

1. Title

The Reluctant Mercenary: vulnerability and the whores of war

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3. Running Title

The Reluctant Mercenary

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5. Biographical Outline

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Abstract: Mercenaries are targets of moral condemnation far more often than they are subjects of moral concern. One attempt at morally condemning mercenaries proceeds by analogy with prostitutes; mercenaries are ‘the whores of war.’ This analogy is unconvincing as a way of condemning mercenaries. However, careful comparison of mercenarism and prostitution suggests that, like some prostitutes, some mercenaries may be *vulnerable* individuals. If apt, this comparison imposes a consistency requirement: if one thinks certain prostitutes are appropriate subjects of moral concern in light of their vulnerability, then one must think that mercenaries who are likewise vulnerable are also appropriate subjects of moral concern. In this paper I elucidate the relevant, morally significant sense of ‘vulnerability’, and present evidence suggesting that at least some mercenaries are vulnerable in this sense.

Keywords: mercenary; prostitution; vulnerability; coercive offers; exploitation.

1. INTRODUCTION

Mercenaries are targets of moral condemnation far more often than they are subjects of moral concern. The grounds on which mercenaries have been morally condemned are multifarious, but one particularly vivid attempt at condemning mercenaries proceeds by analogy with prostitutes; mercenaries are ‘the whores of war.’ Although this analogy is ultimately unconvincing as a way of condemning mercenaries, it is useful insofar as it prompts careful comparison of the two practices, mercenarism and prostitution. Taken seriously and conducted in detail, this comparison suggests that some mercenaries may be *vulnerable* individuals, in a sense of ‘vulnerable’ that is taken to be highly morally significant in debate about the ethics of prostitution.

If it is indeed true that some mercenaries and some prostitutes share a kind of morally salient vulnerability, then a consistency requirement would seem to follow: if one thinks certain prostitutes are appropriate subjects of moral concern in light of their vulnerability, then one is committed to thinking that mercenaries who are likewise vulnerable are also appropriate subjects of moral concern. Moral concern for vulnerable prostitutes is widely held attitude. Few if any have suggested that mercenaries should be subjects of moral concern; it is far more common to be concerned *about* mercenaries than to be concerned *on their behalf*. I thus take the suggestion that some mercenaries are vulnerable subjects for whom we should harbour moral concern to be novel, confronting, and worthy of discussion.

In this paper I elucidate the relevant, morally significant sense of ‘vulnerability’, and present evidence suggesting that at least some – and perhaps many – mercenaries are in fact vulnerable in this sense.

2. TERMINOLOGY

Attempts to discuss the ethics of mercenarism are bedevilled by terminological difficulties (Steinhoff 2008; Singer 2008). What exactly is a mercenary? To say that mercenaries are “motivated principally by financial gain” (cf. Hampson 1991: 5) fails to distinguish between mercenaries and some professional national soldiers, and rules out some supposedly paradigmatic mercenary individuals and groups (Lynch & Walsh 2000: 137; Baker 2011: 34; Samson 2005).¹ In light of such definitional

¹ For an actual example of an ideologically – even altruistically – motivated mercenary, consider the following from the Flying Tigers’ commander, Claire Chennault: “At last I am in China, where I hope to be of some service to a people who are struggling to attain national unity and a new life” (quoted in Samson 2005: 12). One may well be sceptical about mercenaries’ public proclamations of benevolent intent, but this was written in a private diary, where there seems little reason to suspect dissembling.

difficulties, some researchers have eschewed the term ‘mercenary’ as being too historically variable in meaning and application, not to mention heavily normatively loaded, to be useful (Avant 2005; Baker 2011).

I will retain the term ‘mercenary’ here, and define it stipulatively: by ‘mercenary,’ I will mean an individual who is paid by a private security company (PSC) to engage in combat. My focus here is narrow, but my argument may be more widely relevant. For example, the points I make below may also apply to individuals who are paid to fight by organizations other than PSCs and who therefore do not count as mercenaries by my stipulative definition, such as the foreign soldiers hired by former Libyan dictator Muammar Gaddafi to fight rebels and NATO forces during the country’s 2011 civil war.

3. THE WHORES OF WAR

The literature on mercenarism contains arguments against mercenarism (e.g. Coady 1992), as well as arguments against arguments against mercenarism – “anti-anti-mercenarism” (Lynch & Walsh 2000: 153) – and arguments for the permissibility, in some circumstances, of working as a mercenary (Fabre 2010).

One argument against mercenarism proceeds by analogy with prostitution. Mercenaries are, as the title of Wilfred Burchett & Derek Roebuck’s (1977) book puts it, the whores of war. “Economic power is abused to hire human bodies with the specific intentions of avoiding public association with them and responsibility for their welfare” in the case of both prostitution and mercenarism (1977: 6). Like prostitutes, “mercenaries hire themselves out indiscriminately for money, outside the law, to clients who want the advantages of the services offered without the responsibility of close, permanent, or open association” (1977: 148).

The analogy with prostitution fails as an argument against mercenarism (Lynch & Walsh 2000; Baker 2008). Rather than rehearse the reasons here, though, I will compare prostitution and mercenarism in a different light, and not with an eye to condemning the mercenaries. To set up this ultimately illuminating comparison, allow me to draw attention to one of Baker's remarks on the 'whores of war' analogy.

Baker notes that "those fond of comparing mercenarism with prostitution are quite obviously not trying to argue that the mercenary is at risk of exploitation or some other abusive harm, and that *this* is what is wrong with mercenarism!" (2008: 37). He goes on to say that "this possible objection to mercenarism has not, to my knowledge, been explored in scholarly literature" (2008: 42, fn21).

