

Contractualized Citizenship, Nationalized Contracting, Militarized Soldiering: The Market for Force and the Right to have Protection Rights

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Contractualized Citizenship, Nationalized Contracting, Militarized Soldiering: The Market for Force and the Politics of Protection Rights

By Anna Leander

Over the two past decades markets have come to play an increasingly central role in the governance of the use of force. Security forces (internal and external) across the world have strived to become more efficient. In the process they have both outsourced an increasing number of functions ranging from logistics functions to security/guarding functions and encouraged markets to take over growing parts of security provision. The result is the development of a global market for force. Incidences such as that in which Ex. Blackwater now Xe contractors shot 17 civilians in Nisour Square Baghdad (16 September 2007) has granted the market considerable media attention and placed it at the heart of political debates. The market and its development have been extensively analyzed and discussed. However, when it comes to problematizing the political implications of market there is still much work to be done (for an overview of the literature see Leander, 2009b, , 2009a). While the implications of market logics for the state and particularly for the state monopoly on the legitimate use of force has attracted some attention, far less attention has been paid to how the market changes substantive politics and political practices (with or without altering the formal role of states). It is to this kind of thinking this paper wants to contribute. More specifically, it is an attempt to think about the substantive politics of citizenship.

Departing from an elaboration of the idea of a citizenship protection nexus (1), the argument developed below is that the introduction of a neo-liberal governance forms security is leading to far reaching (but largely unacknowledged). It is transforming the understanding of the rights to protection that come with citizenship, de facto transforming it from a general right tied to political citizenship to contracted right to be negotiated (2). At the same time, far from working to weakening the role of the state in security provision, the market is reinforcing it (3) and accentuating the military aspect of protection (4). The overall consequence is that the nexus tying citizenship to protection is increasingly shaped by the commercialized national and military concerns (promoted by public and private security professionals). As this paper concludes, attempts to frame and shape the citizenship-protection nexus in alternative ways—for example attempts to de-link citizenship from states and/or to de-militarize citizenship—are the main causalities of this re-ordering.

1. The Citizenship-Protection Nexus

Citizenship and protection are closely tied to each other in discursive practice. As this section underscores they are often made constitutive of each other; they are tied together in a close nexus. However, the discursive practices linking citizenship and protection can vary—and have varied—historically as well as

across space. The centrality of the nexus and the scope for variation makes the exact articulation of the citizenship protection nexus a highly political matter: how exactly the nexus is shaped and organized tells us what kinds of protection is provided to whom, how and what terms as well as what duty and role protection providers are granted in fashioning the broader understanding of what citizenship entails.

Protection as a (or *the*) fundamental citizenship right

In her work on totalitarianism, Hannah Arendt defined citizenship as “the right to have rights”. She suggested that when the totalitarian regimes denied categories of individuals their citizenship, they left them with little but the abstract and intangible general, universal natural (today we would say human) rights of man but with nowhere to claim these rights. This effectively turned these individuals into the “scum of the earth” deprived of citizenship and hence of rights and a place to turn to claim rights. They could consequently be cleared away with impunity (Arendt, 1979/1951). Arendt’s is an unusually strong argument underscoring the close link between citizenship and the right to claim protection. Deprived of their citizenship, individuals had nowhere to turn to claim rights including the right to minimal physical protection which figures as an absolute fundamental part of rights. Although not necessarily framed in Arendtian terms, the right to have the right to be protected figures centrally in thinking about citizenship more broadly.

Indeed, protection figures centrally in thinking about citizenship and membership in a community across a broad range of contexts (Skinner and Stråth, 2003, Tilly, 1996). The Hobbsean justification for the cruel and oppressive Leviathan is that his presence ends the war of all against all and installs order. Citizenship grants the right to claim this specific protection (Hobbes, 1651 (1985)). Similarly in sociologically inspired political theory, the role of the state in monopolizing the legitimate use of force of course figures centrally to a degree where in Weber’s work it is turned into the definition of statehood (Weber, 1978). But beyond Weber, the monopoly on the use of force plays a key role also in e.g. Elias’ grand history of the civilizing process where it explains how civilization could evolved as citizens, protected by states, could evolve new (more civilized) forms of *habitus* where primary drives including violence were internalized and hence removed from public life (Elias, 1996). In fact, the idea that citizenship ought to provide the right to be protected remains with us today. In the discussion surrounding failed states and humanitarian intervention it is the failure (whether due to incapacity or to evil intention) that is used to claim that these states are failed and that intervention is justified (e.g. Krasner, 2004).

This classical work on the role of the state as the protector of its citizens has often down played—if not outright silenced—the extent to which the right to be protected granted in citizenship entails violence. Hobbes gives ample space to reflection on the violence, arbitrariness and cruelty of the order shaping Leviathan, but underlines the extent to which the alternative is worse. His account paradoxically ends up tracing the violent oscillations between revolt and restoration (Sofsky, 1996). Weber never discusses the implications of the violent implications of the modern state monopoly on the legitimate use of force which at the end rested on a nationalist understanding of belonging (Walker, 1993). Elias acknowledges the

devastating potential of bureaucratized protection rights but hesitates to draw the full consequence of his argument: that civilization might be inherently violent (Elias, 1982, Bauman, 1989). Finally, and similarly in the context of failed states the violence of state is seen as failure of specific states not a potentially something indicating that the very notion of states may lead to increasing and considerable degrees of violence (Ehrenreich Brooks, 2005, Duffield, 2007, Herbst and Mills, 2003).

This testifies to the continued centrality of the right to be protected in thinking about citizenship but also the extent to which there is awareness about the degree to which these rights are contextual, often highly imperfect and tied to widespread violence. In that sense few political theorists—including of the most conventional statist stamp—would be likely subscribers to Waltz claim that “citizens of states need not defend themselves” (Waltz, 1979: 104). Rather, they would wish to move the discussion beyond the general idea that citizenship entails some right to be protected and wish more detailed thinking on a lower level of abstraction where it becomes possible to think about how these rights are articulated and hence to see whether or not (and in what conditions) citizens need to defend themselves. If they are of a more critical stamp they would certainly also want to problematize the extent to which states and citizenship grounded in states itself comes to undermine peoples’ rights to protection and possibilities to refashion their political belonging; that is to formulate non-state centric political citizenships (Hassner, 1998, Somers, 2008, Benhabib, 2004). Whether from a classical or critical perspective, in clear the variable and political nature of the link between citizenship and the right to claim protection is amply recognized but its centrality is rarely denied. The right to claim protection is a fundamental part of citizenship.

