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The Market of Violence: From Monopoly to Free Competition

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R. CRAIG NATION (eds.)

Security in the West

Evolution of a Concept

V&P

la Scuola di Economia e Relazioni Internazionali (ASERI) centro di formazione e ricerca dell'Università Cattolica, finalizzato nell'analisi dei fattori e delle dinamiche economico-politiche della globalizzazione. Direttore dell'ASERI è Enzo Ormighi. Per informazioni: www.aseri.it

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In other words, even if a European country or the European Union disposed of the same military power as the United States – if it held the dominant position in the world from a military standpoint – that would not solve its security problems. It would still need the diplomatic skills, economic and political strengths, and the commitment to international law, institutions, and multilateralism that have characterized the European approach.²⁶

To summarize and conclude my argument: clearly there is still a distinctive European approach to security, as there was during the Cold War. One difference between that period and now, however, is that at least we were able to recognize the end of the Cold War when it happened. How will we know when the threat of terrorism or nuclear proliferation has ended? The U.S. policy of waging war against terrorism and continuing its love affair with nuclear weapons, if not changed under a new administration, makes it more likely that those threats will never go away. The European approach might offer more hope. Ideally, a model for security in the West would incorporate the best elements from Europe, the United States, and Russia as well.

IV. The Market of Violence: From Monopoly to Free Competition

Fabio Armato

Introduction: The "Civilization" of Violence

At the present moment there are millions of men, and more and more frequently women and children, who make a living killing other men, women, and children. They are to be found in state institutions, in ethnic, religious or criminal groups, and in corporations, where they are being trained to ply their trade – that is, to eliminate the largest possible number of enemies while suffering the lowest possible losses. They are individuals who have agreed to be socialized to kill and even to be killed themselves. They do this out of conviction or out of need. All of them are soldiers,¹ a labor force of public and private actors in the service of noble and not so noble causes. Together they trace out the playing field and draw up the rules of the market of *violence*, which is usually defined as the market of *security*. The use of this euphemism has a double effect. The word *security* makes the practice of killing and assassination more acceptable by justifying it as a lesser evil that is needed to guarantee the safety of one's own community. At the same time, the word *security* distracts our attention from the fact that this type of activity contributes in a significant way to determining the distribution of material and non-material resources among actors in competition with each other. This is precisely the role of violence: to allocate resources in an authoritative way. This role makes violence a form of social action that can be and often is resorted to.

There are two phenomena that have led me to place violence at the center of my analysis. In the first place, *war* is a word that – para-

²⁶ For a thoughtful discussion of these issues, and many useful references, see the contribution of Isveta Petrova in *Partners or Rivals? European-American Relations after Iraq*, ed. M. Evangelista and V.E. Pasi (Milan: Vita e Pensiero, 2005).

¹ I use this term in its literal meaning to identify the entire *genus* or category of subjects paid to use violence and not, as is more usual, to identify the particular *species* of subjects that are in the service of legitimate authority.

doxically enough – has proven to be a term of reference that is less and less suitable to cover all the ways armed force is used.² In the second place, *state* is a term that, inevitably, has become less and less capable of describing the actors in contemporary conflicts, whether civil or international. In fact, private actors, who had once seemed destined to remain little more than a memory of a long-gone past, are again taking over larger and larger slices of the market.³

Some of these actors are mercenaries. Others are pirates. The mercenary business is currently thriving in many theaters of war in Africa and in some of the outlying areas of Asia and Latin America. There, recruiters in the service of new warlords hire children with false promises of future payment. More often, they threaten or kill the children's parents so that they can force them to fight.⁴ Scenes not very different from this are being played out in the outlying areas of cities worldwide, where organized crime members hire the services of scores of little hit men for pennies.

Piracy has become a lucrative activity again, mainly in Asia and the Pacific. Piracy goes on in the realm of the sea, a realm that still evades any attempt at control or regulation. The sea gives any ship that embarks from any port the chance to change names, cargos, crews, destinations, and countries of official registry. Ships can disappear and reappear as if in the hands of a deft magician.⁵

More efficiently than individual mercenaries or pirates, mafias, terrorist networks, and military corporations are competing with the state in the use of violence. These are groups that have become significantly more organized and more and more international. Their appearance on the world stage has distorted or invalidated a number of widely held hypotheses. The first of these hypotheses

² This is clearly evidenced by the researchers' penchant for coupling war with ever new attributes – *privatized, informal, degenerate (sic!), post-modern, low-intensity*, or, more simply *new*. See M. KALDOR, *New and Old Wars: Organized Violence in a Global Era* (London: Polity Press, 1999), p. 2.

³ D.D. AVANT, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005).

⁴ P.W. SINGER, *Children at War* (New York: Pantheon Books, 2005); and D. M. ROSEN, *Armies of the Young: Child Soldiers in War and Terrorism* (New Brunswick-London, Rutgers University Press, 2005).

⁵ W. LANGEWIESCHE, *The Outlaw Sea: A World of Freedom, Chaos, and Crime* (New York: North Point Press, 2004).

is the allegedly universal character of the state as a legal entity. It seemed as if this form of political organization had no rivals, that there was no *piece* of the earth which did not belong to a state. This fact evoked the image of a world that had already been stabilized or that had in any case completed a necessary and decisive phase in its stabilization. Other factors seemed to reinforce our sense of stability. There was the slow but steady increase in the number of democratic regimes that came into being after the fall of the Berlin wall in 1989. There was the much-heralded end of conflicts between opposing ideologies. There was the globalization of the economy. In addition, the idea had taken hold that these same states had been tending to opt more and more tenaciously for the peaceful instruments of the law, something exemplified by tighter and tighter networks of international organization. All these factors seemed to confirm that very shortly violence would be restricted to the less integrated areas of the planet, and that war would give way to milder forms of international policing.⁶

We cannot yet say that we were dealing with a new *great illusion*,⁷ but certainly the repeated incursions of violence into our daily lives, even in the privileged West, has sorely tested the faith of even the most optimistic. There are many authors who interpret this turn of events as a return to the state of nature, to the pre-political condition of war of all against all. This is not something that is limited to the international arena, where in any case anarchy was the rule rather than the exception.⁸ According to these authors the very premises of civil co-existence have come to be questioned, particularly those of the *pactum subjectionis* on which the ruler's claim to hold the legitimate monopoly on the use of force is based.⁹ It is no accident that the

⁶ Many authors supported this hypothesis in terms that were other than abstractly utopian: L. BONANATE, *Democrazia tra le nazioni* (Milano: Bruno Mondadori, 2001). For the evolution of the international system after 9/11 and the wars in Afghanistan and Iraq, see L. BONANATE, *La politica internazionale tra terrorismo e guerra* (Roma-Bari: Laterza, 2004).

⁷ The term alludes to the nineteenth-century idea that free trade would have made war obsolete, reassured by N. ANGELL, *The Great Illusion* (London: Heinemann, 1913).

⁸ At least this is so if we choose to listen to the defenders of the realist orthodoxy.

⁹ R.D. KARLAN, *The Coming Anarchy: Shattering the Dreams of the Post Cold War* (New York: Random House, 2000).

political-science lexicon has been enriched by words like *failed states* and *rogue states*.¹⁰ There are even those who theorize the decline of the authority of states in the face of a *neo-medievalism* marked by the return of feudal loyalties and organizing principles.¹¹

This type of hypothesis evokes the idea of a return to the pre-political condition of some primal epoch. In this essay I would like to contrast this idea with an opposing one: that the violence of today is a violence that is more and more civil. It is not civil in the traditional meaning of an intestine, civil war, but in the literal meaning of violence produced directly by actors in civil society – that is in the private sphere or in the sphere of economic relationships. This is a type of violence that is less and less political because it is no longer managed by the protagonists of the public sphere or of the sphere of political relationships.¹²

It is as if I were saying that the fall of the Berlin wall, the sudden opening of immense new markets, and the rhetoric of globalization had all come together to lay bare the will of politics to step aside to make room for the economy, which is held to be able to regulate itself according to the free market. Or, to put it another way, it is as if the phenomenon of the privatization of politics had at last produced the privatization of the use of force as well, with apologies to Carl von Clausewitz whose basic premise that war is the continuation of politics has not even been touched. The nature of war has changed, but this has happened as a direct result of a change that first occurred in the domain of politics.¹³

¹⁰ As is well known, this last expression was coined by N. Chomsky to refer to the United States, but was used by the American administration itself to refer to regimes aiming to obtain weapons of mass destruction and support international terrorist organizations. See N. CHOMSKY, *Rogue States: The Rule of Force in World Affairs* (Cambridge, MA: South End Press, 2000).

¹¹ S. STRANGE, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996); and A. MINO, *Le nouveaux Moyens d'Age* (Paris: Gallimard, 1993).

¹² N. BOBBIO, *Stato, governo, società. Per una teoria generale della politica* (Torino: Einaudi, 1985); and P. FARNET, *Lineamenti di scienza politica* (Milano: Franco Angeli, 1994).