This is, frankly, staggering. Just such an objection to mercenarism was raised in *The Whores of War*. Burchett & Roebuck clearly thought mercenaries were scum, but *pitiable* scum, and they thought those who facilitated mercenaries' activities – "the pimps of war" (1977: 6) – were far more morally reprehensible. Witness, for instance, their description of the British and American mercenaries tried in Angola in 1976:

[T]hey were rather ordinary examples of the underprivileged of Western society. ... The reasons most of the thirteen gave for enlisting [were] unemployment, financial difficulties, boredom of colourless lives, insoluble family problems, [and] yearning to be back in uniform. ... All thirteen were case studies, as star witnesses not only against mercenarism but against the societies which educated and conditioned them, including in all cases but one, MacIntyre [a civilian nurse], military systems that threw them back into civvy street alienated from the world in which they were supposed to make their living. ... But even if compassion could be felt for these victims of the society that formed them, there could be nothing but contempt for those who sped them on their way. (1977: 52-53)

This is an oversight not just on Baker's part, since he is right that this perspective on mercenarism has not been much discussed in the literature to date.

Considering certain similarities between (some) prostitutes and (some) mercenaries turns out to be suggestive in quite a surprising way. In the following sections of this paper, I explore this comparison. Specifically, I appeal to the concept of *vulnerability* to argue that some cases of mercenarism are morally on a par with cases of prostitution in which the prostitute is considered a *victim* rather than a morally *vicious* person. By so arguing, I try to shift the focus of the debate about mercenarism away from the (im)permissibility of mercenary activity, and onto a certain kind of mercenary as a subject, not of condemnation, but rather of moral concern.

4. VULNERABILITY

A brief overview of some senses of 'vulnerability' is needed here, given that there may be some initial implausibility to the idea that mercenaries might be vulnerable individuals. That implausibility, I think, derives from both an over-reliance on a stereotype of the mercenary – hard-bitten, capable, dangerous – and an under-appreciation of the kinds of morally relevant vulnerability.

The term 'vulnerability' crops up in several sub-fields of applied ethics. It does not have a fixed meaning across all of these sub-fields. There are, however, some clear, core issues that talk of vulnerability aims to highlight. These are, broadly, issues of harm, consent, and exploitation.

In one sense, to be vulnerable is simply to be at risk of physical and/or psychological harm (Butler 2004; Goodin 1985). There are other notions of vulnerability that are also taken to be morally significant, though. Another sense of 'vulnerability' refers to impairment in the capacity to give or withhold informed

consent (Iltis 2009; see also the *Belmont Report* 2009: 13). In yet another sense, to be vulnerable is to be seriously lacking in important goods and so in a “precarious position” that opens one up to exploitation (Kipnis 2001: 11). This third kind of vulnerability – openness to open to exploitation in virtue of social and/or economic disadvantage – will be my focus here.

An obvious good the lack of which opens one up to exploitation is, of course, money (Beauchamp et al 2002; Damelio & Sorenson 2008; Dodds & Jones 1990; Purdy 1990). But money is not the only good the lack of which can leave one precariously positioned and open to exploitation. Social status is another; some individuals are disadvantaged insofar as they are members of groups that are stigmatized or marginalized, or simply insofar as those individuals are socially isolated (Moser et al 2004; Beauchamp et al 2002).

There are other kinds of vulnerability.² The three just surveyed suffice for current purposes, though, and indeed the first two I mention primarily to distinguish by contrast the kind of vulnerability in which I am most interested, and so to forestall potential confusion.

5. PROSTITUTION AND VULNERABILITY

The high-end escort working her way through law school, the poverty-stricken street walker, the comfortably brothel-ensconced sex worker, the drug-raddled puppet of a tennis shoe pimp: prostitutes are a heterogeneous bunch. The moral issues raised by prostitution are likewise varied. Not all forms of prostitution, and not all of the moral issues prostitution raises, will be considered or even mentioned here. My focus will be

² Kipnis identifies *six* different kinds of vulnerability: cognitive, juridic, deferential, medical, allocational, and infrastructural (2001: 6-12). For more on vulnerability, see Mary Ruof (2004).

on the moral significance of some prostitutes' allocational vulnerability. Exactly which prostitutes are vulnerable in this way is a difficult empirical question. Of the characters sketched at the outset of this section, it may be that *all* of them are allocationally vulnerable, to a greater or lesser extent. But I leave detail aside, in favour of drawing out the moral significance of allocational vulnerability, in order to use the moral concern felt for some prostitutes on this basis to generate moral concern for mercenaries who are – I will argue – similarly vulnerable.

According to Martha Nussbaum, “the most urgent issue raised by prostitution is that of employment opportunities for working women and their control over the conditions of their employment” (1998: 696). As Nussbaum sees it, then, allocational vulnerability – vulnerability to exploitation in virtue of the lack of important social and economic goods – is the key moral issue in the case of prostitution. Of course, at least some prostitutes are vulnerable in the first sense defined above, and some prostitutes – child prostitutes, for instance – are vulnerable in the second sense, too. I do not discount the moral significance of these vulnerabilities, but here I will follow Nussbaum in focussing on prostitutes' allocational vulnerability.

Note, it is not just Nussbaum who sees this as the focal moral issue. Two pieces of legislation provide evidence that the presence of vulnerability to exploitation is widely seen as a problematic feature of prostitution. One – the Swedish Law³ – treats prostitutes as the weaker party, exploited by both the procurers and the buyers (as emphasised in the Swedish Government's publication *Prostitution and trafficking in women*). The other, England's 2009 *Policing and Crime Act* (Chapter 26, Part 2, Sections 14.1–14.3) makes it an offence to purchase the sexual services of a prostitute

³ More fully, the *Law That Prohibits the Purchase of Sexual Services* (1998:408).

subject to exploitation. So, my focus on allocational vulnerability is far from idiosyncratic.

Nussbaum claims that “fruitful debate about the morality and legality of prostitution” requires “awareness of the options and choices available to poor working women” (1998: 696). In Nussbaum’s view, “many of women’s employment choices are so heavily constrained by poor options that they are hardly choices at all” and “*this should bother us*” (1998: 696 [emphasis mine]).

