traditional understandings of security with new interpretations of security that consider market forces and its influence on the use of violence. To do this, the contractarian organisation of security as

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proposed by Hobbes is compared with the neoliberal economic view of no longer considering security a public good with the arguable exception of the state monopoly on combat. Jones (2001, 665) defines a public good as a good or service that is non-rivalled in consumption (i.e. more than one individual can consume the same unit of that good or service) and that it is non-excludable (i.e. once that good or service is produced it is readily available to all, not just those who pay for it). Miller (2001, 14) is of the opinion that competing explanations of war and peace should be open to a multiplicity of causal factors – theories and explanations that logically and empirically affect security. As such, security is one of the fields of international relations that has not been immune to the seismic shifts brought about by processes of economic interdependence and globalisation and a critical assessment of traditional and contemporary understandings of security is necessary.

The contractarian organisation of society favoured by Hobbes is the basis for the traditional approach to security that has until recently provided the conceptual basis of security as that of a social contract between the state and the individual. Hobbes (2002, ch. 14) explains the nature of the social contract as an individual relinquishing their individual right to liberty for their collective defence among fellow citizens and enjoying the security that ensues. Hobbes (2002, ch. 21) proceeds to explain the nature of this contract when asserting “the obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to protect them.” This contract is responsible for establishing the predominance of the state as the key actor in security studies and the predominance of Westphalian sovereignty as a guiding principle in relations among states.

Hobbes’ contractarian organisation of society has played a critical role in the study of security; however, this orthodoxy is challenged by the increasing economic interdependence of the modern era brought about by globalisation. In a globalising world, the state has a strong incentive to provide for the security of itself as a whole and its strategic priorities as per classical realism, but is increasingly less inclined to protect its subjects’ lives, property and liberty (Hummel 1990, 140). One explanation for this, and one most relevant to this analysis, is that market forces challenge the contractarian way of viewing the use of force as the primary, most pressing reason why society disavows the right of ordinary citizens to use violence, except in very narrowly defined circumstances (Coady 2008, 44; Singer 2003, 7). Accordingly, security is now procurable on the open market and as Jones (2001, 1016) contends, national defence was a public good neither provided nor procurable in the free market until the occurrence of PSCs. There are both benefits and consequences in no longer considering the provision of security as a public good because of this development.

One such benefit is the cost of maintaining national security and overcoming the free rider problem that is associated with public goods. Krahmman (2008, 386) asserts that public goods theory conceives of national security as an inherently private good because of its excludability and competitiveness. The security that PSCs can provide is potentially excluded to the protection of only one town among many by an intervening military force in a besieged African state, or at the national and international level as national security can be applied to a national citizenry or the members of an international alliance, for instance. The free-rider problem, as it is known, is one reason for the proliferation of PSCs. For example, every multilateral peace operation conducted by the UN in the 1990s was embarked upon with the assistance of private security companies (Avant 2004, 155). Again, the US Defense Department entered into more than 3000 separate contracts with US-based PSCs in the period 1994-2002 that totalled over \$300 billion (Singer 2003, 15).

On the other hand, one consequence is seen in Krahmman’s (2008, 389) claim that “private security suppliers can be expected to promote individual over collective values.” Whereas collective security provision by the state is based on inclusiveness and equality, the marketplace promotes individuality and difference (Krahmman 2008, 389). However, this point is not exclusive to the globalised era. The interests of the community have been inextricably linked to the interests of the individual in cases of total war in the pre-globalised era as well, although the overlap has not always been as obvious since the proliferation of PSCs (Van Creveld 1991, 187). It can therefore be inferred that the commodification of security is likely to shift the focus of security from the collective to the individual level which ultimately challenges the traditional contractarian organisation of security seen in Hobbes.

The political economic explanation for this shift is characterised by the processes of economic liberalisation and globalisation that have allowed PSCs to flourish in the post-Cold War era. A core element of globalisation is the

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opening of previously government controlled industries to the open market, known as either privatisation or deregulation, as a means of reducing the swelling budgetary burdens shouldered by state governments (Megginson and Netter 2001, 321). This has a significant impact of PSC's operation in the modern international system because, according to Wulf (2008, 191), privatisation "includes delegating state authority in exercising the monopoly of violence."^[2] The excludable nature of security as a private good overcomes the free-rider problem as explained above. For example, the co-founder of PSC *Blackwater* heavily supported privatisation because he saw the deregulation of national security as benefiting the state just as it had done in other industries: "Our [*Blackwater's*] corporate goal is to do for the national security apparatus what FedEx did to the postal service" (Scahill 2007, 439). Public goods theory, which once called for the provision of national security by the state, has been superseded by free market forces which avoid the costs associated with its provision in a globalised world.