¹³ C. VON CLAUSEWITZ, *On War* (New York: Knopf, 1993).

The Deception of Nature

Over the course of history every type of society has developed internal structures composed of individuals specializing in the use of arms. These structures can vary in complexity from the hunters of primitive tribes to the members of the thousands of military professions produced in the modern ages. Every type of society has also used these kinds of specialists again and again to defend itself or to attack other groups. The history of humanity is also the history of violence, of its evolution, and of the attempts to rein it in.¹⁴ This evident fact has led the overwhelming majority of scholars, including those in the social sciences, to maintain that violence – or better aggressiveness – is natural in character. As we would say today, violence is a part of the genetic inheritance of humanity.¹⁵ Discussions on war have always run aground on this anthropological assumption. The idealists are the only ones to try to oppose this argument, but they do so by putting forward the argument that individuals are naturally sociable.¹⁶ The fact is that both arguments are true, as genetics has demonstrated. However, millions of other arguments about various aspects of the human character are also true. In this context, the argument about aggressiveness turns out to be so obvious that it ends up totally irrelevant for explaining violence. People are violent or sociable under some

¹⁴ H. POPP, *Phänomene der Macht: Autorität - Herrschaft - Gewalt - Technik* (Tübingen: J.C.B. Mohr (Paul Siebeck), 1986). For an introduction to the topic of violence, see P.P. POKIMAKO, "Violenza", in P.P. POKIMAKO (ed.), *I concetti del male* (Torino: Einaudi, 2002), pp. 352-364.

¹⁵ The classic reference works are still: K. LORENZ, *On Aggression* (New York: Bantam Books, 1969); and R. ARDREY, *The Territorial Imperative* (New York: Atheneum, 1966).

¹⁶ Not even an enlightenment figure like Voltaire was able to avoid this mindset when he wrote in his philosophical dictionary: "what becomes of humanity, modesty, temperance, gentleness, wisdom, piety, and what do I care about them, while half a pound of lead, shot from six hundred feet away, shatters my body, and while I die at the age of twenty in inexpressible torments in the midst of five or six thousand dying men, while my eyes, opening for the last time, see the town in which I was born destroyed by iron and fire, and while the last sounds in my ears are the cries of women and children expiring under the ruins – all for the alleged interest of a man whom we don't know?" Voltaire, "Guerre-War", in *Philosophical Dictionary*, (New York: Basic Books, 1962), p. 305.

circumstances and not under others. However, all this inevitably leads us back to the context of collective violence and this context is society itself in all of its varied historical manifestations.

This is the naturalistic prejudice upon which modern nation-states, in particular, have sought to define themselves in opposition to others and therefore in potential conflict with them. From this perspective Thomas Hobbes's metaphor of the state of nature as the original condition of the war of all against all turns out to be much more relevant, for example, than Jean-Jacques Rousseau's opposing though equally plausible metaphor of the noble savage. The reason is that Hobbes's metaphor allows violence to survive outside the borders of the *pactum societatis*. Violence is before society and outside of it, before the state and outside of it, and before market relationships and outside of them. This is not all. In fact, Hobbes claimed that the Leviathan reserved the right to hold his subjects in bondage and bind them in fear to respect agreements. At the same time Hobbes maintained that annexed to the sovereign power is the right of making war and peace with other states; that is to say, of judging when war (or peace) is for the good of the common wealth.¹⁷ For Hobbes and for all of those of the realist tradition that followed him, there is no contradiction in the fact that people may abandon the state of nature in order to guarantee their survival but then find themselves forced to rekindle their "natural passions" in order to fight a war that the authorities want to fight.

When all is said and done, violence outside of the sphere of the state is the pretext that is most often used to reinforce internal unity. In the process of state-building a potential state reaches the full extent of its sovereignty through a tormented process where the means of coercion as well as of the administrative and judicial functions are centralized. This is a process that is made possible also – if not only principally – by the demands of war. A state in the process of becoming must obtain the recognition of the powers of its epoch in order to become "sovereign." This sovereignty ends up coinciding with passing the test of a great war – that is, with the state's seeing itself recognized in the status of a belligerent by its enemies as well as by its allies.¹⁸

¹⁷ T. HOBBS, *Leviathan* (New York: W.W. Norton & Company, 1997).

¹⁸ A state's sovereignty is still today not considered complete if recognition by its

Besides being useful to the state and society, the references to violence as something that is natural become very useful to individuals as a way of getting rid of or exorcizing the problem of guilt and responsibility. The more intolerable the violence becomes, the more often this happens. The statement "war is hell" is usually pronounced to justify even the most horrendous crimes. What else does it represent but a last attempt to protect an escape route – that is, the possibility to draw a line beyond which everything is allowed?

In the end, the social sciences have tried to buttress themselves with conclusions about human destructiveness obtained from biology, ethology or psychoanalysis in order to offer us another naturalistic interpretation of violence. However, this sounds suspiciously like a stubborn rejection of the task of studying violence for what it really – a problem entirely inside societies. In fact, societies have dedicated limitless resources and energies to the exercise of violence, planning in a way that has no parallel in any other sector. Even regimes that are incapable of producing economic development have often demonstrated that they know how to wage wars.¹⁹

Planning has always covered all possible ways to employ violence, both internal and external. A society does not cease to exist when its members are outside its territorial borders. The soldiers of any army do not interrupt their relationships with their own country and with their own commander-in-chief when they cross no man's land. Soldiers do not confront nature, but other groups of similarly organized individuals. Think about the two World Wars, when millions of soldiers were equipped, fed, supplied with arms, and buried. To do this, it was necessary to distort the entire social and productive structures of the most important belligerent states. Not only this, the allied states had to create a real international division of

own citizens is not followed by a formal or *de facto* recognition by the entire international community or at least by a significant part of its members. This does not always happen peacefully. A recent example is that of the recognition of Croatia and Slovenia at the moment of the break-up of Yugoslavia in January 1992, and the consequences it had on the following Balkan wars.

¹⁹ Erich Fromm maintains that "this view that war is caused by man's aggression is not only unrealistic but harmful. It detracts attention from the real causes and thus weakens the opposition to them." E. FROMM, *The Anatomy of Human Destructiveness* (New York: Holt, Rinehart and Winston, 1973), p. 211.

labor among themselves.²⁰ Another example is the organizational level that mafias have achieved in their daily practice of violence in the service of extortion. And coordination among groups is also needed to commit terrorist acts like those of September 11, 2001.

The Political Construction of the Enemy

If violence is a kind of social action, politics – literally understood as the government of the *polis* – is the sphere that claims the right to define who its friends and enemies are.²¹ This is something different from the assertion that politics naturally involves irresolvable antagonism and therefore must necessarily walk in the shadow of war or even identify with it.²² To say that war is a necessary accountment of politics, that war is what gives human society its specifically *political* tension, is nothing other than a reformulation of the naturalistic prejudice. On the contrary, it can be maintained that the political system decides who the enemy is once its own authority has been legitimated – that is, against whom it should use violence. This is nothing other than the logical consequence of bringing violence back into society instead of letting it stay outside.

In other words, there is something that qualifies violence as “political” and that differentiates it from other forms of collective violence. This is the ruler’s claim to trace the borders of security, to establish concretely who and what should be protected, and what the external and internal threats are. We should not forget that the people who govern have the power to trace the boundaries of legality – to call everyone outside of these boundaries a criminal (for example, a terrorist). The authorities can establish that certain activities are illegal when “criminals” commit them, but legal if they commit them themselves.²³

²⁰ W.H. McNEILL, *The Pursuit of Power: Technology, Armed Forces, and Society since A.D. 1000* (Chicago: The University of Chicago Press, 1982), chapter 9.

²¹ G. CARNEVALI, *Dell'amicizia politica: Tra teoria e storia* (Roma-Bari: Laterza, 2001).

²² C. SCHMITT, *The Concept of the Political* (New Brunswick: Rutgers University Press, 1976).

²³ V. RUGGERO, *Delitti dei deboli e dei potenti: Esercizi di antitriminologia* (Turin: Bollati Boringhieri, 1999).

Political Regimes and Models of Hostility

All governments have used this sovereign prerogative widely but they have attributed differing characteristics to their enemies according to the different eras and types of regime. It is possible to give a more exact meaning to the concept of enemy by evaluating the relationship of hostility, starting from two variables – its intensity and its extension.

Intensity is a variable that harks back to the dichotomy between the real enemy and the absolute enemy. It evokes the classical distinction between the *xenos* and the *barbaros*. The *xenos* “is located in a position of outside-ness in terms that are exclusively political”. Meanwhile, the *barbaros* is “twice foreign because he is marked by two forms of otherness that make him an outsider both in political terms and in terms of kinship and culture.”²⁴ The otherness can lie in the intensity – low or high – of the clashing ideologies. Two homogenous powers could clash, as could two radically heterogeneous ones. For example, states that share the same principle of monarchical sovereignty, no matter how hostile they are to each other, will conceive of the enemy as *xenos*. On the other hand, states that claim to have irreconcilable values will conceive of the enemy as *barbaros*. This is the case for the democratic and capitalist states that clashed first with Nazi-Fascism, then with Communism, and now – at least according to some – with fundamentalist Islam.

