American Gyges: The Ethics of Drone Warfare

Nathan Gill, Class of 2014
Ware College House
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Nate was born and raised in Lancaster, Pennsylvania. He majored in Religious Studies with a minor in French, and worked as a tutor at the F&M Writing Center beginning as a sophomore, serving as the head tutor during his senior year. He is planning on applying to law school following his graduation from F&M.
On October 24th, 2012, Mamana Bibi, a 68 year-old Pakistani women, was killed by a Hellfire missile fired from an American U.A.V. According to an Amnesty International report published this year, when the strike was launched Mamana Bibi was tending her family’s crops and was separated by at least 90 ft. from the other people in the area, all of whom were members of her family. The drone fired two more missiles a few minutes later, injuring one of her grandsons who had come to investigate. Amnesty International’s report states that its “investigation found no evidence of military or armed group installations, hideouts or fighters” in the area at the time of the strike; her family members were the only people nearby (Amnesty International, 2013, p. 22).

I believe we can all agree with the report’s assessment that “the killing of Mamana Bibi… raises serious concerns” (Amnesty International, 2013, p. 23). Personally, I would be tempted to use stronger language. Incidents such as this one highlight the thorny ethical and legal issues surrounding the United States’ program of targeted killing in Pakistan. Now it may be that the U.S. Government’s assurances that there exists a strong legal framework for the use of drones as a means of targeted killing are quite true, and so we might not need not be concerned about violations of U.S. and/or international law. Although the legal issues surrounding the strikes are decidedly murky, dependent on subjective definitions of concepts such as war, civilian, and combatant, a full analysis of the legality of drones and targeted killing is beyond the scope of this paper. However, the ethical issues surrounding U.S. drone strikes in Pakistan may be a somewhat less broad issue, and no less significant in assessing the use of drones by the United States. I cannot pretend to promise any solution, but by exploring the issue, we may at least gain some perspective on it.

Before we examine the ethics of U.S. drone strikes, we must explore some specifics concerning the program, and in particular the question of whether drones really are as precise and ‘surgical’—in the sense of limiting collateral damage—a weapon as our government claims. Author Mark Bowden, in his article “The Killing Machines,” published this past September in The Atlantic, claims that drones do offer significantly more precision than weapons such as ship-launched missiles or strikes by manned aircraft:

what gives a drone its singular value is its ability to provide perpetual, relatively low-cost surveillance, watching a target continuously for hours, days, weeks, even months. Missiles were mounted on Predators [the most common drone used in American strikes] only because too much time was lost when a fire mission had to be handed off to more-conventional weapons platforms—a manned aircraft or ground- or ship-based missile launcher. That delay reduced or erased the key advantage now afforded by the drone. With steady, real-time surveillance, a controller can strike with the target in his sights. He can, for instance, choose a moment when his victim is isolated, or travelling in a car, reducing the chance of harming anyone else (Bowden 2013).

Drones are capable of conducting extended surveillance of a target, surveillance that presumably offers superior intelligence about when to strike that target. Using the drone to execute the attack further improves precision and, as argued, reduces the potential for collateral damage. According to Bowden, the advantages of drones don not end there. Their ability to stay in the air longer than
human-piloted aircraft—both because of their small size and the inescapable issue of pilot fatigue—allows them to collect large amounts of data on patterns of movement that can provide intelligence leading to the dismantling of entire networks of militants (Bowden 2013).

Bowden’s article begins with a reference to the story of David and Goliath, claiming that we can view the story as “a parable about technology” in which “the slingshot, a small, lightweight weapon that employs simple physics to launch a missile with lethal force from a distance, was an innovation that rendered all the giant’s advantages moot” (Bowden, 2013). Bowden’s point main point here is that the armed drone represents the latest in a long line of military innovations, but we can also see a direct comparison in terms of precision. Drones give their operators the ability to strike precisely the target they want, potentially saving other lives that would be lost if some other weapon were used.

But does this precision translate into fewer civilian deaths and less collateral damage? Here the issue becomes more complex, as there is a wide range of estimates of the civilian death toll from drone strikes, none of which can be conclusively confirmed. On one hand, according to Bowden, the U.S. Government maintains that almost no civilians are or have been killed in drone strikes. John Brennan, formerly President Obama’s main counterterrorism advisor and now Director of the CIA, went so far as to claim, in June 2011, that there had not been “‘a single collateral death’ due to a drone strike in the previous 12 months” (Bowden, 2013). As Bowden notes, “almost no one believes this.” Although Brennan later qualified his statement, it is worth noting that “our military and intelligence agencies generously define combatant to include any military-age male in the strike zone” (Bowden, 2013). On the other hand, the aforementioned Amnesty International report, while it only documented U.S. drone strikes in the Pakistani province of North Waziristan from May 2012 to July 2013, shows a “collateral death rate” of up to 62 percent if the highest estimates of civilian deaths and the lowest estimate of combatant deaths are used (Amnesty International, 2013, p. 62). Such a limited sample might seem to preclude a meaningful refutation, but it is still telling in comparison.

