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**Mercenarism, Norms and Market Exchange:
Reassembling the Private Military Labour Market**

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Abstract

The article analyses how the norm against mercenarism shapes the legitimate parameters of exchange in the market for military outsourcing. The dominant interpretation of this dynamic is that neoliberal states and private military companies (PMCs) have come to restrict their transactions to non-combat functions in order to circumvent contemporary articulations of this norm. The article, by contrast, contends that even within these narrowed parameters of exchange, neoliberal states and PMCs have been required to work through the norm against mercenarism. Using the 'global security assemblages' approach, and drawing upon new data relating to the UK case, it explores how the Foreign and Commonwealth Office and PMCs have sought to appropriate symbolic capital from a domestic private security licencing regime so as to distance their non-combat transactions from the norm against mercenarism. In so doing, it facilitates a reappraisal of the regulatory potential of this norm within today's pluralised military landscape.

Keywords

private military, private security, mercenarism, regulation, symbolic capital

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Introduction

The norm against mercenarism – which condemns the practice of private soldiering – played a significant role in the construction of the modern world order, contributing decisively towards the institutionalisation of the state monopoly over violence in the 19th century (Percy 2007a). For much of the 20th century, it became an implicitly accepted feature of international politics as major wars were fought predominantly with state-controlled citizen armies (Thomson 1990). At the turn of the 21st century, however, this norm has once again entered into the public consciousness in response to the controversial use of private military companies (PMCs) by Coalition forces in Iraq and Afghanistan. At the height of these post-9/11 interventions, PMCs were deploying an estimated 54,000 armed contractors on the battlefields of the Middle East (Krahmann 2012: 344), with many tens of thousands more carrying out a range of unarmed logistical and support functions (Heinecken 2014: 629). This trend has prompted commentators far and wide – from UN rapporteurs and international aid workers to investigative journalists and film makers – to voice their grave concerns over the expansion of PMC operations which, they observe, not only seek to profit from warfare but also function beyond established chains of command (Kruck and Spencer 2013). As a consequence, those actors seeking to participate in this controversial marketplace – in particular, neoliberal states on the buying side and PMCs on the selling side – have been required to navigate their transactions through contemporary articulations of the age-old norm against mercenarism. The article seeks to enhance our understanding of this important normative dynamic.

The most common interpretation of this dynamic – pioneered by Percy (2007a/b/c, 2014, 2016) and broadly reproduced throughout the field – is that neoliberal states and PMCs have come to strategically restrict their transactions to non-

combat (as opposed to combat) functions so as to circumvent contemporary articulations of the norm against mercenarism. Extending this interpretation, a further group of scholars – in particular, Leander (2010), Berndtsson (2012) and Joachim and Schneiker (2012) – implicitly suggest that even within these narrowed parameters of market exchange, neoliberal states and PMCs have been compelled to confront and work through these constraints by actively aligning their non-combat transactions with counterposed norms such as the state monopoly over violence and/or international humanitarianism. The purpose of this article is to advance this nascent line of reasoning in a number of ways. In empirical terms, it illustrates how since the mid-2000s the Foreign and Commonwealth Office (FCO) and UK-based PMCs have sought to appropriate symbolic capital from the Security Industry Authority (SIA) – the public body tasked with licensing the domestic private security labour market – so as to distance their non-combat transactions from the norm against mercenarism. In theoretical terms, it accordingly reveals a new level of interplay between the agency of neoliberal states and PMCs and the structural constraints arising from the norm against mercenarism – an interplay which denotes a more extensive penetration of this norm into the market for military outsourcing than previously recognised. In practical terms, it indicates how this newly identified normative dynamic could be used to better align these non-combat transactions with the public interest.

The argument unfolds over four sections. The next section reviews the extant literature on the norm against mercenarism both to set the scene and to highlight the contribution of the article. The following section maps out the article's organising perspective – namely, Abrahamsen and Williams' (2009, 2011) 'global security assemblages' approach which emphasises the centrality of 'symbolic capital' in the formation of new state-market configurations across the security 'field'. This section

also summarises the article's methodology which rests upon the analysis of official documents and 56 semi-structured interviews with a range of stakeholders in the market for military outsourcing. The subsequent section turns to the UK case, chronologically charting the attempts by the FCO and UK-based PMCs to appropriate symbolic capital from the SIA licensing regime. The final section clarifies the empirical and theoretical contributions of the article, before reflecting on what this new understanding of the relationship between mercenarism, norms and market exchange tells us about the regulatory potential of this norm in today's pluralised military landscape.