It is important that a political economic reconceptualisation of security does not neglect the deontological security ethic that has been established in Just War Theory. Political economists are cognisant of this development with Krahnemann (2008, 380) understanding "the privatization of security as merely a change of supplier that affects neither the nature of the 'good' security nor the state monopoly on violence". Also wary, Wulf insists that:

"the nation-state can no longer effectively exercise the monopoly of force in such a changed environment.... A system beyond the nation-state with overlapping authorities entitled to exercise the monopoly of violence is required" (Wulf 2008, 200).

The following analysis of the ethical challenges in investing in private security rather than national security in accordance with Just War Theory demonstrates that private security is only better for citizens when both "good rules and good reputations" exist.

Ethical Challenges for the Use of Violence in a Globalised World

The ethical challenges of engaging PSCs in a globalised world is the accountability required for the legitimate use of violence. The absence of legitimacy when using violence is a major ethical concern that challenges the basis of Just War Theory. As such, this section of analysis focuses on the lack of public accountability and oversight that is currently enjoyed by PSCs and the PSC impunity that is exploited by governments in order to increase their security policy latitude.

Firstly, the accountability and oversight of PSCs in a globalised economy is directly opposed to the deontology of Hobbes' contractarian organisation of security. PSCs are not dependent on the state for their existence because globalisation has reduced the state monopoly on violence as per the previous analysis of public goods theory. PSCs can now engage more than just one state or non-state actor when using violence for its own corporate goals (Wolfendale 2008, 222). Reducing this state monopoly is brought about by market forces such as privatisation, which according to Wulf, "includes delegating state authority in exercising the monopoly of violence" (Wulf 2008, 191). However, as Singer rightly points out:

"if a state cannot provide security and protection for its citizens, and no other public party is willing to help, then it seems hypocritical to say that private options must be forsworn absolutely" (Singer 2003, 216).

An example of this hypocrisy is "Operation Contravene" that was undertaken by *Sandline International* in Papua New Guinea (PNG). By way of simplified explanation, an unsuccessful attempt by the PNG government to repress a violent uprising in the province of Bougainville led to its engaging *Sandline International* (a PSC established and managed by former British soldier Tim Spicer) to carry out the offensive due to a lack of financial support at home and international political support abroad (Singer 2003, 192). Singer (2003, 191) sees *Sandline International's* activity as indicative of how deeply PSCs influence the deontological ethic of the use of violence and the balance in civil-military relations. *Sandline International's* exploitation of the unstable political situation in PNG challenges the legitimacy of the deontological security ethic when using violence which has served to undermine the PNG government's capacity to engage in the use of violence. When a state loses its monopoly on the use of violence this seriously threatens the legitimacy of the use of violence by PSCs.

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Secondly, the foreign policy latitude afforded to states that engage PSCs to overcome the normative restrictions of the contractarian organisation of security removes the ethical legitimacy that is expected of the state in line with traditional security understandings. Singer (2003, 209) claims that “PMFs give policy makers new latitude in when, how, and where military force is introduced.” This enhanced policy latitude confirms what was illustrated in the example of Operation Contravene where the PNG government was unable to garner the necessary domestic political support to engage in the suppression of the Bougainville rebellion so instead decided to engage the services of *Sandline International* outside the domestic political process. As such, when a government engages a PSC it is often a sign that the national military has failed to execute its own security responsibilities in the first place (Singer 2003, 197). This failure challenges Hobbes’ contractarian organisation of national security that restricts the policy latitude of the government by imposing a deontological ethic as individuals had relinquished the right to ensure their individual security on behalf of the government by adhering to a legitimate rules based use of violence.

