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Corporate Dystopia as a Historical Norm**

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Solo Flight

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Corporate Dystopia as a Historical Norm**

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INTRODUCTION

A representative of a multinational corporation negotiates with a group of indigenous people as they attempt to broker an agreement. The locals are disinterested and resistant to the corporation. The corporation forces its agenda on the locals through brute force using private security forces. People die, no one cares. This has happened before, and it will happen again. The corporation relies on virtually all-encompassing authority granted by a distant government. The corporation also acts as the local government, operating under a charter granted by the state. Their actions are legal at best, but mainly tolerated by an impotent and apathetic state back home. In any case, even if the state had the power to check the actions of the corporation, they are a long way away. The corporation crossing the line from mere abuse of power to actual criminality is ignored. After all, how can there be justice if the criminals are the same people who control the meagre justice system in place?

The story of powerful transnational corporate entities operating as laws unto themselves is a powerful trope in modern media. This trope challenges many deeply held beliefs of western democratic tradition: individual rights, civil liberties, the rule of law, the pursuit of happiness, and even common decency. Examples of corporations having and abusing state powers are at the heart of dystopian futures in speculative fiction. The Weyland-Yutani Corporation in the *Alien/Predator*¹, the Tyrell Corporation of *Blade Runner*, and the Trade Federation of *Star Wars*: all are examples of private interests having such state powers, without state responsibility. They have the tools to extract wealth, but no obligation to those on whom those powers are used.

However, the vignette above could just as easily illustrate a decision made by any number of historical companies, virtually anywhere on Earth. As the name of this paper implies, the bleak future of humanity depicted in fictional is merely a mirror held up to humanity's past. Where science fiction meets modern warfare, and why this matters, is that the role of non-state actors is a hallmark of so-called hybrid warfare. In imagining that the addition of non-state players to warfare is new, long standing historical norms are ignored.

This paper will argue that the much-observed delegation of violence by states to private actors in recent times is mischaracterized as hybrid warfare. While it may be a deviation from conventional warfare as the term has come to be known², what is being observed is merely a return to historical norms prior to the twentieth century. This paper begins by briefly defining hybrid warfare, and how that term has come to be used, followed by a discussion on the concept of a state's monopoly on violence, and how this concept makes the very concept of hybrid warfare problematic, as currently defined. As well, examples of state delegation of powers to privately owned companies will then be used to show the deep historical roots of such delegations. This will act as a counterpoint to the modern conception that such powers can or should rest solely with the state, as well as the notion this is some sort of innovation in warfare. This examination will clearly show that that violence, a purview of the state during the 20th century, will continue to

¹ Booker, M. K. (2015). *Historical dictionary of science fiction in literature*. Lanham: Rowman & Littlefield, p. 95

² Are we living in a *Blade Runner* world? (2019, November 12). Retrieved May 30, 2020, from <https://www.bbc.com/culture/article/20191111-are-we-living-in-a-blade-runner-world>

devolve to private actors. It will do so in a manner that while odd to current observers, would seem completely normal to our ancestors. This leads to the inevitable conclusion both that hybrid warfare is a misnomer, in that it is only a departure from the norm in the 20th century, and that historically, conventional warfare has always included the muddiness of non-state actors.

AN UNHELPFUL TERM: “HYBRID WARFARE”

The definitions of hybrid warfare are vague and discordant. Wilke’s definition of hybrid warfare as “all modes of war simultaneously by using advanced weapons, irregular tactics, terrorism and disruptive technologies or criminality to destabilize an existing order”³, sounds like every major war ever fought. As it reads like a laundry list, is difficult to see what is not encompassed under his umbrella of hybrid warfare. Gorka marks the Cold War as the temporal period where hybrid warfare begins to emerge⁴, but alludes that it could be broadened to include Mao’s insurgency against the Japanese⁵. However, Gorka negates his own definition in not realizing the Cold War could be an outstanding example of so-called hybrid war in and of itself. He also ignores that any definition of hybrid war does not necessarily except warfare prior to the twentieth century. This creates an arbitrary metric, which serves no purpose except to bolster whatever point the author was trying to make. However, it does create an artificial metric that detracts from a larger truth.