Before proceeding any further, however, a brief note on (inter)disciplinarity and terminology is required. Over the past couple of decades, scholars writing within the disciplines of international relations and international law have variously termed those companies working in international military contexts as 'private military companies' (PMCs), 'private security companies' (PSCs) or 'private military and security companies' (PMSCs). At the same time, scholars writing within the field of criminology have termed those companies working in domestic policing contexts as 'private security companies' (PSCs). The same term – 'private security' – has therefore been used to describe two related but distinct types of company. While this terminological overlap has the potential to cause confusion, this has largely been avoided to date because companies have for the most part operated in either international military contexts or domestic policing contexts and have therefore been studied within the disciplines of international relations and international law or criminology respectively. However, in focusing on how the FCO and UK-based PMCs have stretched a statutory licensing regime from the domestic private security labour market into the international private military labour market, the article breaks down these scholarly distinctions. To sidestep any

potentially confusing terminological overlaps, in what follows the term 'private military' is attached to those companies and labour markets operating in international military contexts and the term 'private security' is attached to those companies and labour markets operating in domestic policing contexts. These terminological specifications also serve to highlight the interdisciplinary scope of the article, which not only contributes towards our sociological understanding of the norm against mercenarism, but more broadly stands at the 'crossroads' of international relations, international law and criminology (Bigo 2016).

Context

The default narrative on the rise of the market for military outsourcing follows a distinctly rationalist neoclassical economic logic, emphasizing a series of supply/demand shifts which unfolded against the backdrop of the geopolitical and geoeconomic transformations of the late 1980s and early 1990s (for overviews see: Singer 2008: 49-60; Rosen 2008: 78-80; Heinecken 2014: 627-630). The key geopolitical development was the so-called peace dividend which came with the ending of the Cold War. With substantially reduced threat levels on the horizon, political leaders across the globe soon rolled out extensive military downsizing programmes amounting to a collective retrenchment of something like 7 million soldiers (Singer 2008: 53). Upon assuming office in 1993 the Clinton administration alone shrank the US military from 2.2 million to 1.4 million active duty soldiers, sailors, airmen and marines (McFate 2015: 43). These programmes would not necessarily have caused any problems had the 1990s actually witnessed a period of sustained peace. But they most emphatically did not. The collapse of the 'stabilizing' bipolar power structure of the Cold War era unleashed a multitude of new conflicts – often rooted in localized ethnic

tensions – the world over (Kaldor 2012). The fallout of these conflicts then shot destabilizing ripple effects back towards those states which had just significantly reduced their military capacity in anticipation of limited foreign intervention, thereby presenting them with a conundrum: how can we build sufficient capacity to intervene?

The answer to this question was decisively shaped by the contemporaneous geoeconomic transformation taking place: the ascendance of neoliberal ideology across the Anglosphere. From their intellectual roots in the New Right movement of the mid-1970s, neoliberal economic principles – which, among other things, promote the privatization of public services by selling off state assets, outsourcing state functions to the market and restructuring state bureaucracies into quasi-markets – rapidly spread across the public policy landscape, spearheaded by the Thatcher and Reagan administrations. By the 1990s, these principles had begun to penetrate the military sphere, meaning that shortfalls in military capacity were increasingly being recast as opportunities to incorporate private sector expertise and entrepreneurialism into slow moving military hierarchies (Krahmann 2010; Heinecken 2014). So it came to be that in addressing the question of how to intervene, many neoliberal states turned to the host of new companies offering military manpower and machinery – suddenly available in abundance due to the post-Cold War mass demobilization – on the open market.

Between 1950-89, PMCs were involved in 15 conflicts, while in the period 1990-2000 they were present in no less than 80, including those in Yugoslavia, Albania, the Gulf region, Sierra Leone, Ethiopia, Congo, Angola, Sudan, Zambia Papua New Guinea and East Timor (Rosen 2008: 79-80). The market for military outsourcing then experienced a further period of rapid expansion following the post-9/11 interventions in Iraq and Afghanistan, where Coalition forces found themselves facing down unexpected

resistance from insurgents and once again turned to this market in order to compensate for a shortfall in frontline capacity (Isenberg 2009).

Despite the rationalist neoclassical economic orientation of this narrative, it is nevertheless widely acknowledged that these transactions were not taking place in an unfettered marketplace. From the outset they were structured by, among other things, legacies of colonialism and racial inequalities (Chisholm 2015), gender politics (Eichler 2015) and – our concern here – regulatory prohibitions arising from the norm against mercenarism. The most instructive starting point for understanding the relationship between mercenarism, norms and market exchange is the work of Percy (2007a/b/c, 2014, 2016). She begins her analysis of these variables by assuming a ‘loose constructivist approach’ which rests upon two basic analytical propositions: first, as elite actors pursue their rational interests in the international sphere they are required to negotiate their way through a series of deeply embedded intersubjective norms concerning the rightful constitution of the international order; second, this dialectical interplay between structure and agency is best captured using a narrative approach which empirically traces how elite actors (re)interpret and (re)shape these intersubjective norms across different historical contexts (Percy 2007a: 14-48). Using these propositions, she illustrates how over recent decades neoliberal states and PMCs have attempted to transform and manipulate the hegemonic meaning of the norm against mercenarism so that it only criminalizes combat functions, thereby carving out a legitimate space for non-combat transactions within the contemporary marketplace. This process, she observes, has taken place over three broad stages.