The recognition of some prostitutes’ openness to exploitation in virtue of economic and/or social disadvantage supposedly generates moral concern for the prostitutes themselves, as individuals deserving of protection and aid.⁴ But why, precisely, should such vulnerability bother us?

At this point, it is useful to introduce the notion of a “coercive offer,” which I draw from Jennifer Damelio & Kelly Sorenson (2008). A coercive offer is an offer that is “made to a target in some vulnerable situation such that she may believe that she cannot act in another way” but to take up the offer, because “the cost of her ‘non-compliance’ with [the] offer is so high” (Damelio & Sorenson 2008: 273). Damelio & Sorenson offer the following thought experiment to illustrate the notion of a coercive offer:

Consider, for instance, the case of the lecherous millionaire. *B*’s child will die unless she receives expensive surgery. *A*, a millionaire, proposes to pay for the surgery if *B*

⁴ I am leaving the notion of *moral concern* unanalysed here, but I take it to be readily comprehensible. Moral concern is whatever combination of beliefs and attitudes animated, for instance, workers on the Annapurna Mahila Mandel project in Bombay, which ran a residential school offering education and job training to prostitutes’ daughters (who are themselves highly likely to become prostitutes, absent intervention). The example is from Nussbaum (1998: 697).

will agree to become his mistress. In this example, *B* is presented with a new option; she can become *A*'s mistress and acquire the means to pay for the surgery that will save her child's life. From *B*'s point of view, however, there is seemingly no choice: either she sleeps with the millionaire, or her child dies. So *A* has made *B*'s option of choosing not to be his mistress extremely costly. She can refuse the offer – that choice is technically open to her – but the cost severely limits its appeal. *B*'s inability to pay for life-saving surgery for her child puts her in a position such that *A*'s offer seemingly can't be refused. (2008: 273)

Some theorists are sceptical of the notion of a coercive offer. Norman Fost (2005) is one such. "Coercion," Fost writes, "necessarily involves either the use of force, or the threat of force, or the threat of depriving someone of something to which he is entitled," whereas "offers provid[e] the receiver an opportunity to be better off, at least financially, than he would otherwise be" (2005: 14). He thus considers the idea of a coercive offer to be fundamentally confused.

If Damelio & Sorenson's thought experiment rested upon a fundamental confusion, then that would indeed be bad for my argument. And it is true that the mercenaries are not often (if ever) coerced in the sense Fost identifies. Moreover, if any individual were so coerced into the service of a PSC, the moral problems would be clear and in need of no special articulation.

However, Fost is talking about the dictionary definition of 'coerce'; his approach cannot show that there is no ethical problem in cases of supposed coercive offers, only (at most) that such problems have been inaptly labelled. Whether what goes on in the lecherous millionaire case – and real-world cases the thought experiment models – is 'really' coercion, or 'merely' exploitation, will not be my focus here. Having noted that there is room to disagree, I will retain the term 'coercive offer.' My

focus will be on the central issue, which is that economic and social disadvantages constitute vulnerabilities that can be exploited by (so-called) coercive offers.

While real life is rarely as clear cut as the ‘lecherous millionaire’ thought experiment, that thought experiment is a good model for some cases of prostitution. Insofar as some cases of prostitution involve coercive offers that exploit vulnerable women’s economic and/or social disadvantages, there is cause for moral concern *for those women*. This issue has received considerable attention in the case of prostitution.⁵ And if it is legitimate cause for moral concern for *prostitutes* so treated, then wherever such vulnerability is exploited, consistency requires moral concern for the target(s) of the coercive offer. In the next section, I consider whether the morally significant vulnerability of some prostitutes is shared by some mercenaries.

6. MERCENARISM AND VULNERABILITY

Mercenaries may be well-armed, armoured, and trained, but even when they are as prepared as possible for their assignments, the very nature of their work brings with it risk of injury and death, not to mention psychological trauma. The vulnerability of mercenaries in this sense is not doubted. Neither is it especially interesting, philosophically. I will not dwell on it here. Nor will I raise questions about consent. As was the case when discussing prostitution, my focus will be on the kind of vulnerability connected via disadvantage to exploitation.

It was anticipated above (in section 4) that some might find the idea that mercenaries are vulnerable individuals implausible. Having now elucidated several senses of vulnerability, and focused in on allocational vulnerability in particular, the

⁵ And it is not unique to the sex trade. For discussions of this kind of vulnerability in the case of biomedical ethics, see e.g. Beauchamp et al 2002; de Castro 1995; Kishore 2006.

opposite problem might arise: it is only too plausible (obvious, even) that many mercenaries are in this sense vulnerable. Child soldiers, third-world guns-for-hire, former soldiers of failed states pressed into service by rebel militias: all are lacking in important social and economic goods in ways that leave them open to exploitation. It might be easier to think of vulnerable mercenaries than non-vulnerable ones, at least outside of film and fiction.⁶

Notice, first, that the individuals listed above are not necessarily mercenaries in the sense than I am using the term here (although they could be). That said, they would be counted as such by broader definitions that I certainly do not wish to rule out. But I take it the moral problems in such cases are clear, even if their solutions are not. Rehearsing the problems with such cases would not be novel. The contrast, though, isn't between such 'real-life' individuals and fictional, caricatured, stereotypes. Rather, it is between those individuals and *other* real-life individuals, whose work as mercenaries raises different but equally real moral problems.

The possibility I explore here is that some mercenaries – in particular, ex-military personnel, including especially ex-Special Forces operators – are relevantly like the woman who becomes the mistress of Damelio & Sorenson's lecherous millionaire. Some such individuals, I claim, suffer economic and social disadvantages that place them in the sort of 'precarious position' that Kipnis identifies, where they are vulnerable to coercive offers from PSCs. In a way, this is the hardest task to take on, insofar as highlighting the allocational vulnerability of some mercenaries is concerned. I claim that allocationally vulnerable mercenaries may be found, not only in third-world Africa, but even among the highly-trained ex-military and ex-Special Forces population, and indeed, perhaps especially there, for reasons I will now detail.

