Drones and the Threshold for Waging War

Ezio Di Nucci (University of Copenhagen)

Abstract I argue that, if drones make waging war easier, the reason why they do so may not be the one commonly assumed within the philosophical debate – namely the promised reduction in casualties on either side – but a more complicated one which has little to do with concern for one's own soldiers or, for that matter, the enemy; and a lot more to do with the political intricacies of international relations and domestic politics; I use the example of the Obama Administration's drone policies to illustrate this argument. My point is meant to have wider methodological significance: philosophy can make an important contribution to this and related applied debates; but it is not by artificially - and optimistically - simplifying realities on the ground that philosophers can be of help.

1. Introduction

What's the matter with drones? Military drones in particular are increasingly becoming one more example of philosophy's failure to live up to the intricacies of the real world. In the dreams of philosophers, drones are the perfect weapon; so in the non-ideal world in which we need weapons, bring them on. Drones are meant to be precise in ways previously unimaginable: this precision means increased effectiveness and drastic reductions in collateral damages. So even though we may never transcend the non-ideal *world*, we might finally get out of non-ideal *war*, we just need the drone wars.[1]

It's not just that the military case for drones appears to be rock solid: the ethical case for the deployment of drones seems to be – in principle – just as strong. From an ethical point of view, drones are supposed to be win-win: those that deploy drones profit because of increased precision, effectiveness, speed and, crucially, the fact that drones are unmanned. Those features, in turn,

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[1] A quick note about my terminology: here I am using 'drones' just because it is the most common word; but my discussion is not restricted to aerial vehicles.

increase operational possibilities and reduce risk – a strategist's dream. But those against which drones are deployed also have significant advantages, especially from the promised reduction in collateral damages.[2] So everyone's happy: not just perpetrators but victims too; real folk just as much as moral philosophers.

This is, typically, when reality annoyingly creeps in to spoil the philosopher's carefully constructed vision. In the real world, for example, the fact that military drones are unmanned has in the space of less than a decade revolutionized the politics of war: President Obama can consistently present himself as a pacificator (and win the *Nobel Peace Prize*) to no small extent because his Administration can conduct an increasing number of military operations from within the wire of a US base – forget boots on the ground, these guys may just as well wear flip-flops.

Let us be clear about this last point: this is neither my own or someone else's cheap criticism of the Obama administration but rather the view that Obama has himself publicly expressed, for example in his 23 May 2013 *Remarks by the President at the National Defense University* (see Franke 2014: 130). In that speech, Obama warned about the risk that manned operations would "lead [the US] to be viewed as occupying armies, unleash a torrent of unintended consequences," and "may trigger a major international crisis". As Franke (2014) plausibly points out, it is not hard to read Obama's words as the suggestion that sending drones is much less controversial and therefore easier.

Here, in fairness, we should say that drones have in a way become a symbol and place-holder for a technologization of war (and peace) which is, as a phenomenon, quite independent of and much larger than the specific development of military drones: increasing automation, robotics and artificial intelligence both within the military and in civilian life are, for example, a much more significant development; and the same can be said of digitalization and the possibilities opened up by the internet revolution (Floridi 2014).

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[2] There is some evidence from both Pakistan and Libya about this latter point about drones being welcomed by those attacked as well as by those attacking (see, for example, Beauchamp & Savulescu 2013 but also Franke 2014); even though, in fairness, the situations and the different interests on the ground both in Libya and Pakistan is so complicated that it is very difficult to make much of this, as likely those Libyans and Pakistanis who welcome the deployment of drones are not the same Libyans and Pakistanis who are being targeted by drones. Still, as we will see, even President Obama has made the point that using drones in Pakistan is much more acceptable – to the Pakistanis themselves - than using ground troops or traditional aircraft.

Without even having to add further examples – say actual data on collateral damage in Pakistan[3] or the increasing asymmetry between the few countries that can afford the deployment of military drones and everyone else - we obtain the following, simple dialectic (which should be to the philosopher's taste): starting from similar premises and aspirations – less war, less killing, less suffering, etc. - ethical considerations and political considerations seem to point in different – indeed, opposite - directions.

The ethics of drones appears to suggest that we should welcome their deployment and wish for more drone operations and fewer old-fashioned dirtier operations. The politics of drone deployment points to the idea that using drones will make it easier to wage wars and also to justify killing – if not from an ethical point of view, at least from a political point of view and, ultimately, also from a legal point of view (nowhere else other than in Plato's *Republic*, after all, do the moral philosophers make the laws).

