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**Patriots for Profit:
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RESUMO

O autor propõe nesse artigo uma nova estrutura para a análise das relações civil-militares nos Estados Unidos e aplica tal fórmula ao uso de empresas terceirizadas de segurança privada no exército, principalmente no Iraque. Ele argumenta que a literatura acadêmica de relações civil-militares nos EUA não está bem focada, já que concentra-se exclusivamente em controle e, por isso, está totalmente a margem dos debates contemporâneos sobre o uso da força no alcance de objetivos nacionais. Ele ilustra esse ponto analisando as iniciativas de reforma mais sérias na defesa nacional, do Ato de Reorganização da Defesa Goldwater-Nichols de 1986 até o grande esforço atual, o Projeto de Reforma na Segurança Nacional. Ele então aplica essa estrutura ao uso de empresas privadas de segurança (PSC, sigla em inglês) e descobre que essas são problemáticas tanto em termos de controle, como de efetividade.

ABSTRACT

The author proposes in this paper a new framework for the analysis of civil – military relations in the U.S. and applies it to the use of private security contractors, mainly in Iraq. He argues that the academic literature on civil – military relations in the U.S. is not well focused as it concentrates exclusively on control, and is thus totally marginal to the contemporary debates on the use of force to achieve national goals. He illustrates this point by looking to the most serious national defense reform initiatives from the Goldwater – Nichols Defense Reorganization Act of 1986 up until the current major effort, the Project on National Security Reform. He then applies this framework to the use of private security contractors (PSC) and finds that they are problematic both in terms of control and effectiveness.

1 . Introduction

The academic literature on U.S. civil - military relation contributes minimally to the scholarly analysis of this topic and even less to the political debate on the use of force in U.S. foreign policy. Rather, it has led to a vicious circle of focusing on marginal topics such as “the gap between civilians and the military” and “tension between civilians and the military” in U.S. foreign policy. Even though the U.S. has been at war, first in Afghanistan and later on Iraq, for almost nine years, there is not a single notable contribution from a civil - military relations scholar that can assist us to understand either entry into these wars nor their dynamics in U.S. foreign policy. There is currently a very rich literature on the use of contractors, including private security contractors, and it does make a contribution. This contribution is limited, however, as the literature is not included within a framework of civil - military relations even though the most polemic, and probably most important, contracting out has been by the private security contractors. The PSCs have replaced uniformed personnel in a wide variety of tasks, all of which involve being armed. This paper proposes a framework for analysis of civil - military relations, highlights its relevance by reviewing reform initiatives from Goldwater - Nichols Defense Reorganization Act until the present, and applies the framework to the use of private security contractors, mainly in Iraq. The data used in this paper comes from a variety of sources, including the following: U.S. government reports and audits from organizations including the Congressional Research Service (CRS), Congressional Budget Office (CBO), Governmental Accountability Office (GAO), and the Special Inspector General for Iraq Reconstruction (SIGIR); research and reports mainly on contracting, from faculty and students in the School of Business and Public Policy of the Naval Postgraduate School, and the interviews by the author with some 45 analysts and policy - makers in Washington, D.C. who are involved in some facet or another of U.S. civil - military relations and contracting out. The paper draws on the author’s *Patriots for Profit: Contractors, The Military, and U.S. National Security* (Stanford: Stanford University press, 2011)

2 . Problems with Concepts and Data in U.S. Civil - Military Relation

In writing a book on U.S. civil-military relations, i had intended to mine what I assumed would be an established literature applicable at least to older democracies. I planned to frame the analysis in civil-military terms, with a particular focus on the interaction between civilians, including private contractors, and the military as they confront national security challenges. Unfortunately, I found that the field has not yet crystallized; there has been not only little accumulation of useful knowledge but also minimal conceptual development. So far, researchers continue to exchange disparate factual information without analyzing it according to any rigorous theoretical framework, with the result that a broader body of knowledge does not accumulate. Some ten years ago, Peter Feaver identified what he termed “an American renaissance” in the study of civil-military relation. I am not so optimistic that such is actually the case. Instead of developing a conceptual base of comparative and empirical studies that could be built on by encompassing other disciplines, the field of civil-military relations remains amorphously delineated and heavily anecdotal.