⁶ My thanks to an anonymous reviewer for raising this point.

Highlighting the need for empirical data to conclusively substantiate or eliminate this possibility is part of what this paper aims to accomplish. There are dozens if not hundreds of psychological and sociological studies of prostitution, ranging from compendiums of candid interviews with prostitutes themselves (Chapkis 1997), to Hegelian phenomenological analyses of sex workers' subjectivity (Estes 2008). The modern mercenary has not yet been subjected to such scrutiny. Even so, there are sources of evidence that make it plausible to think some mercenaries are in the situation I described above.

Military service may leave a person with a skill-set and a mind-set that make re-entry into civilian life difficult. As a result, ex-military personnel may struggle to secure important social and economic goods, and end up lacking those goods in precisely in the way that constitutes allocational vulnerability. This may be especially true of those ex-military personnel most in demand as mercenaries, namely, former Special Forces operators.

Perhaps the best way to introduce the difficulties faced by ex-military personnel is to consider the nature of the support services offered to ex-military personnel. For example, in Australia, the Veterans and Veterans Families Counselling Service produces a factsheet (VVCS Factsheet VCS11) entitled *Transition and Adjustment to Civilian Life*, which acknowledges that ex-military personnel may:

Have trouble readjusting to family they have not lived with for a long period. This can include parenting responsibilities; Feel cut off from people or feel unable to connect with anyone; Find it hard to accept the difference between civilian life and experiences in military service; Feel ashamed, angry or humiliated if they left the military involuntarily; Experience a loss of role, identity or purpose; Find it difficult getting a new job. Further, a new job can be challenging if they have to readapt or

learn new skills; Have concerns about supporting the family, possibly on a lower wage; Have financial problems; Feel less valued or appreciated, with a sense of diminished status in life; Find it challenging making new friends, and coping without old friends; Find civilian life chaotic due to perceived lack of structure, order, and direction; Not know what to do with free time.

This dismal list can be split into economic and social problems. Skills sharply tailored to fit a military role but little else can mean trouble finding work (and consequent money trouble), while an attitude shaped by military service can make re-integration into civilian social life difficult. And while support services for ex-military personnel exist, there have been criticisms of their effectiveness. Shifting from the Australian to the British context, a recent BBC news story (Kotecha 2011) reported on dissatisfaction among ex-military personnel with what was experienced as a token effort at support followed swiftly by abandonment upon leaving the military. Journalists are far from authoritative sources, but cannot be discounted entirely, and provide at least some insight into the issues of interest here.

Scholarly works on the re-integration of military personnel into civilian life are rather hard to come by. In the British context, Paul Higate notes that “academic and other interests in postmilitary experience has been marginal,” resulting in “a paucity of literature exploring the possible long-term influence of military service” (2001: 444). Higate cautions against attempts to generalize about the effects of military life, given the various forms that life can take:

[T]he nature and demand for particular transferable skills may also have a strong impact on civilian pathways, and [problems with re-integration] are likely to have most resonance with individuals employed as part of the ‘tooth’ rather than the ‘tail’ of the particular military organization under consideration. (2001: 445)

Importantly for current purposes, former ‘teeth’ are precisely those in demand as mercenaries. Higate’s point is that Special Forces operators have very different experiences while in service than do, for example, Army administrators, and will face different – probably more severe – challenges when re-entering civilian life. But as advertisements for mercenaries amply demonstrate, Special Forces experience is highly sought after by PSCs. The ex-military personnel most likely to have trouble re-integrating into civilian life, then, are also those most likely to be targeted by offers from PSCs.

Of course, ex-military personnel are not forced to work as mercenaries. They are thus dissimilar, in a morally relevant way, to conscripts who wage war under duress (and, in terms of the ‘whores of war’ comparison, to prostitutes pressed into the sex trade by kidnap, drugs, and torture). The crucial question is whether the offers from PSCs to ex-military personnel count as coercive, in the sense outlined above. In trying to answer this question, and in the absence of scholarly work on the topic, perhaps the most revealing window into the personal world of the modern mercenary is opened by embedded war correspondents, and by the mercenaries themselves.

Autobiographical accounts of mercenary life have multiplied on popular bookshelves of late. Alongside them have flourished exposés by journalists who travel and live – and in some cases are even wounded – alongside mercenary soldiers. These works represent a source of evidence relevant to my argument here, albeit one that must be handled with care.

As far as the autobiographies are concerned, there are well-recognised problems with self-report. Reliability decreases as question threat increases, and question threat is high when the reporter’s image is at stake. This is certainly the case in mercenary

autobiographies, so social desirability bias (among other effects) is likely to have operated here. And such problems recur when journalistic accounts of mercenary activity depend on the testimony of those involved, along with other problems to do with the reliability of testimony itself. Also, the autobiographical works have emerged from a process in which selection bias has operated, not once but twice. In the first instance, only certain mercenaries will even try to write a popular book, and they may not be – I think are unlikely to be – the sort of vulnerable individual of concern here. Secondly, market forces apparently select for a certain kind of autobiographical account of mercenary life – one that meshes well with the nearby genre of military action/thriller – meaning that only some mercenaries' stories get published. But, while the mercenary autobiographies and journalistic exposés currently available from popular presses are likely to present a skewed view, careful reading may nevertheless yield genuine insights.⁷

When it comes to the issue of money in modern mercenarism, Al Venter's (2011) comments are, I think, inadvertently revealing. Venter, a war correspondent, writes:

The majority of today's freelance fighters are ... professionals and, in the main, they are not particularly unhappy with what they do. In fact, speak to a few of them, and likely as not you'll find that apart from long periods away from home, most prefer the job to anything else on offer. ... Advertisements for private military operators

⁷ One book I will not discuss, despite considering it an interesting read, is David Everett's autobiography, published in 2008 but spanning his activities from the late 1970s to the early 1990s. Everett was never a mercenary in my sense – although he has been labelled as such, by headlines like 'Digger for Hire' and 'Soldier of Misfortune' – since the kind of mercenarism I am considering is a relatively recent phenomenon tied to the rise of the private security company. His account of himself is nevertheless instructive, since the issues he articulates may well confront many ex-Special Forces soldiers. I leave it to the interested reader to follow up this reference.