Stage one revolves around the legal institutionalization of the norm against mercenarism in Article 47 of the First Additional Protocol to the Geneva Conventions (1977) – a process triggered by the sporadic outbreaks of mercenary activity during the

African decolonization movements of the 1960s and 1970s (Singer 2008: 37-8). Article 47 criminalizes any individual who, among other things, 'is specifically recruited locally or abroad to *fight* in an armed conflict' and 'is motivated to take part in hostilities essentially by the desire for private gain' (emphasis added). For Percy (2014: 10; 2016: 225), the historic importance of Article 47 is not so much that it directly influenced subsequent attempts to institutionalize the norm against mercenarism in international law – which resulted in the United Nations Convention against the Recruitment, Use, Financing and Training of Mercenaries, completed in 1989 and operationalized in 2001 – but that it placed so much emphasis on the act of 'fighting'. This stipulation – taken for granted by the original architects of Article 47 – was to have significant repercussions down the line.

Stage two centres upon the controversy surrounding Executive Outcomes and Sandline International – often regarded as the first true PMCs – which were hired by warring factions in the Angolan, Papua New Guinean and Sierra Leonean civil conflicts during the 1990s (Kinsey 2006). While both companies escaped prosecution as mercenary outfits under international law – which was proving to be hopelessly full of loopholes – their overt use of violence in the pursuit of financial gain attracted widespread condemnation, ultimately leading to the closure of both companies by 2004, and prompting Percy (2007c) to characterize anti-mercenary sentiment as a 'strong norm, weak law'. Despite this controversy, however, neoliberal states and PMCs – in particular the UK, US and companies headquartered in these countries – continued to see opportunities in this marketplace, especially within the highly turbulent post-9/11 era. As a consequence, they attempted both to distance themselves from the exploits of Executive Outcomes and Sandline International and, at the same time, to carve out a legitimate space for future market exchanges. This balancing act was accomplished,

Percy (2007a: 227-32; 2014: 75-7) reasons, by first making a distinction between 'combat' PMCs (such as Executive Outcomes and Sandline International) and 'non-combat' PMCs, and then claiming that while the former do indeed contravene the regulatory prohibitions arising from the norm against mercenarism – as Article 47 would suggest with its explicit emphasis on 'fighting' – the latter do not (see also Petersohn 2014: 482-489).

Stage three concerns the consolidation of this distinction during the course of the Coalition interventions in Iraq and Afghanistan. While many accusations of mercenarism were targeted towards the post-9/11 market for military outsourcing, most related to instances where PMCs were clearly engaged in aggressive combat behavior (Panke and Petersohn 2011: 730) – the paradigmatic case being the notorious 2007 Nisour Square massacre, when contractors working for Blackwater killed seventeen Iraqi civilians and injured at least twenty more during a fifteen minute shoot-up in the middle of a busy Baghdad intersection (see Scahill 2007: 3-9). Non-combat PMC operations were, so Percy's argument goes, for the most part able to stay out of the public eye, quietly gaining tacit acceptance. This process of legitimation was facilitated, moreover, by the voluntary regulatory regimes coming into effect at this time (Percy 2014). These regimes emerged through a combination of international initiatives such as the Swiss-led Montreux Process and the efforts of trade associations such as the International Peace Operations Association in the US and the British Association of Private Security Companies and the Aerospace, Defence, Security and Space Group in the UK. Their collective endeavors resulted in the 2008 Montreux Document, 2010 International Code of Conduct for Private Security Service Providers, the 2011 PSC Series of Standards and the 2015 ISO Management System for Private Security Operations (ISO 18788) (Avant 2016; Krahmann 2016). Crucially, all of these regimes

were predicated on the legitimacy of non-combat transactions in the market for military outsourcing and thus served to consolidate this narrowed space of exchange. This leads Percy (2014: 76) to conclude that: 'Combat, or the "offensive" use of force, has become the defining factor of a mercenary, and the anti-mercenary norm is now restricted to those actors who use offensive force'.

This interpretation, which carefully balances the agency of neoliberal states and PMCs with the structural constraints arising from the norm against mercenarism, is highly persuasive and has rightly gained considerable traction across the field. That said, an additional group of constructivist scholars – in particular, Leander (2010), Berndtsson (2012) and Joachim and Schneiker (2012) – have sought to push this line of argumentation further by (often implicitly) suggesting that even within these narrowed parameters of market exchange, neoliberal states and PMCs are required to confront and work through the norm against mercenarism. They have done so by making sociological sense of tell-tale behaviours in the market for military outsourcing. Leander (2010), for example, points towards the 'revolving door' of individuals moving between US public office and US-based PMC executive boards, observing how 'there is a strong pressure both on PMCs and states wishing to work with them to ensure that companies' operations are as visibly and closely anchored to those of the state as possible' (Leander 2010: 482). This 'enmeshment of PMCs and states' allows these actors to enhance the 'publicness' (Berndtsson 2012: 318) of their non-combat transactions, thereby distancing them from ongoing articulations of the norm against mercenarism (Leander 2010: 482). Similarly, Joachim and Schneiker (2012, p.375) note the tendency of US- and UK-based PMCs to shroud their operations in the discourse and symbolism of international humanitarianism by contributing to humanitarian charities, forging alliances with and recruiting from humanitarian organizations, appropriating

