

Just War Theory and Drone Warfare: Morality, Virtual Wars and Human Security in the War on Terror

On August 29, 2021, an aid worker and nine members of his family, including seven children, were killed by a US drone strike in Kabul, Afghanistan. The youngest child, Sumaya, was just two years old (BBC 2021). The strike that took 10 innocent lives happened following a frenzied evacuation effort, as the Taliban returned to power. It was not the first such killing of unarmed civilians. The use of armed drones in recent conflicts in the Middle East has cast these technologies in a new light. Conflicts in Palestine, Afghanistan, Iraq, Pakistan, Syria and Yemen have been associated with the changing nature of warfare, particularly against non-state actors. Much of the focus on the use of drones stems from the policies and tactics developed by Israel and the United States for 'targeted killing': seeking out of specific individuals for their role in military or terrorist operations and launching a precision military attack on that person. This practice has led to a great deal of public attention and scholarly debate over the use of drones.

In the 21st century, drones have been used in 95% of the United States' targeted killings (Dunderdale 2013). Drones create a constant state of fear for communities; people report curtailing their activities for fear of being associated with the wrong person, landmark or situation. As the Living Under Drones Report attests to, people who live in countries like Pakistan, Afghanistan and Iraq, where areas, groups and individuals are targeted by drone strikes, fear death daily (Cavallaro, Sonnenberg and Knuckey 2012). Those who attempt to rescue the injured, or to recover bodies, risk becoming victims themselves, because of a 'double tap' policy, in which an area is targeted multiple times in quick succession (Baggiarini 2015).

Combat drones used to be the preserve of military superpowers, but now smaller nations like Ukraine, Ethiopia, Syria, Libya and Azerbaijan are using them to fight both aggressive and defensive wars, changing the nature of battle, becoming emblematic of a whole age of warfare. The use of drones in precision air strikes can be part of an effective military tactic. Unmanned aerial vehicles (UAV) or systems have several advantages compared to piloted aircraft, primarily the protection of life on the part of those who strike. These satellite-controlled drones allow pilots to control their aircraft from the other side of the world and allow generals, spies and politicians to watch the war they are waging live on TV from anywhere in the world. The 21st century has recorded radical tactical and operational advances in airpower's potency. Airpower, thanks to revolutionary improvements in precision and stealth, is near perfect, remains a prime source of US asymmetrical advantage, and 'it should be exploited to the fullest for all the leverage it can deliver' (Gray 2007: 30-31). Successful high-technology warfare achieved through airpower, Gray argues, also involves strategic effectiveness in deterrence, in policing undesirable behaviour of adversaries, and in coercion during an actual crisis or conflict. Armed drones have revolutionised airpower. The success of the armed Predator has sparked a revolution in unmanned aircraft, making it the most important new military technology since the nuclear-armed intercontinental ballistic missile (Sample 2011).

According to most moral theories, the use of violent and lethal force is permissible (if at all) under certain exceptional circumstances, such as in self-defence, the defence of another person, or to achieve a higher moral good or humanitarian benefit (Asaro 2017). The principles of just war, principles of military necessity, distinction and proportionality, stress our common humanity and have

served to guide our conduct even in war. In the 20th century, international agreements sought to provide a moral and legal framework for ways war can be fought and ways it must not. Much of the international humanitarian law framework that came into effect after the Second World War has its conceptual roots in the Western moral tradition of just war theory. This is the underlying moral basis of the legal framework that governs international armed conflict. Since the 9/11 attacks in 2001, academics (Moseley and Norman 2001; Robinson 2006; Jokic and Ellis 2001) have turned their attention to just war again, to analyse and evaluate wars and atrocities committed in the fog of battle. The brutality of war in the face of international laws, courts and conventions may suggest that morality has no place in war, or that state interest or *Jus Ad Bellum* (a war having just cause) should always take priority over ethical concerns in battle. A war of self-defence, having just cause, may allow the violation of human rights (including the right to life) or the way that war is fought (*Jus in Bello*). Yet *Jus in Bello* requires that agents of war are held accountable for their actions on the battlefield (Robertson 1999).

This chapter traces the history of drone warfare and addresses its legality and morality. It examines claims of 'precision bombing' and ethical concerns around the use of killer technology. In the process, it considers concepts of human rights, protected persons, just war and the consequences of such warfare for civilians. It concludes by examining what winning looks like, in this type of new warfare, and whether remote warfare leads to peace or to perpetual war.