appear all over. You just have to know where to look. [Venter reproduces an ad offering individuals with Special Forces experience \$177,000 for one year's work] Clearly this is big money if you know where to get it, especially if you have been struggling along at \$5,000 or \$6,000 a month for most of your professional career in the military. (2011: 5-7)

Venter seemingly intends to paint mercenarism in a positive light as an option for ex- (or even current) military personnel. That the mercenaries of Venter's acquaintance 'prefer the job to anything else on offer,' however, does not mean that there is no cause for moral concern. After all, in the case of the lecherous millionaire, the mother of the sick child preferred being the millionaire's mistress to the alternative, which was watching her child die. The choice is not so stark for individuals considering offers from PSCs, but the fact that some take up such offers is not itself grounds for supposing the offers aren't coercive.

Moreover, the magnitude of the difference between PSC contract pay, and military wages or whatever an ex-Special Forces soldier could earn in civilian life, warrants comment. The problem in the case of the lecherous millionaire was that the millionaire's offer made the woman's refusing to become his mistress extremely costly. Given the disparity between what PSCs pay and what ex-military personnel could otherwise earn, refusing work as a mercenary looks extremely costly too.

Of course, financial considerations were not the only considerations that were relevant in the lecherous millionaire case. The woman would receive \$1,000,000 for becoming a mistress, but that money mattered because it would save her child's life. Still, we should not assume in the case of mercenarism that the coerciveness of a PSC's offer could only be a function of its dollar value. After all, the problems confronting some ex-military personnel are not just economic, but also social and

psychological. We must take an inclusive view of the relevant goods that such individuals may lack, if we are to appreciate their vulnerability to exploitation.

When it comes to the psychology of modern mercenarism, mercenary John Geddes is instructive. In a 2009 interview for *Psychology Today* (see also his 2006 book), Geddes describes two psychological factors motivating him (and, he claims, many other mercenaries) to engage in their trade. There is a desire for “the camaraderie you miss from [a] military background,” and there is also “the adrenaline boost [of] high adventure,” which Geddes describes in terms of drug addiction, as “a bit of a fix.”

Consider the first factor Geddes mentions. Recall the list of problems that may be faced by ex-military personnel transitioning to civilian life. It is not implausible to think that, for some such individuals, mercenary work offers a sense of purpose, a comprehensible social structure, and acceptance lacking in civilian life. These goods are less tangible than money, but no less real, and may even be more important.

Regarding the second factor Geddes mentions, there is a hard empirical question about whether mercenaries’ preferences for action, danger, etc. were inculcated by military service, or pre-dated such service (and inclined them to enter it in the first place). The answer is, of course, some mix of both, but I suspect that moral concern for mercenaries may decrease to the extent that the latter is true. It should not. If possessing a particular psychological make-up leaves some mercenaries open to exploitation, then that is cause for moral concern on their behalf, however their personal histories unfolded. To see this, it is again illuminating to compare mercenarism and prostitution.

Take the case of a prostitute who accepts offers of money for sex in order to feed her drug addiction. Suppose her situation is the result of being forcibly addicted to a

drug.⁸ Such an individual is, I take it, incontrovertibly vulnerable, and a subject of great moral concern. Now suppose her addiction is instead the result of a natural love of experimenting with drugs. She does not cease to be vulnerable, and only the most hard-hearted would recommend abandoning her to exploitation. Our moral concern for the drug-addicted prostitute seems not to depend on the aetiology of her addiction. So it is, I suggest, in the case of some ex-military personnel who become mercenaries: however their psychologies were formed, if they are now psychologically so structured as to be vulnerable to coercive offers and exploitation, then they are subjects of moral concern.⁹

To sum up, careful consideration of the parallels between prostitution and mercenarism suggests that some mercenaries may be, like some prostitutes, vulnerable individuals who are exploited by coercive offers. As surprising as it is to consider mercenaries as vulnerable, once we appreciate that vulnerability has a socio-economic as well as purely physical dimension, the claim is not implausible. If it is true, then some mercenaries – like some prostitutes, surrogate mothers, and experimental research subjects – should be subjects, not of moral condemnation, but rather of moral concern.

⁸ Sadly not an uncommon practice among a certain lowly class of pimp (so-called “tennis shoe” pimps: see Williamson & Cluse-Tolar 2002; Norton-Hawk 2004), and in sex trafficking (see the United Nations’ 2009 *Global Report on Crime and Justice*).

⁹ At this point, one may well think my discussion of allocational vulnerability (tied to lack of important social and/or economic goods) has drifted into issues to do with consent, that is, vulnerability in the second sense defined above. I am not opposed to the idea that the two kinds of vulnerability may be interestingly connected, but I will not explore those connection here. The issue I am focussed on is the options these individuals have to choose from, not their ability to choose *per se*.

7. THE RELUCTANT MERCENARY

Anthony Mockler has asserted that “the real mark of a mercenary [is] a devotion to war for its own sake ... as an art and indeed as a way of life” (1985: 17). While the idea that prostitutes are lustful jezebels is now widely (and rightly) derided, this idea – that mercenaries are battle-enamoured, reckless adventurers – seems less subject to question. I hope my suggestions above about certain mercenaries’ socioeconomic disadvantages and their consequent vulnerability to coercive offers helps undermine the idea that mercenaries must be devoted to war.

Becoming a hired gun during previous decades could require almost comical cloak-and-dagger antics: combing the classifieds for thinly-veiled ads, anonymous phone conversations, clandestine meetings in pubs and hotels (Burchett & Roebuck 1977: 26-40). The modern mercenary need not suffer such travails. As hiring on with a PSC becomes easier and more lucrative – as indeed has been the trend – the ‘reluctant mercenary’ may become increasingly common.