Protectors shaping citizenship

The other side of the citizenship-protection nexus is the link that runs from the protectors to the shaping of citizenship more broadly. The right to claim protection—and the politics surrounding that right—is embedded in a broader context of citizenship, delineating and shaping a far reaching range of other rights citizenship makes it possible to claim. It has become draw on T. H. Marshall’s idea that the kinds of rights involved citizenship have expanded historically both in the sense that a growing number of individuals can claim them and in the sense that the range of rights to be claimed have expanded from civil, to political and social rights (Marshall, 1950). As will be sketched out, there is a tradition for thinking about the provision of protection and the protectors themselves as having a pivotal role in shaping these Marshallian rights; that is the substantive rights linked to citizenship.

At the very basic the organization of protection is often tied directly to the development of civic and political rights in their modern form. “If the sovereign state is inherently a polyarchic order, in which citizenship rights are the ‘price paid’ by the dominant class for the means of exercising its power, citizenship in turn implies acceptance of the obligations of military service [...] The nation-state and the mass army appear together, the twin tokens of citizenship within territorially bordered political communities” (Giddens,

1985: 233).¹ The organization of protection is also tied to the later expansion of citizenship rights to cover also political rights. Hence a comparative study on the role of conscription in Europe argues that “precisely because they were conscripted, citizens confidently insisted on certain rights from their states, rights that were more easily articulated and defended because of increased (state provided) education and growing self-identification as members of a national community” (Mjøset and van Holde, 2002: 12). It is precisely this tit-for-tat logic that leads to “the central paradox of European state formation”, whereby “the pursuit of war and military capacity [...] as a sort of by-product, led to a civilianisation of government and domestic politics” (Tilly, 1990: 206). Temptations to read this in simplistic linear, evolutionary and universal fashion should immediately be tempered by reference to the many authoritarian and military regimes that have had anything but an expansionary effect on citizenship rights (Huntington, 1957). The point here is simply to underline the extent to which the organization of protection led is conceived of as having played a pivotal role in giving birth and shape to political rights.

The organization of protection has been seen as closely tied to the development of social rights. In part this argument has been advanced by those who have thought of the armed forces as constructing national cohesion by integrating and educating the socially, economically and culturally disparate parts of states. As the Resident General in Morocco, Hubert Lyautey explained in words characteristic of his time (late 19th Century): “To tomorrows officers, you must say that if they have placed their ideals in a career of wars and adventures, it is not with us that they should pursue it: they will no longer find it there... Instead, give them the promising conception of the modern role of the officer who has become the educator of the entire nation” (quoted in Lecomte, 2001: 740). Conscription works as a “school of the nation” attempting (but often failing) to educate and integrate citizens across race, colour, gender and ethnicity in a fairly straightforward fashion (Krebs, 2004). More subtly, it has also been suggested to leave profound imprints on the how exactly different social citizenship rights are articulated and framed (Cowen, 2008). The idea that the armed forces continues to be present also at present in for example the debate about whether and how it is important that the armed forces reconfigure their recruitment to reflect and shape a “post-modern” political reality of multiple identities in their recruitment and organization (Moskos, 2000, Elshtain, 2000).

The accounts of the link between the organization of protection and citizenship rights could be expanded, made more subtle and complex. For the sake of the argument in this paper, the above is sufficient. The aim is simply to underscore the extent to which citizenship and protection are intrinsically linked in what is here called a nexus. The historical accounts (not to say histories) just referred to capture this link by underscoring the role of military organization in shaping the understanding of citizenship rights. The accounts—anchored in political theory—emphasising the right to claim rights, capture it by underscoring the centrality of the right to be protected for citizenship. Both types of account share an emphasis on the extent

¹ The widely recognised waste of human lives tied to conscription and the related long history of desertions, mutinies, and testimonies from war periods make it amply clear that citizens have –often unwillingly–paid a high price for the development of citizen armies (Keegan, 1976, Paret, 1992).

to which the citizenship-protection nexus is subject to change with profoundly political implications. The rest of this paper explores how exactly the development of the market for force is reshaping the nexus both in terms of citizenship rights and in terms of how the organization of protection is tied to broader conceptions of citizenship.

2. Contractualized Citizenship

At the most immediate level the market for force might be seen as a variation on the theme of the more general trend towards what Somers terms “the contractualization of citizenship”, that is “an effort to reorganize the relationship between the state and the citizenry, from non-contractual rights and obligations to the principles and practices of *quid pro quo* market exchange” (Somers, 2008: 2). The very existence of the market both reflects and reinforces a logic whereby the right to claim protection is directly tied to the position of individuals and organizations in commercial relationships and their capacity to pay for the security services they contract rather than to their belonging to a political community. The consequence is a profound reshuffling of the politics in the citizenship-protection nexus. New market based hierarchies of rights are created and at the same time the politics of protection is increasingly negotiated in markets and based on market practices.

Market Based Protection Hierarchies

As underscored above the right to protection is often thought of as intrinsic to citizenship, part of the very foundations of what it means to be a citizen. The market for force has not altered this in formal terms. However, it has added yet another layer of ambiguity to the effective practice of this right. The market openly and explicitly creates a hierarchy among the citizens who can supplement or perhaps even replace the protection rights that the state is providing with the protection granted in markets. This is accentuated by the fact that many states have commercialized and contractualized their own provision of security. The consequence is that organizations and individuals that do not have the symbolic and/or economic means to engage in these contracts find their right to claim protection marginalized.