One might also have hoped that current scholars are contributing to a larger analysis of the implications of the wars in Afghanistan and Iraq. Instead, the main contributions so far have been from journalists such as Thomas Ricks and Bob Woodward, from former government officials such as Richard N. Hass and James Stephenson, and from RAND Coporation analysts led by Nora Bensahel. They are writing very useful books on war and reconstruction that nevertheless lack an analytical foundation. Thus, only a minimal amount of applicable knowledge has accumulated from these extremely important events that have serious implications for civil-military relation. To explain why this is the case, I will begin with a discussion of the recognized leader in the field, Samuel Huntington, and, by drawing on the work of other scholars, I will attempt to understand where thing went wrong. I will then bring this review up to date and expand it by looking at the main journal in the field, *Armed Forces and Society*.

Fifteen years ago, in 1995, Paul Bracken wrote, “Theoretical treatments of civil-military relations have changed little in the past 40 years, even though the context in which these frameworks were devised has changed enormously.” He went on to suggest:

“One very real problem with the study of civil-military relations as it has developed in the United States is that it has petrified into a sort of dogma, so that conceptual innovation and new problem, identification earn the reproach of not having applied the theory correctly. The resulting situation has tended to recycle the same problems in a way that exaggerates their insignificance.”

It is with authority that Peter Feaver, maybe the leading scholar and expert on U.S. civil-military relations, writes, “Why bother with a model [Huntington’s] that is over forty years old? The answer is that Huntington’s theory, outlined in *The Soldier and the State*, remains the dominant theoretical paradigm in civil-military relations, especially the study of American civil-military relations Huntington’s model is widely recognized as the most elegant, ambitious, and important statement on civil-military relations theory to date. Moreover, Huntington’s prescriptions for how best to structure civil-military relations continue to find a very receptive ear within one very important audience, the American officer corps itself, and this contributes to his prominence in the field.”

In my view, there are three main problems with Huntington’s work that have impeded development of the field. First is the tautological nature of his argument; second is his use of selective data; and third is his exclusive focus on civilian control of the armed forces. Together, these methodological weaknesses have become major obstacles to original scholarship, which, although they are acknowledged by leading scholars have not been overcome.

First, as it’s core Huntington’s approach is based on tautology - it cannot be proved or disproved. Huntington focuses on what he terms “professionalism” in the officer corps, and he bases his argument on the distinction between what he terms “objective” and subjective control. As Bengt Abrahamsson wrote thirty-five years ago,

“Essentially, a “professional” officer corps is one which exhibits expertise, responsibility, and corporateness. “Professionalism,” however, to Huntington also involves political neutrality; as a result, “professionalism” and “objective control” are inseparable as theoretical concepts. The immediate consequence of this is to rule out the empirical possibility of establishing the relationship between the degree of professionalism and the degree of political neutrality. Huntington’s thesis becomes, in Carl Hempel’s words, “a covert definitional truth.” In other words, professional officers never intervene, because if they do, they are not true professionals.” Peter Feaver attempted to use Huntington’s theory to explain how the United States prevailed in the Cold War and concluded, “The lack of fit strongly suggests that Huntington’s theory does not adequately capture American civil–military relations.” Earlier in this same book, Feaver, more delicately than Abrahamsson, analyzed the theory of causation proposed by Huntington, which in his words has bedeviled the field from the beginning:

The causal chain for Huntington’s prescriptive theory runs as follows: autonomy leads to professionalization, which leads to political neutrality and voluntary subordination, which leads to secure civilian control. The heart of his concept is the putative link between professionalism and voluntary subordination. For Huntington, this was not so much a relationship of cause and effect as it was a definition: “A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state.” (Huntington 1957, pp. 74, 83–84). A professional military obeyed civilian authority. A military that did not obey was not professional. (Emphasis added.) Empirical research built on the foundation of a false premise forfeits its validity.

A second problem with Huntington’s approach is his selective choice of data, that of the military as a profession, as the explanatory variable. “Professionalism,” similarly to “culture,” is not a fixed or solid concept. The qualities that make up professionalism, just like culture, are subjective, dynamic, and changing. Indeed, a fundamental goal of the Goldwater-Nichols Defense Reorganization Act of 1986 to

promote joint professional military education, a goal that has generally been achieved across the U.S. armed forces. The U.S. Congress forced the military services to educate and utilize their officers jointly and thereby changed the culture of the U.S. armed forces, something that Huntington assumed to be largely static. In short, the meaning of “military professionalism” is not something static; it can be changed through intentional programs of incentivized education.