Before moving on to the next section, in which I anticipate and respond to several objections, I need to mention some previous work that touches on my claims thus far.

Fabre (2010) considers the “objectification” objection to mercenarism. This objection targets not mercenaries but their employers. According to it, “hiring mercenaries is morally wrong in so far as it consists in treating individuals as little more than both killing machines and cannon fodder” (2010: 553). Fabre thinks that the objectification objection establishes (at most) that “states have a duty of care to the private soldiers whom they hire,” and she allows that “[states] that fulfil their duty of care to their employees are left untouched” by the objection (2010: 554-555).

Fabre’s treatment of the objectification objection comes close to the line I am pushing in this paper. Fabre even mentions, in a footnote, Burchett & Roebuck (1977)

as proponents of something like the objectification objection. But in my view, she does not take things quite far enough. Even if a PSC treats its mercenaries as well as possible after they have signed on, the initial offer may nevertheless remain morally problematic, if it was coercive given the target's vulnerability. That the lecherous millionaire is a considerate lover makes his treatment of his purchased mistress no less exploitative, his offer no less coercive.

8. OBJECTIONS AND REPLIES

In this section, I anticipate and respond to four objections to the claims made above. The first objection identifies potentially morally significant disanalogies between, on the one hand, prostitution and the 'lecherous millionaire' case, and on the other, the cases of mercenarism I have considered here. The second objection questions the utility of the notion of vulnerability in applied ethical debate. The third objection questions the extent of the problem I have presented. The fourth suggests a potentially problematic implication of my claims about mercenarism and exploitation.

There are bound to be disanalogies between mercenarism and prostitution. The issue is whether any of these undermine my argument. In dealing with the first objection, my strategy is to identify potentially troubling disanalogies and show how they do not in fact undermine my argument. There are almost certainly more disanalogies than those I discuss below, but I take myself to have made at least a good start on responding to this sort of objection.

The first disanalogy between mercenarism and prostitution concerns the desirability, from the agents' perspectives, of the act(s) they are paid to perform. There are complicated empirical psychological issues here. In both mercenarism and prostitution, agents have complex arrays of wants and needs, and must choose

between alternate courses of action with different cost-benefit profiles. Any generalization would be perilous. But notice, it is certainly true in the ‘lecherous millionaire’ case that the mistress does not value the sex with the millionaire for its own sake, only the money and her child’s welfare. And while some prostitutes may value sex with clients for its own sake, such “happy hookers” (cf. Hollander 1979) are likely in the minority, whereas, if Geddes’ psychological portrait is accurate, then some (perhaps many) mercenaries value mercenary work quite aside from its financial payoffs. This seems a stark contrast.

The first thing to note here is that this disanalogy may be taken, not as undermining of my argument, but rather to indicate that mercenaries are *more* vulnerable to exploitation than prostitutes, in this respect. Someone who is ‘only in it for the money’ might seek money elsewhere, but someone with a psychological need that can only be satisfied by a certain sort of activity seems more at the mercy of those able to provide scope for engaging in that activity.¹⁰ The crucial question raised by this disanalogy between mercenarism and the ‘lecherous millionaire’ case is, however: can one be exploited while doing something one wants to do? It seems to me this is possible. At risk of multiplying cases, consider a budding sports star who is poor and has a large family to support. Suppose this player is offered a contract that specifies relatively little money and imposes onerous off-field PR duties. The player presumably wants to play her sport, but if she takes up the offer (say because collusion among teams keeps offers to such players meagre), then it seems plausible to say that her allocational vulnerability has been exploited. If this is right, then the fact that an agent wants to do what she is paid to do does not rule out her being exploited when doing it. So, while mercenarism and prostitution may indeed be

¹⁰ My thanks to an anonymous reviewer for this insight.

disanalogous in the respect outlined above, that difference does not prevent me reaching my conclusion. All that said, though, it does seem to me that this is the point at which to apply pressure, should one want to resist my conclusion.

The second disanalogy I will consider here can be put quite sharply. It concerns the permissibility of the acts that mercenaries as opposed to prostitutes are paid to perform. Prostitutes have sex; mercenaries kill.¹¹

This is a point at which mercenarism and prostitution may well differ dramatically. Having sex for money may be distasteful, but not morally wrong. The violence mercenaries engage in is *at least* more morally questionable. However, this disanalogy (perhaps surprisingly) does not threaten my argument. First, if the violence mercenaries engage in turns out to be morally permissible, then there is no disanalogy. If instead – as many may think more likely – mercenary violence is impermissible, then mercenaries would be moral wrongdoers, but that would not disqualify them from counting as subjects of moral concern. In fact, it should deepen rather than diminish our moral concern. After all, in that case, individuals' vulnerabilities are being exploited in order to coerce them into doing something not only dangerous, but morally wrong.¹²

¹¹ Remember, I have stipulated that mercenaries are those who are paid by PSCs to engage in combat. This definition could be widened to include those paid to provide operational support to military units (e.g. maintenance of weapon systems, logistics, training). The role of such individuals in bringing about deaths is more indirect, but the above worry would probably arise for them too.

¹² The question of how PSCs' exploitation of mercenaries' vulnerability might impact on – and perhaps impair – mercenaries' moral *agency*, is an interesting one for further research. To what extent do PSCs encourage moral blindness, a lack of attention to or positive disregard for the morality of killing in their

In sum, while there are certainly differences between the lecherous millionaire case (and by extension the cases of prostitution which it models) and the cases of mercenarism I have considered here, and while some of those differences may be morally significant, none that I can see sink my argument that certain mercenaries are legitimate subjects of moral concern.

Turning now to the second objection, some ethicists believe that the notion of vulnerability is in danger of becoming – or has perhaps already become – too inclusive to be useful. “So many groups are now considered to be vulnerable,” say Carol Levine and colleagues, “that the concept has lost force”: “if everyone is vulnerable, then the concept becomes too nebulous to be meaningful” (2004: 44, 46). Levine et al would presumably see my move here as further diluting the concept of vulnerability by adding yet another group to the mix.