Extension is a variable that can be explained by the other traditional dichotomy between private enemy and public enemy. The difference lies simply in the degree of collective legitimization that is substantial and not merely formal. An enemy is public when at least a majority of the people hold that it is worth fighting against and risking their lives. An enemy is private when individuals in a restricted power elite or counter-power elite conceive of it as an enemy.²⁵ For example, the absolute monarchs of the *ancien régime* used to identify their equivalent heads of hostile ruling houses as

²⁴ M. MOCAL, “Straniero due volte: il barbaro e il mondo greco”, in M. BETTINI, (ed.), *Lo straniero: Ovvero l'identità culturale a confronto* (Roma-Bari: Laterza, 1992), pp. 51-76. See especially pp. 53-54.

²⁵ P.P. PORTINARO, “Materiali per una storicizzazione della coppia amico-nemico”, in G. MIGLIO (ed.), *Amicus (intimicus) hostis: Le radici concettuali della conflittualità “privata” e della conflittualità “politica”* (Milano: Giuffrè, 1992), pp. 221-274.

their enemies. They certainly did not consider their rivals' subjects their enemies. Thus it was not an accident that they used mainly mercenaries or private combatants to settle scores with their rivals. The mercenaries wanted only to be paid adequately and regularly. The enemy becomes truly public only when politics opens up to the participation of the masses and individuals cannot refuse to take on the duty of defending their country imposed through the draft if they want to enjoy their political and social rights. Theoretically, it is only in a perfect totalitarian state or in an equally perfect popular democracy that the case prefigured by Carl Schmitt can take place, when an entire population pits itself against another population antagonistically.

However, the fundamental difference is that a democracy must, by definition, refuse to give an ethical connotation to a clash with its adversaries. Since a democracy is a regime based on principles that include individualism and tolerance, it must remain unmoved by any temptation to identify the responsibilities of the leaders with those of the masses that the leaders claim to incarnate or to consider their clash a clash of civilizations or religions. Democratic regimes, more than any other regime type, should force themselves to restrict the level of hostility as much as possible.

In real life, the construction of the enemy ends up taking place in a mixed rather than in a pure way. It is subject to escalation brought out by two conditions. First, there is the tendency to attribute to the enemy intentions that are worse than one's own. Second, there is the desire to show that we are just as determined to use force as the enemy. This is why democracies have sometimes followed the path of totalitarian regimes and ended up imitating them. During World War II, for example, the Americans and British did not hesitate to make massive use of terror bombing against German and Japanese cities, including the dropping of two atomic bombs, even when the outcome of the conflict seemed assured.

The Role of the Military Apparatus

It has been observed that the passage from ancient to modern times was marked by the expulsion of violence from the private sphere and its entrance into the public sphere. As it were, the power of the *pater familias* over his slaves and over his own fam-

ily gave way first to the power of the ruler over his subjects and then of the government over its citizens.²⁶ Nevertheless, the transformation from private violence to public violence took centuries and involved an extremely complex process marked by two main phases, here summarized very briefly.

First, monopolies were formed that were characterized by the accumulation of resources in the hands of the few and ultimately into the hands of a sole authority. Second, resources were redistributed and thereby the ruler started to transform his own power from private into public. However, he assumed the function of distributing rights and obligations – what the French termed *chance* – among wider and wider social groups without ever giving up the monopoly of his dominion.²⁷

It has also been maintained that the people who first accumulated resources were really nothing but bandits. There was said to be a competition among groups at the origin of the state and the groups to prevail were the ones that first gave up their nomadic ways and settled in a fixed area.²⁸ What is certain, however, is that the management of collective violence was to produce a growing separation of roles between the politicians, who had the task of representing various social groups and mediating among them, and the specialists in violence.²⁹ The end of the feudal period is marked by a double process – subjugation and the differentiation of roles. Before that epoch, the knight was nothing less than an official representing himself. He was a specialist trained from childhood in the use of arms and rewarded by the concession of a feud, which he was free to exercise his own dominion over and support himself from. The duties of loyalty bound him directly to his lord and not to the king. The king was still considered to be the *primus inter pares* in a multitude of confederated powers.

²⁶ H. ARENDT, *On Violence* (New York: Harcourt Brace and World, 1970).

²⁷ N. ELIAS, *The Civilizing Process* (Oxford: Blackwell, 2000).

²⁸ M. OLSON, *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships* (New York: Basic Books 2000); and C. TILLY, "War Making and State Making as Organized Crime", in P.B. EVANS - D. RUESCHMEYER - T. SKOCROPOL (eds.), *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), pp. 169-191.

²⁹ C. TILLY, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003).

The state began to take shape at the moment when the ruler managed to emancipate himself from the bonds of vassalage and assert his own superiority over the local powers. He did this through his access to new resources of violence. The establishment of a central treasury went hand in hand with the appearance of real military entrepreneurs who could sell armed units of mercenaries to the monarchs that were trained in the use of "new technologies." There were infantry troops trained in the use of pikes and in maneuvering in dense square formations. There were archers and, later, harquebusiers who could produce a disciplined line of fire. There were even cavalry troops. All these could substitute the less and less trustworthy recruits obtained through the *ban* and the *arrière ban*.³⁰

Once the subjugation was completed, the redistribution of roles could begin. The creation of a civil bureaucracy also made the ruler potentially autonomous in the administration of his reign. However, he still needed to consolidate the practice of discipline that his authority would be founded on.

For this reason, the ruler chose not to exclude the defeated parties from the sharing of power. On the contrary, he made them participate in the distribution of resources – both in terms of social status and in terms of wealth. He did this, for example through the creation of the court nobility with all its apparatus of luxuries and privileges. The court nobles' main duty would then be to fill the ranks of the new officers' corps, a duty that would call them at the moment when war against an external enemy broke out.³¹

The ambition of all the absolute rulers of that epoch, from Charles V on, was to be able to depend on an army that would become more and more *permanent*. Such an army would not have the defects that were constantly associated with mercenary troops – absolute lack of loyalty to the ruler, scant reliability in battle, and

³⁰ This refers to the system that obliged a vassal to cede his ruler a certain number of combatants. See P. CONTAMINE, *War in the Middle Ages* (New York: Blackwell, 1984).

³¹ The descent of Charles VIII of France into Italy in 1494 is usually seen as an endeavor that marked a heightening of intensity – the transition from war as a conflict for supremacy over local powers to a real international event. See L. BONANATE - F. ARMAO - F. TUCCARI, *Le relazioni internazionali. Cinque secoli di storia, 1521-1989* (Milano: Bruno Mondadori, 1997).

the practice of plundering territories as a legitimate way of rounding out their pay.

However, the enterprise would turn out to be more difficult than foreseen. There was the cost of maintaining the troops, of paying them all year long, and of quartering them in appropriate garrisons that were linked by a logistical system. In addition, there were growing expenses for the development of artillery and, consequently, for the science of fortifications. This was the justification for the frequent bankruptcies of central governments. It may explain why the regiments of the Sun King were still composed mostly of volunteers, whose recruitment fed corruption and speculation. This would explain why the storied armies of Frederick the Great, which were based at first on obligatory military service for peasants and craftsmen, would eventually be forced to resort more and more to recruiting foreign mercenaries, something that thwarted the use of the sophisticated tactics that had made Frederick's fortunes.

The officers' corps would eventually prove to be an extraordinary instrument for rulers to effect social integration and co-opt other forces in order to dominate. During the era of the rise and triumph of the bourgeoisie, rulers repeatedly resorted to the so-called sale of officers' "patents". This had two results. It fed the strained coffers of the state and it re-balanced relationships among social forces. This process downsized the old caste of nobles, who had by then become poorer in relation to the bourgeoisie. Meanwhile, members of the bourgeoisie that were calling for a status that correspond to their wealth obtained that status by entering the officers' corps.

Later, the spread of military academies prefigured the birth of the military career as a profession open to all as well as the gradual transformation of the officers' corps into a bureaucracy. Like the civil bureaucracy, the officers' corps would be based upon a sense of belonging and upon the adoption of competence and competition as the criteria for selection and advancement. However, this does not mean that the corps gave up its specific role as the main agent of political power.