Bowden and Scott Shane, a national security reporter for the New York Times, present figures from The Bureau of Investigative Journalism in London that represent, perhaps, a middle ground in the debate over the collateral damage caused by drone strikes. Both Shane and Bowden note that the Bureau takes a highly skeptical stance toward the U.S. drone program, but, according to a July 2012 news analysis New York Times by Shane, “the bureau has documented a notable drop in the civilian proportion of drone casualties, to 16 percent of those killed in 2011 from 28 percent in 2008” (Shane, 2012). Bowden, writing in 2013, cites their figure for 2012 at 3 percent. The bureau’s estimated range for all individuals killed by American drone strikes in Pakistan from 2004 to 2013 runs from 2,528 to 3,644 individuals, of whom some 416 to 948 were civilians. This suggests a rate of civilian deaths possibly reaching 35 percent over the life of the program (The Bureau of Investigative Journalism, 2013).

As we can surmise, it is virtually impossible to determine concrete figures for the number of non-combatants killed in U.S. drone strikes, but if we take the Bureau of Investigative Journalism’s numbers as representing a likely middle ground, then U.S. drone operators have in fact become significantly better at avoiding civilian casualties. Still, even if we accept that such numbers are better than would happen with the use of conventional airstrikes or ship-based
missiles, we might ask whether raids by special forces units, as politically risky as they may be, would not offer the best opportunity to distinguish between civilians and combatants as well as the potential moral advantage of giving targeted combatants the opportunity to surrender. On this point, however, Bowden offers two examples refuting the idea that ground operations reduce the risk of collateral damage, the first being the raid that killed Osama Bin Laden:

It was executed by the best-trained, most-experienced soldiers in the world. Killed were bin Laden; his adult son Khalid; his primary protectors, the brothers Abu Ahmed al-Kuwaiti and Abrar al-Kuwaiti; and Abrar’s wife Bushra. Assuming Bushra qualifies as a civilian, even though she was helping to shelter the world’s most notorious terrorist, civilian deaths in the raid amounted to 20 percent of the casualties. In other words, even a near-perfect special-ops raid produced only a slight improvement over the worst estimates of those counting drone casualties. Many assaults are not that clean (Bowden, 2013).

As Bowden writes, the raid on Bin Laden’s compound could not have gone much better, and it still produced a 20 percent civilian casualty rate. Considering also the risk to the soldiers conducting such raids, and the use of special forces seems like a significantly less politically palatable option than deploying drones. Furthermore, putting boots on the ground, even for a nighttime raid, carries with it the risk of significant escalation, as illustrated by “the October 1993 Delta Force raid in Mogadishu” described in Bowden’s book Black Hawk Down. While this raid also accomplished its objective of capturing “two top lieutenants of the outlaw clan leader Mohammad Farrah Aidid,” it produced a day-long battle that claimed the lives of 18 Americans and “an estimated 500 to 1,000 Somalis—a number comparable to the total civilian deaths from all drone strikes in Pakistan.” The Battle of Mogadishu is admittedly an extreme example, but it is nonetheless “a fair reminder of what can happen to even a very skillful raiding party” (Bowden, 2013).

To return, then, to the question of whether drone strikes are a precise and perhaps even ‘humane’ weapon, the answer seems to be a qualified yes, at least in comparison with other forms of military action. While faulty intelligence and operator error can still produce tragedies like the killing of Mamana Bibi, the overall rate of civilian casualties is remarkably low, particularly in recent years. Yet the relative efficiency of drones cannot serve by itself to justify the program. The Bureau of Investigative Journalism claims that 168-200 children are among those killed over the course of U.S. drone program in Pakistan—while killing a great many terrorists. This can hardly provide a particularly solid ethical foundation for any program of targeted killing. According to Professors John Kaag and Sarah Kreps of the University of Massachusetts and Cornell University, respectively, attempting to justify drone strikes based only on their ease of deployment, efficiency, and accuracy amounts to a confusion of the “fact-value distinction.” It is a fact that drones are efficient and minimize collateral damage in comparison to other kinds of military action, but this in itself does not make drone strikes a good thing. As Kaag and Kreps argue in “The Moral Hazard of Drones,” an op-ed published in the New York Times in 2012, “to say that we can target individuals without incurring troop casualties does not imply that, we ought to” (Kaag and Kreps, 2012). They illustrate their argument with reference to the legend of the Ring of Gyges from Plato’s Republic:
Once upon a time, in a quiet corner of the Middle East, there lived a shepherd named Gyges. Despite the hardships in his life Gyges was relatively satisfied with his meager existence. Then, one day, he found a ring buried in a nearby cave.