humanitarian imagery such as the symbol for the United Nation global compact and covering their websites with references to human rights. These practices, they reason, help PMCs 'to rid themselves of the "mercenary" and "Rambo-type" image and to establish themselves as regular security actors'.

While it is not necessarily their explicit intention, these analyses deepen our understanding of the relationship between mercenarism, norms and market exchange. In empirical terms, they indicate that, even within the supposedly legitimated space of market exchange demarcated by Percy, neoliberal states and PMCs have been required to circumvent the norm against mercenarism by aligning their operations with counterposed norms relating to the state monopoly over violence and/or international humanitarianism. In theoretical terms, they bring into frame a new kind of interplay between the agency of neoliberal states and PMCs and the structural constraints arising from the norm against mercenarism. These emergent empirical and theoretical lines of enquiry are picked up and further developed throughout the ensuing case study, which illustrates how since the mid-2000s the FCO and UK-based PMCs – following a similar logic to the aforementioned 'revolving door' and 'discursive alignment' strategies – have sought to appropriate symbolic capital from the SIA in order to distance their non-combat transactions from the norm against mercenarism. Before commencing with this discussion, however, it is first necessary to map out the theoretical and methodological approaches which underpin this case study narrative.

Theory and Method

In recent years, scholars of military and security governance have advanced a range of organising perspectives to describe, explain and evaluate the pluralisation of the contemporary military landscape, each of which has variable utility depending on the

precise questions under examination (for an overview see: Kruck 2014). For present purposes the global security assemblages approach put forward by Abrahamsen and Williams (2009, 2011) serves as a particularly valuable heuristic because it captures to great effect the empirical dynamics and theoretical implications arising from the ensuing case study. Their approach is animated by a desire to better comprehend the complex security regimes they encountered while conducting fieldwork in Kenya, Nigeria, Sierra Leone and South Africa during the 2000s. In pursuit of this goal, they draw together a series of concepts and propositions from three theoretical bases: assemblage theory, Sassen's (2006) work on globalisation and Bourdieu's (1990) notions of 'field' and 'capital'.

To begin with, Abrahamsen and Williams (2009, 2011) borrow from the basic conceptual vocabulary of assemblage theory. In laying out this vocabulary, it is useful to make a distinction between assemblage-as-noun and assemblage-as-verb. As a noun, it refers to a particular configuration of socio-spatial relations – an 'assemblage'. As a verb, it relates to the structure-agency dialectics which bring such configurations into effect – the 'process of assembling'. The generality of these terms is the strength of the theory, for it facilitates the description and explanation of a fluid and ever changing social world in which there are no ontological certainties (Anderson and McFarlane 2011). It allows us, for instance, to debate today's global order without presupposing and reifying conventional demarcations of, say, 'state' or 'market'. This flexibility proves highly attractive to Abrahamsen and Williams, who uncover a range of security regimes which defy such demarcations. They accordingly use assemblage-as-noun throughout their approach, referring to novel configurations of state-market relations across the global security landscape as 'assemblages'. They devote most of their time, however, to

exploring assemblage-as-verb – the process of assembling. It is this focus which duly guides their engagement with the writings of Sassen and Bourdieu.

Abrahamsen and Williams use Sassen's (2006) work on globalization to explain in more precise terms how global security assemblages come into effect. In particular, they follow her lead in breaking this process down into three phases: the 'disassembly' phase in which formerly sovereign (security) functions are, to varying degrees, transferred from the state to the market; the 'capacity development' phase in which state and market actors accumulate the resources they need to navigate their way through in this new pluralized (security) setting; and the 'reassembly' phase in which state and market actors settle into more regularised patterns of behavior, thus giving rise to distinctive new global (security) assemblages (Abrahamsen and Williams 2011: 91). For Abrahamsen and Williams, these propositions give the often nebulous process of assembling a coherent and logical narrative structure.