The market for force is a highly segmented and complex market. Firms specialize in providing certain kinds of services for specific ranges of clients. However, the point with the market is that clients should be able to find the kind of specialized protection they are interested in. The self description of CACI (the company that provided 50% of the interrogators in Abu Ghraib) is telling (and characteristic) in this regard. The welcome on the company’s home page reads:

“We assist our government and commercial clients in developing integrated solutions that close gaps between security, intelligence and law enforcement to address complex threats to their security. CACI offers our clients a wide array of domain expertise through uniquely qualified special operations and intelligence professionals, industry leading experts who enable us to provide a wide

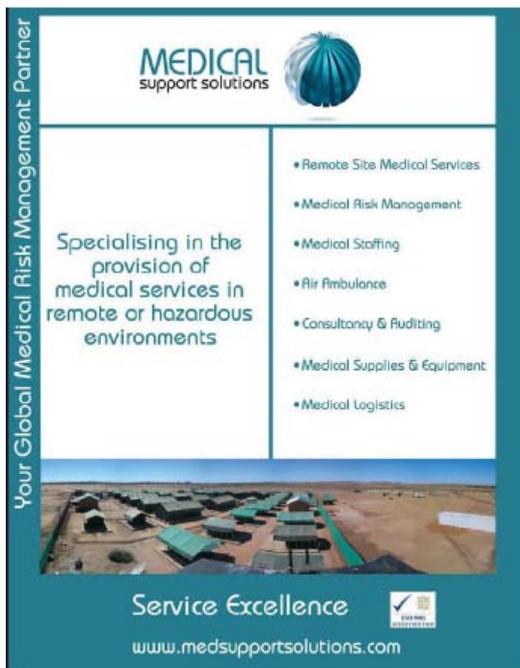
range of security and intelligence support services to contend with threats at home and abroad.”

(<http://www.caci.com/>).

A similar language is spoken by the following advertisements by Armorgroup and by Medical Support Solution. They both offer their services to an unspecified range of clients, underscoring their specialized knowledge relevant for clients working in environments plagued by insecurity as Armor group’s pictures show and Medical Support Solution’s explicit reference to “hazardous environments” confirm. These examples are but a small sample of the range (well beyond the conventional guard) of security services that can be bought by public and private clients alike on the market.



The security services bought on a market differs from services provided by state agents in the sense that they can be tailored to suit specifically the needs of the client. The client can (at least in theory) be part of the contractual formulation of what the nature of the exact nature of the service provided should be and



choose whom (which private company) they wish to contract this service from. The consequence is that security services provided by market actors tend to be driven by the defined in their contract. From the perspective of the client this means that (provided the contract is well formulated and followed) the service reflects the priorities of the client more directly and immediately than would an equivalent public security service. As a former Coalition Authority (in Iraq) advisor Ann Exline Starr reflects comparing her experience with contractors and soldiers; while soldiers provide protection they also have to worry about the logic of the overall mission which means that they often pay attention to and invest energy in leaving a positive impression. Contractors by contrast told Starr that their mission was “to protect the

principal at all costs. If that means pissing off the Iraqis, too bad” (quoted in Singer, 2007: 6).

The market has in clear made a wide range of (at least potentially) effective and specialized security services available to citizens wishing to protect themselves by complementing the overall protection provided by states and/or by compensating for the absence or deficiencies of that protection. The services are

however and perhaps too obviously not available to everyone. Whether in the public or in the private sector the *sine qua non* for acquiring the security services provided in the rapidly expanding market for force is to have the capacity to engage the contract. At the most basic this implies having the financial resources necessary to pay for the service. But it also requires the “symbolic capital” (reputation, credibility, authority and understanding) that are necessary to engage in a contract with firms selling security services. One way companies often strive to protect their reputation is by refusing to work for clients that may for some reason appear “illegitimate”. The consequence is a strong element of inequality in the effective possibility to use the market as a basis for protection: while certain individuals and organizations—such as some journalists, NGO/aid workers, employees of international firms, diplomats, or heads of state—can buy services on the markets, others cannot. The possibility to claim the right to public protection is also highly unequally distributed. The difference the market makes in this respect is that it transforms this inequality into a principle: those better equipped to engage contracts deserve better protection than others. A right anchored in political membership is transformed into one based (at least partly) on contracts.

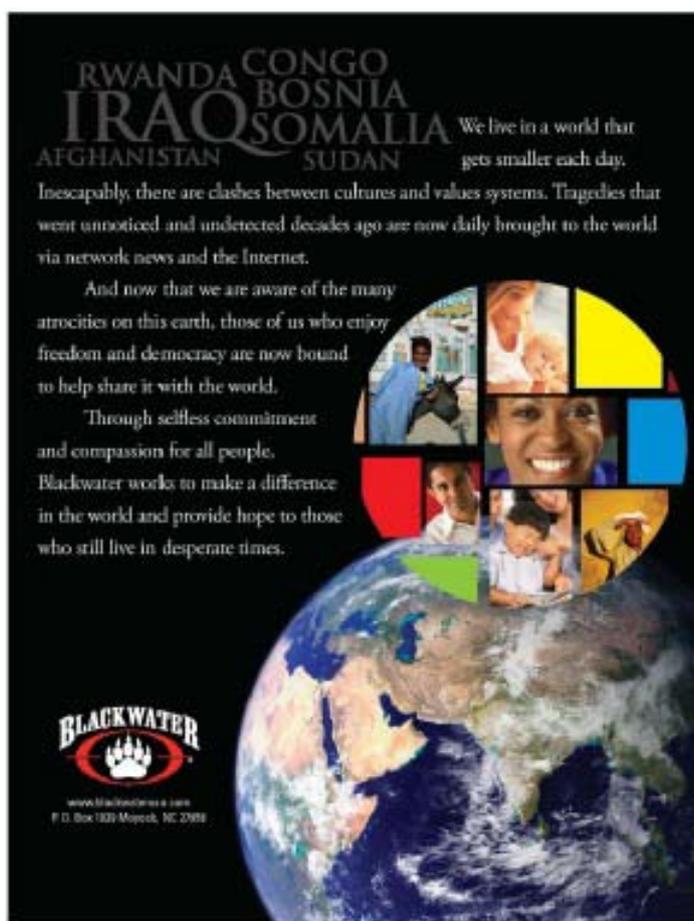
The trend is accentuated by the extent to which contractual logics have been introduced also within state policies, including in the realm of the provision of protection. This is visible in many developing states where the individuals and organizations who can afford to are directly prompted to pay for their own protection, including by directly financing the public police and/or armed forces (for the cases of Nigeria, Sierra Leone and Kenya see Abrahamsen and Williams, 2006). However, in a more subtle format the same trend is palpable also in other states. Increasing the role of markets and public private partnerships has been official policy in most countries (Minow, 2003). The rationale has been to de-centralize and reduce red-tape; to responsabilize individuals and organizations for their own security provision; to empower them, allowing them to find the most effective solutions to their security problems. In the process the right to claim—not only protection in markets but also—*public* protection becomes contractualized hence accentuating the hierarchical consequences of market based protection. Decentralization effectively means that those who can afford to invest in their own protection and/or who are best at presenting themselves as worthy partners to the general contract for the distribution of public protection are likely to fare well where those who can do neither are unlikely to receive much attention. The contractualization of the right to be protected inherent in the market is in other words reinforced bolstered by the trend to contractualization also the right to claim state protection. By the same token the hierarchy of citizens’ right to claim protection is further accentuated.