In 1962, five years after Huntington published *The Soldier and the State*, Samuel E. Finer, in his book *The Man on Horseback*, questioned Huntington’s approach by arguing that “professionalism” in and of itself has little meaning, and “in fact often thrusts the military into collision with the civil authorities.” One has to dissect and analyze “professionalism” to determine its relevance. This is what Alfred Stepan did a decade after Finer, in his research on the Brazilian military and the coup of 1964. Stepan coined the term “The New Professionalism,” which he described as a new paradigm based on internal security and national development, in contrast with the “old professionalism” of external defense. In complete contradiction to Huntington’s theory, Stepan demonstrated that, rather than keeping the military out of politics and under civilian control, the new professionalism politicizes the military and contributes to what Stepan called military–political managerialism and role expansion.

More recently, in his 2007 book on the history of the U.S. Army, *The Echo of Battle: The Army’s Way of War*, Brian M. Linn raises fundamental questions about the way that Huntington simplifies and glosses over major variations regarding the U.S. military profession. In contradicting Huntington, Linn states: “But as a historical explanation for the evolution of American military thought between 1865 and 1898, the thesis [of Huntington] imposes a false coherence upon an era of confusion and disagreement, of many wrong turns and mistaken assumptions.” The key point here is that Huntington found largely static and readily identifiable a quality that is in fact dynamic and nebulous. Professionalism is definitely not a solid basis on which to build an argument about democratic civilian control of the armed forces.

A third problem in Huntington's approach is his exclusive focus on control, to the detriment of all other aspects of civil-military relations. In the introduction to *The Soldier and the State*, he notes:

“Previously the primary question was: what pattern of civil-military relations is most compatible with American liberal democratic values? Now this has been supplanted by the more important issue: what pattern of civil-military relations will best maintain the security of the American nation?”

Nowhere in the rest of the long text, however, does Huntington return to this issue of military effectiveness. By contrast, he devotes an entire chapter to the topic of control, where he posits his objective and subjective models of civilian control of the armed forces.

Control is the primary, even unique, focus in the vast majority of literature on U.S. civil-military relations. Peter Feaver focuses on control in some of his publications, and in the second sentence of his 1999 review article, he noted that, “Although civil-military relations is a range of relationships between the military and civilian society at every level, the field largely focuses on the control or direction of the military by the highest civilian authorities in nation-states.” More recently, Dale R. Herspring commented, “As I surveyed the literature on civil-military relations in the United States, I was struck by the constant emphasis on ‘control.’ A common theme was that the United States had to guard against any effort by the American military to assert its will on the rest of the country.” This is not to say that democratic civilian control is irrelevant, particularly in newer democracies, but the intense focus on it in the United States is misplaced and distracts from the other dimensions.

My argument is at base that the field of civil – military relations in the U.S. has not broken away from the original contribution of Huntington in *The Soldier and the State*. Even though virtually all recent, and even not so recent contributions, reject Huntington, nobody has come up with a new basis for what is essentially a

contribution to normative political theory rather than empirical theory.

This is in part due to the lack of empirical emphasis in the field. In an effort to delineate the field of civil–military relations based on the works of its students and practitioners, my Spanish colleague Jose Olmeda analyzed articles in the journal *Armed Forces & Society* (AF&S) between 1989 and 2007 (volume 15:2 to volume 34:1). Contributions to AF&S, which Peter Feaver has characterized as “the subfield’s indispensable lead journal,” offer a remarkably comprehensive universe of available material on civil–military relations. Olmeda’s goal was to apply an analytical framework as similar as possible to that used by Geraldo L. Munck and Richard Snyder in their methodology study, “Debating the Direction of Comparative Politics,” an analysis of existing research in comparative politics. Olmeda hoped to emulate their contribution to the on-going discussion on the disciplinary direction of comparative politics by applying it to the field of civil–military relations, an objective I share. After all, civil–military relations would optimally be a subfield of comparative politics. Rather than go into all of the details, I only want to highlight the issue of data collection methods.