In these definitions, the only way a concept of ‘hybrid warfare exists’ is juxtaposed to a so-called ‘conventional war’. Coined in the 20th century, this term exists in the shadow of two world wars, and relies on a quaint and romantic notion of states launching military forces at one another as a default. As such, these conflicts are the ‘conventional’ starting point for any analysis (whether or not their reality was that simplistic). People can be forgiven for those conflicts were so clear cut, as this notion is supported by rigid definitions of combatants in international treaties and *jus cogens* norms⁶. Conventions would seem to create conventional actors. However, each of these conflicts included extensive and sophisticated economic, political, psychological, and technological means, which is somehow ignored. Again, even the conventional, was anything but.

As a case in point, Canada itself can be used to tease out the fallacy of hybrid warfare. Though perhaps the modern CAF would decline to use criminality or terrorism (at least as we define it), Canada does resort to illegality when it suits itself, though perhaps not on the battlefield. Canada regularly engages in espionage (which is illegal, though codified in practice by *de facto* and *de jure* norms⁷). As well, Canada has no compunction of taking liberties with its international trade obligations and has routinely been the subject of many instances of international arbitration by other states (see Figure 1)⁸. While not war *per se*, actions that advance state interests, effect the

³ Wilkie, Robert. "Hybrid Warfare: Something Old, Not Something New." *Air and Space Power Journal* XXIII, no. 4 (Winter 2009), p. 14.

⁴ Gorka, Sebastien L.v. "The Age of Irregular Warfare: So What?" *Joint Force Quarterly*, no. 58 (3rd Quarter 2010), p.34

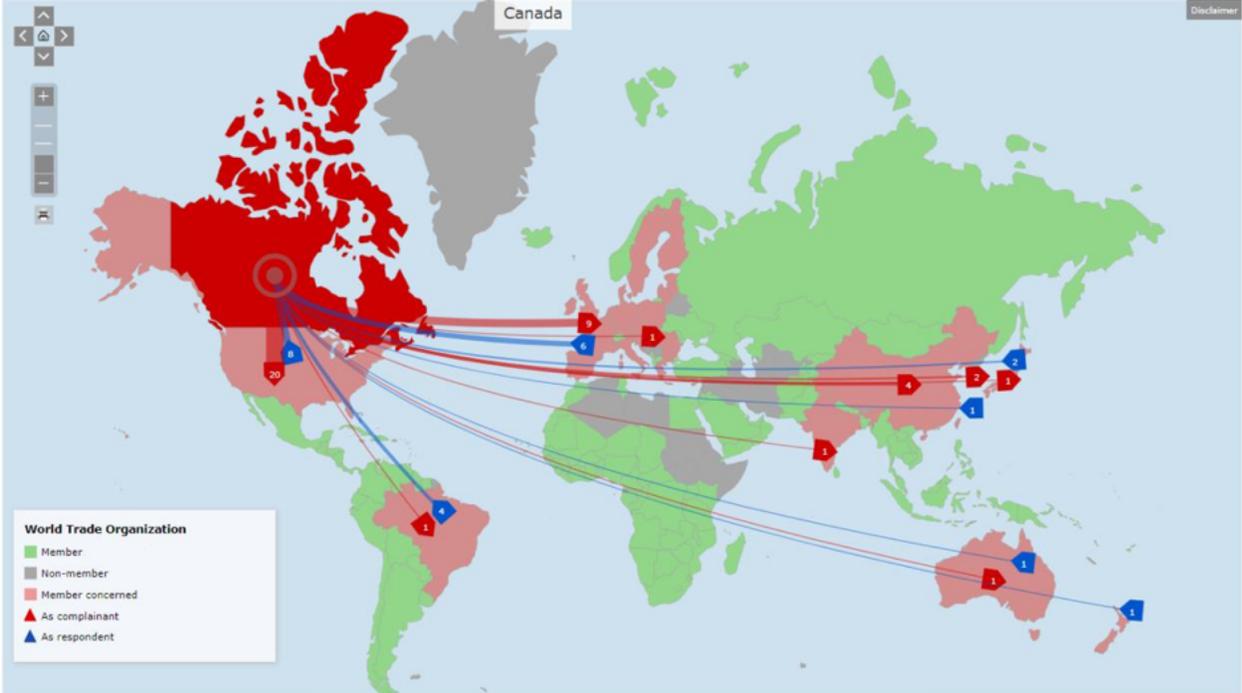
⁵ *Ibid*, p. 37

⁶ International Committee of the Red Cross. *Practice Relating to Rule 3. Definition of Combatants*. (n.d.). Retrieved May 30, 2020, from https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule3,