If anything, military professionalism would turn out to be more efficient in the exercise of collective violence and would adapt itself to the needs of all kinds of regimes. Officers' corps would offer the necessary support to late nineteenth-century Prussian militarism as it would to the twentieth-century Latin American

military juntas. It would support liberal democracies just as well as totalitarian regimes.³²

Violence as Source of Legitimacy

Violence has the function of legitimizing power mainly because violence produces physical suffering. The wounds inflicted on a soldier's body represent the most explicit form of corroboration for any type of authority. This is so because the soldier has consented to put his body at the disposal of a confirmation process of political objectives.³³ The reasons that compelled the soldier to enroll thus turn out to be a way of distinguishing how valid a cause is held to be, though certainly not how just it is. A power can ultimately define itself as legitimate only if it is effective – i.e. if it obtains obedience. If so, then the degree and the quality of that obedience are really significant. Therefore we can imagine a continuum and place the mercenary and the citizen-soldier at opposite ends: venality and personal interest *vs.* ideality and participation, violence as merchandise *vs.* freely granted force. We can make a further distinction among the citizen-soldiers based on the question of whether the soldier's decision to put his life on the line is the result of a conscious choice or, rather, the end-result of a process of indoctrination. If we agree to bring violence back under the aegis of society, then ultimately it will be the experience of history itself that will give the proper weight to the value of life and, above all, death. This will help us to "explain why regimes differ so greatly with respect to which forms and agents of violence they sponsor, legitimate, tolerate, or forbid."³⁴

Authorities prove their intelligence when they do not rely on a military apparatus that may not give them the obedience needed to make their own power of command more effective. Over the

³² Some have divided military professionalism into classic, praetorian and revolutionary. See A. PERLMUTTER, *The Military and Politics in Modern Times: On Professionals, Praetorians, and Revolutionary Soldiers* (New Haven: Yale University Press, 1977).

³³ E. SCARRY, *The Body in Pain: The Making and Unmaking of the World* (Oxford: Oxford University Press, 1985).

³⁴ TULLY, *The Politics of Collective Violence*, p. 28.

long run we can note that such miscalculations were very rare. Absolute monarchies were afraid to arm the people and their fear was absolutely justified. Despite its defects, an army of mercenaries was a resource that was much more suited to the nature of their regimes. At the time of the Thirty Years' War Gustavus Adolphus of Sweden, a relatively enlightened ruler, began to imagine a system based on obligatory conscription. However, he conceived of lifelong service. Soldiers enlisted in the army as adolescents to leave the army either dead or as old men. They would go through all the ranks of the reserve and of the territorial militia. In this case, loyalty was guaranteed both by the training and by the fact that the soldiers did not know any other life except that of their own unit.

In addition, there were widespread forms of exceptions and authorizations to pay for a substitute. These continued in the armed forces of most of the European powers until the eve of the World Wars. It was almost as if the regimes wanted to defend themselves from possible complaints by lightening the obligation for military service, at least for the well-to-do. It is enough to remember several episode of collective draft resistance – in southern Italy at the time of the First World War and in the United States at the time of the Vietnam War – in order to realize how well those fears were founded.

All in all, universal conscription is a very rare phenomenon in the modern and contemporary era. It is no accident that universal conscription is associated with forms of government that are parliamentary or clearly revolutionary. For example, medieval Italian city states tried out conscription in the 1400s, as did the England of the Cromwell dictatorship and of the *New Model Army* (1653-58). Then there was nothing more until the *nation armée* of France in 1792. In the age of the French Revolution, conscription was also adopted by conservative powers like Prussia (that is to say, out of necessity). However, it was abolished immediately after the victory over Napoleon in a rapid "counter-reformation." In effect, universal conscription appears to be compatible only with the concession of those social and political rights that we are used to associating mainly with the twentieth-century experience of mass regimes. In those cases, universal conscription produces the most trustworthy and determined of armies so long as the war is perceived as necessary.

Mass conscription constitutes the most *public* form of political violence. For this reason, it yields an unequalled return in terms of

the legitimization of the power elite. It should be stressed that the more the people's participation is obtained in a clear and democratic way, the more the authorities' power is legitimated. On the other hand, the conscript is not motivated by money or professional pride. Therefore, he needs very strong ideological reasons to be able to resist the trauma and pain inflicted on his body and on those of his fellow-soldiers.

There was another reason why universal conscription was introduced by the democracies. They wanted to maintain the principle of equality through a general sharing of the risks as well as to reduce the traditional distance between military institutions and civil society. However, universal conscription is currently being abandoned to varying degrees as soon as there is a perceived opportunity to give the troops the model of professional quality that had proven to be so effective for the various officers' corps. This is a phenomenon that merits careful assessment.

This authentic military revolution was made possible (or at least justified) by technological innovations that permitted a certain reduction in the number of personnel, at the same time requiring greater competence. It is a revolution that has certainly given the governments involved a kind of freedom in the use of violence that was unthinkable with an army of conscripts. This is a further demonstration that political systems are very well able to choose a military apparatus that does not call their power of command into question. In fact, because of his training, a professional is less inclined to ask questions about the causes of war than a citizen-soldier. Besides, governments have been tending to subcontract larger and larger slices of collective violence to private players, even in wartime. This prefigures a massive return to the mercenary sector and seems to demonstrate that not even western democracies seem to consider it a priority to legitimize their own use of force.

Role Playing between the State and Capitalism

The construction of the military apparatus in the political sphere went hand in hand with the evolution of the market in the economic sphere. In this case too, the metaphor of the contract was nothing other than a successful attempt to hide the original accu-

mulation of resources that the ruler brought about. The contract metaphor made him appear like a *tertius super partes*, someone above the fray who knew how to transform "a chaos dominated by appropriation into a *cosmos* regulated by distribution and oriented towards production." In this way, "the legitimization of private property" was consolidated.³⁵

However, the state was directly involved in the workings of capitalism, at least the capitalism of the highest level of the great families (today, the great corporations) and of the monopolies. As Fernand Braudel observed, "capitalism only triumphs when it becomes identified with the state, when it is the state." He adds that the state "sometimes acts in its favor and at other times acts against it; it sometimes allows capitalism to expand and at other times destroys its mainspring."³⁶ Like all systems, the political system and the economic system each have their own hierarchy, their own rules, and their own values, but their workings interweave to the point that sometimes they seem to be inextricable.

This is something that rings much more true in the sphere of violence. It is enough to think of the role that powers like Spain played in setting up the first great transoceanic enterprises of that era, those long-distance commercial chains that were based on the import of the new metals – gold and silver. Later examples are England, France, and Holland in their colonial eras. The role of politics was to define the model of the enemy. In this case, the enemy was the savage who was deprived of culture and who was to be reduced into slavery. If anything, politics delegated the church and the free thinkers with the task of justifying its violence through the doctrine of the civilizing mission.³⁷ Besides, the market rewarded this collaboration generously, giving the state what it needed most – cash to invest in wars as well as the arms and soldiers to burn up in them.

³⁵ P.P. PORTINARO, *Stato*, (Bologna: Il Mulino, 1999), pp. 77-78. "In Hobbes private property originates in the ruler's act of distribution, but where did the ruler get the land and resources from that he distributes?", p. 77.

³⁶ F. BRAUDEL, *Afterthoughts on Material Civilization and Capitalism* (Baltimore: Johns Hopkins University Press, 1977), p. 64.

³⁷ D.K. FIELDHOUSE, *The Colonial Empires: A Comparative Survey from the Eighteenth Century* (London: Macmillan, 1982); V.G. KIRWAN, *European Empires from Conquest to Collapse, 1815-1960*, (London: Collins-Fontana Paperback, 1982).

Violence as a piece of merchandise, a good, and a service

It is politics that determines the intensity of the concept of violence and that teaches us whom we are to hate and why. Likewise, it is the market that offers us a clear measure of its extension and gives the term violence an almost infinite diversity of meanings. Like a weapon or a soldier, violence is a piece of merchandise that can be exchanged for money. The soldier who practices violence produces death as a direct good and wealth and power as instrumental goods. The soldier's deployment can be seen as a service for the ruler or for whoever is ready to pay him. And there are several types of violence. There is violence in the form of arms manufacturing with its civilian work force, whose members qualify as legitimate targets in times of war. There is violence in the form of investments for scientific and technological research. There is violence in the form of financial market speculation on the future prospects of death and destruction. Finally, there is the black market – clandestine and criminal – that unfailingly goes along with the developments of wartime events – i.e. violence as a work in progress.³⁸ Private actors have always known how to keep broad margins for maneuvering and for making profits in all the activities connected with the management of violence, starting with its direct practice.

The private management of armies is an activity that guaranteed work and income for many specialists in the use of weapons. It also contributed in a meaningful way to the distribution of collective resources.³⁹ We need only recall the case of Wallenstein in the seventeenth century, the colonel whose services were much sought after by the powers of that era and equally feared. Over the centuries, in fact, protection stood for a cost that varied according to the geographical areas and according to the circumstances. The management of protection sometimes produced competitive advantages for those authorities that were able to pay less for that service or not pay for it at all. Protection was the fac-

tor that decided whether civilian populations would be spared or whether they would instead be condemned to plunder, rape, and epidemics.