One argument against the increased policy latitude of governments is provided by Francis who claims that the use of PSCs constitutes a form of neo-colonialism. Francis’ argument, albeit taking a critical emancipatory approach to PSC operations in Africa, highlights the privatisation of security as harmful to the citizens of unstable countries where a regulatory vacuum enables neo-colonialism by PSCs on behalf of Western powers unwilling to commit national militaries to such causes in the post-Cold War era (Francis 1999, 332-335). This neo-colonialism explanation also emphasises market forces that act to reduce the costs of engaging in military operations overseas which, in turn, reduces the necessity of gaining domestic or international political support and potentially without gaining legitimacy either. Furthermore, Francis’ argument provides for the international appeal of PSC intervention that overcomes the deontological ethic based on the immediate strategic impact a PSC can have in providing free market opportunities to engage in conflict on which the PSC business model thrives (Francis 1999, 328).

Thirdly, the impunity that is currently enjoyed by PSCs is because of the commodification of security that overcomes deontological ethics in terms of accountability. Hurrell (2005, 29) is critical of the privatised security market that is challenged by “powerful legal and moral arguments” by seeking to reject “the centrality of procedural legitimacy” and “the view that international legitimacy should be based around the effective implementation of a set of allegedly shared substantive moral values.” Hurrell advocates the centrality of deontological ethics in the proliferating private security market by reinforcing the belief that the use of violence should be monopolised by the state and should be reinforced by procedural legitimacy. Such procedural legitimacy has been flouted by PSCs in the past with one such example of certain PSCs operating in Africa being accused of engaging in the use of violence in weak states to gain natural resource concessions on behalf of their Western employers (Francis 1999, 323). These examples serve to emphasise the impunity that is enjoyed by PSCs. “The declining capacity of the state to enforce legitimate order ... in many parts of the world” (Hurrell 2005, 26) requires a procedural legitimacy to reinforce the deontology of the use of violence and may be realised in a reformulated Just War Theory that takes into account the influences of the globalised market that no longer treats security as a public good.

“Good Laws and Good Reputations” – A Reformulated Just War Theory

Thus far this analysis has focused on the transformation of security as a public good due to the process of globalisation as well as the deontological ethical trade-offs of engaging this new conceptualisation of security. The purpose of this proceeding section is to further address the impacts that this reconceptualisation has on the contractarian understanding of security and how the guiding principles of security deontology that are seen in Just War Theory might be updated to include PSCs in the contemporary era.

The desire to update Just War Theory results from the impact of globalisation on the actors involved in the international system. Previously, uniform codes of conduct were once expected among “juridically equal belligerents” – a status achieved through the recognition of sovereign equality among states – at the time of the formulation of Just War Theory which dealt primarily in security in terms of regular warfare among states. (Reichberg 2008, 16). However, as previously mentioned, market forces and the privatisation of security in the period of contemporary warfare that sees PSCs using violence against a multitude of actors has impacted the existing Just War Theory. As such, Runzo (2008, 56) believes there is a need to reformulate Just War Theory to address the ethical concerns brought about by the proliferation of PSCs in a broader context of universal warfare and ethics. Pattison echoes this

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claim when highlighting that:

“certain principles of JWT arose to some extent in response to the problems posed by mercenaries... But this does not necessarily mean that it adequately copes with the challenges posed by the recent rise of PMCs, especially given the state-centrism of modern JWT” (Pattison 2008, 146).

In this reformulation, there is, however, an assumption that Just War Theory is often considered at key strategic moments when violence is used, which is not always the case and any such reformulation may continue to be disregarded as the existing Just War Theory has been in the past (Walzer 2004).

How Just War Theory applies to PSCs, whose primary motivation for engaging in conflict is arguably monetary, poses serious ethical challenges in the contemporary era when traditional state actors are often not involved. A central element of Just War Theory is *jus ad bellum* and more specifically the principle of right intention. Whilst the concerns over right intention have been aired throughout history – as Plutarch did when declaring “most kings make use of two terms, peace and war, as though they were coins, to obtain not what is right but what is advantageous” (Reichberg, *Jus Ad Bellum* 2008, 15)^[3] – the principle of right intention maintains that war must be waged for the right reasons with the aim of securing the just cause (Pattison 2008, 147). The operation of PSCs is fundamentally opposed to the principle of right intention, regardless of the maintenance of market reputation that Singer (2003) and others argue is likely to ethically regulate their operation in a globalised free market.