⁷ Dubuisson, F., & Verdebout, A. (2018). *Espionage in International Law*. Oxford Bibliographies Online Datasets. doi:10.1093/obo/9780199796953-0173

⁸ World Trade Organization. (n.d.). Retrieved May 30, 2020, from https://www.wto.org/english/tratop_e/dispu_e/dispu_maps_e.htm?country_selected=CAN

global economy, and worth billions of dollars are a very real something. After all, there is a reason the term “trade war” exists. Finally, historically Canada has certainly engaged in actions (carpet bombing, dam-busting) that while not explicitly illegal at the time (though they may have shocked the consciences even then) but would be illegal now⁹.



Note: As a member State of the European Union until 31 January 2020, the United Kingdom was also involved in the dispute settlement cases of the EC/EU. The United Kingdom has communicated that for the duration of the transition period, it is to be treated as a member State of the European Union for the purpose of ongoing WTO disputes to which the European Union is a party. For more information, see document [WT/GC/206](#) and the note verbale ([WT/L/ET/1462](#)) from the European Union notifying WTO members that the United Kingdom is treated as a member State of the European Union for the purposes of relevant international agreements for the duration of the transition period.

Figure 1 – Map of Canada’s Current Trade Disputes¹⁰

⁹ Canadian War Museum changes controversial wording on WWII bombing | CBC News. (2007, October 11). Retrieved May 31, 2020, from <https://www.cbc.ca/news/entertainment/canadian-war-museum-changes-controversial-wording-on-wwii-bombing-1.635963>

¹⁰ World Trade Organization. (n.d.).

THE STATE MONOPOLY ON VIOLENCE

“The condition of man . . . is a condition of war of everyone against everyone”¹¹

“To this war of every man against every man, this also in consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law, where no law, no injustice. Force, and fraud, are in war the cardinal virtues.”¹²

In such condition there is no place for industry... no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”¹³

- Thomas Hobbes, *Leviathan*

In western philosophy, the idea of a state monopoly on violence originates with Thomas Hobbes' 1651 seminal work, *Leviathan*. Hobbes believed that man was predisposed to violence, but through the state's monopoly on violence, such impulses could be restrained. In overawing man's inherent violence with the threat of violence from the state, politics became possible¹⁴. Hobbes saw the state monopoly on violence as not merely a coercive force, but as a necessary precondition to protect the weak from the predations of the strong¹⁵. It was only by not having to constantly prepare for violence that man was free to pursue the pursuits of civilization, and only with the state as arbiter could man elevate himself as a society¹⁶.

An assumption can be made that before a state can delegate its powers, it must have both have power in the first place, and the state must exist. In his work *Politics as a Vocation*, German economist Max Weber defines the State in the context of its ability to successfully claim a monopoly on violence within a particular territory¹⁷. Weber offered three principles justifying the legitimacy of the state: traditional authority, charismatic authority, and legal authority¹⁸. This vision of a modern state was different from previous, pre-Westphalian, polities. For instance, in feudalism, while the King may reign supreme, he did not have a monopoly on violence as his liege-lords were free to operate as they saw fit within their fiefdoms¹⁹. As well, at least in the Europe, the King was not even the font of power, as power stemmed from the Church (in its capacity as the representative of God, on earth)²⁰. While powerful, the King shared his power.

¹¹ Hobbes, T. (1651). *Leviathan*. London: Printed for A. Ckooke, ch.XIV - Naturally Every Man Has Right to Everything.

¹² Hobbes, ch. XIII – Of the Right of Succession.

¹³ Hobbes, ch XIII - The Incommodities of Such a War.

¹⁴ Hobbes, ch XXX - Rewards.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ McClean, T., Xidias, J., & Brett, W. (2017). *Politics as a Vocation*. Milton: Taylor and Francis. p.48.

¹⁸ *Ibid.*, p.30.

¹⁹ *Ibid.*, p.34.

