

Obama, Just War, and Drones

Written by Eric Patterson and Rushad Thomas

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ERIC PATTERSON AND RUSHAD THOMAS, JUN 23 2013

On May 23, 2013 President Obama spoke at National Defense University regarding the West's war against terrorism. According to Obama, the strategic priority is to protect Americans by targeting enemy combatants affiliated with al-Qaeda and other groups intent upon killing Americans.[i] Much of the speech centered on winding down the wars in Iraq and ultimately Afghanistan, but what generated the most attention was his argument about the tactical use of unmanned aerial vehicles (UAVs), also known as "drones" to knock out enemy combatants.[ii]

From the perspective of just war theory, *legitimate political authorities* are acting morally when they defend their citizens from the explicit threat caused by terrorists (*just cause, right intention*). These are the fundamental *jus ad bellum* (ethics of going to war) criteria. For the purpose of this paper, the choice of a weapons system—in this case UAVs—really has little to do with the moral logic of engaging in conflict against al Qaeda; drones are a weapons system and a tactical battlefield tool, and thus are part of the discussion of *jus in bello* (how war is fought).

Do drones satisfy the requirements of *jus in bello*? Just war thinking has two principal ethical criteria for how force is used. The first is *proportionality* (is the contextual use of force proportional to the contextual threat?) and the second is *discrimination* (is the application of force bounded in ways to reasonably protect non-combatants?). Is the use of drones in Yemen or Afghanistan proportionate? Is it discriminating?

In practice, a drone "pilot" sitting at a base in Arizona looks through a computer screen at a car traveling back-roads in Yemen. He is commanded to fire because intelligence sources reveal that a senior al-Qaeda official planning attacks on the United States is in the vehicle. The soldier presses the button and a Hellfire missile launches at the house. In fifteen seconds the car and anyone in it are blown to smithereens. The operator celebrates once the missile hits and intelligence sources confirm that a major target has been taken out without any loss of American life, either of civilians or military service members. Mission accomplished.

This anecdote illustrates the greatest benefit of drones: they allow the armed forces to target enemy combatants with accuracy while limiting the number of collateral casualties and protecting service members from life-threatening in-person combat situations. President Obama made this argument in his NDU speech. "...by narrowly targeting our action against those who want to kill us, and not the people they hide among, we are choosing the course of action least likely to result in the loss of innocent life." Obama understands that, as Commander-in-Chief, he must ensure that America's service members can target terrorists while minimizing military casualties.[iii] As Benjamin Wittes and Ritika Singh demonstrate in their essay "Drones are a Challenge—and an Opportunity," the history of the development of weapons technology has had at its heart increasing precision while decreasing exposure, from destroying entire cities in World War II to today's UAVs.[iv]

This advantage, however, does not mean that the United States seeks to indiscriminately kill people in foreign societies. The use of drones must be subject to limits. President Obama acknowledged this in his speech, where he reiterated his commitment to the legal structure that governs the use of force against terrorists: a Congressionally-mandated "Authorization to Use Military Force" (2001). The president also suggested that the U.S. government prefers to detain, rather than kill, enemy combatants whenever practicable.[v]

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When it comes to the just war criteria, there is little debate on the issue of proportionality. Instead, *jus in bello* concerns are often raised about collateral loss of human life (discrimination), for instance when the driver of an al Qaeda leader or family members are impacted when a car or redoubt is destroyed. However, because these enemy combatants typically use domiciles as safe havens and command-and-control centers, they have literally taken the battlefield home with them. Certainly, however, the use of drone-launched missiles is far less destructive in these situations than a B-52 dropping its payload, and Western commanders are protecting the lives of their own troops—an often overlooked yet important fact.

Further questions exist regarding drones, and nearly all of them have to do with the blurring of traditional categories. For instance, the actual use of drones blurs the way we traditionally thought about sovereignty (e.g. in Pakistan, Yemen, and in pursuit of Joseph Kony). Drones bring a new meaning to the notion of “pilot” and blur the distinctions between traditional military personnel and other “fighters” (Air Force vs. CIA vs. contractors). What is the distinction between the military use of drones and that of [domestic] law enforcement, such as in the so-called “war on drugs?” Thus, considerable ethical and legal reflection remains for us.

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[i] “President Barack Obama’s speech at National Defense University – full text,” The Guardian, last modified May 23, 2013, accessed June 18, 2013, <http://www.guardian.co.uk/world/2013/may/23/obama-drones-guantanamo-speech-text>.

[ii] Fred Kaplan, “Obama’s Post-9/11 World,” Slate, last modified May 23, 2013, accessed June 19, 2013, http://www.slate.com/articles/news_and_politics/war_stories/2013/05/barack_obama_national_defense_university_speech_nothing_new_about_drones.html.

[iii] Daniel Byman, “Why Drones Work: The Case for Washington’s Weapon of Choice,” Foreign Affairs, last modified June 19, 2013, accessed June 20, 2013, <http://www.foreignaffairs.com/articles/139453/daniel-byman/why-drones-work?page=5>.

[iv] Benjamin Wittes and Rikita Singh, “Drones Are a Challenge — and an Opportunity,” Cato Institute, last modified January 11, 2012, accessed June 18, 2013, <http://www.cato-unbound.org/2012/01/11/benjamin-wittes-ritika-singh/drones-are-challenge-opportunity>.

[v] “President Barack Obama’s speech at National Defense University – full text,” The Guardian, last modified May 23, 2013, accessed June 18, 2013, <http://www.guardian.co.uk/world/2013/may/23/obama-drones-guantanamo-speech-text>.

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