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Mercenaries and Other Ways of Breaking the Law: Why Our Blood Should Boil

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Abstract

Among the many consequences of the terrorist attacks of 9/11, the absence of investigative journalism and critical reflection in the U.S. is, perhaps, the most troubling; though we are now seeing a reversal of this trend. Jeremy Scahill has been one of the brightest and best examples of this reversal, relentlessly pursuing a trail of wrongdoing involving the U.S. government and private corporations.

Keywords

Human rights, United States, Iraq, Security forces, Privatization

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Mercenaries and Other Ways of Breaking the Law: Why Our Blood Should Boil

by Judith Blau

Among the many consequences of the terrorist attacks of 9/11, the absence of investigative journalism and critical reflection in the U.S. is, perhaps, the most troubling; though we are now seeing a reversal of this trend. Jeremy Scahill has been one of the brightest and best examples of this reversal, relentlessly pursuing a trail of wrongdoing involving the U.S. government and private corporations. In particular, he has reported (primarily in *The Nation* and in his new book [Blackwater: The Rise of the World's Most Powerful Mercenary Army](#)) on the nefarious activities of Blackwater, focusing on the corporation's activities as a subcontractor for the military and other operations in Iraq (as well as on its projects within the U.S., [as a subcontractor for reconstruction in New Orleans](#)).

In his May 10, 2007 [testimony](#) to the House Appropriations Subcommittee on Defense, Scahill describes Blackwater as the major player in the escalating privatization of the war in Iraq. This privatization accompanies immense corporate profits, which have far-reaching, toxic effects. When war and conflict become the objects of wealth creation, the consequences are inevitably tragic. Blackwater is neither accountable to the American public, nor in any routine way to Congress, as its employees are not in the military chain of command. The corporation became involved in the war in Iraq purely for profit—not on behalf of Iraqi welfare, and not for peace. Its business is war and peace is not profitable.

It has been mostly journalists, not academicians, who have taken the lead in making the connections involving profit-making, multinational corporations and the war. Scahill has been joined by other journalists documenting privatization of U.S. military operations more generally, including a new book by [Rasor and Bauman](#); an article by [Adam Howard](#) published in June 2007 in *Alternet*, documenting Blackwater's role in transporting prisoners to jails in Poland and Romania for the purpose of torture; and [Daniel J. Callahan and Marc P. Miles](#)' recent published account of the Blackwater lawsuit against the families of U.S. contractors [brutally murdered, decapitated and hung from a bridge](#) in Fallujah in March 2004 (Blackwater is suing for the purpose of stifling investigation into the incident). With persistence and focus these journalists have engaged and pursued such important stories in their work as investigatory reporters, while they also open up space for academics to pursue topics related to what President Dwight Eisenhower famously called ["the military-industrial complex."](#)

While journalists have pursued these investigations into Blackwater by appealing to their readers' sense of "Right" and "Wrong," an alternative way of casting the journalists' accounts is to highlight how international laws are being violated by the exposed practices. Let us start with international laws on mercenaries. The United States is not party to the 1979 [Protocol 1](#) of the Geneva Convention, which defines mercenaries and cautions states against using them, nor has it ratified the 2001 [International Convention against the Recruitment, Use, Financing and Training of Mercenarie](#), which unequivocally prohibits states from hiring mercenaries. But this turns out to be only the tip of the iceberg of U.S. roguishness.

This is nothing new, however, since the U.S. has a notorious reputation when it comes to multilateral agreements: the superpower has not ratified the [Rome Statute](#) or the [Kyoto Protocol](#); and the U.S. has ratified few, if any of the fundamental conventions under the auspices of the International Labor Organization and the U.N. Environmental Programme. It is true that the U.S. has ratified a few of the human rights treaties, such as the International Covenant on Civil and Political Rights, but these ratifications mean nothing whatsoever since when the U.S. ratifies a U.N. human rights treaty it exempts itself from the provisions of the treaty. The legal language is “non-executing.”

Thus, contrary to rhetoric, the United States is not playing a facilitating or cooperative role in the international community when it comes to multilateral agreements; on the contrary, it serves as more of an obstacle to the advancement of global cooperation in matters of development, poverty reduction, sustainability, human rights, and peace. Never has cooperation been as important as the world is experiencing an unprecedented level of interconnectedness.

Jeremy Scahill’s investigative reports on Blackwell, mercenaries, and the privatization of war present three crucial implications from which academics can learn important lessons. First, Scahill and other journalists have taken on ambitious projects to educate the public and confront the U.S. government about its abandonment of the democratic principles on which our nation was founded. Second, that they have not yet addressed the issue within a broader, contemporary international context, there is a clear opportunity and need for such work to be done. Third, privatization plays out in other arenas besides the war in Iraq and it has done so with horrendous consequences to human populations: [dumping practices](#) in African countries that benefit U.S. agribusiness; the [sweatshops](#) of multinationals; international financial speculation; support of “[big pharma](#),” [structural adjustment programs](#); [mega-dams](#) built at the insistence of investors that trigger immense population dislocation; the imposition of [genetically modified seeds](#) on farmers; and on and on.

Mary Wollstonecraft offers us some useful language, still appropriate after more than two centuries. It is the “iron law of property,” she wrote in her 1790 letter to Edmund Burke (in [Vindication of the Rights of Man](#)), that is *crushing* “benevolence, friendship, generosity, and all those enduring charities which bind human hearts together.” Humans have, she writes in her vitriolic attack, “enduring, unconditional, and undisputed rights.” These rights—“birthrights”—belong equally to all, while property belongs only to the few. “My blood boils” is the metaphor she hurls at Burke. Boiling blood is not a bad thing for American academics to have these days.

Judith Blau has published three books on human rights with Alberto Moncada: [Human Rights: Beyond the Liberal Vision](#) (2005); [Justice in the United States: Human Rights & the US Constitution](#) (2006); and, [Freedoms and Solidarities: In Pursuit of Human Rights](#) (2007). She is Director of the Social and Economic Justice (interdisciplinary) Undergraduate Minor at the University of North Carolina, Chapel Hill. Blau and Moncada are now working on a volume on human rights that will be published by Paradigm. Outside of her academic work, Blau also serves as President of [Sociologists without Borders](#).