Finally, Abrahamsen and Williams draw upon Bourdieu's (1990) concepts of 'field' and 'capital' to elaborate upon the capacity development phase.ⁱ In this phase, they reason, state and market actors seek to augment their agency by strategically realizing those particular forms of capital which find most resonance within the security field. While they recognize that 'economic' capital (cash and access to markets), 'social' capital (professional networks and leadership skills) and 'cultural' capital (experience and expertise) are all key resources, they ultimately argue – following Bourdieu (1990, 1999) – that 'symbolic' capital (legitimacy and authority) carries the most significance, especially the symbolic capital of the state (see also Diphorn and Grassiani 2016). 'History weighs heavily on the security field', they explain, 'the very origins of the modern (and later liberal democratic) state were defined by its opposition to the notion of "private" security... In the modern state, security was to become a public function'

(Abrahamsen and Williams 2011: 111-2). It is this state-centric historical bearing – encompassing, among other social structures, the conjoined norms against mercenarism and for the state monopoly over violence – which compels so many actors in the capacity development phase to enhance the publicness of their security operations through the realization of the symbolic capital of the state (see also White 2010, 2012; Diphorn and Grassiani 2016). Expressed differently, they draw attention to a distinctive structure-agency dynamic rooted in the historical terrain of the security field.

To summarise, the global security assemblages approach (as depicted here) advances three interconnected propositions:

- i) global security assemblages are newly emergent socio-spatial configurations in the security field which may or may not correspond with conventional demarcations of state and market;
- ii) the processes of assembly which bring these configurations into effect tend to unfold over three phases – disassembly, capacity development and reassembly;
- iii) the capacity development phase is characterised by a distinctive structure-agency dynamic in which participating actors seek to realise the symbolic capital of the state in an attempt to navigate their way through a series of deeply embedded state-centric norms.

In the following section, these propositions are used to organise the empirics of this case study into three phases: a disassembly phase in which the FCO contracts out formerly sovereign non-combat protective functions to UK-based PMCs; a capacity

development phase in which both sets of actors seek to infuse these functions with the symbolic capital of the state in an effort to distance themselves from contemporary articulations of the norm against mercenarism; and a reassembly phase in which all individual contractors caught up in these transactions are required to carry an SIA licence, thereby creating a novel global security assemblage which defies conventional state-market demarcations. Before proceeding any further, however, it is necessary to briefly discuss the origins of the data on which this case study is based.

The article seeks to make sociological sense of tell-tale behaviours displayed by the FCO and UK-based PMCs in the market for military outsourcing. It does so using two complementary qualitative methodologies. First, analysing relevant documents generated by the FCO over the past decade or so, including formal reports and personal correspondence with officials. Second, undertaking semi-structured interviews with knowledgeable stakeholders in this marketplace. Between 2012 and 2015, I conducted and transcribed interviews with 18 private military contractors, 13 private military company executives, 22 representatives from the veterans charity sector and 3 former civil servants, all with current or past connections to the UK market for military outsourcing. Of these, 14 contractors (hereafter C1 - C14), 12 executives (hereafter E1 - E12), 4 charity workers (hereafter CW1 - CW4) and all 3 civil servants (hereafter CS1 - CS3) were able to offer insights into the presence of SIA licences in the UK market for military outsourcing. In what follows, these documentary and interview datasets are interpreted using the global security assemblages approach to generate a theoretically-informed empirical case study narrative.

Findings

To begin with, it is necessary to introduce two events which unfolded during the course of 2001, one very well known, the other less so. On 11th May 2001, the Private Security Industry Act (PSIA) passed into the UK statute books. During its passage through Parliament this item of legislation was shaped by two formal regulatory goals: to reduce criminality and to raise standards within the domestic private security industry. To achieve these goals, the PSIA provided for the establishment of the SIA – a non-departmental public body accountable to the Home Office and tasked with licensing individual contractors within the domestic private security labour market. At the same time, however, this legislation was also driven by a less formal goal: to legitimate the industry's operations in the face of widespread anxiety about the rise of commercial interests in what many citizens regarded as the sacrosanct domain of the state (White 2010, 2012). For decades, PSC executives had lobbied for the introduction of regulation in anticipation that the resulting licensing regime could be deployed as a valuable form of symbolic capital within this highly state-centric field. The establishment of the SIA represented the culmination of their efforts. By 2004, this new public body was up and running and, barring a few high-profile administrative errors during its initial period of operation, has been functioning relatively smoothly ever since (White 2015).

Four months to the day after the PSIA entered into the UK statute books, al-Qaeda suicide bombers hijacked four passenger jets in US airspace, flying two of them into the Twin Towers, one into the Pentagon and crash landing the other into a field after a passenger intervention. This event sparked the War on Terror – a highly emotive US-led military offensive against the perpetrators and supporters of global terrorism. The offensive comprised two primary combat operations: the 2001 invasion of Afghanistan to overthrow the Taliban regime, which formally drew to a close in 2014;

and the 2003 invasion of Iraq to depose Saddam Hussein's Ba'ath regime, which formally reached a conclusion in 2011. In each operation, the UK military was the second largest contributor of troops behind the US military. Though seemingly worlds apart, these two events – the passing of the PSIA and the 9/11 terrorist attacks – gradually became entwined over the ensuing decade through the interlinked processes of disassembly, capacity development and reassembly unfolding across the UK military landscape. Each phase is examined in turn.