A broad variety of data collection methods may be used in research. The most frequent are secondary sources, primary-source interviews, and newspapers and news sources (see Table 1). There are important contrasts, however, between comparative politics and civil-military relations studies regarding the use of interviews (23.4% for the former versus 10.5% in AF&S), and government sources and official documents (58% versus 2.1%). The lack of government sources and official documents in the AF&S studies suggest a lack of attention to on-going institutional developments. Whether one can study the armed forces and security issues without using government sources, or understand complicated relationships involving civilians and military officers without conducting primary-source interviews, is at best problematic.

Methods of empirical analysis	
Method of data collection	Total
Analysis of secondary sources	71.6%
Analysis of newspapers and news sources	10.5%
Analysis of government sources and official documents	2.1%
Interviews	10.5%
Targeted surveys and questionnaires	4.2%
Mass surveys and questionnaires	1.1%
T otal	100%

3. A New Conceptualization of Civil – Military Relations

Because of my dissatisfaction with the available concept in civil – military relations, I developed a new framework that I think is more relevant to the actual situation not only in the newer democracies where we do frequent programs, but also in the U.S. I have found from my experience working with civilians and officers in newer democracies that the analytical focus exclusively on civilian control is not. Peacekeeping became increasingly critical in the former Yugoslavia, parts of Africa, Lebanon, and elsewhere, and more and more countries opted to become peacekeepers; currently 117 countries furnish military, police, or gendarmerie forces for this purpose. New global threats such as pandemic terrorism require governments everywhere to reevaluate their military capabilities in terms of both control and outcomes. In short, the challenge in the contemporary world is not only to assert and maintain civilian control over the military but also to develop effective militaries, and other security forces, that are able to implement a broad variety of roles and missions. Therefore, while the conceptualization presented here includes civilian control as a fundamental aspect of democratic consolidation and does not assume it exists in any particular

^{Table 1} Issues of data (percentage of articles using each method of empirical analysis) in AF&S.

case, control is only one aspect of the overall analysis. To understand what militaries and other state instruments of national security actually do, how well they do it, and at what cost in personnel and treasure, a comprehensive analysis of CMR must encompass the three dimensions of control, effectiveness, and efficiency. That is the goal of the framework presented here.

First, democratic civilian control comprises three aspects: civilian authority over institutional control mechanisms, normalized oversight, and the inculcation of professional norms through professional military education. Direction and guidance must be grounded in and exercised through institutions that range from organic laws that empower the civilian leadership, to civilian-led organizations with professional staffs (a ministry of defense for the military, a ministry of the interior for national police, and a civilian-led intelligence agency); one or more committees in the legislature that deal with policies and budgets; and a well-defined chain of authority for civilians to determine roles and missions using for e.g. a National Security Council type organization. Oversight requires the executive, and probably the legislature, to have institutionalized mechanisms to ensure the security and defense organizations perform in a manner consistent with the direction and guidance they have been given. Finally, the inculcation of professional norms supports the first two elements through transparent policies for recruitment, education, training, promotion, and retirement.

The second dimension is the effectiveness with which security forces fulfill their assigned roles and missions. There are several basic requirements to consider in the conceptualization of this dimension. First, there is a very wide and growing spectrum of potential roles and missions for the various security forces. Militaries participate in disaster relief, support the police in certain domestic situations, collect intelligence, and engage in peace support operations, counterterrorism, counterinsurgency, and warfare, to name a few. Police roles include crime investigation and prevention, law enforcement,

and community relations, while intelligence personnel carry out data collection and analysis, security intelligence or counterintelligence, and covert operations. Second, the roles and missions cannot be effectively fulfilled without adequate resources, including money, personnel, equipment, and training. Third, no imaginable role or mission in the modern world can be achieved by only one service in the armed forces or one agency outside of the military, without the involvement of other services and agencies. Thus “jointness” and interagency coordination are indispensable. Fourth, to make things even more complicated, there are the paradoxes of evaluating effectiveness in the context of deterrence. When wars are avoided precisely because a country is perceived not to be vulnerable; or a program keeps at-risk youth out of a gang; or an intelligence organization supplies secret information that either prevents or induces a specific desired response, without the knowledge of anyone but those directly involved; evaluating the effectiveness in these situations means, essentially, trying to quantify a negative. Finally, most of the imaginable roles and missions for today’s security services will be carried out within a web of coalitions or alliances, thus further complicating any attempts to determine a discrete service’s effectiveness. In short, there are complicated methodological issues and nuances involved in evaluating effectiveness, and analysts must grapple with them to begin to understand what support the armed forces and other security forces require if they are to do what is expected of them in the contemporary world. I stipulate here, I stipulate here, based on my experience in the U.S. and abroad, that effectiveness is possible only if there is a strategy that defines goals, institutions in place that coordinate the relevant agencies or ministries of government, and sufficient resources in terms of personnel and funds. I posit that these are the necessary, but not sufficient, requirements for achieving effectiveness.