A stark confirmation of the reality of this contractualization also in the context of advanced states was provided by the “Katrina crisis” where some 1856 people died through dehydration, exposure, drowning, snakes or alligators mainly as a consequence of the failure of the state to provide them basic protection. The crisis effectively confirmed that “the government is no longer in the business of rewarding those who fail to take personal responsibility for their own well-being... [rather it aims to] forcefully “dissuade” people from seeking help from the state and the public sphere” (Somers, 2008: 93).

Market Negotiated Protection Rights

The market has also further altered the citizenship-protection nexus by making markets increasingly central to the substantive interpretation of protection rights across a range of contexts. Although market actors would usually unanimously deny that they were engaged in the politics of defining protection rights—the companies (and their advocates) usually argue that they respond to demands—in their practice they constantly encroach on defining who is worthy of what kind of protection.

Somewhat paradoxically, considering the reluctance of companies working in the market for force to acknowledge any link to politics, many companies insist on the good they do in the world as they are protecting people. The two advertisements by Ex. Blackwater now Xe and EODT pictured here are revealing



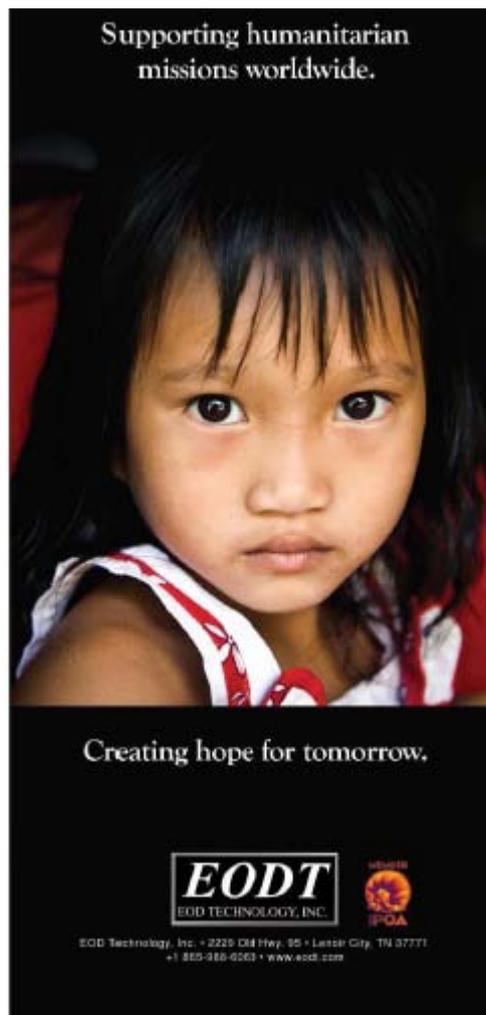
this regard. Ex. Blackwater now Xe insists in a moralizing tone characteristic of the company² that “those of us who enjoy freedom and democracy are now bound to help share it with the world”. EODT simply underlines its support for humanitarianism in a more discrete way, which is mirrored in the advertisements of many of the other larger firm. Beyond their differences in style these advertisements tell a similar story about the politics surrounding of protection: they both underline the significant role they (and by inference companies more generally) can play in providing protection for specific groups. They also both are very explicit about the fact that the protection they provide is good. EODT pictures an innocent child obviously worthy of protection. Ex. Blackwater now Xe promises progress and “hope to those who *still* live in desperate

times”; it contrasts Rwanda, Somalia, the Congo etc. (writ in grey) with colorful pictures of a better world. The explicit message in both advertisements is in other words that the companies are (at least potentially) significant and that they protect those who deserve to be protected.

² Blackwater no longer exists. Its activities have been taken over by Xe and Eric Prince (its highly and controversial and visible) former president has resigned.

The de facto message the advertisements are sending is that protection rights may well be negotiated in markets between the companies and those willing and capable of paying for those rights to be protected. This logic which inspires much of the self-promotion and advertising in the industry is well captured by the title of an article dealing with the potential role of private military companies in Africa: “write a check, end a war” (Brooks, 2000). The suggestion no doubt sounds attractive and practical to many. However, it is worth to pause for a minute and underscore the extent to which this kind of practical, market based solution implies a displacement of political process. Just as when protection rights are contractualized more generally, politically anchored understandings of who is (or is not) worthy of protection are replaced by understandings informed solely on their market position. But even more strongly the processes in which protection rights are defined may be taking place without any directly influence or voice of those concerned. “Those who live in desperate times” and need Blackwater’s “selfless commitment and compassion” to move towards a better world are unlikely to have any voice or any way of shaping the role the company will (or will not) have in ensuring their protection rights. It is far more probable that those who will matter will be governments, NGOs, companies, armed forces and international organizations to which they have no ties. This displacement of politics away from those directly concerned, into the hands of those who (possibly for very good reasons) aspire to assist them is most likely to provoke resentment. People usually want to be involved and allowed to define their own political agendas and problems. The practical difficulty of ensuring they can do this is arguably one of the most serious limits to global civil society generally (Chandhoke, 2003). It is bound to create resentment against the market and those negotiating basic citizenship rights at a distance, in markets, on behalf of others.