²⁰ *Ibid.*, p. 81

The relationship between the state monopoly on violence and hybrid war, is that for non-state actors to have any power in the first place, they must supposedly receive them from the state. Weber's point is that such power to coerce must come from the state, and that any entity that uses violence, must do so with the consent of the state. In hybrid warfare non-state actors routinely use violence, which creates a situation whereby states then explicitly support such non-state actors, or implicitly support them by doing nothing to prevent their use of violence. While such a choice may simply be the best of bad options on the state's part, the state always retains the power to use their force to prevent the use of violence by the non-state actor. Analysis need go no further than modern terrorism, and the global changes resulting from such attacks. The argument can be made that non-state actors such as private security and terrorist only have legitimacy if it is conferred upon them by a state²¹. The counterpoint to this argument is that the origin of power is not relevant to the outcome of the violence exerted. However, if a state cannot prevent the non-state party from using violence, then they cannot exert their monopoly and are therefore no longer the state.

While it is philosophically interesting to discuss fonts of power, and who derives what authority from whom, it is blind to the reality that such non-state actors wield a great deal of power with real impact. This is where philosophical underpinnings and reality meet, and disagree

STATE DELEGATION OF POWERS HISTORICALLY

*"no man is to be accounted rich that could not support an army at his own cost"*²²

- Marcus Licinius Crassus

Examples of state delegation (or abdication) of powers to private interests goes back to the ancient world. Though the details are beyond the scope of this paper, the use of privately raised armies for personal gain under state auspices is best exemplified by the Roman legions. Conquest and personal fortune went hand in hand. Commanders came from elected officials. Citizens spent (or borrowed) the modern equivalent of hundreds of millions of dollars to win elections, and so acquire military commands. However, though there was some support from Rome, commanders were then expected to pay for their armies out of pocket, or out of the promise of plunder²³. Rome's military expansion, ostensibly for the glory of the state, was a sport of opportunity for Rome's elite. The rewards for a successful commander was measured in the plunder of people (slaves) and wealth from a vanquished foe²⁴. These rewards would equate to billions of dollars, and untold prestige, in modern terms²⁵.

One of the most famous men in history, Gaius Julius Caesar, perpetrated the death or enslavement of hundreds of thousands of Gauls for his own advancement in this system. His

²¹ Phelps, Martha Elizabeth (December 2014). "Doppelgangers of the State: Private Security and Transferable Legitimacy". *Politics & Policy*. 42 (6): 824–849. doi:10.1111/polp.12100

²² Plutarch, & Clough, A. (1880). *Plutarch's Lives of illustrious men*. New York: American Book Exchange. p.384

²³ Beard, M. (n.d.). *SPQR: A History of Ancient Rome*.

²⁴ Elliott, C. P. (2020). *Economic theory and the Roman monetary economy*. Cambridge: Cambridge University Press, p.161.

²⁵ *Ibid*, pp.120-121.

example is particularly important, because while he obviously acted in the interests of Rome, he did so without lawful authority, and over the objection of the Senate²⁶. The result created an absurdity in that the Roman senate actively disavowed his actions, and declared Caesar's actions illegal, while he retained command of an army (and legal immunity) in the field²⁷. The effect: Rome had its war, as well its excuses. To their neighbors (if not the Gauls), they could say these were not Roman legions, but the actions of a rogue commander. Surely they could not be held responsible? A neat story to be sure, but it is an example of "Little Green Men" two thousand years before they would make an appearance in the Crimea²⁸. What happened before will happen again.

While other examples exist in history, the lines between the state polity directing forces and personal benefit would not be blurred again so thoroughly until the Age of Discovery, and would continue until well into the industrial revolution. Examples include the Spanish *Encomienda* system, whereby the Spanish crown (and the Catholic Church) downloaded both temporal and spiritual authority into the hands of private landowners, with little oversight. As well, there are the charter companies such as the British East India Company (the "BEIC"), or The Hudson's Bay Company (the "HBC"). However, the first modern conglomerate turned state-onto-itself, was the United East India Company, also known as the Dutch East India Company (the *Vereenigde Oostindische Compagnie*), or "VOC" for short. Treating the VOC as a representative example, this paper will spend time discussing the origins of the VOC, as well as its organization and operations, all of which laid the groundwork for both the BEIC, HBC, and many other charter entities.

²⁶ Batstone, W. W., & Damon, C. (2006). *Caesar's Civil War*. Oxford: Oxford University Press, p.6.

²⁷ Ibid.