This was no ordinary ring; it rendered its wearer invisible. With this new power, Gyges became increasingly dissatisfied with his simple life. Before long, he seduced the queen of the land and began to plot the overthrow of her husband. One evening, Gyges placed the ring on his finger, sneaked into the royal palace, and murdered the king (Kaag and Kreps, 2013).

This story “is meant to elicit a particular moral response from us: disgust” (Kaag and Kreps, 2012). The only justification Gyges has for his actions is that the ‘technology’ of the ring allowed him to undertake them without fear of punishment. The applicability of the tale of Gyges to drone strikes is twofold; first, as mentioned above, there exists in both cases a fact-value confusion—that is to say, killing the king or blowing up a compound that may be being used by Al-Qaeda simply because we can does not make such an act morally justifiable in itself. Second, according to Kaag and Kreps, the operators of the drones and those who give them their orders are, like Gyges, virtually immune to punishment for their actions.

This last statement may be a slight exaggeration on their part, but nonetheless we can see Kaag and Kreps’ point that drones represent a “moral hazard” in that their use allows “greater risks [to be] taken by individuals who are able to avoid shouldering the cost associated with these risks” (Kaag and Kreps, 2013). The morally-distanced stance of drone strikes compounds the fact-value confusion we have already discussed: the U.S. has possessed the ability to engage in low intensity wars and selectively kill its enemies for some time, but drones, by making such operations so easy and relatively risk-free, both politically and morally, enable America to engage in such operations more frequently and for longer durations. So, Kaag and Kreps claim, it becomes dangerously easy to conduct such operations indefinitely. Unfortunately, Kaag and Kreps do not offer much more in the way of a solution to the moral hazard they have pointed out other than to suggest that we keep it firmly in mind as we conduct our ‘low intensity’ wars.

So what, then, are we left with?

Kaag and Kreps have doubtless clarified why we feel somewhat uneasy about the ethics of drone strikes, but they have stopped short of helping to alleviate that unease. Yet in their comparison of drone strikes to the parable of the Ring of Gyges, they have, I believe, overlooked one crucial difference between their story and reality: Gyges acted solely because he had nothing to fear by his act, but the U.S. did not decide to start launching drone strikes simply because we could. We were, in fact, attacked, and have found ourselves to be at risk of subsequent attacks. The events of September 11th, 2001 were the product of actors responding to various social, political, and historical motivations, but the U.S. nevertheless found itself vulnerable to a new form of attack that threw traditional rules of engagement into disarray. It therefore availed itself of its right to self-defense by attempting to dismantle Al-Qaeda and its associated groups by means newly designed to respond to terrorism no longer identified with a specific state. As of
2013, this effort seems to be nearly complete. Bowden quotes President Obama from a speech he gave at the National Defense University in the spring of 2013:

Don’t take my word for it. In the intelligence gathered at bin Laden’s compound, we found that he wrote, ‘We could lose the reserves to enemy’s air strikes. We cannot fight air strikes with explosives.’ Other communications from al-Qaeda operatives confirm this as well. Dozens of highly skilled al-Qaeda commanders, trainers, bomb makers, and operatives have been taken off the battlefield. Plots have been disrupted that would have targeted international aviation, U.S. transit systems, European cities, and our troops in Afghanistan. Simply put, these strikes have saved lives (Bowden, 2013).

Of course the president is asking us to take his word for it, but his argument raises the valid point that the drone program is not simply a random exercise of American power: unlike Gyges’ seizure of the throne, we are not killing terrorists simply because we can.

So does any of this talk address the injustice of the killing of Mamana Bibi, to say nothing of the many other civilians killed by U.S. drones? Of course not. Would any of us be shocked if we heard that Mamana Bibi’s children and grandchildren have come to despise America? I would not blame them. I agree with Kaag and Kreps that we must carefully consider the ethics of the drone, and I agree with Bowden’s conclusion that we should limit strikes to only those that are most essential to our security. Yes, the program of drone strikes should be more transparent. Yes, we should beware the risk that such operations will develop into a war without end. And yet for all that, we cannot forfeit our right to act in self-defense, and I am convinced that, at least for now, the drone is the least of the necessary evils such action entails. I only hope that, when the time comes, we can heed the tale of Gyges, lay aside our power, and, perhaps, try to make amends for what we have done.
References