The argument in this section has underscored that market for force tends to reshape the citizenship-protection nexus profoundly. It tends to lead to a contractualization of protection right. This transforms the right to protection from a right anchored in membership in a political community to a right derived from market positions with the implications that it sharpens the hierarchy among citizens. More than this, it also tends to displace the negotiation about the substantive content of protection rights towards markets in which those wishing to claim the right may have a limited role. The consequence is a watering down of the relevance of the citizenship-protection nexus. Citizens may have no right to rights—in this case the right to



be protected—if they do not also have a market position. With the spread of contractual logics of citizenship the problem of the stateless is arguably no longer limited to the stateless but expanded to those who do not have a market position. The argument in this section has been that such a contractual logic is inherent in the market for force and reinforces it. It has not been to suggest that this is the only existing understanding of the citizenship-protection nexus. Rather, precisely because there are contending logics it is important to seriously consider the effects of expanding the role of markets.

3. Nationalized Protectors

If the market for force tends to loosen the links between states and the rights their citizen have to claim protection rights, it has not correspondingly weakened the ties between those providing the protection and the state. On the contrary, it has actually and somewhat paradoxically tended to bolster the centrality of nationality, national belonging and states in the world of the security professionals. So while the significance of political belonging and politics has come to be less important on the citizen side of the citizenship protection nexus, the state remains central and may even become even more so on the protection side. This is equally true on the contractor and soldiering side of the protection side of the citizenship protection nexus.

Nationalizing Soldiers

The most immediate consequence of the market for force for armed forces across is that it creates an alternative source of security services. The extent to which this is a competition to the armed forces is often emphasized. The market obviously undermines the position of public institutions as employers of security professionals. Not only US and UK professionals, but also Latin American, African, Asian and continental European security professionals are employed by the private sector.³ But more than this the market creates scope for questioning the exclusive competence of national institutions as security providers. These are real challenges to public armed forces that are often highlighted. However, the market is also a very real source of recruits for many armed forces. This causes challenges to the cohesion and culture of many armed forces. Emphasizing the conventional “national” nature of soldiering has been a key way in which armed forces have responded both to the challenge of integrating new recruits and to the competition they face from markets. The consequence is that markets have not produced a de-linking of public soldiers/security professionals from state institutions but rather tended to reinforce this link.

The need and wish to recruit foreigners is not only (or even mainly) linked to the development of a market for force. Drain on competent staff is a minor issue when seen in the broader context of the needs

³ It is hard to put numbers on these trends. The GAO tried, but could not find the necessary figures to document the draining effect of markets on the US armed forces. This says something about the difficulties involved in this even for one of the armed forces about which most information is available (GAO, 2008). The UN Working Group on Mercenaries provides some indications of the extent to which security professionals from developing countries work in the global market. But again, the figures are very partial and usually refer only to cases which have entailed some kind of complication (e.g. UN, 2009)

created by international operations. The market has more of a facilitating role in the process: on a direct level it is a source of employees, but perhaps more importantly it normalizes the idea that foreigners (security professionals or not) can be recruited into national armed forces. Where the French Foreign Legion used to be something of a frowned upon abnormality, it is increasingly held forth in discussions as something of a model to follow in other contexts (e.g. Astor, 2009). On a practical level, foreigners are recruited in growing numbers into the armed forces that are short of staff. In the US context, the Pentagon estimates that foreigners will provide as many as 14,000 volunteers a year, or about one in six recruits. At present some 29,000 foreign-born people currently serving are not American citizens (Preston, 2009). Similarly, in the UK, Army recruitment officers want a review of restrictions on foreigners serving in the British forces, after a surge in interest from Polish immigrants hoping to join up (Clout and Franklin, 2008).

Welcome as this market based approach to military recruitment (de-linking military service from nationality) may be in the armed forces, it is also at odds with self-perceptions of military institutions and of their place in society (where the link between military service and nationality is pivotal).⁴ The most common way to deal with this tension is to try to reaffirm the centrality of nationality; to uphold the idea that nationality is essential in the military institutions and that the institution has not given upon this link. A very direct and forceful way of doing this is to turn foreign recruits into nationals; to naturalize them to make sure to nationalize soldiering. At least in formal terms, naturalizing foreign recruits is a classical way of ensuring the continuity between the military service and nationality is upheld. It is in this light that one should no doubt see the statute invoked in 2002 by the Bush administration according to which immigrants who serve in the military can apply to become citizens on the first day of active service, and they can take the oath in as little as six months. Similar policies exist and have been expanded in other contexts. The promise of naturalization makes it easier to recruit foreigners many of whom may be more interested in citizenship than in the actual military job they are hired for. There is ample evidence of armed forces using this (and also having used it in the past). In the UK for example, South Africans in UK armed forces were promised passports well before the law that made it possible to grant them these was passed (Nolte, 2007). But the fact that naturalization makes recruitment easier does not contradict the importance of naturalizations for upholding the nationality-military service link. It should rather be seen as bolstering that link.

However, to be credible, to work its symbolic magic, the kind of “nationalization” of soldiers has to be constructed as functioning in continuity with conventional understandings of the links between nationality and soldiering. The way these constructions work in detail varies with context. Below key themes from US nationality conferring ceremonies are used by way of illustrating both the actual effort to construct continuity and how that construction works. Confirming and underlining the *continuity between nationality and military professionalism* is one important theme, particularly inside the armed forces. Along these lines, at a

⁴ Note that self-perceptions and institutions is in the plural as I am persuaded that there are profoundly differing understandings and national vocabularies involved in formulating the exact nature of this link (Leander and Joenniemi, 2006).

nationality conferring ceremony in Iraq, a sergeant underlined that his two tours in Iraq had made him aware of how useful it was to work with native Arabic speakers but underscored that “the first time around we didn't have soldier translators. But now that we have soldiers as translators, we are able to trust more, we are able to accomplish the mission with more accuracy” (Preston, 2009). But more generally it is important to underline that military service and nationality are still intimately linked and that the relationship has not become de-stabilized. Thus, key note speaker Lt. Gen. Lloyd James Austin III at nationalization ceremony at the Al Faw Palace (Baghdad) constructed *historical continuity* by underlining that “This crowd [of 1400 newly naturalized soldiers] reminds us that the source of our nation's uniqueness is our ethnic and cultural diversity.” (Londono, 2008). Finally, it is also important to underscore the extent to which there is *continuity between past naturalizations and the present ones*. The naturalized soldiers need to be taken out of the luminal situation of being partly migrant partly mercenaries. In an unusually strong statement to this effect, Emilio Gonzalez, director of U.S. Citizenship and Immigration Services speaking at a naturalization ceremony (for soldiers) that took place at Fort McHenry told the audience that:

“Starting at Lexington and Concord, from the fields of Gettysburg, to the Argonne Forest, on the beachheads of Normandy, Iwo Jima, and Inchon, through the streets of Hue and along sandy alleyways in Fallujah, heroes were born from men who came to the United States *not as mercenaries, but as migrants*” (Madigan, 2007).