For example, Singer attempts to demonstrate that the presence of market forces in a deregulated industry such as private security ensures the effective ethical regulation of the industry. This is seen when Singer (2003, 238) claims that most legislative regulation that has been proposed thus far has been the design of PSCs themselves. However, Singer (2003, 215) qualifies this by suggesting elsewhere that privatisation takes military expertise out of the realm of public accountability which is more in line with Wulf (2008, 199), who finds it difficult to believe that PSCs could be self-regulated like other industries sometimes are because they have no motivation to abide by any behavioural standards. Self-regulation that does not necessarily address the principle of right intention lacks the legitimacy of a reformulated Just War Theory that addresses PSC proliferation.

However, others have argued that regular national military forces are also motivated by financial gain just like PSCs. Whereas regular soldiers once engaged in the use of violence as per Hobbes’ security contract, the professionalisation of national military forces has altered the nature of civil-military relations alongside the evolution of PSCs. In relation to the principle of right intention, the use of PSCs highlights to regular military personnel the disconnect between those that authorise the use of force and those that actually undertake or assist the use of force (Pattison 2008, 155). One former soldier questioned the existing national security ethic when asking:

“I left the Army because the money wasn’t good enough for what I was getting paid to do... why would I do five years in Iraq in the Army and earn \$120 000 when I can do two years in Iraq and earn \$400 000?” (VICE 2014).

Hurrell (2005, 27) and Krahnmann (2008) point out that the cause of this transition is the globalisation and liberalisation of economic exchanges that has commoditised security and illustrates the shifting security balance from the collective to the individual.

Another problem posed by the proliferation of PSCs for existing Just War Theory is the principle of just cause. Just cause was referred to earlier in terms of determining the right intention for *jus ad bellum*, though the principle requires further attention now that the problematic “mercenary motive” of engaging in the use of violence for monetary gain has been established (Pattison 2008, 147). Engaging in a just war requires that the participants understand what they are fighting for and why. The motivation of financial gain ensures that PSCs and their personnel engage in arguably “unjust” wars in which a PSC’s involvement lasts only as long as its contract (Pattison 2008, 147; Singer 2003, 78). Runzo (2008, 68) is particularly critical of this point because “the personnel of PMCs are unsuited to peace building and are, at best, poor at peacemaking” and “should not serve in offensive combat roles.”

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The introduction of PSCs as a security actor with illegitimate control over the use of violence in the international system on account of the privatisation of security through globalisation raises the concerns of Just War theorists of what exactly constitutes a just cause. Theorists such as Aquinas and de Vitoria both stipulated that reacting to a previous wrong, correcting previous harm, or proactively intervening in the affairs of another state to pre-empt violence constitutes a just cause (Reichberg 2002, 21). However, it was not until Walzer (2006, 62-63) developed the theory further in the modern era to suggest that to prevent war is to punish aggression wherever it may be seen in international affairs. Ultimately, these three Just War theorists cannot see a role for any actor to engage in pre-emptory violence for monetary gain, no matter what the perceived just cause is that motivates any actor to engage a PSC on their behalf given the state-centrism of existing Just War Theory.

Given the ethical challenges posed to the deontology of Just War Theory, Runzo has proposed a reformulated Just War Theory in an attempt to legitimise the use of violence by PSCs in the globalised world. Runzo (2008, 67) suggests that *jus ad bellum* considerations must be altered to include a principle of formal declaration by a proper authority in addition to existing considerations. This is to highlight the problem posed by the mercenary motive that sees perpetual peace directly opposed to the business plan of PSCs. This ensures that military intervention (public or private) is limited to morally justifiable causes following the violation of the deontological ethic that is outlined in existing international law (Runzo 2008, 67). There are further *jus in bello* (right in war) considerations that are proposed by those in favour of reformulating Just War Theory to ensure that war does not become unjust as it does when asymmetrical warfare is exploited by superior military forces, such as those maintained by PSCs (Ignatieff 2000, 161). All reformulated considerations of Just War Theory are ultimately designed to incorporate PSCs and establish a legitimate deontological ethic that ensures the use of violence is only engaged to ensure peace (Reichberg 2008, 13).

However, a reformulated Just War Theory such as the outlined by those above is yet to be entrenched in the globalised world unlike the existing Just War Theory that has been incorporated in international law over many centuries. It has been argued, in line with neoliberal theory, that a reformulated Just War Theory which embraces the activities of PSCs is not entirely necessary as there are market forces that compel private security providers to adhere to its principles. As Kinsey (2008, 76) explains, "They [PSCs] know that not to impose the highest-possible standards on their workforce can have a detrimental impact on their business." This is in contrast to the responsibilities of well-regulated government officials who, once again according to Kinsey (2008, 77), have a responsibility that extends beyond monetary value.