A further demonstration that providing protection was a private affair was the fact that the hiring of mercenaries was not (and still is not) regulated by *laws*, but rather by *contracts*. These contracts sometimes stipulated the number of soldiers requested, the pay agreed upon (to be given mostly in cash), and the period of service. Contracts could also contain some provisions about lengthening the period of service. The *condotta* was the name of the contract typical of Renaissance Italy, where it was taken for granted that the recruiter – *il condottiere* – also had to lead his troops in battle. By that time, the recruiters in Germany were capitalist businessmen who delegated the military command of the company to others.⁴⁰ This division of roles was probably brought on by the fact that often the people who recruited the men also had to be able to pay in advance the sum needed for dressing and arming them.

The situation on the seas was not so different. We need only observe that in the battle between the Armada of Philip II and the English fleet in 1588 both fleets consisted mostly of ships owned by merchants. Among the many other more sophisticated ways of subcontracting violence, one of the most widespread practices was privateering. In this case the ruler authorized privately owned armed vessels to attack enemy ships in wartime (and sometimes in peacetime). There were two advantages for the ruler. First, there was the economic income that the state guaranteed for itself by pocketing a part of the booty. Second, the state had the possibility not to appear directly responsible for the actions. There was a very blurry line separating privateering legitimized by a letter with a king's signet and acts of outright piracy. One reason is that the privateer could arbitrarily decide to broaden the terms of his own assignment. Another reason is that the sovereign could suddenly withdraw his permission in order to reduce tensions with the ene-

³⁸ See W. ALLISON, "War for Sale: The Black Market, Currency Manipulation and Corruption in the American War in Vietnam", *War & Society*, 21, 2 (2003), pp. 135-164.

³⁹ F. C. LANE, *Profits from Power: Readings in Protection Rent and Violence-Controlling Enterprises* (Albany: State University of New York Press, 1979).

⁴⁰ M. MAUERT, *Mercenaries and their Masters. Warfare in Renaissance Italy* (London: The Bodley Head Ltd, 1974); J.-C. M. VIGUEUR, *Cavaliers et citoyens. Guerre, profits et société dans l'Italie communale, XII-XIII siècles* (Paris: Éditions de l'École des hautes études en sciences sociales, 2003).

my.⁴¹ Thus a heroic commander of his majesty could change from one day to the next into a dangerous criminal to be captured and hanged from the highest yardarm of his own ship.⁴²

The very nature and the costs of maritime enterprises, particularly transoceanic voyages, made it absolutely inevitable for states to look for the contributions of private investors. Every voyage constituted an enterprise in itself. This was a factor that made it easier for the investors to calculate rather accurately the potential income in relation to the costs. Above all, the commercial goals ended up being stronger than those that were strictly military. This may serve to explain why "until the nineteenth century, sea trade and privateering remained intimately connected, and even after the development of regular navies in the second half of the seventeenth century, prize money awarded for the capture of enemy vessels remained an important part of the income naval officers and crews could look forward to."⁴³

On the contrary, land campaigns seemed to foil any attempt to forecast their costs. The only limit that remained was that of the availability of the coffers of the state. A land campaign did not offer the guarantee of any real return on an investment. The only actors that could finance such initiatives were the great Italian and German bankers. These banks were not family businesses but rather dynastic ones. They found the means to innovate the instruments of credit, guaranteeing the cash needed to pay merchants and royal troops in practically any corner of the world, thus eliminating the risks that the troops would have run by carrying money with them. Nevertheless, every war was a potential catastrophe even for these banks, especially if they had lent money to a monarch whose treasury was to go bankrupt.⁴⁴

⁴¹ J. E. THOMSON, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994).

⁴² This is not just a figure of speech. See R. C. RITCHIE, *Captain Kidd and the War against the Pirates* (Cambridge, MA: Harvard University Press, 1986); and M. REDKOP, *Between the Devil and the Deep Blue Sea* (Cambridge: Cambridge University Press, 1987).

⁴³ MCNEILL, *The Pursuit of Power*, p. 104.

⁴⁴ The extremely powerful Fugger family accompanied the rise and fall of the Spanish Hapsburgs from the election of Charles V as the Holy Roman Emperor, which they financed, to the bankruptcy of Philip II in 1557 due to the rising costs of military campaigns.

The experience of the chartered companies

Chartered companies played a much different role. Chartered companies were and still remain the most authentic handlers of private violence in the public service. In terms of the market, they incarnated an ideal model for the self-management of power. In terms of the state, they proved themselves a partner to be legitimated, tolerated, or clashed with, depending on the times. These companies were the reserve of professional merchants who agreed to pay a fee and be subject to a rigid set of rules, as in the guilds of past eras. The companies did not cover the potential risks of losses to be identified in any enterprise, but they certainly were able to guarantee unprecedented privileges. Some were usually characterized as decisively private, such as the Dutch companies. Others were characterized as state-supported, such as the French and Portuguese companies. All companies, however, had all the characteristics of a sovereign state. They were defined as "a state independent from the state" (*staat buiten die staat*). The companies recruited armies and armed fleets. They founded settlements where they had the power to govern over their fellow citizens. They minted coins. They had the power to declare war and sign treaties.⁴⁵

The special "constitutions" of these companies were the sources of many of the advantages they enjoyed. They operated as virtual monopolies. They exerted quite a lot of pressure upon their rulers. They were very capable of influencing governments (or even corrupting them). Most importantly, they could manage the violence they needed for defending their trafficking and implement their policies, treating it as a normal management cost. These resources of violence were self-financed. Fighting men equipped with the right weapons were always ready in adequate number. They could be deployed without going through the rituals of great-power politics and without the delays needed to mobilize large contingents of soldiers.⁴⁶

⁴⁵ THOMSON, *Mercenaries, Pirates, and Sovereigns*.

⁴⁶ N. STEENGAARD, "Violence and the Rise of Capitalism: Frederic C. Lane's Theory of Protection and Tribute", *Review*, 5, 2 (1981), pp. 247-273; and N. STEENGAARD, *The Asian Trade Revolution of the 17th Century: The East India Companies and the Decline of the Caravan Trade* (Chicago: The University of Chicago Press, 1975).

Sometimes some companies clashed over the control of specific markets. One example is the conflict between the English and the Dutch over the control of the Indian Ocean in 1618-20. In any case, the chartered companies almost never took part in the wars waged in Europe by their rulers. They were an exception in the international system of the era because they did not yield to pressure to advance the immediate interests of the defense and territorial expansion of their mother countries. Instead, they opted to carry out the interests of their corporate statutes – the safeguarding and the amassing of capital. The English East India Company was so independent from its mother country that it sparked a violent parliamentary protest that led to the passing of the ill-fated *India Bill*, which attempted to bring at least the company's foreign policies under royal control. In fact, England had two armies – one in the service of the state and the other in the service of the East India Company – up until the outbreak of the Indian Mutiny in 1857. What happened at that time was that the Indian army emancipated itself even from the company. The company's army had been determined to defend its independence from the English military apparatus and to reaffirm its authority over the civilian administration of the company. It ended up damaging its own economic interests irremediably and bringing on its own dissolution.⁴⁷

Other companies were to fail for various reasons. There were bankruptcies, mergers with other groups, and government decisions to revoke their concessions, which often responded to the growing demand to free up the market by new economic actors. Rather than the needs of domestic policy, the more general cause of the fall of the companies was that the international system forced the end of private violence. As regards mercenary activity, the fact that the citizens of a state could enroll for a war not fought by their own government was seen as more and more incompatible with that state's claim to remain neutral. The end of privateering was determined by the fear that attendant violence could grow into much broader conflicts. It was sanctioned internationally by the signing of the Declaration of Paris in 1856 by France, Great

Britain, Russia, Austria, Prussia, Sardinia and Turkey, with the signatories assuming the responsibility of enforcement.⁴⁸

The industrialization of death

Private actors in the management of violence seem to have taken a significant step backwards at the end of the 1800s. However, something very different was happening in the field of arms production in that very same period. Private arms producers managed to win a competitive advantage over the old state-owned military arsenals. This was something that has allowed private arms producers to mark out a leadership role in that sector that nothing and no one seems able to threaten even today. Quite aptly, the history of that era is usually built around the idea of a genuine "technological revolution." There was the invention of the breech-loading rifle, one of the most significant innovations in the field of light weapons. There was the evolution of ships from sailing to steam and from wood to steel. The pace of innovation in shipbuilding between 1830 and 1900 was so fast that newly planned ships often became obsolete even before they were launched. These same years were marked by railroad "fever" and the invention of the telegraph, phenomena that were to revolutionize the very idea of logistics. Discoveries in the field of medicine, such as quinine, reduced the mortality rate of troops engaged in colonial endeavors. According to Headrick, these technological advances explain the impressive rate of European expansion in the world more than any ideology. In 1800 Europeans occupied or controlled 35 percent of the world's surface, in 1878 the figure was 67 percent, and in 1914 more than 84 percent.⁴⁹

All this would not have been thinkable without scrupulous planning of the research that would produce a continuous stream of innovations in the years between the World Wars – trucks, tanks, airplanes, radar, and atomic bombs, for example. These could not have been made without the adoption of massive scale economies

⁴⁸ THOMSON, *Mercenaries, Pirates, and Sovereigns*.