Here I don't want to replicate either the ethical debate or the political debate: there is, I believe, enough of both.[4] I would rather like to try to move the whole debate forward by looking at how we ought to compare and evaluate these different kinds of considerations that feature in the different debates in a unified way, so that we stop talking past each other, making it even easier for decision makers to ignore academic debates. I will pursue this by looking at one particular consideration: the idea that drones make it easier to wage war or - which I will take to mean the same - that drones lower the threshold for going to war.

2. *Humanitarian Interventions and the Threshold*
We should not assume that this consideration is one that is necessarily used to argue against the development/deployment of drones: there is serious dispute in the literature about the idea that

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[3] For some updated statistics, please see this recent article in *Foreign Policy*: http://foreignpolicy.com/2016/04/25/drones-kill-more-civilians-than-pilots-do/

[4] The literature is indeed already very large, here are just a few representative examples: Singer 2009, Paust 2010, Strawser 2010, Brunstetter & Braun 2011, Enemark 2011, Gregory 2011, Wall & Monahan 2011, Byman 2013, Coeckelbergh 2013, Cronin 2013, Enemark 2013, Strawser 2013, Williams 2013, and Franke 2014 (also, for my own works on this and related issues, please see Di Nucci 2014a, Di Nucci & Santoni de Sio 2014, Santoni de Sio & Di Nucci 2016, Di Nucci & Santoni de Sio 2016 and Di Nucci forthcoming).

making wars easier to wage is necessarily a bad thing. Zack Beauchamp and Julian Savulescu, for example, have used the idea that drones lower the threshold for waging war to argue that drones may make humanitarians interventions both more likely and more effective:

> Perhaps the most common criticism of teleoperated combat vehicles is that they make war more likely by reducing the associated costs. However, it is not as obvious as is usually presumed that this would be a bad thing: it could as easily be case [sic] that drones enable just wars as unjust ones (Beauchamp & Savulescu 2013: 1).

Beauchamp and Savulescu make an interesting and well-documented case for how aversion to causalities among one's own soldiers negatively influences the decision to intervene (they refer to the Clinton Administration's decision to stay out of Ruanda, for example) and also negatively influences the effectiveness of those humanitarian interventions that do take place (they refer, in this case, to Kosovo): in this latter case, this is both in terms of the intervener's capability to prevent atrocities but also in terms of collateral damages caused by the intervener (and here Bosnia, which the authors do not discuss, may provide an even better example than Kosovo).

The point is supposed to be a simple one: with drones reducing or even eliminating one's own casualties, we can expect more (and more effective) humanitarian interventions; so lowering the threshold for going to war is not necessarily a bad thing or, anyway, can also have some significant positive consequences.

There are four different elements to this argument:

a) the claim that drones reduce one's own casualties;

b) the claim that drones make war more likely;[5]

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[5] To be sure: here I do not mean to suggest that there is an equivalence between, on the one hand, making it easier to wage war (what is referred to as lowering the threshold in the debate) and, on the other hand, making war more likely; this is both because the latter would constitute, at best, a consequence of the former; but also because there may be other intervening factors such that the former does not lead to the latter. Beauchamp and Savulescu (see point (c) below) do not keep these things apart; and indeed, for our purposes, it is not particularly important to keep the two apart; so that is why I have followed their formulation here and talked of 'making war more likely'.

c) the claim that (b) is true because of (a) (Beauchamp and Savulescu refer to this as "the assumption that drones make war more likely by lowering the risk of casualties to the side employing them" (2013: 2));

d) The claim that (c) is not necessarily bad because humanitarian interventions are wars too.

I have no qualms with (d) and I think that Beauchamp and Savulescu make a good case for it; even though obviously the really interesting point is not the one the authors argue against – namely that lowering the threshold for waging war is always or necessarily bad – but rather the question of whether lowering the threshold for going to war is, overall, something that we should welcome.

Even once we have accepted that humanitarian interventions can be just wars and have also accepted that drones will bring about more (and more effective) humanitarian interventions, the question remains as to whether this positive development will compensate other possible negative consequences of a general lowering of the threshold - namely all the other wars which may otherwise not have been fought had drones not lowered the threshold.[6] But I will not press this point and move on to the other elements of the argument as I have analyzed it above.