Debates about the rules and ethics of war have taken place for thousands of years, but those debates have relevance and new applications for theorists and practitioners today, as technology enables more and more ways to fight enemies: drones, satellites, computers, global positioning systems (GPS). The use of drones has been declared ethical and safe, effective in killing terrorists in Middle Eastern countries, and enabling the West to fight 'clean wars'. Western civilisations pride themselves in practising and promoting the Western values of equality, fairness, freedom and justice, and in protecting human rights. Nowhere was this more or better articulated than in the 2001 declaration of the War on Terror by the US and the UK, when a good and moral West waged war on 'evil' people who 'hated our freedom' (Bush 2001). Years later, President Obama called the US drone campaign in the Middle East 'a just war -a war waged proportionally, in last resort and in self-defense' (Boyle 2015). The West claims to be fighting good wars, pre-emptive, defensive, emancipatory and ethical. While the use of drones has become much wider, employed by governments and militaries in civil, defensive and aggressive wars, by superpowers and small states alike, the focus of this chapter is their use in America's War on Terror, a long ongoing war whose impact (the hundreds of thousands of casualties) has been well documented from its start and can serve as a case study through which the ethics and legality of virtual killing can be argued, illustrated and debated. As combat drones took over, did the war become cleaner, moral and just, or did it reduce warfare to an endless series of cold-blooded murders? Moreover, are there lessons to be learnt, regarding ethical considerations in warfare, based on this case study?

The history of drone warfare: from spies to killers

The genesis of this modern revolutionary weapon came in key technological leaps. First came the work of Abraham Karem, an Israeli aviator, who in the 1970s started to develop aircraft with glider-like properties. Karem is regarded as the founding father of UAV (drone) technology. Drones are lighter than manned aircraft and they don't have to land when they get tired, but can loiter for long periods of time, while the pilots stay on the ground, keeping an eye on the targets. The second advance was the use of transmitters to send the footage straight back to battlefield commanders. The signal to control them, and the returning video footage, are now transmitted through satellite networks. In

2000 the US took the final leap forward when the Air Force and CIA became the first to successfully fit drones with missiles (The Bureau of Investigative Journalism).

UAVs were critical to the success of NATO's Operation Allied Force in 1999. The Army's Hunter UAV and the Navy's Pioneer drone were used throughout the 78-day air campaign in Kosovo, gathering intelligence and data on bomb damage. In the case of the Hunter, produced in the mid-1990s by Israel Aircraft Industries and operated by the US Army's Task Force Hawk in Macedonia, target planners were able to watch live video feed of the Serbian soldiers in Kosovo. The US Navy deployed its own Israeli-designed UAV to support its missions. Navy officials credited the Pioneers with having provided NATO commanders valuable intelligence during operations, flying reconnaissance missions over Kosovo and Serbia. 'These rugged fiberglass aerial platforms are much cheaper than traditional piloted aircraft and each one lost on a reconnaissance patrol may represent a pilots' life that was saved by not having to undertake the same mission' (Perkins 1999).

Control of the air was crucial in NATO's attack on Yugoslavia, to enforce acceptance of a solution to the Kosovo crisis. After suffering severe losses, the Yugoslav Air Force reduced flying to a bare minimum, resulting in a NATO success. The Serbian government estimates that at least 2,500 people died and 12,500 were injured during the 78 days of the NATO military campaign (Rudic 2017). An estimated 25,000 houses and apartment buildings were destroyed in the bombing, as well as 470 kilometres of roads and 600 kilometres of railway. NATO has never revealed the losses. 18 years later, Serbian Prime Minister Aleksandar Vucic described NATO's military campaign as 'one of the most brutal aggressions in the history of warfare' (Rudic 2017). The airstrike campaign in Yugoslavia was launched without a UN Security Council mandate.

Criticism of the NATO bombing campaign has included allegations of varying weight: a) that, as the resort to force was illegal, all NATO actions were illegal, and b) that the NATO forces deliberately attacked civilian infrastructure targets, deliberately or recklessly attacked the civilian population, and deliberately or recklessly caused excessive civilian casualties in disregard of the rule of proportionality by trying to fight a "zero casualty" war for their own side. Certain allegations went so far as to accuse NATO of crimes against humanity and genocide (International Criminal Tribunal for the former Yugoslavia 2000: 2).

Some key incidents in the Final Report were: the attack on a civilian passenger train at the Grdelica Gorge – 12/4/99 – 10 or more civilians killed; Djakovica Convoy – 14/4/99 – 70-75 civilians killed; Surdulica, - 27/4/99 – 11 civilians killed; a bus at Lu`ane – 1/5/99- 39 civilians killed; Korisa village – 13/5/99 – 48-87 civilians killed; Belgrade TV and Radio Station – 23/4/99 – 16 civilians killed; Nis City Centre and Hospital – 7/5/99 – 13 civilians killed; Istok Prison – 21/5/99 – at least 19 civilians killed.

The most dramatic losses of civilian life from the NATO offensive in Kosovo came from attacks on fleeing or traveling refugees confused with military forces. These included repeated attacks on refugees over a twelve-mile stretch of the Djakovica-Decane road in Kosovo, in which seventy-three civilian refugees died, attacks near Korisa, in which as many as eighty-seven civilian displaced persons and refugees died, and two incidents involving attacks on civilian buses, at Luzane and Savine Vode. Drones started life as spy planes and became assassination weapons.