²⁸ Foreign Policy Research Institute. *How, Why, and When Russia Will Deploy Little Green Men – and Why the US Cannot*. (n.d.). Retrieved May 30, 2020, from <https://www.fpri.org/article/2016/03/how-why-and-when-russia-will-deploy-little-green-men-and-why-the-us-cannot/>

THE VOC: THE FIRST MULTINATIONAL MODERN CORPORATION

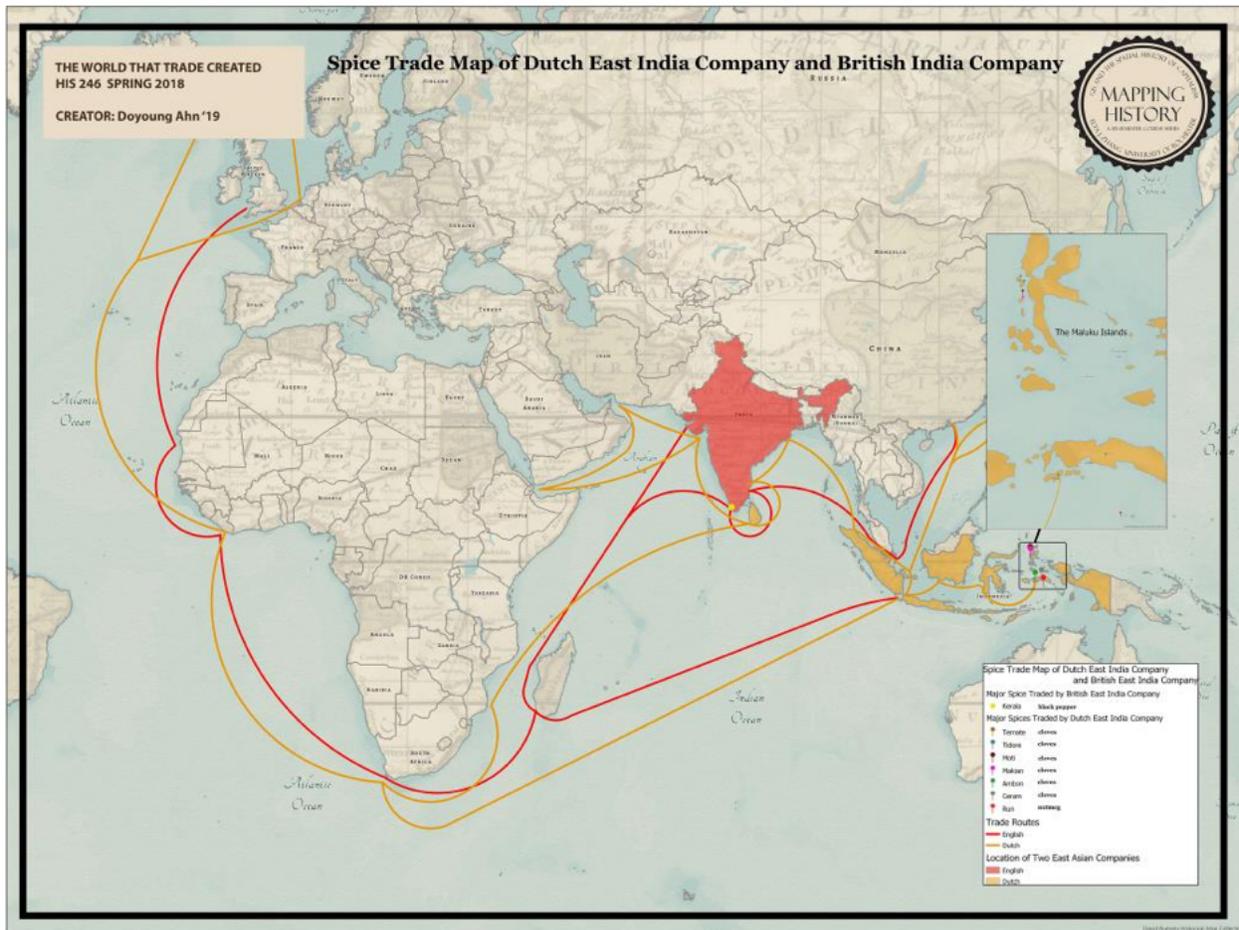


Figure 2 – The Trade Routes and Holdings of the VOC²⁹

It is hard to criticize the fear that corporations will overreach and act as a law unto itself given the opportunity when the first publicly traded corporation did just that. The *Vereenigde Oostindische Compagnie* was a behemoth whose influence spanned the globe and whose actions helped shape modern history. Though the VOC would become a financial giant, with a huge fleet, standing ground forces, and the powers of state in their colonies, that was not its initial goal (Figure 2). Ultimately, the interests of the VOC and the Dutch state become so comingled they were ultimately one and the same.