As the War on Terror gathered pace, the FCO – like many other UK government departments contributing towards the US-led military offensives in Iraq and Afghanistan – was faced with a growing number of acute logistical dilemmas. It was being called upon, for instance, to commit ever more staff to UK embassies and diplomatic missions in these countries, but without additional protection from a military already struggling to suppress unexpected levels of insurgent activity. Paralleling equivalent decision making processes in the US Departments of State and Defense, the FCO addressed this conundrum by turning to the marketplace, outsourcing approximately £124 million worth of non-combat functions (e.g. static and mobile protection) to Control Risks and ArmorGroup – two of the most prominent UK-based PMCs – between May 2003 and August 2006 (Kinsey 2009: 166). This decision set in motion an initial disassembly phase in which the FCO and UK-based PMCs together oversaw the transfer of formerly sovereign military functions from the state to the market.

In the immediate wake of this disassembly phase, the FCO and UK-based PMCs promptly entered into a capacity development phase, seeking to realize those particular forms of capital which found most resonance within this newly pluralized field. At this important juncture, both the FCO and UK-based PMCs immediately gravitated towards

the SIA licensing regime, stipulating that UK contractors performing frontline roles within the international private military labour market must hold an SIA close protection (CP) licence. As one executive puts it: 'when the [SIA] licence first came in, PMCs saw it as a selling point. Then when the FCO started demanding it for their contracts, it became a necessity' (E1). But precisely what form of capital were the FCO and UK-based PMCs seeking to realise through the incorporation of the SIA CP licence into their non-combat transactions?

The most straightforward answer is that through this stipulation the formal benefits of the SIA licensing regime – to reduce criminality and to raise standards – would be translated from the domestic private security labour market into the international private military labour market. In other words, it would serve to realize a key form of economic capital – improved quality in the labour market. However, there is reason to challenge this answer. To begin with, the SIA-accredited training programmes were devised for low risk CP work in the UK and had only limited applicability to high risk CP work in Iraq and Afghanistan. 'The SIA licence has competency tests which only make sense in environments like the UK', one executive remarks, 'it has no relevance to hostile environments' (E2). One contractor articulates this concern in slightly more prosaic terms: 'There's a CP course and a CP course. The shit on the market the SIA have accredited is not good enough' (C1). Furthermore, there are no regulatory mechanisms (e.g. inspection visits) by which the SIA can monitor and enforce its licensing regime in the international private military labour market – a deficiency about which the FCO was already acutely aware (FCO 2002, p.24). This lack of monitoring capacity also explains why there is no record of how many SIA CP licences have circulated through the international private military labour market – there is simply no paper trail beyond the UK. All things considered, there appears to be only a

very limited amount of latent economic capital bound up within the SIA CP licence, meaning this straightforward answer fails to persuade on its own.

Drawing upon Abrahamsen and William's (2009, 2011) insights into capacity development, an alternative answer is that through this stipulation the less formal benefits of the SIA licensing regime – the realization of symbolic capital within the state-centric security field – would be translated from the domestic private security labour market into the international private military labour market. In principle, the mechanics involved in unlocking this symbolic capital run as follows. Individuals seeking to work on any contract containing this stipulation must go through the SIA CP licence application process which includes, among other things, a criminal records check and a mandatory training course. Upon successful completion, they will be issued a photocard with a unique identification number set against the backdrop of the regal-looking SIA kitemark (SIA 2013) (see Figure 1). This photocard is symbolically powerful. The holder is endorsed not just by the SIA, but also – tracing the democratic line of accountability upwards – the Home Office, Government, Parliament and, ultimately, the public. It is, in other words, a physical manifestation of the state's democratic authority (White 2010). The value of this particular form of symbolic capital within the market for military outsourcing is that it potentially helps to shield neoliberal states and PMCs against the critique that their non-combat transactions stand in violation of the norm against mercenarism. It communicates to onlookers that they are employing professional contractors endorsed and controlled by the democratic state, not cowboy mercenaries. In short, it gives them a form of legitimacy and authority they otherwise lack.

Figure 1: The SIA Close Protection Licenceⁱⁱ



This alternative explanation is especially persuasive given that the FCO and UK-based PMCs had good reason to be concerned about such critiques at this time. During the course of 2004, a number of US-based PMCs working for the US government in Iraq – Blackwater, CACI, Custer Battles and Titan being the most notorious – found themselves embroiled in a series of high-profile scandals involving execution, torture and fraud (see Scahill 2007; Whyte 2007; White 2016). Each passing controversy, observe Franke and van Boemcken (2011: 736), consolidated the representation of PMCs working in Iraq as ‘money-grabbing, gun-toting, thrill-seeking Rambo-type mercenaries with little or no moral inhibition or concern for ethical conduct’. Crucially, this representation soon began to cross the Atlantic. After performing a discourse analysis on 191 PMC-related newspaper articles from *The Daily Telegraph* (UK), *The Guardian* (UK), *The New York Times* (US) and *The Washington Post* (US) in the period 2004 to 2011, Kruck and Spencer (2013, p.331) discovered that the four most dominant narrative characterizations of PMCs were as ‘dirty mercenaries’ (38%), ‘uncontrolled abusers’ (38%), ‘exploiting war profiteers’ (31%) and ‘incompetent cowboys’ (29%). Despite the relative absence of scandals involving the UK Government and UK-based

PMCs, the norm against mercenarism was clearly finding voice in UK public discourse. It therefore seems likely that the FCO and UK-based PMCs would not only seek to proactively defend themselves against such critiques arising from the norm against mercenarism, but would proceed do so by appropriating the readily accessible symbolic capital offered by the SIA CP licence.