The legality of drone warfare: the end of human security?

The law that underpins the whole basis for the US being at war with al Qaeda and ISIS in the Middle East is the Authorisation for the Use of Military Force Act (AUMF), drafted by the Bush White House in the week after the 9/11 attacks, that gives the US president the power to use all necessary and appropriate force against those nations, organisations, or persons that he or she determines was behind or helped the people who carried out the attacks. It was passed into law by Congress on September 16 with only one dissenting vote (The Bureau of Investigative Journalism).

The AUMF allows the president to fight a perpetual global war. It also empowers the president to go after individuals as well as nation states. Within weeks of it becoming law the US and its allies had invaded Afghanistan, going after the Taliban and al Qaeda. A year later the US carried out its first drone strike beyond active battlefields, killing six al Qaeda fighters in Yemen. By 2004 the US was striking al Qaeda, the Taliban, and various other armed groups in Pakistan. AUMF is so broad that it allows the President to target new enemies without the usual authorisation from Congress. It has no temporal or geographical limit. The scope has grown from just the Taliban and al Qaeda – it is used to justify strikes in Iraq, Libya, Pakistan, Yemen, Somalia and Syria.

The use of killer drones is legal, according to the US, because of the inherent right to self-defence and because the strikes comply with the laws of armed conflict. The self-defence claim is important, because assassinations and targeted killings are legally prohibited outside the context of armed conflict, as they violate international human rights law. They are generally considered a violation of customary international law and a state's obligation to protect the right to life. A state should either declare war on another state, or leave it to that government to deal with armed threats within its borders. By calling it self-defence, the US can strike at Al-Qaeda/ISIS/Taliban, because such individuals can be considered belligerents and be legitimate targets -so these are not assassinations.

Even recognising that states have a right to self-defence, where is the consideration for human rights? In current understandings of security, do state rights, interests and security supersede those of individuals?

The human security approach, developed in the 21st century, puts the individual, the citizen, the civilian, rather than the state, at the centre of understanding security. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations (Kaldor 2007; MacFarlane and Khong 2006). Security is re-conceptualised, moving away from traditional, state-centric conceptions that focused primarily on the safety of states from military aggression, to one that concentrates on the security of the individuals, their protection and empowerment (Hamourtziadou 2017).

Human security and human rights are mutually reinforcing, as they identify the rights that need to be protected and recognise the ethical and political importance of securing the holders of those rights. Protecting human rights and upholding humanitarian law are essential to human security (Hamourtziadou 2017). According to the Universal Declaration of Human Rights human beings have the right to life, freedom and security. In August 1949, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, defined humanitarian protections for civilians in a war zone. In the General Provisions, Article 3 states that even where there is not a conflict of international character, the parties must as a minimum adhere to minimal protections described as: non-

combatants, members of armed forces who have laid down their arms, and combatants who are *hors de combat* (out of the fight) due to wounds, detention, or any other cause shall in all circumstances be treated humanely. Article 4 defines who is a Protected person: 'Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.' Those persons are to be protected regardless of race, nationality, religion or political opinion.

International humanitarian law seeks to limit the effects of armed conflict, by protecting those who are not or are no longer participating in the hostilities, and by restricting the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict. Starting in the nineteenth century, an increasing number of states have contributed to its development and today it forms a universal body of law (Hamourtziadou 2017). The four Geneva Conventions of 1949 have been developed and supplemented by two further agreements: the Additional Protocols of 1977 relating to the protection of victims of armed conflicts.

The aim of international humanitarian law is to protect those who do not take part in the fighting, such as civilians and medical personnel, those who have ceased to take part, such as wounded, shipwrecked and sick combatants, and prisoners of war, all of which are entitled to respect for their lives and for their physical and mental integrity. International humanitarian law also prohibits all means and methods of warfare which fail to discriminate between those taking part in the fighting and those who are not, so as to protect the civilian population, individual civilians and civilian property. International tribunals and courts have been created to punish the breaking of those laws.

Just War theory is closely related to the international law of war crimes. 'Was the decision to wage war morally justified (*jus ad bellum*), and were the tactics employed in war morally justified (*jus in bello*)?' (May 2007: 4). The violation of a person's rights and of rules of humanitarian law is subject to prosecution as a war crime. *Jus in bello* carries the requirement of discrimination, or distinction. The Institute of International Law adopted a resolution at its 1969 Edinburgh meeting concerning the principle of distinction. The resolution declared the obligation to respect the distinction between military objectives and non-military objectives, as well as between persons participating in the hostilities and members of the civilian population. Existing international law prohibits the use of all weapons which, by their nature, affect indiscriminately both military objectives and nonmilitary objects, or both armed forces and civilian populations (May 2007: 169). The protection of civilians is, from the humanitarian point of view, the most important task of any legislative effort on warfare (Detter 2000: 317).