⁴⁹ D. R. HEADRICK, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century* (Oxford: Oxford University Press, 1981).

⁴⁷ P. LAWSON, *The East India Company: A History* (London: Longman, 1993).

and without the standardization of production, including munitions, and of packaging as well. These inventions required the creation of a technological elite that could administer the labor of millions of workers and the wars of millions of soldiers. Furthermore, this evolution in technology led to several other significant practices as by-products. For example, there was collusion among companies from different countries, sometimes even among companies from enemy countries. There was systematic lobbying of armed forces' officers and politicians, which sometimes degenerated into open corruption. There were cover-ups by compliant parliaments of the budget deficits that out-of-control military expenses created.⁵⁰ All of these factors came together in what was to be called the military-industrial complex or, more correctly, the industrial-military complex.

The extent of this revolution in violence management can be made clear by some simple comparisons. In the 1600s states did not have the means to wage wars of extermination, but they certainly could already fight for years on several fronts. In those years between 10 and 12 million Europeans were soldiers, according to calculations, many of them serving outside of Europe. In fact, itinerant soldiers were the main merchandise for export from pre-industrial Europe to the rest of the world.⁵¹ In contrast, the number of soldiers mobilized in the two World Wars of the 1900s was 65 and 80 million respectively.⁵² This increase in the sizes of armies gives us some idea how productive the industrial apparatus of the great powers were. There were 8,500,000 deaths in World War I and over 50,000,000 in World War II, including 30,000,000 civilians. This tells us how destructive the weapons had become. In fact, this was the highest level of public participation in war, when people were involved *en masse* and thus earned a political legitimization for the victorious powers through their sacrifice. This legitimization was so solid that it guaranteed the world a period of peace that lasted until 1989, one of the longest periods of peace in

⁵⁰ McNEMEL, *The Pursuit of Power*.

⁵¹ G. PARKER, *The Military Revolution: Military Innovation and the Rise of the West, 1500-1800* (Cambridge: Cambridge University Press, 1988).

⁵² The World War II figure is much rougher because it does not include all the irregular forces fighting on the various fronts.

its history. Ironically, this period of public participation coincides with the triumph of privatization in arms production.

This shotgun marriage of the logic of politics to the logic of the market is inevitably destined to create tensions about which priority to pursue. We cannot assume that public security coincides with the interests of arms producers. Rather, there is evidence to the contrary, such as the so-called molecular wars that plague the global great cities of the north as well as the south. These were certainly not brought on by real combat weapons in the hands of civilians in ever increasing numbers, but they were certainly made more lethal by them.⁵³ Another piece of evidence is the very strategy of the struggle against terrorism. This strategy stresses the risk represented by that fact that small groups, or rogue states, can get their hands on weapons of mass destruction and that the proliferation of these weapons should be limited. This strategy does not even hypothesize a preventive intervention at the source of the weapons. Something like this would entail imposing greater controls by an international agency over the phases of research and production, even of the production of single components. If necessary, it would involve re-nationalizing the companies that are considered at risk and are also located in those very developed countries that are considered to be the most exposed to this threat. We should remember that it was an international conference that marginalized the private managers of violence in the nineteenth century.

The present-day arms lobbies have a power to influence the upper levels of politics that goes beyond that of any other actors from the past. It is entirely plausible to assert this if we only consider the experience of the United States and the power of the National Rifle Association to block any attempts to limit the sales of arms. Unless we buy into the myriad visions of plots that flourish in print and on web sites, however, this is not enough to determine their whole success. Furthermore, we cannot compare the nineteenth-century and contemporary times empirically in terms of the political costs and the economic revenue linked to the sector of private violence. Logically, we have to assume that the economic advantages of the present-day system, even for the state, are greater

⁵³ H.M. ENZENSBERGER, *Civil wars: From L. A. to Bosnia* (New York: The New York Press, 1994, pp. 19-25).

than those that the old-time companies, mercenaries, and privateers could produce. These advantages are enough to justify the present-day global arms policy despite the growing security risks.

Savings is an argument that is much more valid now than it was two or four centuries ago. This includes savings in scientific and technological research as well as in production. The monarchies of the past had no need to justify their expenses to their subjects. In the seventeenth century, Louis XIV could allocate 75 percent of his budget to wars, Peter the Great 85 percent, and England as much as 90 percent.⁵⁴ At the top level, the monarchical state was gradually abandoned and parliamentary systems were developed. In general, society was urbanized and modernized. These phenomena led to a gradual articulation of public spending. Today no government could allow itself to set aside such percentages of spending for military uses. In the midst of the Cold War in 1955, the United States spent 10.8 percent of its gross national product on the military. The percentage dropped to 5.2 percent in 1990. From 1999 on spending has remained at 3-3.5 percent – but the United States alone accounts for 46 percent of the total world expenditure.⁵⁵

Savings is an argument that seems plausible because it is based on the assumption that the market – understood in Adam Smith's terms as the place of perfect equilibrium of supply and demand – can guarantee the best product at the lowest price. This assumption, however, is totally unproven. Furthermore, the argument of private-sector savings is not based on any studies of the sector able to compare the costs and quality of public spending and private spending in the field of armaments. In fact, the records of the privatization of other traditionally public services, such as health care⁵⁶ and the penal system,⁵⁷ do not seem to confirm that

⁵⁴ PARKER, *The Military Revolution*, pp. 62.

⁵⁵ *Sipri Yearbook: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2007).

⁵⁶ Medicare reform has been debated for years in the United States (the program of public medical assistance program proposed by Truman at the end of World War II but approved only in 1965). Already in 2002 its privatization did not appear to be desirable because a private system did not prove able to control its costs. See J. OBERLANDER, *The Political Life of Medicine* (Chicago: The University of Chicago Press, 2003).

⁵⁷ The private sector began fully managing prison systems in the United States a number of years ago to the extent that there is talk about an "iron triangle" and

the private-sector brings savings, nor do the daily news reports of collusion among companies, the creation of cartels, and bribery aimed at getting control of public contracts. All these kinds of actions seem bound to change the hypothetical virtues of the free market profoundly. The fact is that this bias in favor of the market combines with Hobbes's idea of natural violence. Together, they form the foundation of the new massive cession of the resources of violence to private actors. This is all being planned and put into effect in the name of outsourcing and is something that can ultimately really change the institutional form that we have learned to know as the state.

The new brands of violence

Mafias, terrorist networks and multinational corporations are the main new brand names of a renewed private industry of violence. Mafias incessantly reproduce the original violent accumulation of resources on local levels. They then invest their profits on the global market. Here they play a role that is fundamental for capitalist economies – that of long-distant merchants who can make merchandise (mostly illegal) and money circulate.⁵⁸ Terrorists help feed the security market by selling marginalized groups the illusion of future access to the political arena. In exchange, they obtain an immediate sacrifice from them. Military corporations produce their own revenue by selling the services of their soldiers. This happens, for example, every time the defense of the interests of a multinational corporation leads to practices of real exploitation of natural resources. Obviously, there are differences among these actors that mainly result in their not competing with one another in the long run. *Mafiosi* and mercenaries tend to use violence more

a "corrections commercial complex" where "all parties to penal decision-making (e.g., legislators, lobbyists, private industry, corrections professionals) work together and to their own benefit, with little or no public scrutiny." "Thereby they cut the costs for the personnel by reducing re-education programs and saving on meal costs and health assistance. T.G. BLOWBERG - K. LUCKEN, *American Penology: A History of Control* (New York: Aldine De Gruyter, 2000), p. 221.

⁵⁸ F. ARMAO, *Il sistema mafia: Dall'economia-mondo al dominio locale* (Turin: Bollati Boringhieri, 2000).

instrumentally than terrorists, who often opt to target their use of violence to more typically subversive ends, sometimes domestically, sometimes internationally. Nevertheless, there are many analogies among these three organizations, particularly their compartmentalized structure – by clan, cell, or combat unit. Thus there are frequent incidents of overlapping. For example, there are mafia clans that practice subversive terrorist acts or terrorist groups that finance themselves through trafficking in narcotics.

The private industry of violence can count on a series of competitive advantages over the public management of force entrusted to states. These advantages tend to reinforce each other, fueling a mechanism that is surely efficient from their point of view. The first competitive advantage is the almost unlimited availability of financial resources. These are practically tax-free because they evade almost every power of control by national and international authorities. This makes it easier for them to buy arms and recruit men able to use them. The second advantage is the partially or totally covert nature of their organization. Therefore, they can operate outside the law hiding the identities of their own members. Their secrecy puts them in a position of unquestionable strategic superiority in reference to the use of force against whoever is trying to oppose their activities openly and legally. *Magfosi*, terrorists, and mercenaries who want to hit their enemies – whether they are helpless citizens or representatives of institutions – can take advantage of their own invisibility in order to exploit the element of surprise to the fullest. In contrast, the potential victims may never know when and where they will be hit. They may also deploy an impressive and costly security apparatus without ever ending up with a full guarantee of safety.

