

By Conn Hallinan

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*“...it may be a surprise to find some moral philosophers, political scientists, and weapons specialists believe unmanned aircraft offer marked moral advantages over almost any other tool of warfare.”*—Scott Shane, national security reporter for the New York Times, “The Moral Defense For Drones,” 7/15/12

First, one should never be surprised to find that the [NY Times](#) can ferret out experts to say virtually anything. Didn't they dig up those who told us all that Saddam Hussein had nuclear weapons? Second, whenever the newspaper uses the words “some,” that's generally a tipoff the dice are loaded, in this case with a former Air Force officer (who teaches philosophy at the Naval Postgraduate School), a former CIA deputy chief of counterintelligence, and political scientist Avery Plaw, author of “Targeting Terrorists: A License To Kill?”

Shane has a problem, which he solves by a nimble bit of legerdemain: he starts off by raising the issue of law, sovereignty, radicalizing impact, and proliferation dangers (in three brief sentences), then quickly shifts to the contention that “most critics” have “focused on evidence that they [drones] are unintentionally killing innocent civilians.”

He doesn't present any evidence that most criticism has focused on the collateral damage issue, but this allows him to move to the article's centerpiece: “the drones kill fewer civilians than other modes of warfare.”

Actually, critics have focused on a wide number of issues concerning drones. Is using drones in a country with which we are not at war, and one that opposes their use, a violation of international law? Is targeting an individual a form of extrajudicial capital punishment? Is killing American citizens a violation of the U.S. Constitution's guarantee of a trial by a jury of one's peers? Is the use of armed drones by the White House bypassing the constitutional role of Congress to declare war? Does the role of the CIA in directing killer drones violate the prescriptions of the Geneva Convention against civilians engaging in armed conflicts?

But for argument's sake, let's focus on the point about civilian casualties. According to Shane, the professor of philosophy has found that "drones do a better job at both identifying the terrorist and avoiding collateral damage than anything else we have." Shane adds that the drone operators "can even divert a missile after firing if, say, a child wanders into range."

Nice touch about the kid, but according to [London-base Bureau of Investigative Journalists](#), \*as of February of this year, drones have killed some 60 children, among between 282 to 535 civilians. Other estimates of civilian deaths are much higher.

But, points out the *Times*, the kill ratio suffered by civilians when Pakistan took back the Swat Valley from its local Taliban, and when Israel goes after Hamas, are much higher. And then, quoting the CIA guy: "Look at the firebombing of Dresden, and compare it with what we are doing today." In short, civilians should be thankful they are not subjected to the brutality of the Pakistani and Israeli armies, or firebombed into oblivion?

Shane manages to avoid mentioning Part IV of the additions to the Geneva Conventions (1977) on the protection of civilian populations "Against the Effects of Hostilities." Article 49 and 50 are particularly relevant. Essentially they boil down to the stipulation that only "military objectives" can be targeted.

The *Time's* security expert also fails to mention the policy of "signature strikes," which means anyone carrying weapons, or hanging out in a house used by "militants," is fair game. "Signature strikes" are an explicit violation of Article 50: "The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character."

Of course, none of us know what criteria are used to identify someone as a "militant" or a "terrorist," because the Obama administration refuses to release the legal findings that define those categories. In Yemen, many of the targeted "terrorists" are not Al Qaeda members, but southern separatists who have been fighting to re-establish the Republic of South Yemen. In any case, people are being killed and we have no idea how they ended up sentenced to death.

For instance, it is apparently a capital offense to try to rescue people following a drone strike, or to go to the funeral for those killed. According to the Bureau of Investigative Journalism, some 50 rescuers have been killed, and more than 20 mourners. Many of these small villages have strong kinship ties, and helping out or mourning the dead is a powerful cultural tradition. Acting as a kinsman to someone the White House defines as an “enemy” may end up being fatal.

In some ways the civilian deaths are a straw man, not because they are not important, but because “critics” have focused on a wide number of issues brought up by the drones. Among them is the apparent dismantling of Congress’s constitutional role in declaring war. When some members of Congress raised this issue with respect to the Libyan War, and whether it fell under the rubric of the [Wars Power Act](#), the Obama administration argued that it did not, because the Libya operation did not “involve the use of U.S. ground troops, U.S. casualties, or a serious threat thereof.”

But as Peter Singer of the Brookings Institute points out, the Libyan operation certainly involved “something we used to think of as war: blowing up stuff, lots of it.” The U.S. air war was the key to overthrowing Qaddafi. U.S. planes and drones carried out attacks and directed strikes by allied aircraft. The Americans also resupplied allied aircraft with bombs and missiles, and provided in-air refueling.

Given the enormous expansion of drones, the definition of war as limited to acts likely to lead to “casualties” opens up a Pandora’s box. The U.S. currently has more than 7,000 drones, many of them, like the Predator and the Reaper, are armed. The [U.S. Defense Department](#) plans to spend about \$31 billion on “remotely piloted aircraft” by 2015, and the U.S. Air Force is training more remote operators than pilots for its fighters and bombers.

Fleets of armed drones could be released to fight wars all over the world, with casualties limited to mechanical failures or the occasional drone that wandered too close to an anti-aircraft system. Under the White House’s definition, what those drones did, and whom they did it to, is none of Congress’s business.

What in the Constitution gives the power of life and death over U.S. citizens to the President of the United States? The militant American-Yemini cleric Anwar-al-Awlaki was no admirer of the U.S., but there is no public finding that he ever did anything illegal. Never the less, a drone-fired Hellfire missile killed him last October. And a few weeks later, another drone killed his Denver-born 16-year old son, Abdulrahman-al-Awlaki, who was out looking for his father.

Ibrahim-al-Banna was the target of that strike, but as one U.S. official told *Time*, the son was in the “wrong place at the wrong time.” That particular statement is an explicit violation of Article 50 of the Conventions.

“The question is, is killing always justified?” asks University of Texas at El Paso political scientist Armin Krisnan. “There is not public accountability for that.”

The Yemen strike has sparked outrage in that country, as have other drone strikes. “This is why AQAP [Al Qaeda in the Arabian Peninsula] is much stronger in Yemen today than it was a few years ago,” says [Ibrahim Mothana](#), co-founder of Yemen’s Watan Party.

There are lots of critics raising lots of difficult to answer questions, and they focus on much more than civilian casualties (although that is a worthy topic of consideration). The “moral” case for drones is not limited to the parameters set by the *NY Times*. In any case, the issue is not the morality of drones; they have none. Nor do they have politics or philosophy. They are simply soulless killing machines. The morality at play is with those who define the targets and push the buttons that incinerate people we do not know half a world away.