The market for force has pushed public armed forces to reaffirm the centrality of the link between nationality and military service. It has pushed them to insist that this link is still pivotal to the public profession of protection; the market has triggered a “nationalization” of soldiering where it might have triggered a de-nationalization of the profession. Just as immigrants play a key role in other service industries they might have become key also to the security institutions. This has not happened and is unlikely to happen. Instead the market has triggered a nationalization. Interestingly in the process it has also added a dimension to the contractualization of citizenship: a recurring theme is that they have deserved their citizenship. Again quoting Lt. Gen. Lloyd James Austin III at Al Faw Palace. “These warriors have already sworn an oath to protect the United States. They have put themselves in harm's way to do our nation's bidding” (Londono, 2008). Political belonging is something that one can deserve (or implicitly be denied) depending on what one contributes.

Marketing National Belonging

The fact that the military as a quintessentially national institution responds to the changes entailed in the market for force by reaffirming the importance of national belonging may not be greatly surprising. However, the extent to which the market is also contributing to a reinforcement of the centrality of national belonging may come as more of a surprise to many. The market is often depicted as breaking down the centrality of nationality in the protection rather than reaffirming it. However this image is misleading. National belonging is reaffirmed as pivotal in the market practices providing protection: the clients focus

attention on it, the company providers promote it and hence contractors follow suit and pay close attention to it.

National belonging is important to those who buy protection in the market. Many states have formal restrictions that limit who they can buy their as well as who their citizens can buy services from where nationality usually figures as a central criterion.⁵ But arguably practice is more important than formal regulations. Many states, but also armed forces, companies, organizations and individuals prefer to buy security services from their co-nationals. This is often presented as being a matter of trust and understanding which is necessary for smooth cooperation. Hence armed forces often by far prefer contractors who are either of their own nationality or at least who share a common military culture and background. UK armed forces are usually more content to work with UK companies possibly stretching it to Commonwealth ones. But also private companies and individuals often find it easier to have security provided by people who share their security culture and hence often prefer hiring their co-nationals. Those who come from countries that do not have their own contractors will often be pleased to hire reputable international companies. But again, the nationality of the company is often essential to determining its reputation.

The extent to which nationality matters seems to be steadily increasing as major clients push for an increased presence of co-nationals as employees in the companies.⁶ One example of how this pressure is articulated is a recent US initiative where employers found to use “illegal aliens” will lose their public contracts. The employers are made responsible for verifying the status of their employees through an electronic system—E-Verify. The rationale for the measure is that

“Where a contractor assigns illegal aliens to work on federal contracts, the enforcement of federal immigration laws imposes a direct risk of disruption, delay, and increased expense in federal contracting. Such contractors are less dependable procurement sources, even if they do not knowingly hire or knowingly continue to employ unauthorized workers” (President Bush quoted in Hudson, 2009).

Measure such as this will clearly not only affect “illegal aliens” but non-nationals more generally who present a potential risks to the companies who may lose their public contracts even if they are employed in good faith.

Since nationality is important for the buyers in the market is not surprising to find that companies use it amply in their self definitions and in the marketing of their services. Some companies flag their national belonging and their link to their national security establishments very directly in their self descriptions. This is true for example of a major US company such as MPRI which presents itself insists that

“With more than 3,000 employees worldwide, MPRI *serves the national security needs of the U.S. government*, selected foreign governments, international organizations and the private sector with

⁵ In a series of interesting rulings the ECJ has actually tried to diminish the grip of this kind of regulation in internal security because it limits the internal market (ECJ, 2006).

⁶ Sub-contracting is extensive in the market for protection.

programs of the highest standards and methodologies of proven effectiveness...We maintain a database of select former military (or military related), DOD civilians, Homeland Security and law enforcement professionals who would like to be considered for MPRI requirements.”

(http://www.mpri.com/esite/index.php/content/about/about_mpri/).

Along very similar lines companies that want to be members of the “British Association of Private Security Companies” have to adopt the Association Charter which repeatedly returns to the idea that members work in accordance with UK values and policies; an idea most clearly formulated in 6. Of the charter which reads that members will: “Decline to provide security services that might be contrary to UK values and interests” (http://www.bapsc.org.uk/key_documents-charter.asp). A final illustration of this point is given in the picture taken from a small upstart Swedish company (DynSec) which tried (and failed?) to promote itself as a site of specifically Swedish / Scandinavian security services.



Even companies that do not directly proclaim their nationality as essential or pledge allegiance to one specific state and/or set of national values and interests usually pledge to respect sovereignty and to work within the realms of national and international law. One case to the point here is that of Armorgroup. In the advertisement pictured (characteristic of the style and tone of the group generally) it simply promises “stringent ethics” and in fact the company employs a full time human rights lawyers and adheres to a number of relevant codes of conduct (all of which affirm the centrality of states). In a similar vein, the French company SECOPEX proclaims on its web page that

“Compte tenu des particularismes de son activité et de ses interventions à l’international, SECOPEX se doit de veiller à ce que ses actions soient conduites conformément à des standards élevés d’honnêteté, d’intégrité, d’exemplarité et d’exigence professionnelle. Ces valeurs s’inscrivent dans le cadre de principes fondamentaux comme le respect des lois qui lui sont applicables, le refus de l’ingérence dans les jeux politiques, le rejet de la corruption sous toutes ses formes -publique et privée, active et passive- la satisfaction de ses clients ainsi que la solidarité entre le personnel de la société. D’une manière générale, adhère :

- aux principes de la Déclaration Universelle des Droits de l'Homme ;
- à la Convention de Genève de 1949 ;
- à la convention internationale contre le recrutement, l'utilisation, le financement et l'instruction des mercenaires de 1989 ;
- aux conventions fondamentales de l'Organisation Internationale du Travail ;
- aux principes du pacte mondial de l'organisation des Nations-Unies ; et oeuvre dans le respect des décisions, en ce qui la concerne, de l'O.N.U. et de l'Union Européenne.