The status of being vulnerable is key to the principle of discrimination or 'distinction. The value of human life and the importance of its protection are evident in all this modern legislation. The case for the protection of human life and security is made on many levels and from many aspects: moral, legal, political and religious. Yet some leaders of the world's most powerful state have tried to make drone warfare killing legal, as the civilian body count increased. 'We don't do body counts', Gen Tommy Franks famously declared at the start of the War on Terror. That set the stage not only for indiscriminate killings, but also for weak (at best) mechanisms for transparency and accountability, manipulation of information and propaganda.

Though people have been killed in their thousands, there have been no trials of American or British military or political leaders. A look at International Criminal Court cases reveals a picture of entirely dark-skinned leaders, primarily African: Bahr Idriss Abu Garda, Sudan; Al Hassan Ag Abdoul Aziz, Mali; Omar Hassan Ahmad Al Bashir, Sudan; Ahmad Al Faqi Al Mahdi, Mali; Abdullah Al-Senussi, Libya; Mahmoud Mustafa Busayf Al-Werfalli, Libya; Mohamed Hussein Ali, Kenya; Ali Muhammad Ali Abd-Al-Rahman, Sudan; Narcisse Arido, Democratic Republic of Congo; Laurent Gbagbo, Cote d'Ivoire.

Lack of accountability in drone warfare killings reveals the asymmetry that exists between Occident and Orient, first and third world, and demonstrates once again that justice is not blind. It also shows that the security of certain states is prioritised over that of other states and over the safety of the human beings in those other states.

Precision bombing? High value targets and 'collateral damage'

US Army doctrine defines a high-value target as an asset that an enemy commander requires for the completion of his mission. Within the context of Special Operations Forces (SOF), the process of HVT involves precision raids and/or airstrikes to either capture or kill specific assets or individuals required by a clandestine network to achieve its expressed aims (Hardy and Luskenko 2012). UAVs are said to be advantageous also on the ground, due to their 'surgical precision', sparing the lives of civilians. They are, it is claimed, accurate and efficient, killing almost exclusively HVTs.

In July 2016, only five days before the publication of *The Iraq Inquiry*, which stressed the importance of documenting civilian deaths and the effects of military operations on civilians, the White House released an executive order to address civilian casualties in US operations involving the use of force. President Obama emphasised the commitment of the US to comply with its obligations under the law of armed conflict, including those that address the protection of civilians:

The protection of civilians is fundamentally consistent with the effective, efficient, and decisive use of force in pursuit of U.S. national interests. Minimizing civilian casualties can further mission objectives; help maintain the support of partner governments and vulnerable populations, especially in the conduct of counterterrorism and counterinsurgency operations; and enhance the legitimacy and sustainability of U.S. operations critical to our national security (Obama 2016).

He promised that his government would maintain and promote best practices that reduce the likelihood of civilian casualties, take appropriate steps when such casualties occur, and draw lessons from our operations to further enhance the protection of civilians. In terms of policy, he resolved to train personnel to comply with legal obligations and policy guidance that address the protection of civilians; to develop, acquire and field intelligence, surveillance and reconnaissance systems that enable more accurate battlespace awareness, thus contributing to the protection of civilians; to develop technological capabilities that further enable the discriminate use of force in different operational contexts; to take precautions in conducting attacks to reduce the likelihood of civilian casualties; and to conduct assessments that assist in the reduction of civilian casualties.

The use of drones was supposed to both respect the law and protect the vulnerable. To protect civilians from indiscriminate harm, as required by international humanitarian law, military and civilian policies should prohibit aerial bombing in civilian areas, unless it can be demonstrated that civilians are being protected.

According to the law of armed conflict, the identification of a target involves a positive determination of their conflict status: are they a combatant? In irregular wars, irregular fighters are often not clothed as combatants, or openly carry weapons. Even children have been used by groups like ISIS, who see children as expendable soldiers and suicide bombers, but also as an investment in its future society. Through abductions and forced conscriptions from homes, orphanages and schools, ISIS recruited thousands of boys under the age of 14 in Iraq (Vale 2018). When no visible distinction can be made between combatants and non-combatants, between political and military leaders, as well as teachers, clerics, policemen, judges, or ministers who are ISIS members, how can they be fought while maintaining the principle of distinction? During the invasion of Iraq, according to the former Defence Intelligence Agency analyst Marc Galasco, the US selected fifty specific 'high value individuals' to be targeted and killed. Civilians could be killed in the strikes, but not too many.