In reply, I would first point out that I am not suggesting that mercenaries are vulnerable *as a group*. Not only is that straightforwardly false, but I share Levine et al’s concern that talk of vulnerable groups is problematic (for reasons to do with stereotyping, and its bluntness as a policy instrument; for more see their 2004: 46-48). What I have done is identify a certain sort of vulnerability, and suggest that some mercenaries are in that sense vulnerable. As I stated at the outset of this paper, productive debate about mercenarism must proceed piecemeal, given the heterogeneity of the phenomenon under consideration. I have not since then slipped back into generalizations about groups.

By way of further reply, it seems to me that the increasingly wide application of the term ‘vulnerability’ does not provide a reason to eschew vulnerability talk as too

service? It appears that PSCs explicitly avowing a code of conduct and recognising human rights are in the minority (Roseman 2008: 21), but detailed discussion of this issue would take us too far afield here.

nebulous to be meaningful. What is done is heighten the need for a conceptually clear and sufficiently nuanced account of vulnerability. I would hope that my discussion of vulnerability here has been clear and nuanced enough to avoid pushing the concept toward nebulous meaninglessness.

A third objection to my claims in this paper is rather simple: thousands of people leave the military and manage perfectly well in civilian life. The problem I have identified here is, at most, of limited extent.

This may be true, but even if it is, it is beside the point. Some people have great difficulty making that transition. Some do not make it successfully. Of those people, some are economically and/or socially disadvantaged in ways that leave them vulnerable to coercive offers by PSCs. Again, my claim is not a sweeping one about groups – ‘mercenaries,’ or ‘ex-military personnel’ – but rather a limited one about the vulnerability of some individuals, and the moral relevance of that vulnerability.

The parallel with prostitution may again be instructive. Even if most prostitutes are not in the sex trade because of limited options and socioeconomic disadvantage, moral concern is still appropriate for those who are. If this is true, then even if mercenaries who do what they do because of allocational vulnerability to coercive offers are in the minority, they remain legitimate subjects of moral concern. Insofar as they are not currently recognized as such, my claims here are worth making.

The fourth and final objection I will consider runs as follows. If I am right about allocational vulnerability, coercive offers and moral concern in the context of mercenarism, then this has a problematic implication. Specifically, it implies that moral concern is warranted for some people who enlist in national armed forces, insofar as those people are vulnerable in the same way as the mercenaries I consider. That would in turn imply there is something morally problematic about the offers

made by national armed forces to potential recruits. But, there is nothing morally problematic about such offers. So, my line of reasoning must be somewhere mistaken.

I suspect that few national armed forces recruits are in fact vulnerable in the way (or to the extent) that the ex-military personnel I have discussed here are vulnerable. That said, if some recruits *are* so vulnerable, then moral concern for them is warranted – indeed, it is *demande*d – if we are concerned for similarly vulnerable prostitutes, surrogate mothers, and research subjects. My argument here essentially appeals to a consistency requirement. If meeting that requirement involves taking an uncomfortably critical view of practices that have typically been seen as morally unproblematic, so be it.

9. CONCLUSION

In this paper, I have made two key claims. The first was that vulnerable individuals who are exploited by coercive offers are legitimate subjects of moral concern. I take this claim to be relatively uncontroversial, and so too the related claim that among the vulnerable are numbered some prostitutes, prisoners, and ill poor people. The second claim was that some mercenaries are vulnerable individuals who are exploited by coercive offers from PSCs. I admit that this claim is not established by the available evidence. It is nevertheless plausible in light of what we do know. If this second claim is true, then together with the first claim it implies that some mercenaries are legitimate subjects of moral concern. Since the typical attitude toward mercenaries has been one of moral condemnation, I imagine this will be somewhat surprising.

As for where we go from here, it is worth recognising that there is both a moral and a pragmatic question to be asked with respect to mercenarism. The former is: are any mercenaries vulnerable individuals exploited by coercive offers from PSCs? To

that question, I've answered a provisional 'yes'. The latter is: given that there are limited resources available for redressing moral wrongs, what – if anything – ought be done about the exploitation by PSCs of some mercenaries? To that question, I've offered no answer. For the most part, I am content to have raised and addressed the moral question. However, on the practical question, a final comparison of mercenarism to prostitution may be suggestive. In the case of prostitution (and for that matter, of commercial surrogacy and paid research participation), many have thought that the correct response to subjects' vulnerability is not to outlaw but to regulate the potentially exploitative practice, and also to address the conditions that leave some individuals vulnerable in the first place. In the case of mercenarism, both those projects present daunting challenges. But we may be bound to face those challenges, if we accept that vulnerability generates moral concern and if the parallels I have drawn between prostitution and mercenarism hold.

WORKS CITED

- Avant, D. 2004 Conserving nature in the state of nature: the politics of INGO policy implementation. *Review of International Studies* 30: 361–382.
- Avant, D. 2005 *The Market for Force: the consequences of privatizing security*. Cambridge: Cambridge University Press.
- Alexandra, A., Baker, D-P., & Caparini, M. 2008 The ethics and governance of private military and security companies. *Private Military and Security Companies: ethics, policies & civil-military relations*. Alexandra, A., Baker, D-P., & Caparini, M. (eds). New York: Routledge. 1-15.
- Baker, D-P. 2008 Of 'mercenaries' and prostitutes: can private warriors be ethical? *Private Military and Security Companies: ethics, policies and civil-military relations*. Alexandra, A., Baker, D-P., & Caparini, M. (eds). New York: Routledge. 30-42.
- Baker, D-P. 2011 *Just Warriors, Inc.: the ethics of privatized force*. New York: Continuum.