The third dimension of democratic civil–military relations is efficiency in the use of resources to fulfill the assigned roles and missions. This dimension is of course complicated initially by the wide variety of potential roles, with their myriad

missions, and the difficulty in establishing measures of effectiveness for any one, let alone a combination of them. The first requirement for an efficient allocation of resources is a statement of objectives. Most countries have not taken the important step of creating a defining document, such as a national security strategy, that lists objectives and establishes preferences for one set of goals over another. Democratically elected governments do not produce such documents for at least two reasons. Elected office holders are loath to develop and prioritize national security strategies because their opponents will quickly point out the discrepancies between the stated goals and the actual achievements. The United States only began to do so because the U.S. Congress passed the Goldwater-Nichols Defense Reorganization Act in 1986, requiring the executive to publish an annual national security strategy document. Even so, there are years when no public document is forthcoming. The second reason for not producing documents on strategy is the absence of an interagency process not only to define but also to assess priorities. Very few countries have such a mechanism that is anything more than formal.

4. In the U.S. it is All About Effectiveness

In the book – length study I go into detail on assessing U.S. civil – military relations on these three dimensions. I find that there is virtually no issue, or concern, with civilian control as control mechanisms permeate all aspects of American culture and politics. Nor is there any concern with efficiency as there is a wide spectrum of oversight and monitoring agencies at the service of the executive and legislative branches, as well as an extremely active and informed civil society. But, there are real and serious concerns with effectiveness in national security due largely to a lack of strategy, and even doctrine, and a very weak inter – agency process to coordinate a very complicated and extensive set of powerful independent agencies and military branches.

I find support for my findings by analyzing the most serious and representative national security reform initiatives from the last successful effort, the Goldwater –

national security reform initiatives from the last successful effort, the Goldwater – Nichols Defense Reorganization Act of 1986, right up to and including the current Project on National Security Reform (PNSR). The priorities and strategies of these five major reform initiatives are illustrated in Table 2. In addition to Goldwater – Nichols, I also include the following: the findings and recommendations (released in July and August 2004) of the National Commission on Terrorist Attacks upon the United States, commonly known as the 9/11 Commission; the 2005 Center for Strategic and International Studies (CSIS) report, “Department of Defense Reform: Beyond Goldwater-Nichols”; the CSIS “Smart Power Initiative” of 2007; and the PNSR, led by James R. Locher III. As is obvious, while all of the five reform initiatives emphasize effectiveness, none touch upon democratic civilian control. The only successful reform initiative so far was Goldwater – Nichols back in 1986. The lesson I draw from the study of the fate of the reform initiatives is that even though national security and defense are typically matters of state, in reality the direction they take is determined by the goals, strategies, and resources of different political actors. This is not to say that the American armed forces are politicized but that precisely because civilians are in such absolute control of strategy and policy, virtually all issues of government, including the reform of institutions and personnel, are worked out, or more commonly kicked down the road, in a highly politicized environment. And, except for the PNSR, there is no mention of contracting out national security and defense in any of the reform initiatives.