'Our number was thirty' explained Galasco. 'So, for example, Saddam Hussain. If you're gonna kill up to twenty-nine people in a strike against Saddam Hussain, that's not a problem. But once you hit that number thirty, we actually had to go to either President Bush, or Secretary of Defence Rumsfeld.' General Michael Moseley then Vice Chief of Staff of the US Airforce, reported that the necessary clearance to risk thirty or more civilian lives in this manner had been requested at least fifty times. In no case had it been refused (Cockburn 2016: 139).

On January 23, 2009, two drone strikes in North and South Waziristan, in Pakistan, authorised by the new President killed up to twenty civilians. Neither strike hit its intended high-value targets. The second killed a local elder and member of a pro-government peace committee named Malik Gukistan Khan along with four members of his family (Cockburn 2016: 225).

The strikes not only continued, but they doubled and redoubled. There were 52 in all of 2009 and 128 in 2010. *New York Times* journalist David Rhode, who was held hostage in North Waziristan between November 2008 and June 2009, recalled the terror of life under drones: 'From the ground, it is impossible to determine who or what they are tracking as they circle overhead. The buzz of a distant propeller is a constant reminder of imminent death. Drones fire missiles that travel faster than the speed of sound. A drone's victim never hears the missile that kills him' (Cockburn 2016: 226).

Targeted communities are referred to in dehumanising and homophobic terms, while the discourses of technology are filled with sexual innuendo. People fleeing the attacks known as 'double taps' are referred to as 'squirters' (Benjamin 2013). According to one drone pilot, the code name for casualties is 'bugsplat' (Martin and Sasser 2010).

Thousands such casualties can be found in the Iraq Body Count database. Men, women and children killed as they walked, sheltered, shopped, slept, prayed. An entry from 2017, when up to 16 civilians were reported killed in a drone strike, gives the details collected.

Incident	a6262
Type	air attacks
Deaths recorded	14-16
Targeted or hit	Al-Aklat flour mill and house hit, casualties include women and children
Place	Bawabat al-Sham, Hay Al-Matahin, west Mosul
Date	14 February 2017
Sources	Airwars 2017

Some of the casualties were identified. They included children.

a6262-dx3523	Ali Khadr Thanon	47
a6262-ec3650	Aisha Abdel Thanon	43
a6262-dw3465	Hussein Ali Khadr	16
a6262-zx3511	Afrah Ali Khadr	27
a6262-sf3460	Noor Mohammad Hamid	20
a6262-zw3445	Dalal Ayman Ahmed	5
a6262-sb3646	Amina Ayman Ahmed	3

It is estimated that between 2014 and 2020 13,000 Iraqi civilians were killed in drone attacks in Iraq (Piper and Dyke 2021). They were the ‘collateral damage’ whose documented deaths expose the imprecision of the so-called precision strikes. They were the protected persons states failed to protect. Those civilians may not have been deliberately targeted (hence the term ‘collateral damage’), but the use of drones in these remote killings raises the issue of distortion. Drones are in essence surveillance platforms carrying weapons; there may be overreliance on its sensors to determine targets, which may result in distortion or bias in targeting. Determining which behaviours seen on aerial video constitute hostile activities is challenging, particularly when the people are not actively engaged in fighting or conducting military operations (Asaro 2017).

The ethics of drone warfare: the banality of killing-as-gaming in a Hobbesian state of nature

Political Realists argue that war is outside the sphere of morality, that the relations between self-seeking political entities are necessarily amoral. As the emphasis is on power and self-interest, Realism treats as irrelevant ethical norms in relations among states. National politics is the realm of authority and law, whereas international politics, Realists claim, is a sphere without justice, characterised only by active or potential conflict among states. Yet men and women, historians,

philosophers and politicians have talked and written about war in terms of right and wrong. Wars are called just, unjust, aggressive or defensive; there are wars of independence, liberation wars, civil wars, world wars, humanitarian wars, wars of resistance and others, each with its own justification or condemnation explicit or implicit in its name or description.

The morality of drones is a continuation of arguments about the morality of bombing, which involves distance and remoteness, both in the way the attacks are carried out and in the experience of killing. In bombing, especially from the air, we see the same moral distance of indiscriminate violence as occurs with the use of drones. Aircraft can inflict mass killings and produce 'shock and awe' on the ground. Two historical contexts have focused the ethical debate: the strategic bombing of cities in Britain, Germany and Japan during WW2, and the development of strategic nuclear targeting. In WW2 explosive violence from the air (terror-bombing) resulted in 43,000 civilian deaths in Britain during the Blitz, 25,000 in the bombing of Dresden in Germany and over 200,000 in two airstrikes over Hiroshima and Nagasaki in Japan, all distancing the pilots (spatially and emotionally) from vast damage on the ground.