The third and greatest advantage is that each of these actors is positioned so as to be able to control the market of violence on the demand side as well as on the supply side. Though working in different sectors, all of them sell “protection” as a good, a product. *Magfosi* present themselves to extortion victims as the guardians of the safety of their persons and possessions, upon payment. Terrorists claim to defend the masses, yet obtain in exchange tributes in the form of money or eventually in the form of something natural – the human lives of their suicide attackers. Mercenaries offer themselves as professionals in the service of any cause as long as they are adequately compensated. At the same time, all of them

help generate and feed the insecurity that is at the origin of the demand for protection. Mafia clans are also the authors of extortion. Terrorist groups jeopardize civil coexistence by bringing out the contradictions in societies and then exposing their own communities to the risks of reprisals. Mercenary units can endlessly reproduce the conflicts they were called in to settle by skillfully switching sides. None of these actors is engaged in an irrational use of violence. On the contrary, all have proven over time that they know how to forward the interests of their own groups, adapting a kind of logic that is wholly “economic.”

Among leading actors in the new wave of the privatization of violence, the mafias seem to be best equipped to bring the exploits of the old-time chartered companies back to life. Putting aside the mythology that goes along with the history of organizations like the *Cosa Nostra*, even the *magfosi* say, “he has honor who produces profits.” The first point in common between the mafias and the chartered companies is that the mafias have a conception of the market as a monopoly rather than as a space for competition. This is the reason why they claim the power to recruit soldiers and govern territory. This availability of military resources allows them to avoid going to authorities other than themselves in order to guarantee the security of their own trafficking. Thus they are able to economize their expenses by keeping the costs of protection within their own organizations.

The second point in common between the mafias and the chartered companies is that, strengthened by their privileged freedom of action, they can pick and choose when and how much of their profits to invest in order to expand their territorial power. Further, they can increase their shares in the local markets of public works and/or in the global market of illegal trafficking. If a particular mafia clan makes the wrong decision in these areas, they can run into problems in their relationships with state institutions and with competing mafia clans.⁵⁹ The exploits of the *Corleonesi* crime group in the early 1990s in Sicily exemplify various choices of tactics. They repeatedly used terrorist acts, and these could be interpreted as

⁵⁹ These types of strategic decision and the ability to keep the costs of protection low were what determined the success of a particular company over its direct competitors. See STEENSCAARD, *Violence and the Rise of Capitalism*.

attempts to emphasize *Cosa Nostra* control over their territory. They subsequently decided to sink deep out of sight, and this could be interpreted as the logical consequence of their decision to commit themselves to strengthening their economic power.

The third point in common between the mafias and the chartered companies is their ability to produce a surplus of violence. The mafias can usefully put their violence on the market again and offer it to politicians and business people who handle resources that the mafias lack. Firstly, they may need legislative and administrative resources that would guarantee their impunity and facilitate their access to great government contracts. Secondly, they may need front activities that cover their laundering of illegal earnings, including access to fast lanes in the credit system and to the financial world in general. Thirdly, they may need resources that would strengthen their status and, thereby, broaden the basis of their consensus.

As in the era of the chartered companies, politics currently pretends that it is not involved in these activities. This stance is as unfounded as it is hazardous. Politics should not make so much of an effort to push the problem outside of its own boundaries in the way Hobbes might have done it. It should not content itself with defining the mafia as an anti-state. Instead, politics should investigate in detail the particular inner causes of the mafias' spread.

Violence is not the only activity of *mafiosi*, terrorists and mercenaries, but it is what they have in common and what makes them comparable. On the other hand, violence is what distinguishes them from other non-governmental groups that are capable of wielding power by acting illegally or exploiting the twilight zones of the economic and/or political systems. What makes the difference is their readiness to kill. This is what distinguishes *mafiosi* from so-called "white-collar criminals," terrorists from radical political opponents who restrict themselves to underground activity, and mercenaries from lobbyists ready to safeguard their investments sometimes using forms of bribery.

This is not all. Violence as a form of social activity is the only context that can make intelligible the setting of death mafias are moving inside of today. Like many of their predecessors through history, present-day *mafiosi*, terrorists and mercenaries are individuals that can guarantee themselves an income – and not always at mere survival level – by exploiting their ability in the use of arms and their own lack of hesitation to use them against men, women

and children. What distinguishes them from other soldiers – those in the ranks of national institutions – is the fact that they depend on private authorities, that they make their own lives available to these authorities, and that they give them the legitimacy that they consequently deny to the states they are citizens of.

Conclusion

Social scientists should make an effort to study these three types of private authorities – mafia clans, terrorist groups, and military corporations. Firstly, they should study their origins and their evolution in the territorial context they belong to as well as their capacity to expand on an international level. Above all, they should ask how they manage to provide their members with such a strong sense of belonging and of identification with the aims of the group, receiving in exchange a loyalty that goes beyond mere obedience. This loyalty is something that previously only the state – in particular, a state up in arms for a war – had the ability to earn from its citizens – i.e. the prerogative of commanding men to kill and, if necessary, to sacrifice their lives. Social scientists should also ask what rules these private authorities follow, what values they champion, and what structures they take to earn this loyalty.

Secondly, social scientists should investigate the authorities' acting as groups. They should ask how group action can transform itself into the power of intimidation and, consequently, into a guarantee of immunity for its individual members. They should investigate how acting as a group helps their members easily avoid direct confrontations in the open with their adversaries. This is something that makes wars against them fruitless and makes the massive assaults of even the strongest armies superfluous.

Thirdly, social scientists should investigate the various ways these actors have of rooting themselves in their territories of origin. They should analyze what relationships they cultivate with those areas of the political system and the business world that are not necessarily opposed to their violent methods. They should investigate what potential or real factors these actors can count on to broaden their base of consensus.

Fourthly, social scientists should examine the various "commercial strategies" that these actors adopt in order to make their

presence felt on the global market. Today *mafiosi*, terrorists and mercenaries have managed to express a degree of dynamism and cynicism on the global market that ranks with that shown by the European powers at the time of colonial competition.⁶⁰

What I have outlined above is obviously nothing other than a research project that calls for a real methodological revolution. Research on violence should no longer be satisfied with just working out rankings of savagery or with determining if there are more deaths today than yesterday. The purely statistical study of violence turns out to be very useful in correcting that natural defect in perception that leads us to believe that the violence of the world we are surrounded by appears greater and worse than the violence of any other world at absolutely any other time or place. Nevertheless, the tragic count of deaths alone will not help us interpret reality, even if this count manages to avoid the mistakes that come out of the by-now frequent practice of hiding or manipulating data. On the other hand, it no longer makes any sense to keep on talking about contemporary violence remaining anchored to Hobbes's assumption of natural human aggressiveness or to Weber's definition of the monopoly of legitimate physical force.

Instead, it would be better to propose some interpretive models – i.e. several scenarios – and then test their plausibility through the study of several cases.⁶¹ Such models should give the right weight to the dynamics inside single groups and examine how these groups take advantage of the on-going processes of globalization. In any case, we should not forget that today we find ourselves hurled into an environment marked by the crises of a growing number of state authorities. This is the space that private violence has been winning back, the very space that public politics had so gradually and so painstakingly expelled it from. It is precisely this private violence that has to be taken account of. Meanwhile, we should avoid any temptations to justify the causes for

⁶⁰ For the topic of private authority, see R.B. HALL - T.J. BIERSTCKER (eds.), *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press, 2002); and D. JOSSELYN - W. WALLACE, *Non-State Actors in World Politics* (New York: Palgrave, 2001).

⁶¹ F. ARMAO, "Who Is the Enemy? Scenarios of War in Times of Globalization", in M. EVANGELISTA (ed.), *Peace Studies: Critical Concepts in Political Science*, vol. III, (London: Routledge, 2005), pp. 279-305.

the success of *mafiosi*, terrorists, and mercenaries through simple references to the end of the state, to clashes of civilization or even to one more evocation of the West threatened at its borders.

If anything, it is precisely the democratic north that owes the rest of the world and itself a bit more of an explanation. The north was able to enjoy immense competitive advantages for centuries. Not only was it not able to exploit them fully in an effort to reduce its own domestic inequalities, but it also had no intention to invest in reducing its distance from other people in other parts of the world. At present, the most important political representatives of the north are running away from their own responsibilities once again simply by projecting the problem of the causes of violence outside their own boundaries. Their pretence has no theoretical or historical basis at all. Besides that, it runs the risk of turning out to be fatal for the security of the regimes that the leaders claim to want to defend.