Founded a few short years after Dutch independence from Spain in 1602, the VOC was originally consolidated from a myriad of smaller trading companies to collectively organize and protect emerging Dutch maritime trade³⁰. The goal at the time was to share the financial risk of commercial trading (at a time when trading voyages were just as likely as not to never return

²⁹ Spice Trade Map of Dutch East East India Company and British India Company Spice Trade Map of Dutch East East India Company and British India Company. (n.d.). Retrieved May 30, 2020, from http://zhang.digitalscholar.rochester.edu/mapping/spices_ahn-doyoung-min/

³⁰ Canon van Nederland. (n.d.). De VOC. Retrieved May 30, 2020, from <https://www.entoen.nu/voc>

home), and better organize trading efforts to control market prices³¹. The VOC's founders were initially hesitant to centralize so much commercial and maritime power into a single entity. Not because there was conflict amongst the businessmen, but because they were concerned that the creation of so powerful a commercial consortium would prove too irresistible a tool for the state, leading to its militarization³². Not that the original shareholders of the VOC were against concepts such as empire, or cared about the rights of other peoples, they simply didn't want the state to co-opt their commercial engine as a state resource.

As the shareholders feared that centralizing such large amounts of capital would be irresistible to the state, they were unwilling to risk their own fortunes without assurances from the Dutch government³³. To assuage the concerns of the Dutch shareholders, and ensure the VOC shareholders recouped their investment, the Dutch government various Monopoly privileges³⁴. Arguably the biggest privilege the Dutch shareholders receive is not a monopoly on trade, it was the revolutionary ability to transfer their share in the company on an open market to any other person would purchase it from them³⁵. And so first truly modern share-based Corporation came into effect, and the public trading of companies was born.

This creation of the VOC laid the foundation for every mega-corporation that came after: the marriage of immense capital, state oversight, and the military apparatus to protect both if required. Perhaps most importantly, the share-based innovation created the ability for shareholders to take no personal responsibility and transfer the rewards to others when they tired of it. Add a state sanction of violence, and what happened should have been predictable. Spanning centuries and continents, the complexity of their operations, and their state-level aims, these entities employed a combination of economic, military, technological, and cultural tools to achieve those aims. This is in addition to the fact that this broad range of operations existed at the behest of a non-state actor. From both these perspectives, these will provide clear historical examples demonstrating that these unconventional methods, which built empires, were in no way "conventional" as defined by modern academics.

³¹ Taylor, B. (2013, November 06). The Rise and Fall of the Largest Corporation In History. Retrieved May 30, 2020, from <https://www.businessinsider.com/rise-and-fall-of-united-east-india-2013-11>

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

CONCLUSION

History is replete with examples of states doing anything possible, both within and beyond the bounds of contemporary norms to wage war. With that in mind, hybrid warfare represents warfare as humanity as always known it. This makes the conventional war of the twentieth century, and its preponderance of state actors, the real exception. This leads to the inevitable conclusion that both hybrid warfare is a misnomer, in that it is only a departure from the norm in the 20th century, and that historically, conventional warfare has always included the muddiness of non-state actors.

In the introduction of this paper, fictitious dystopian futures were characterized as mirrors of humanity's past. These are popular in fiction because they are powerful ideas. These tropes resonate strongly with society, because while society can be absent-minded about the specifics of its past, it is not totally ignorant of what mankind is capable of at its worst. Coupled with that potential, and that it's difficult to find a horror in fiction that is not eclipsed by what mankind has already done to itself at some point historically. As the cliché goes, those who forget history are doomed to repeat it. In ignoring these lessons, decision makers doom themselves to repeating the mistakes of the past. For the profession of arms, this is simply inexcusable. In adopting meaningless semantic terms, a greater truth about warfare is ignored and forgotten.

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