In 2014, under Obama's presidency, the drone-killing programme was stepped up and targeted killing was normalised in 'no-boots battlefields'. In Iraq the West was celebrating the triumph of its technology, a crossover between gaming technologies/software and drone operations, when Coalition airstrikes resumed. Predator sensor operator, Staff Sgt. Nicolette Sebastian, explains that a drone 'operation is a lot like Play Station: 'a gamer's delight.' The drone console becomes interchangeable with that of a computer game, as drone pilots upload their own civilian computer games into the same system. A continuum between civilian gaming technologies and lethal military systems is thereby established that signals the increasing gamification of war: 'the flight controls for drones over the years have come to resemble video-game controllers, which the military has done to make them more intuitive for a generation of young soldiers raised on games like Gears of War and Killzone' (Pugliese 2016).

Drone warfare is killing without emotion. The need for human emotion in warfare is cited by authors writing about drones. John Sifton wrote: 'The unique technology allows the mundane and regular violence of military force to be separated further from human emotion. Drones foreshadow the idea that brutality could become detached from humanity – and yield violence that is, as it were, unconscious' (Sifton 2012: 15). When human beings, the only species that are moral agents, are faced with an enemy -another human being- they may even extend mercy. Especially if the enemy is attempting to surrender, or is injured. Although soldiers are allowed to kill enemy combatants, they are still required to act humanely, with mercy and compassion, avoiding cruelty and punishment. For Seneca, mercy is a rational consideration of what is appropriate, grounded in one's feelings of common humanity (Cooper and Procope 1995).

In many past wars involving the US, according to Maj. Daniel L. Davis, a US army cavalry officer, enemy fighters discovered that although GIs could be as ruthless and vicious as any opponent, the same soldier could extend mercy when appropriate. Many fighters willingly surrendered instead of choosing to continue to fight – which saved lives on both sides of the battle line (Davis 2007). A fighter who surrenders enters into an agreement with his captors: he will stop fighting if they will accord him what the legal textbooks call 'benevolent quarantine.' The captured fighter acquires rights and obligations

which are binding. In remote warfare there is no possibility of benevolence, mercy, pity, compassion, or restraint.

A machine cannot sense something is wrong and take action when no orders have been given. It doesn't have intuition. It cannot operate within the commander's intent and use initiative outside its programming. It doesn't have compassion and cannot extend mercy (Davis 2007).

In drone wars, the soldier's humanity disappears. Instead, war becomes the game of the powerful. As the War on Terror was beginning, a defence of power and its methods was offered by key American figures, who were keen to distinguish between 'European Kantians' and 'American Hobbesians'. Much of Europe opposed a lot of what the War on Terror would entail. With the exception of Britain, Europe did not support the long and bloody military campaign commenced by the US. Neoconservative American historian Robert Kagan explained that this opposition to employing military force was to be understood within the historical and political world the Europeans inhabited, a world very different from the one in which Americans lived. According to Kagan, at the start of the 21st century, Europeans lived in a 'post-historical paradise' of international law and cooperation, in which power was not the determinative reality in higher forms of civilization. They lived in the social contract world of 'perpetual peace' that Kant had envisioned. Americans, on the other hand, 'lived in the Hobbesian world of history and power, where international rules were unreliable and social order depended upon and was shaped by military might' (Dorrien 2004: 164).

The Europeans, having little power, no longer believed in it, Kagan argued. After WW2, in a state of post-historical moralism, they became averse to employing military force, seeking a world where strength does not matter so much, where unilateral action by powerful states is forbidden, where all nations regardless of their strength are protected by commonly agreed rules of behaviour. Indeed, for Kant states had to make precisely the same decision that the savage individual, in the state of nature, was forced to make: to give up his brutish freedom and to seek peace and security in a law-governed constitution (Williams 2012: 146). For the 'weak Europeans' then, The Kantian world of perpetual peace was more important than the slaying of a tyrant, but Americans were powerful enough not to be frightened of the Hobbesian state of nature (Kagan 2002). Weak nations like those in Europe may seek security through rules, but great powers rely on their own power to provide security. Those who lack power seek to restrain those who have it, and those who have it, want to keep and maximise it. The US then emerges as a hectoring hegemon, liberating and democratising through force, aggression and the unlimited exercise of its power.

In drone warfare and within the context of the War on Terror, killing becomes an unfeeling, amoral exercise of power conducted from a distance, by drone operators morally and emotionally distanced from their targets. Moreover, the videogame-like nature of drone operations leads operators to treat them like a game, in which the observing of people through the cameras of a drone further dehumanises those observed. And while a soldier or fighter might experience emotional trauma after seeing their fellow fighters killed beside them, or another might experience a moral injury from killing a civilian, in remote killing even those emotional responses are taken away.

'Virtual war dehumanizes the victims, desensitizes the perpetrators of violence, and lowers the moral and psychological barriers to killing' (Sluka 2013: 187). Targeted killings promote a sanitised war aesthetic characteristic of a postmodern virtual warscape (Baggiarini 2015). Killing has become an invisible, mechanised practice.