National defense or security reform initiative	Problem identified dimensions	Proposed solution dimensions for effectiveness	Takes lead	Strategy for success	Results in law	Long-term impact	Contractors included
Goldwater-Nichols, 1986	Effectiveness Efficiency	Strategy Institutions Resources	Congress	Congress and wide-ranging momentum	Yes	Yes	No
9 / 1 1 Commission	Effectiveness	Strategy Institutions Resources	9 / 1 1 Commission	Commission engaging public widely	Yes	Dubious	No
Beyond G-N	Effectiveness Efficiency	Strategy Institutions Resources	CSIS	Cajoling	No	No	No
Smart Power	Effectiveness	Strategy Institutions Resources	CSIS	Cajoling	No	No	No
Project on National Security Reform	Effectiveness Efficiency	Strategy Institutions Resources	PNSR	Executive and wide-ranging momentum	Not yet	Not yet	Minimally

5. Contracting out. Issues of Polemics, Data, and a Framework for Analysis

The serious study of contracting out has been hampered by three main challenges. The first is the polemic between those who write about contracting out and those engaged in the process. The second is the skimpy data used by most of the analysts. And the third is the lack or inadequacy of a framework for analysis.

First, the Problem with Polemics. Social scientists, those writing virtually all of the academic books on contracting out, begin the sovereign state, which in Western history originates with the Peace of Westphalia of 1648. Max Weber probably best posited that a state requires a monopoly on the use of force: “The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous operation.” This notion of the centrality of coercive power, a monopoly on the use of force that is normally exercised by the military in

Table 2 Selected national defense and security reform initiatives since 1986.

in the modern state, is a central theme of leading contemporary political sociologists such as Theda Skocpol. Integral to this since the first professionalization of armed forces in Prussia in the nineteenth century, a trend that spread globally during the twentieth century, was the general assumption that a state's monopoly of force is exercised through professional militaries; later, this came to include professional, state-controlled intelligence and police organizations. In this conceptualization, in which the state is assumed to hold a monopoly on the use of violence, exercised through a professional military, the privatization of armed force is an anomaly, something that should not happen and, if it does, must be explained.

The great political theorist Niccolo Machiavelli, writing in 1513, had this to say about mercenaries: "Mercenaries and auxiliaries are useless and dangerous. Any man who founds his state on mercenaries can never be safe or secure, because they are disunited, ambitious, undisciplined, and untrustworthy—bold fellows among their friends but cowardly in the face of the enemy; they have no fear of God, nor loyalty to men." The perception that there is something abnormal, illegal, shady, and just not right about the privatization of security and defense continues to influence many authors 500 years later.

Reinforcing these concepts about the dangers of privatizing security are two perceptions that came directly from the occupation of Iraq following the 2003 U.S. invasion. The first is that private guards engage in torture and murder, which arose from the torture of prisoners at Abu Ghraib prison, in which contractors from CACI International Inc. and Titan Corporation were involved, and the infamous 2007 case in which Blackwater USA personnel are accused of killing seventeen innocent Iraqi civilians in Nisoor Square, Baghdad. For many authors—and probably many Americans—these have become the defining characteristics of PSCs. The second assumption is more tempered, but it assumes that even if the contracting firms are effective in fulfilling the terms of their specific contracts, such as Blackwater personnel protecting their Department of State "principals" in Nisoor Square, they may set back the overall war effort and America's prestige in the world by employing mercenaries who appear to be out of control. For many authors - and probably many Americans -

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In complete contrast to this popular image, the contractors themselves and those in government who employ the contractors and their lobbyists and strategic communicators point out that contracting out is legal, based on U.S. law and government policy. The contractors are acting in accordance with what they have been contracted to do. Given these competing perspectives, the rhetoric on both sides is bound to become polemical. The legal basis for contracting, the Federal Acquisition Regulation (FAR), has no prohibition against a firm making a profit. In fact, the whole premise for replacing government employees with private contractors rests on the assumption that competition for profit in an open marketplace guarantees the best-quality product or service for the least cost. An increasing number of federal policy documents, such as the Quadrennial Defense Review, include contractors as an integral element in U.S. national security and defense policy.

Contracting out national security and defense functions became especially relevant in the United States with the unrelenting drive to “privatize” government services during the William J. Clinton administration, and even more so during the George W. Bush administration. Contracting out had been a major theme during the Ronald Reagan administration as well, but not under President George H. W. Bush, as his Office of Management and Budget (OMB) director, Dick Darman, was not a big fan of the practice. During the Clinton administration it was used mainly in the Department of Defense and was pushed by Undersecretary for Acquisitions Jacques Gansler. This trend in the United States is in contrast to other countries, particularly in Europe, where the public and private sectors remain far more distinct. Several important studies and books by talented scholars do a good job of analyzing the trend; especially noteworthy are those by Paul C. Light and John D. Donahue.