(<http://www.secopex.com/index.php/ethique>)

The emphasis on nationality and on state belonging translates into a hierarchy of salaries in the sector where nationality is very important for the salary that those working with security are likely to be able to obtain. Figures are of course unreliable and highly varying. But on most accounts the differences are remarkably large with nationalities of those dominating a contract attracting far larger salaries than their direct allies, let alone the numerous “third country nationals”. CHECK numbers (Isenberg, 2008c, Fainaru, 2008).

Nationality and national belonging is to state it very bluntly, not something the market is downgrading or undermining. On the contrary it plays a key role both for the companies and for those who employ them. This focus on nationality does not seem to be diminishing rather on the contrary the increasing focus on the industry and the attention paid to the extent to which it may undermine the state monopoly on the legitimate use of force and needs to be regulated is bound to increase the imprint of national concerns. This makes it clear that market tends to have the somewhat paradoxical effect of increasing the centrality of the state and of national belonging for those providing protection. The market is actually driving a “nationalization” of the protectors. In characteristic public management fashion we are seeing governance through markets that serves not to abolish the state but to shift the way it is present and is governing.

4. Militarized Protection

Finally, the market for force has had an important impact on the style of protection that is at the centre of the citizenship-protection nexus. It has tended to reinforce the conventional core functions in security in public and private institutions alike. It has directed resources and attention away from soft forms of protection focused on mediation, negotiation and understanding to the more military/security skills. The reason is that competition in the market has been more focused on conventional qualifications and skills than on the softer ones. This has tainted also the organization of protection in public institutions.

Competing with Conventional Qualifications

Companies in security compete not only by reference to nationality. More generally they compete largely by reference to classical and core military/security skills. This has led to an emphasis on conventional military

functions in the market where both companies and their employees emphasise and value conventional soldiering behaviour and military values.

For the companies rationale for this is that those who buy military services usually do so because they are persuaded that they need conventional technical competence and expertise to be well protected. This expertise is measured largely in terms of conventional military grades and diplomas. Companies therefore often highlight their links to the higher ranks in the armed forces and to the links to special sections or forces. Many companies in fact base themselves on links to specific Special Forces. The (now defunct) Executive Outcomes drew largely on the South African Buffalo Battalion, Blackwater had ties to the US Navy Seals, Sandline and later Aegis had links to UK special forces just to mention some of the recurring examples of this. The consequence is that networks and grades earned from the armed forces are very important for work in the private market. As well captured by an ex. SAS officer “the circuit” of professionals remains the same but has just moved into the market (Shepherd, 2008). The number of false special forces is a good indicator of just how important it is to be part of the professionals. “One organization of SEAL/UDT veterans estimates that there are more than fifteen thousand men, and incredibly, at least one woman [women are not allowed into the education], who claim to be SEALs” (Lee Lanning, 2002: 176). The importance of publicly sanctioned qualifications, grades and diplomas extends also to those companies in the market that do not only—or even mainly—provide conventional military services but have branched out into other areas and do their best to retain them. Hence in a company such as Kroll e.g. hierarchies and leadership of activities that have little to do with the direct security provision (e.g. consultancy and risk consulting) are directed according to the military rank of the employees (Interview, 2009).

However, formal qualifications are not the only way in which companies can underline their attachment to conventional professionalism and expertise of the military/security professional. Reference to past experience but also behaviour and body language plays an important role in conveying the message. The result is the encouragement of an almost cliché militaristic behaviour. Commenting for example on the aggressive ways of Blackwater employees in Iraq (shooting, insulting, screaming, driving people off the roads etc.), Donald Dominick (senior analyst at Aegis Specialist Risk Management) explains that “I’m not sure that any other firm doing that job would be able to do it any different. The reality is that the US State Department is not going to allow one of their people to go out to a meeting” otherwise protected. (quoted in Berndtsson, 2009: 191). Body language and clothing is another way of conveying attachments to the military profession. Much as the Mafia adopts the language of films and novels (Gambetta, 1991) so do security professionals seem to draw free inspiration from fiction about mercenaries and private security professionals. Bodies built with the help of training and hormones are omni-present but so are tattoos; often in various ways reflecting the tough sides of the profession as e.g. one reading: “the unwanted, doing the unforgivable, for the ungrateful”(Fainaru, 2007). As one observer remarks commenting on Blackwater employees—who refer to their own style as “CDI–Chicks Dig It”—“as a group they resemble actors in a badly cast B movie

about mercenaries” (Young Pelton, 2006: 9). More generally, the sex scandals involving contractors—the most known is probably the sex ring organized by DynCorp employees in Bosnia—also seem to indicate that a conventional macho behaviour is well represented in the sector (for DynCorp see e.g. Singer, 2003, for discussions of recent KBR case see , Isenberg, 2008b).

As this emphasis on military qualifications and values indicates, the market for force is tilting the balance of what kind of protection is valued and demanded towards the more conventional. One could even think of the market as forcing private sector employees to re-invent military culture so that it makes sense in a market context. Precisely how this reinvention looks would be a wonderfully interesting subject for research. But it is rather safe suggest that it would most be multiple and complex as contractors come from different backgrounds and work in a variety of contexts (for an intimation of the complexities involved see Sapone, 1999). The point here has been the more overarching one of underlining the extent to which these multiple reinventions reflects the broader trend to frame protection in military terms (hence the reference to militarization) and hence the need for a language and for symbols in which to express this.

Markets and Soldiering Hierarchies

The militarizing imprint left by the market is not confined to the private security professionals working in it. It also has some rather direct implications for public armed forces that would deserve some very serious consideration. While rather extensive thinking has been done about the potentially beneficial effects of acknowledging private security contractors as a legitimate part of the provision of security since this extends “the logic of appropriateness” prevailing in the military institution to these actors (in particular Avant, 2005). Little consideration has so far been given to the fact that the influence may working in the reverse: the market may alter the “logic of appropriateness” (that is ordering and hierarchies) inside public security institutions.