Imperial designs and the prospects of peace

'The concept of the right of nations as that of the right to go to war is unintelligible; one would have to mean it is quite right if human beings so disposed destroy one another and thus find perpetual peace in the vast grave that covers all the horrors of violence along with their authors' wrote Kant in the 18th century (Williams 2012: 65). Two centuries later, the decision to go to war became 'rational' in the Realist school of thought, if the decision to go to war maximised a state's power, control and security (economic, political, military), or allowed it to pursue its interests. Especially if the state in question is a great power with a good chance of winning the war. The ultimate aim of great powers, wrote Mearsheimer, is to be/remain the hegemon, the only great power in the system. The world is condemned to global great-power competition. The unrelenting pursuit of power means that 'great powers are inclined to look for opportunities to alter the distribution of world power in their favor. They will seize these opportunities if they have the necessary capability. Simply put, great powers are primed for offense' (Mearsheimer 2001: 3). Offence is often a great power strategy, where the state seeks the optimum relationship between political ends and the means for obtaining them. What guides foreign policy then is obtaining those ends, not achieving peace. In a world beset by life-and-death resource shortages and the continuing authority of fear and interest, imperial ambition will translate wealth and technology into military power.

Whitehead and Finnström (2013) suggest that global wars reflect cyclical outbursts of violence without a guaranteed endpoint, generating never ending social routines. Moreover, in terms of *jus ad bellum*, the justification of going to war, the use of drones raises the question of whether they lower the thresholds of going to war. If remotely operated weapons greatly reduce the physical risks to the combatants who operate them, then they also reduce the political risks for leaders to start a war. Drones provide a "risk free" form of warfare, or military intervention, and as such make warfare more likely. Assuming that making warfare is bad, then one could argue that drones have a negative effect on the moral reasoning and actions of political leaders, by making it easier for them to declare war (Asaro 2017). Lowering the risk to combatants makes war more likely; it makes it easier for political leaders to choose military action over other options. Drones provide a means for military attacks with reduced risks, and so we have seen their increased use in a new world where technology removes the distinction between the battlefield and the street. In the context of the War on Terror, drone use has transformed warfare into a kind of international policing, but without associated due process and other concomitants of the rule of law. The war-as-policing analogy, though it may seem preferable to full-scale traditional warfare, presents us with a frightening image of the police officer as sniper. Imagine cities where hidden policemen shoot and kill those they deem suspicious, in a shoot-and-run scenario. Not only does the distinction between military space and the spaces of our daily lives disappear, in ways that increase our insecurity, but concepts and principles of policing become distorted, as law and order gives way to lawlessness and disorder.

When does such a war end? The US has pre-authorised itself for drone strikes anywhere and anytime it sees a growing threat. Non-lethal options, such as capture missions or the possibility of surrender, are not even considered. Article 23(c) of the 1899 Hague Regulations provides that it is especially prohibited 'to kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion' (IHL database). *Jus post bellum* concerns the morality of how a war is ended, including terms of surrender, reparations, and reconciliation. In remote 'targeted

killings' asymmetric warfare, what does ending a war look like? Even if there was a desire to end hostilities and bring peace, when kill-not-capture is the preferred method, surrender, negotiation and reconciliation are not options. Paradoxically, particularly when killer drones are used, the search for peace and security through military means can produce perpetual insecurity and war instead (Vidal 2002). Nations that rely on such weapons ignore the humanitarian basis for the laws of war (Johnson and Axinn 2013). In drone warfare the right to surrender is taken away, as is the right to life, which is universal. The spread of drone technology is creating a world in which more and more states that have such capabilities engage in targeted killings, because they are easy and because their rivals do it. 'Such a world would be closer to the rule of the jungle than to the rule-based international order the US sought to create and sustain over the last 50 years' (Boyle 2015: 121).

Drone warfare changes the nature of war and the nature of peace. While drones can make their operators experience wars as video games, they also undermine the game-like nature of traditional warfare, which has rules (that may include fair play) and laws, where wars have identifiable players, can be won and be terminated, turning it into a state of nature where the strongest survive and accumulate power, a state of perpetual conflict. Drone warfare as game is both a game of emotionless, merciless, distant killing, and a game of indefinite or interminable duration, oriented towards the display of particular technological triumphs and difficult to align with *jus post bellum*.

Conclusion: drone warfare as cold-blooded murder

The synthesis of citizenship and sacrifice was a millennia-long process that hailed the citizen-soldier as the ultimate embodiment of sacrifice, showing a willingness to die for the nation (Balakrishnan 2009). Nations have always commemorated their dead soldiers by making lists of those who 'gave their lives', as members of that nation, and by building war memorials to honour them. To remember and honour the dead is important for states and for families all over the world. It is important for each individual too, for we all want to be remembered, we all want our death to be a loss to someone.