Second, the Obstacles Posed by Data and Methodology. There are several challenges regarding the gathering of data about and methodologies for studying PSCs, but a wealth of government documents has become available since the Special Inspector General for Iraq Reconstruction (SIGIR) was founded in late 2003 and the Democratic Party took control of Congress after the November 2006 elections. Legislators have mandated the conduct and release of a considerable stream of audits and studies by SIGIR, the Government Accountability Office (GAO), the Congressional Budget Office (CBO), and CRS. Here I take Iraq as its focus and draw most of its data from official sources and interviews because these changes in the availability of data have made analysis of the invasion and occupation of Iraq uniquely worthwhile. Some of the basic difficulties regarding data on contracting out in national security and defense, which I will describe in detail in the following pages, are highlighted by Peter Singer and Christopher Kinsey. The issues they raise can help explain the limitations in earlier publications.

First, as private providers, security contractors are exempt from the transparency required of government agencies, even if the vast majority of the contractors' money comes from these agencies. Their information and documents are considered proprietary and, unlike government agencies and the U.S. military, the Freedom of Information Act does not apply to them.

Second, they are profit-making businesses that, to succeed, must be entrepreneurial. This means that the contractors expand and contract in response to supply and demand, move in and out of different areas of activity where and when they see opportunity, and are sold and acquired depending on market forces. There are hundreds, maybe thousands, of PSCs based both in the United States and abroad, and there is no responsible agency or centralized database for keeping track of them.

Third, each contractor offers different product lines or services, which are diverse and extremely dynamic. A single contractor may well have programs in the United States, Kosovo, Liberia, and Colombia, for example, making it impossible to be sure that any sample of programs is representative of a larger set or to come to general conclusions about the whole.

Fourth, the wars in Afghanistan and Iraq have triggered an explosion of contracting, measured both in amounts of money and numbers of personnel. Any phenomenon that is so dynamic is extremely difficult to track, even if there were adequate legal bases and qualified personnel to track them. For all of these reasons, even though the PSCs are engaged in many of the same missions as the U.S. military, there is little visibility into their operations, whether for oversight or monitoring purposes, and even less for scholarly analysis.

Fifth, private security contractors tend to be highly secretive, for a number of reasons. These firms deal with security in frequently violent situations in expeditionary or contingency environments, which demands a certain level of operational secrecy. Most personnel are former police or military, for whom secrecy is part of their standard mode of operation. These firms operate in a wide-open marketplace, with ever-increasing numbers of competitors and virtually no regulation, so secrecy is seen as a necessary aspect of protecting their market share.

Finally, it is very difficult to get access to PSC staff for interviews if management doesn't want them to talk. They of course are under no obligation to talk with researchers or anyone else, and their employers frequently put real disincentives in place to prevent them from doing so.

Despite these obvious difficulties with reliable data and analysis, there are an increasing number of credible sources to draw on in the case of Iraq. Congress mandated the creation of SIGIR in 2003 to study and issue quarterly reports on the war and occupation, which are readily available online. The GAO has been tasked to conduct a number of efficiency studies, as well, and is investigating the shortcomings in DoD's management and training of contractor support to deployed forces since 1997. The CRS and CBO have also been doing related studies.

It became clear in the course of my interviews beginning in Washington, DC, in early January 2009, that the contract itself—the nexus between the contracting firm and the funding agency, such as DoD, DoS, or USAID—is key to understanding their relationships. The nature of the contract, as already noted, is central to the contracting process. The Gansler Commission (named for its chairman, former

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undersecretary Jacques Gansler), which studied U.S. Army arms acquisition and program management practices in Kuwait, Iraq, and Afghanistan, for example, has forcefully made this point: “Contracting is the nexus between our warfighters’ requirements and the contractors that fulfill those requirements—whether for food service, interpreters, communications operations, equipment repair, new or modified equipment, or other supplies and services indispensable to war fighting operations. In support of critical military operations contractor personnel must provide timely services and equipment to the warfighter.”