Speaking to this line of reasoning, one civil servant working for the SIA at the time recalls how:

The FCO saw the sector as a hot potato. You know, Blackwater etc. They didn't want UK companies to be associated with torture and killing because of how it would reflect on the UK ... So they [the FCO] looked at how they could put some form of regulation on UK companies operating in hostile environments and chatted to the SIA (CS1).

Reinforcing this logic, another civil servant remembers how for PMCs: 'it [the SIA CP licence] was a badge that, in the absence of any other badges, companies grasped in the early days of Iraq' (CS2). It meant, one executive continues, 'if there was a problem we could say "look, the UK government licensed this person"' (E3). Another expands on this theme: 'we don't formally need an SIA CP licence [by law], but a large number of our clients ask for it. Our clients like SIA licences. They're reassured by the piece of paper. It certainly helps to get us business' (E4). Neatly summing up this process, one SAS soldier-turned contractor notes in his autobiography of the post-9/11 private military labour market:

The SIA has nothing to do with hostile environments, but that hasn't stopped CSCs [commercial security companies] from using the organization as a marketing tool to win contracts in places like Afghanistan and Iraq. Many CSCs boast to potential clients that its employees are SIA accredited' (Shepherd 2008, p.256).

Against the backdrop of Abrahamsen and Williams' (2009, 2011) insights into capacity development, these attempts by the FCO and UK-based PMCS to 'disassociate' themselves from 'torture and killing' in the market for military outsourcing through the deployment of a 'badge' or 'piece of paper' which conjures up the 'reassuring' presence of 'government' seem to coalesce around a single overarching point: in this state-centric marketplace, deeply permeated by the norm against mercenarism, these actors were using the SIA CP licence as a form of symbolic capital in order to enhance the publicness – and by extension legitimacy and authority – of their still tainted non-combat transactions.

It thus seems more likely that the FCO and UK-based PMCs were seeking to realize symbolic rather than economic capital from the SIA licensing regime. Yet it is important to emphasise that these two processes are not necessarily mutually exclusive – they may in fact be entwined. For instance, in their Bourdieu-inspired study of how different forms of capital are realized in the Kenyan, Jamaican and Israeli markets for security, Diphorn and Grassiani (2016) note how actors first seek to accumulate readily accessible forms of economic, social and cultural capital, before eventually 'translating and converting' it into symbolic capital – a process they term 'securitizing capital'. Different forms of capital do not therefore necessarily exist in silos – they can instead be co-constitutive. Applying this observation to the present discussion, the

capacity development phase is perhaps best summed up as a process through which the FCO and UK-based PMCs sought to 'translate' and 'convert' readily accessible forms of economic capital – such as the SIA CP licence – into symbolic capital so as to legitimate their non-combat transactions in the face of critiques arising from the norm against mercenarism.

Regardless of the precise mechanisms at play, however, this capacity development phase resulted in the same outcome in the subsequent reassembly phase – it caused the SIA CP licence to quickly spread throughout the UK share of the international private military labour market, thereby bringing into effect a new global security assemblage which cuts across previously entrenched state-market demarcations. 'By 2005', another SAS soldier-turned-contractor-turned-author recalls in his autobiography, 'anyone who wanted to work as a PMC [individual contractor] had to attend a course properly approved by the Security Industry Authority, who suddenly found themselves catapulted from regulating night club bouncers to dealing with hardcore military types' (Geddes 2006: 210). Another contractor similarly recalls the ubiquity of this requirement: 'All the guys were getting the licence. Companies were asking for your SIA number on applications. It was seen as a pain. You just had to get one' (C2). Furthermore, this practice continues today. In December 2016, for example, the FCO released an invitation to tender for a £14 million contract protecting UK government officials in Baghdad and Erbil.ⁱⁱⁱ This invitation listed the 'SIA Licence – Close Protection (Frontline)' as one of the 'essential qualifications'.^{iv} It is therefore unsurprising to discover that one executive describes his company's present recruitment policy in the following terms: 'The SIA CP licence is something we will not compromise on. It's the first tick in the box. One hundred percent of our CPs [operatives] have this' (E5). More than a decade on, the FCO and UK-based PMCs are

thus still engaged in the process of appropriating economic and (most importantly) symbolic capital from the SIA licensing regime so as to shield their non-combat transactions from critiques arising from the norm against mercenarism.