- Beauchamp, T., Jennings, B., Kinney, E. & Levine, R. 2002 Pharmaceutical research involving the homeless. *Journal of Medicine and Philosophy* 27(5): 547-564.
- Belmont Report*, 2009, accessed 8/8/11, www.hhs.gov/ohrp/humansubjects/guidance/belmont.html
- Burchett, W. & Roebuck, D. 1977 *The Whores of War: mercenaries today*. New York: Penguin.
- Butler J. 2004 *Prekarious Life: the powers of mourning and violence*. London: Verso.
- Chapkis, W. 1997 *Live Sex Acts: women performing erotic labour*. London: Cassell.
- Coady, C. 1992 Mercenary morality. *International Law and Armed Conflict*. Bradney, A. (ed).
Stuttgart: Franz Steiner Verlag. 55-69.
- Damelio, J. & Sorenson, K. 2008 Enhancing autonomy in paid surrogacy. *Bioethics* 22(5): 269-277.
- de Castro, L. 1995 Exploitation in the use of human subjects for medical experimentation: a re-examination of basic issues. *Bioethics* 9(3/4): 259-268.
- Dodds, S. & Jones, K. 1990 Surrogacy and autonomy. *Bioethics* 3(1): 1-17.
- Estes, Y. 2008 Prostitution: a subjective position. *The Philosophy of Sex: contemporary readings*, 5th edition. Soble, A., Power, P., Benatar, D. & Calhoun, C. (eds). Maryland: Rowman and Littlefield. 353-366.
- Everett, D. 2008 *Shadow Warrior: from the SAS to Australia's most wanted*. London: Michael Joseph.
- Fabre, C. 2010 In defence of mercenarism. *British Journal of Political Science* 40: 539-559.
- Fost, N. 2005 Gather ye shibboleths while ye may. *American Journal of Bioethics* 5(5): 14-15.
- Geddes, J. 2006 *Highway to Hell*. United Kingdom: Century.
- Geddes, J. 2009. Ask the mercenary. *Psychology Today*, accessed 8/8/11,
www.psychologytoday.com/blog/brainstorm/200901/ask-the-mercenary
- Global Report on Crime and Justice*, 2009, United Nations Office for Drug Control and Crime Prevention. New York: Oxford University Press.
- Goodin, R. 1985 *Protecting the Vulnerable: a re-analysis of our social responsibilities*. Chicago: University of Chicago Press.
- Hampson, F. 1991 Mercenaries: diagnosis before proscription. *Netherlands Yearbook of International Law, Volume XXH*, 3-38.
- Higate, P. 2001 Theorizing continuity: from military to civilian life. *Armed Forces and Society* 27(3): 443-460.
- Hollander, X. 1971 *The Happy Hooker*. New York: Buccaneer Books.

- Kipnis, K. 2001 Vulnerability in research subjects: a bioethical taxonomy. *Ethical and Policy Issues in Research Involving Human Participants, Volume II: commissioned papers and staff analysis*. National Bioethics Advisory Commission. G1-G13.
- Kishore, R. 2006 Biomedical research and mining of the poor: the need for their exclusion. *Science and Engineering Ethics* 12(1): 175-183
- Kotecha, K. 2011 Ex-military 'need more help' to adapt to normal life. *BBC Newsbeat*, accessed 8/8/11, www.bbc.co.uk/newsbeat/13603450
- Levine, C., Faden, R., Grady, C., Hammerschmidt, D., Eckenwiler, L. & Sugarman, J. 2004 The limitations of "vulnerability" as a protection for human research participants. *The American Journal of Bioethics* 4(3): 44-49.
- Lynch, T. & Walsh, A. 2000 The good mercenary? *The Journal of Political Philosophy* 8(2): 133-153.
- Mockler, A. 1985 *The New Mercenaries*. London: Sidgwick & Jackson.
- Moser, D., Arndt, S., Kanz, J., Benjamin, M., Bayless, J., Reese, R., Paulsen, J. & Flaum, M. 2004 Coercion & informed consent in research involving prisoners. *Comprehensive Psychiatry* 45(1): 1-9.
- Norton-Hawk, M. 2004 A comparison of pimp- and non-pimp-controlled women. *Violence against Women* 10(2): 189-194.
- Nussbaum, M. 1998 "Whether from reason or prejudice": taking money for bodily services. *The Journal of Legal Studies, Volume XXVII*, 693-724.
- Policing & Crime Act*, 2009, accessed 8/8/11, www.legislation.gov.uk/ukpga/2009/26/contents
- Prostitution and trafficking in women*, Swedish Ministry of Industry, Employment & Communications fact sheet, accessed 26/8/11 www.innovations.harvard.edu/cache/documents/1310/131041.pdf
- Purdy, L. 1990 Surrogate mothering: exploitation or empowerment? *Bioethics* 3(1): 24-26.
- Roseman, N. 2008 *Code of Conduct: Tool for Self-Regulation for Private Military and Security Companies*. Geneva Centre for the Democratic Control of Armed Forces.
- Ruof, M. 2004 Vulnerability, vulnerable populations, and policy. *Kennedy Institute of Ethics Journal* 14(4): 411-425.
- Samson, J. 2005 *The Flying Tiger: the true story of General Claire Chennault and the U.S. 14th Air Force in China*. Guilford: Lyons Press.
- Singer, P. 2008 *Corporate Warriors: the rise of the privatized military industry*. Ithaca: Cornell

University Press.

Steinhoff, U. 2008 What are mercenaries? *Private Military and Security Companies: ethics, policies and civil-military relations*. Alexandra, A., Baker, D-P., & Caparini, M. (eds). New York: Routledge. 19-29.

Transition and Adjustment to Civilian Life, VVCS Factsheet VCS11, Veterans and Veterans Families Counselling Service, accessed 8/8/11,

www.dva.gov.au/health_and_wellbeing/health_programs/vvcs/Pages/VVCS_factsheets.aspx

Venter, A. 2011 *War Dog: fighting other people's wars*. Havertown: Casemate.

Williamson, C. & Cluse-Tolar, T. 2002 Pimp-controlled prostitution: still an integral part of street life. *Violence against Women* 8(9): 1074-1092.