The Private Security Industry in the Post-War Balkans: A Blank in Security Sector Reform Strategies

Francesco Sgarbi and Simone Tholens

What happened to the wide apparatus of ill-disciplined paramilitary units and militiamen that fought the cycle of Balkan wars between 1991 and 2001? How is the collapse of the distinction between public and private actors that characterized those wars reflected in the subsequent peace? The question is not an idle one, if one concedes some credit to the "new war hypothesis" that was first proposed by Mary Kaldor in 1999. This perspective underlines the key role that various "war entrepreneurs" and their men at arms have had in establishing war as a permanent system of resource extraction, chiefly through terror tactics and mafia-style intimidation. After a decade of violence, the Western Balkans region is still facing challenges to stability and socio-economic development, as well as geopolitical tensions. The entire region is *en route* to EU membership, and externally sponsored reforms aiming to introduce liberal democracy and free-market economics blend with widespread social clientelism and extra-legal economies. In the rapidly changing context of "postwar reconstruction," "security" has everywhere emerged as a service that is legally (or *quasi-legally*) bought and sold, ostensibly regulated by the invisible hand of the market. This development reflects the wider global trends of commodification of security provision. In each and every Balkan country emerging from armed conflict one can observe a booming, largely unmonitored and unregulated private security industry.

The case of the Republic of Macedonia, the last former Yugoslav republic to experience armed violence and an official candidate for EU membership, provides a clear illustration of the current state of affairs regarding the private security industry in the Western Balkans. As with the other former eastern European post-socialist countries, the emergence of a private security sector in Macedonia dates to the moment of independence (1991). The private protection industry expanded dramatically in size and scope in correspondence with the high levels of insecurity that followed the armed clashes of the spring-summer of 2001. As of 2008, approximately 80 private security providers are registered in this country of some 2 million inhabitants, with the number of actually employed private guards oscillating between 3,000 and 12,000,

including on the source consulted. Private security guards are permitted to carry arms while on duty. The "Law on Security" of 1999 – the main legal basis for regulating private security business in the country – does not allow international security companies access to the Macedonian market, but this situation is likely to change as the path to the EU is opening. The Ministry of Interior and the Chamber of Security are the main bodies regulating the private security sector. A major problem of oversight exists: basic data concerning this sector are often either impossible to obtain or insufficient.

A number of provisions were adopted in 2007 to strengthen the existing legislative framework and make it more cogent; implementation, however, remains extremely problematic. This is eminently a political problem: patronage and clientelism deeply permeate the Macedonian economy and political life, across and within its national communities. In this context political parties rarely demonstrate a motivation to enforce legislation in areas that touch upon their interests, the private security sector being one of them. Affiliation with a political party means access to markets through the issue of licenses, the granting of contracts, and protection / advantage *vis-à-vis* competitors. Politicians often have direct or indirect economic interests in a security company, or they engage the private contractors linked to them to protect their position or financial assets in a given local community. This represents a situation of mutual gain, but also, and more fundamentally, of sheer survival – when a political party is out of office, the company can expect to be out of business. If the company does a good job in protecting the party or the politician's interests it increases the propensity for the "collaboration" to continue in the next term in office.

Numerous examples circulate linking Macedonian politics with the growing private security industry. The implications of such practices for a sustainable system of good governance can be severe, above all in terms of lack of transparency and accountability. An illustration of how inflammable this admixture of public, private and informal security actors can be may probably be found in the violent incidents that occurred on September 25th 2007 in the *Sobranje*, the Macedonian parliament. Political hostility among Albanian factions primed a confrontation that involved a number of armed private and public organizations.

While good governance is affected, other alarming signals indicate that threats exist to the peace that is enshrined in the Ohrid Agreement, the internationally brokered peace deal that ended the violence of 2001. Deep-rooted ethnic demarcation lines cut the country more or less in two parts: on the one hand, the Albanian minority – approximately 25 percent of the population, mostly concentrated in western districts; on the other, the majority of the population, which is mostly ethnic Macedo-

nian, with smaller minorities of Turks, Vlachs, Serbs and Roma. Some of the biggest private security companies in the country claim they employ private security guards with different ethnic background, also because this allows them to reach wider market shares. However, the widespread perception of these private companies as nothing other than politically sponsored para-police forces generates a widespread negative impression of men in uniform as mono-ethnic units of bodyguards. Such a trend reinforces dynamics of social and ethnic polarization and segregation. It is presumed that several "special force" units that were formed during the war (e.g. the "Lions," "Tigers," "Wolves") and were later disbanded have ongoing connections with the private security industry. Many informal practices have been developed to evade existing regulations. Furthermore, as local news sources often report, up to 30 percent of the Macedonian Army's Special Forces units, more akin to police SWAT teams than soldiers, are working at night in the private security industry in addition to their day job.

This picture raises questions that regard the nature and the sustainability of state-making processes: as with the other post-war Balkan countries, the reform of the police touches sensitive nerves, and in this context the relationship between public police and private security agencies is a delicate issue to tackle. Though Macedonia does not have a federal structure, the Albanian party that receives the higher percentage of representation in densely Albanian-speaking areas is considered the winner – i.e. the coalition-partner in the central government. The winner takes all, and this also entails strong influence in most economic sectors: legal business, gray transactions and black market. The winning party will thus also control the public security structures, as the composition of police structures under the Ministry of Interior reflects the country's ethnic composition. However, while in theory the (ethnic Macedonian) Director of Public Security and the (ethnic Albanian) Deputy Director of Public Security are supposed to share responsibility over the entire Macedonian police force, in practice the Deputy Director is in charge of the (mostly of Albanian origin) police in the west of the country, while the Macedonian Director is the *de facto* chief of the police for all the rest of the country. At every election the entire structure can be turned upside down, thus showing how inconsequential institutional autonomy can be; thus it is far from unthinkable that the driver of a politician becomes Deputy Director of Public Security when his party comes to power. Private security companies with political ties, as illustrated above, feed the mechanisms that ensure the maintenance of such a system, making it extremely resilient but also, paradoxically, quite volatile. The complex web of paramilitary groups, ex-combatants integrating party-affiliated parallel security structures, and formally registered security companies

reveals itself as a toxic cocktail in a crucial moment of state reform and regional reconfiguration.

The agents of the "international community," confronted with the intractability that often characterizes the aftermath of armed conflict, have been increasingly prone to recognize the mutual dependence of security and development issues, adopting holistic approaches to post-conflict rebuilding. Reform packages such as Security Sector Reform (SSR) have been promoted so as to strengthen not only security *stricto sensu* (i.e. the state's control of its territory), but also to tackle wider and deeper conditions that are regarded as pillars of the model of liberal peace. While growth in the international market of private military contractors has received attention in recent years, the local market in security provision is very often considered to be part of the emergence of a functioning market. As a result, there is little indication that the issue has been a preoccupation for the drivers of post conflict reconstruction and "state-building," most notably the UN and the EU. Research conducted in post-conflict Balkan countries indicates that the exclusion of the local private provision of security from broad reforms and regulatory frameworks is far from uncontroversial. It is bound to entail a cost, especially for the EU, which has projected itself into the Western Balkans region with its enlargement strategy.

The concept of Security Sector Reform is quite new from an EU perspective. In 2005 and 2006, however, the Council and the Commission developed policy frameworks for SSR support (the *EU Concept for ESDP Support to SSR* and *A Concept for European Community Support to SSR*). Literature concerning the inclusion of private security companies in comprehensive SSR strategies and specific program packages is lacking (Richards and Smith, 2007). In academic literature, the most recent book on the EU and SSR (Spence and Fluri, 2008), hardly mentions "private security companies," and observations indicate the initial attitude of the European Commission towards the private security industry as one of treating it in the same way as any other service industry – i.e. not requiring any specific rules or harmonized legislation which might disrupt the operation of the free market. Concern for this state of affairs has been expressed above all by NGOs or IGOs such as the OECD. In recent times the latter has begun to address the issue in some detail. The OECD guidelines and handbook (2005, 2007) are currently the definitive documents for SSR donors and look to outline the core values of SSR and give policy direction. Quite tellingly, private security providers are mentioned in the OECD documents under the heading "non-statutory security forces with whom donors rarely engage;" a vague category that also includes *guerrilla* and liberation armies.

The EU's ambition to transform the Balkans from a war torn region into a security community can hardly be reconciled with the neglect of the way in which the privatization of security affects governance and economic activities. Existing legislation, if in place at all, appears to be at best inadequate and often times unimplemented or altogether avoided. The idea that the market itself will provide solutions, when dealing with the existence of deep-seated extra-legal practices, clientelistic structures, and criminal interests, does not stand to the evidence, and can be considered a *naïve* and dangerous myth. The example of Bulgaria, where shadow security structures historically lie at the very heart of those mechanisms of corruption and criminalization of public life that the EU indicates as a serious problem for this new member state, provides a clear example of how dealing with the emerging private security industry is a necessary condition for establishing sustainable political and economic structures in the Western Balkans.

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