3. Drones and the reduction of one's own casualties
I will say the following about (a): this is a plausible empirical claim, with the caveat that removing soldiers from the battle-space does not necessarily reduce one's own casualties if the fact that

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[6] Here we should also note that just talking of 'wars', here, may be misleading in important ways because one of the developments that drones may be speeding up is exactly how wars are fought and the very concept of 'war'. The worry is the following: because a lot of the increased violence that the deployment of drones allows for – say targeted killings – does not count as war in the traditional sense, just comparing the number of just and unjust wars that would not have otherwise been fought had it not been for drones would not deliver a reliable result, because a lot of the unjust violence that would not had been committed had it not been for drones may not count as war while, maybe, a lot of the just violence – say humanitarian interventions – may still resemble traditional warfare. Again, this is not the place to develop this point to any satisfactory extent but it worth remembering how drones may be changing our concepts related to what counts as 'war' when evaluating their development and deployment in terms of the wars that they allow for.

soldiers are no longer available as targets in the battle-space ends up leading to more civilian casualties back home (say through acts of terrorism).

This is, again, a pretty simple point: aversion to one's own casualties should not be seen as a point specific to military casualties but just as one aspect in a much wider special concern for one's own citizens. And if drones would reduce operational casualties among military personnel but would also end up increasing civilian casualties back home – say, because their use increases acts of terrorism (or whatever you want to call them) against one's civilian citizens (at home and abroad), then it would no longer be clear that (a) would still be true; and indeed the truth of (a) would be very hard to establish because it would depend on some kind of comparative principle between the lives of one's own non-combatants and the lives of one's own combatants; not to speak of the difficulty of establishing who should count, today, as combatants and who should count as non-combatants (on this last point, see for example Fabre 2009).

As the question of whether drones may increase one's own civilian casualties is, again, to a great extent an empirical one, I cannot pursue it here in any great detail, but I will make the following – admittedly somewhat general – remarks: the decreasing availability of combatants (as targets) in the battle-space coincides with a significant and well-documented increase in civilians in the battle-space, from NGOs to private contractors of all sorts all the way to those like modern private military companies that should probably count as combatants (Liu 2015).[7]

So the question of whether or not increased deployment of drones and other unmanned technologies may end up also increasing civilian casualties among those countries who are deploying drones is not simply settled by looking at acts of (traditional) terrorism against the civilian citizens of the country deploying drones but also at what happens to the non-combatants of the deploying country (and maybe even its allies) in the battle-space. To be sure: the question is not just whether terrorism or acts of violence against non-combatants are increasing but whether they are increasing because of the decreasing availability of combatants (as targets) in the battle-space which drones and other technological developments are accelerating.

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[7] A further complication is that military personnel are increasingly being given peacekeeping and training tasks.

This issue is very interesting also from a normative point of view: one question is whether drones are increasing violence against the non-combatants of the deploying countries; an altogether different question is whether the decreasing availability of combatants (as targets) in the battle-space may make a difference to the normativity of violence against the deploying country's non-combatants. It could be argued, for example, that because what used to be legitimate targets are being increasingly removed – geographically – from the battle-space, then targets that used to be illegitimate can increasingly become less so.

Here one could object that the geographical location of the enemy ought to make no difference to the legitimacy of attacking civilians or non-combatants: drones don't change anything because non-combatants remain illegitimate targets while combatants, under certain conditions (themselves unchanged, think of proportionality, immediacy of threat, etc.), remain legitimate targets. So the idea would be that there is no normative difference – in terms non-combatants' liability to be attacked - resulting from the development/deployment of drones.

I think that this point is at least not obvious: as we emphasized earlier, the increasing deployment of drones means fewer military personnel in the battle-space but also comes at the same time as an increasing presence of civilians in the battle-space. But there is also another element which is more specific to drones: drone operators are now able to increasingly conduct a life that is much more similar to civilian life than to traditional military deployment, and they are able to do that exactly at the same time as they constitute an immediate threat for the enemy.

Drone operators, for example, are able to live at home with their families at the same time as they fly deadly missions during working hours (on this see, for example, Di Nucci & Santoni de Sio 2016 and in particular Kirkpatrick 2016). It is an interesting question whether the fact that drone operators are now able to mingle with non-combatants at the same time as they fly deadly missions may make those non-combatants liable to attack; as collateral damage of a strike on a drone operator on her way to work, for example.[8]

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[8] On the ethics of collateral damages and double effect, see also my book *Ethics Without Intention* (Di Nucci 2014b).