The process of imposing just war principles in the operation of PSCs therefore comes back to the oversight and accountability that was discussed earlier and how it is implemented and achieved. The effects of globalisation that have been outlined thus far are yet to have a significant impact on the basis of international law and legal systems throughout the world that are ultimately responsible for applying regulations in the security field. This is why the Westphalian state remains the central actor in international affairs and has not lost its justifiable monopoly on the rule of law, unlike the influence of globalisation on the provision of security (Kinsey 2008, 82; Haftendorn 1991, 6; Holmqvist 2005, 21-22).

A major issue in implementing a reformulated Just War Theory that is supported by regulation and market forces to reinforce a deontological ethic is the consequence of PSCs operating and proliferating in weak states that may not possess all the characteristics of the modern Westphalian state. Throughout history, PSCs have operated in generally weak states such as those in Africa, Asia and more recently, the Middle East (Holmqvist 2005, 11). Holmqvist (2005, 11) highlights the importance of the traditional state structure by explaining that:

"Private sector involvement ... is to a great extent symptomatic of state weakness and the failure of the state to provide physical security for its citizens through the establishment of functioning law-and-order institutions."

The particular problem with this is that there is no motivation to establish the deontological ethic within a government regulatory framework due to PSCs "crowding out" the establishment of legitimate and functioning institutions of the state by assuming those roles themselves (Holmqvist 2005, 11). Therefore, any effort to impose a deontological ethic in a globalised economy that is characterised by a reformulated Just War Theory must be sure to address both

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issues of self-regulation, business reputation and an awareness of the setting in which these PSCs are operating in order to affirm its legitimacy.

Conclusion

It has been shown here that the presence of a deontological ethic that consists of “good laws” – the regulation of the private security industry, and “good reputations” – the positive reinforcement of business reputation in the global private security market, provides the necessary legitimacy that allows PSCs to engage in the use of violence for the betterment of citizens. No longer considering security to be a public good poses an ethical challenge to the existing deontology of Just War Theory due to the global market forces that have seen the commodification of security and investing in national security when private security alternatives made procurable in the globalised market suggests that investing in national security is not the monopoly of the state. Investigating a reformulated Just War deontology, characterised by the traditional contractarian organisation of society that emphasises the centrality of the state, and globalisation reveals that establishing government regulations within the private security industry and the presence of free market forces obligates PSCs to commit to a deontological security ethic. This argument is made in line with Hurrell’s understanding of legitimacy as being not only the adherence of actors to a set of rules that is distinguished from compliance due to self-interest but also more than being just the straightforward coercion of others to comply. By highlighting the complex relationship between economic efficiency, such as overcoming the free-rider problem due to the privatisation of security, and the ethical trade-offs that are required of this process in relation to existing understanding of Just War Theory have ensured that a critical reconceptualization of the deontological ethic underlined by a commitment to the contractarian organisation of society occurs.

The implication for the future of the ethical use of violence is that perpetual peace is a threat to the business plan of PSCs and that the mercenary motive will most likely linger in future security operations given the commodification of security. The likelihood of a reformulated Just War Theory being incorporated in international law like its predecessor is tenuous given the threat posed by perpetual peace to PSCs. However, the legitimacy that is provided by establishing a deontological ethic that incorporates the proliferation of PSCs by ensuring “good laws and good reputation” may provide the necessary avenue to see a reformulated Just War incorporated in international ethical considerations.

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New York: Routledge, 2008.

[1] Private security company is the term primarily used here, though it is interchangeable with other commonly used terms in this field such as private military company (PMC), private military firm (PMF), private military and security contractors (PMSCs), etc. Furthermore, the term “better” (as seen in the question) has certain ethical considerations which ensure that this essay is a primarily conceptual ethical analysis of private and national security given word limitations.

[2] Wulf (2008, 195) caveats this position by claiming “Privatization is not by definition a total renunciation of state functions or their controls, but rather the delegation of public services to non-state organizations.”

[3] Grotius (The Ethics of War, 410) quoting Plutarch (De Jure Belli Ac Pacis, II, XXII, IV) in Reichberg.

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