Public security professionals are not hermetically sealed off from the market, confined to a public world imbued by public military values. In conflict zones they work and live together with private contractors. They meet them all the time. There is plenty of evidence of the competition this creates in terms of who is the most competent and legitimate provider of security; a competition that sometimes ushers in outright violence between contractors and soldiers (e.g. Isenberg, 2008a). More than this, public security professionals participate in the market. As the preceding discussion has made amply clear, their expertise is sought after and valued. They have alternative career paths in the market. In fact, the careers may not so much be alternative as concomitant. Many countries have arrangements that allow members of their security establishments to work temporarily in the private market. More than this, some countries such as the UK have programs specifically designed to *encourage* public security professionals to work in the market. It is considered to enhance their skills and to be generally useful (Kinsey??). The consequence is that the values in the market are constantly brought into the armed forces. It would be odd if this did not leave any trace and indeed there is plenty of signs that it does.

Values of the market and even contact with markets are of course not universally embraced by public security professionals. The UK policy of not only sanctioning but promoting the market and hence increasing its symbolic importance is an exception rather than a rule. However, the salaries and career prospects in the market speak a language of their own. They bolster the positions and prospects of the public security professionals with the kinds of skills and qualifications that are sought after and the network necessary to get a position. This means that the importance of the kinds of conventional skills and values, the belonging to Special Forces and to closed security networks becomes significant in a very tangible and concrete way also in public security institutions. The consequence is that internal hierarchies tend to be changed to the advantage of those representing a traditional take on security. Translated into more tangible terms this means that the position of those who resist the transformation of armed forces away from the conventional military values is enhanced. The idea that the armed forces should be “soft”, “post-modern” (Moskos, 2000) “forces for good” (Elliot and Cheesman, 2004) have been intensely contested. The market makes them even more difficult to defend. In a similar vein, the market makes transformation of armed forces with a past of massive human rights violations more difficult. As explained by one observer; security professionals are valued for their past experience; consequently “what should be a national shame [in the Chilean armed forces], turns into a market asset due to the privatization of the Iraq war.” (Stoner, 2008). Along the same lines (but with the opposite values), Eben Barlow (CEO of Executive Outcomes) explains that

“Those in the military field know just how good the former SADF was and how capable some of our people were. It is a great pity that this government, in the name of transformation, has turned its back on those skills” (Seery, 2007).

The market for force is remilitarizing not only the protection provided in private markets but also the protection in public markets. The reason is the valuation of conventional, core military/skills in the market which translates as increased status for those with qualifications but also with an image and a behavior that reflect this. The tight relationship between the markets and public security paves the role for the diffusion of these values also into the public sphere. This does imply that produces a homogenous and unique understanding of protection. There is plenty of scope for resisting and contesting the way that this professionalism is formulated. The human rights lawyers employed by a company such as Armorgroup insist that basic humanitarian law is key to conventional professionalism. The BAPSC is striving to promote the image of private companies as less gendered than their public counterparts (Schultz and Yeung, 2008). CACI emphasizes its local knowledge produced amongst others by anthropologists and other intellectuals. Taking account these variations into account does not alter the basic focus that these skills are promoted as key to an essentially technical security/military understanding of protection which is promoted through the development of the market.

Conclusion

The citizenship-protection nexus is never fixed. As the this paper began by underlining, although it is pivotal to contemporary political practice it is constantly struggled over. Who is a citizen and what kind of protection this entitles them to on what kind of terms are constantly evolving. This paper is (an unfinished and very preliminary ☺ sorry Yagil) attempt to flesh out some reflections about the implications of the development of the market for force for this nexus, for the way it is articulated, for the arguments and lines of thought that tend to prevail in it. The resulting story (just told) has emphasized that the markets have reinforced a more general trend towards a “contractualization of citizenship” where right to have rights (in this case the right to have protection rights) cease to be defined by political belonging (to the community providing protection) and instead become defined by market positions and contractual relationship. The consequence is an accentuation of hierarchies among citizens. The account then proceeded to underline the extent to which the market has reinforced the significance of the national—anchored in the state—in the citizenship-protection nexus. Rather contrary to what is often assumed in the market is hence not acting in a zero sum relationship to states it is bolstering their centrality. By prompting states to re-affirm and consolidate the centrality of national belonging for protectors and by commodifying national belonging the market has led to a reaffirmation of the centrality of national belonging in the citizenship-protection nexus. Finally, the paper suggested that the market has entailed a trend towards more militarized (focused on conventional core military/security skills). The reason is the prominent role played by these skills in the market where customers and companies alike tend to privilege them both in their practices.

This paper tells a disquieting story about markets driving a contractualization, nationalization, and militarization of the citizen-protection nexus. People find themselves confronting not only what “amounts to a complete inversion: from triadic balance of power, in which the social state protects citizens in civil society against the full exposure to the market, to one in which citizenship collapses into a dyadic instrument of unbalanced power pitting an alliance of state and market against individuals—now bereft of both state protection and membership in civil society” (Somers, 2008: 37).

They also have to confront a nationalization and militarization of their rights to claim protection rights. A priori this might seem amply sufficient to trigger serious political debate and contestation. However, it has not. Debate has usually focused on the accountability and regulation of market actors; not on the market as such. There are two main reasons the politics of market practices remain largely unproblematized, invisible. The first is the common assumptions that markets are politically neutral. That assumption has been the main target of this paper. The other reason, only hinted at in passing above (and it is therefore worth insisting here) is that markets are often assumed to be of relevance only to the states hosting the largest international companies in the market (i.e. the US and the UK) and those where they have the most visible operations (Afghanistan and Iraq). This is a misconception. Security professionals from all over world work in the

international market. But perhaps more significantly, the struggle for defining what legitimate protection is does not take place in idiosyncratic national contexts well protected from international change. Quite the opposite is true, expertise, understandings, organizational schemes and technologies travel and transform admittedly widely diverging systems with plenty of idiosyncracies. The extent to which the market has re-shaped the citizenship-protection nexus also in countries that do not officially encourage them (such as Germany, Sweden, Hungary, Chile, Colombia, Uganda, Tanzania, or Japan) should therefore not be underestimated. Hopefully the argument in this paper will help trigger critical curiosity about how market practices is re-fashioning the citizen-protection nexus also in countries such as these.

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