The British military has ensured those British soldiers who gave their lives in Iraq are not forgotten. A list of the 179 soldiers who died there can be found easily: names, titles, the manner of their death, their images. Some are smiling, others are serious, some are holding their children, that will have to grow up without them. Many more US military deaths in Operation Iraqi Freedom are recorded by the US military and all 4,418 names of the 'fallen' soldiers are given (US Military Casualties 2022). Nicholas Hale Anderson, 19; Yoe Manuel Aneiros, 20; Lakeshia Mesha Bailey, 23... Americans who gave their lives in the early years of the War on Terror.

While combatants are legitimate military targets, their deaths 'in action' tend to be far more acknowledged, honoured and mourned, than those of civilians, because they are seen as the heroic deaths of men and women who 'gave their lives' for their country. A month into the 2022 Russian invasion of Ukraine, it was reported that Russia was sustaining incredible military losses, while at least 1,300 Ukrainian soldiers had been killed (France 24 2022). Russian losses of an elite regiment included Col Sergei Sukharev, commanding officer of Russia's 331st Guards Parachute Regiment, killed on March 13, 2022 and posthumously awarded the Hero of the Russian Federation medal. The wife of Warrant Officer Sergei Lobachyov, also killed, remembers him as a 'most reliable, loving and caring husband' as well as 'a real hero' (Urban 2022). The men in the 331st were regarded as the pick of

Russia's army 'the best of the best' (Boyd 2022). A media outlet identified and named 45 soldiers who died in Ukraine (Baikal 2022). Among them paratrooper Bair Ponkhoniev, who had fought in Syria and been awarded a medal. Naydal Tsyrenov, also killed in action, was 'a true friend and faithful comrade'. Senior Sergeant of the 37th Separate Guards Motorized Rifle Brigade Stepan Oseev, who died on March 14, 2022, was posthumously awarded the Order of Courage. Whether heroes or villains, those men, unlike drone pilots, risked and ultimately gave their lives for their country.

War narratives abound with tales of military valour, bravery and self-sacrifice, fear, but also courage and love of country. Medals and honours are given to the survivors and (posthumously) to the fallen, whose graves become places of reverence and gratitude. In drone warfare, however, the earth becomes a surface to be perused by a powerful seeing entity in the sky, as those on the ground wait for their death by silent strikes of invisible, unreachable killers. Those on the ground are the only ones who risk or give their lives, the only ones who could be hailed as heroes, as defenders, as showing courage in the face of a powerful enemy. The fighters we call terrorists become martyrs. Ironically, suspected militants, termed 'prairie dogs', 'barbarians', 'savages' and 'rats slithering through the slums' by American drone pilots (Martin and Sasser, 2010), emerge as the only heroes. They may lose battles, even wars, but they become moral winners, just as the drone pilots, who never risk their lives, remain anonymous and invisible.

After looking at questions concerning the legality, precision and ethics of drone warfare, claims of Hobbesian amoral wars and the realities of 21st century imperial designs, it appears that although drones are a triumph of technology for their operators, they are not precise, ethical, or legal. They ultimately involve the murder of an embodied prey by an all-encompassing disembodied hunter, in a battle where reciprocity remains impossible and virtual war becomes a manhunt, normalising violence that has claimed thousands of lives and become, where possible, the killing method of choice.

What is missing is what Clausewitz called 'the human element'. War, whether aggressive or defensive, whether conducted by a large powerful state, or a small weak one, must accord a place to courage, to boldness. 'Courage and self-reliance are principles quite essential to war; consequently, theory must only set up such rules as allow ample scope for all degrees and varieties of these necessary and noblest of military virtues' (Clausewitz). Any war, even a legitimate one, where the only aim of military action is to kill and to do so indefinitely; where killing is done indiscriminately, regularly violating international law; where the enemy is dehumanised and therefore treated inhumanely; when that enemy is never given a chance to surrender, to be captured instead of assassinated; when virtues associated with war can only be attributed to the victims (enemy combatants, insurgents, terrorists) even when the drones hit the correct or legitimate targets; any such war challenges long-held views on what is courageous, just, effective, necessary or acceptable on the battlefield. It can also make it hard to judge when peace, if ever, has come.

Drone warfare looms largest in the developing sphere of remote warfare, within which lies another fast-developing area: cyber conflict. Although far less lethal than killer drones, cyber weapons have also been deployed under rules of engagement that are unclear. Drone and cyber programs raise similar moral and legal issues that political leaders and publics will have to grapple with. 'Indeed, Pentagon officials openly wonder whether the next major global conflict might open in cyberspace and be prosecuted by a range of new, autonomous weapons—not only aerial unmanned vehicles but also undersea ones' (Sanger 2017). Conducting attacks with drones or malware poses political and strategic challenges, as much as moral and legal ones, with attacks often taking place in a grey area between war and peace.

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