With this insight, my research benefited tremendously from my access to the students and faculty of the Contract Management curriculum at the Naval Postgraduate School. The instructors are all former procurement specialists with long experience in contracting, who regularly publish the results of their own research. All of the students have done contracting work for the government, many for operations in Afghanistan and Iraq. Not only do several of their theses contribute to this study, but the students themselves proved to be invaluable sources of information over the course of three meetings I had with them. A group of students and faculty also conducted surveys of the PSCs and developed databases from which it became possible to make some generalizations, thereby countering to some degree the obstacles already noted. The book, and thus this paper, benefits from better and more reliable data than previous studies have had. Personal interviews with contractors, their lawyers, lobbyists, the regulators, investigators, and other primary actors helped both guide the research and fill in gaps in the empirical data. The three-part framework has proven very useful in conceptualizing and organizing this data. Although most government documents and expert testimony typically are neither conceptual nor analytical and can be very tedious to wade through, for the committed researcher they contain a wealth of data for the most part yet to be tapped.

I use the framework I developed for analyzing civil – military relations to also analyze the PSCs. Rather than cover the whole realm of contractors, which in numbers were roughly equal to uniformed personnel in 2008 (some 180,000 each), I am specifically looking to those who have filled tasks previously handled by uniformed personnel. The October 2009 SIGIR report to Congress estimated that, as of mid-2009, there were 25,500 private security personnel under contact in Iraq. SIGIR, however, does not claim to have developed a precise definition of just what a PSC is. Several federal agencies including SIGIR define a PSC in terms of the following four functions:

- Static security: protect fixed or static sites, such as housing areas, reconstruction work sites, or government buildings;
 - Convoy security: protect convoys traveling in Iraq;
 - Security escorts: protect individuals traveling in unsecured areas in Iraq;
- and
- Personal security details: provide protective security to high-ranking individuals.

Using my framework to analyze the PSCs has two major values. First, it allows us to compare and contrast the activities of the uniformed military and the contractors according to those three critical dimensions of performance, which has become increasingly important now that contractors are part of the “total force,” have taken on some of the missions that were previously the monopoly of the military, and, as a whole, may outnumber the uniformed military in Iraq and Afghanistan. The resulting analysis will allow us to systematically identify problems in control and effectiveness that have been touched on in other studies of security contracting. The comparisons will be displayed in a table 3. The second value of this method is that it organizes the prodigious and potentially overwhelming amount of data from government reports and audits in a logical and coherent, and thus more useful, manner.

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	Efficiency	Control	Effectiveness
Civil–military relations	Monitoring and oversight by full spectrum of institutional mechanisms	Control exercised by full spectrum of institutions, oversight mechanisms, and professional education	Problematic due to lack of strategy and weakness of interagency institutions
Private security contractors	Same as above	Minimal control due to uncertain concept of inherently governmental functions and sketchy legal controls	Problematic due to lack of doctrine to include PSCs and absence or shortage of contracting officers and CORs

There are several points that must be clarified regarding the table. Under control, in the book I go into extensive details on the definition of “inherently governmental functions” and describe the legal framework within which the PSCs operate. With regard to the first suffice it to say that the current definition of inherently governmental is sufficiently vague that PSCs can continue to operate in areas that most observers would assume that uniformed personnel, under the control mechanisms I elaborated earlier, apply. This is not accidental but rather due to extensive lobbying. With regard to the second, the legal framework is simply too vague, or porous to in fact allow control. Finally, in looking to effectiveness, there are serious problems due to both the lack of a robust doctrine at the military service level to allow the commanders to control contractors, and the general lack of military personnel to provide oversight and orientation. The contracting officer representatives (CORs) are insufficient in numbers, training, and are over-tasked to be able to oversee the PSCs.

Conclusion

The purpose of this paper is twofold: First, to propose a new, more useful and comparative, framework for the analysis of civil – military relations. Second, in using the framework, to analyze the same issues of control and effectiveness with regard to the PSCs, which have in fact assumed tasks previously reserved to uniform personnel. The research, and particularly the interviews which provide the basis for the book and this article, make it very clear that all of the issues regarding reform of

Table 3 Institutional dimensions of public and private national security and defense.

basis for the book and this article, make it very clear that all of the issues regarding reform of American national security structures and the PSCs are determined in a political environment characterized by both inertia, in changing well - established institutions, and lobbying by contracting firms. The framework proposed here directs our attention to this political dimension that is missing in most studies of the uniformed military and the private security contractors.

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