Conclusion

The preceding analysis allows us to build upon Percy's (2007a/b/c, 2014, 2016) dominant interpretation of the relationship between mercenarism, norms and market exchange in empirical, theoretical and practical terms. In empirical terms, it reveals the dynamics of a previously unacknowledged strategy for realizing symbolic capital in the market for military outsourcing – 'licence appropriation'. When this strategy is placed alongside the 'revolving door' (Leander 2010) and 'discursive alignment' (Joachim and Schneiker 2012) strategies for realising symbolic capital mentioned earlier, we have a much stronger evidence base for advocating a new set of empirical connections between mercenarism, norms and market exchange. Not only have neoliberal states and PMCs come to strategically restrict their transactions to non-combat (as opposed to combat) functions so as to circumvent the norm against mercenarism, as Percy suggests. But even within these narrowed parameters of exchange, they have been required to confront and work through these constraints by actively aligning their non-combat transactions with counterposed norms such as the state monopoly over violence and/or international humanitarianism. This finding opens out and further develops an important new avenue of empirical enquiry into the relationship between mercenarism, norms and market exchange.

In theoretical terms, it generates new insights into the interplay between structure and agency in the market for military outsourcing. Percy's writings identify a structure-agency dialectic which functions in accordance with a single logic: neoliberal

states and PMCs have used their agency to transform the structural constraints arising from the norm against mercenarism so that its regulatory prohibitions only criminalize combat functions, thereby carving out a legitimate space for non-combat transactions within the market for military outsourcing. The preceding analysis, however, brings into frame an additional logic: neoliberal states and PMCs have also used their agency to imbue these resulting non-combat transactions with the symbolic capital of the state so as to work around the still present structural constraints arising from the norm against mercenarism. The key implication here is that these structural constraints are actually far more deeply embedded in the market for military outsourcing – and accordingly place much greater demands on the agency of neoliberal states and PMCS – than Percy’s analysis indicates. This also speaks to a wider theoretical point about the limits of the market in today’s pluralized military landscape. Because the historical imprint of the state ‘weighs heavily on the security field’, as Abrahamsen and Williams (2011: 111-2) put it, the transfer of formerly sovereign military functions from state to market is invariably met with firmly entrenched cultural resistance. To facilitate this transfer with any kind of success participating actors are thus required to engage in a complex and ongoing process of brokering, positioning and management. Indeed, one of the central messages of this article is that this process should not be underestimated. The identification of this additional structure-agency dynamic thus carves out a significant new avenue of theoretical enquiry not just into the relationship between mercenarism, norms and market exchange, but also into the cultural limits of the market for military outsourcing more broadly.

In practical terms, these empirical and theoretical findings allow us to reappraise the regulatory potential bound up within the norm against mercenarism. Broadly speaking, the contours of regulatory debate in this field have been implicitly and

explicitly shaped by Percy's distinction between illegitimate combat transactions and legitimate non-combat transactions in the market for military outsourcing. This is evident in extant scholarship on both the United Nations Convention against the Recruitment, Use, Financing and Training of Mercenaries and the various post-9/11 voluntary regulatory regimes (Avant 2016; Krahmann 2016). This scholarship is certainly valuable, yet it often misses how the regulatory prohibitions arising from the norm against mercenarism could also be harnessed to better align non-combat transactions with the public interest. As the preceding discussion illustrates, these prohibitions have pushed neoliberal states and PMCs to symbolically associate their non-combat transactions with counterposed norms relating to the state monopoly over violence and/or humanitarianism. While this may of course be rather cynical process, motivated more by realpolitik than idealism, in making this association they are nevertheless interweaving these transactions with principles of professionalism, accountability and human rights. Recognising this confluence of non-combat transactions and regulatory principles could provide those organisations responsible for protecting the public interest in the sector with valuable channels of regulatory communication and persuasion. If they were, for instance, to positively question neoliberal states and PMCs about their commitment to these principles in public forums – pointing to their licence appropriation, revolving door and discursive alignment strategies – then it may be possible to deepen the penetration of these principles within their non-combat transactions. This suggestion reveals an interesting new avenue of regulatory enquiry into the relationship between mercenarism, norms and market exchange.

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ⁱ Abrahamsen and Williams (2011) put to one side Bourdieu's related concepts of 'practice' and 'habitus' because they consider them surplus to requirement within the context of this specific model.

ii <https://www.sia.homeoffice.gov.uk/Pages/licensing-close-protection.aspx> - accessed 10th January 2018

iii <https://www.contractsfinder.service.gov.uk/Notice/edd564fe-8331-468e-897f-455c7436f3bc> - accessed 18th August 2017.

iv This information was obtained through email correspondence with the FCO on 17th August 2017. The FCO are unable to release the full tender documents and final contract 'due to elements of security and commercial sensitivity'.