Here one could insist that drone operators are liable to be attacked only when they are actively in service; and that as long as we hold on to this principle[9], there is no novelty and no normative difference. That would then mean, interestingly, that through technological development a country is not just materially increasing the safety of its combatants but also normatively diminishing their liability.[10] This is an important issue when it comes to how drones are changing warfare; but as it is not directly relevant to the question of whether drones are lowering the threshold for waging war, I will not pursue it any further here and move on.

4. Why do we (not) go to war?
The plausibility of (b) and (c) is worth considering in some detail: it may be that it is both true that 'drones reduce one's own casualties' and that 'drones make war more likely' but that it is not true that 'drones make war more likely *because* drones reduce one's own casualties': namely, both (a) and (b) may be true while (c) could still be false if (b) is true independently of (a).

To see this, go back to that Obama speech that we have already quoted: there Obama defends drone operations in Pakistan not by referring to their benefits in terms of risks to US troops, but rather by arguing that unmanned operations are more acceptable both for the country where (or against which) they are conducted and for the international community.

Here – even assuming that Obama is right about this – it could just be the case that the reason why drone operations would be more acceptable is casualty reduction; but it is unlikely that this is what Obama was actually referring to, given his remark that traditional operations would "lead [the US] to be viewed as occupying armies". It is therefore much more likely that Obama was referring to drone operations being more acceptable over and above the reduction of casualties among one's own ranks.[11]

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[9] This principle may indeed be challenged. For example, there seems to be a broad acceptance of "targeted killings" of enemies that are (a) of unclear combatant status and (b) not actively involved in attacks (e.g. high profile leaders of terrorist networks). One may therefore raise questions about the "moral equality of quasi-combatants". But I don't have the space to address this here. Thanks to an anonymous referee for suggesting this.

[10] An example of this could be the following: while traditional soldiers may have been liable to attack while resting in their base and not actively in service, drone operators are not liable to attack while resting if they do so at home.

[11] To be sure: referring to what Obama may have meant rather than to what is true or right is, in this case, legitimate because Obama is the decision-maker and the issue under discussion is the empirical one of whether or not drones will

Interestingly, there is some evidence (to which we have already referred, see footnote number 2) from both Pakistan and Libya that indeed it is easier for local authorities to accept drone operations rather than other kinds of operations, which is supposedly what Obama may have been referring to. Additionally, drone operations are much more difficult to report on for the media, which again may at least in part explain why they are taken to be easier to sell, so to speak, to the international community; finally, partly due to the fact that they are unmanned, drone operations are not subject to the same procedures and law as other traditional operations.

These different elements share the following important features: they may, at the same time, constitute reasons why drones make waging war easier and therefore lower the threshold (for state-sponsored violence if you don't want to call it war) while also making no reference to reducing casualties in one's own ranks. So these ideas may offer an explanation of the (supposed) views of the Obama administration; but it's a different one from that put forward by, say, Beauchamp and Savulescu.

Indeed, this approach even allows for the following, worrying, possibility: that namely drones do make waging war easier by lowering the threshold while at the same time increasing casualties in one's own ranks (say by causing more acts of terrorism against one's non-combatants). Let me be clear: I have offered no evidence here for this particular conclusion; but the arguments which I have analyzed are not able to rule it out either. And this is in itself significant because the scenario in which drones make wars easier to wage while at the same time they increase casualties among one's own ranks is, in a way, the worst possible outcome, in which both those who deploy drones and those against whom drones are deployed end up losing out.[12] So we started from the idea that drones may be win-win by promising advantages to both sides and ended up not even being able to rule out the possibility that drones are, actually, lose-lose.

make wars more likely and why (rather than some related normative issue): so, given the issue, what decision-makers think is not just pertinent but decisive (with the caveat, obviously, that what Obama says in public may not necessarily reflect his (administration's) views or reasons).

[12] One reason to consider this a plausible outcome could be that civilian casualties due to terrorism would in a certain sense be better "accepted" by the public than combatant casualties (and thus easier to "sell") because it is simply less obvious that the former is a result of the government's military policies and strategies than the latter. Again thanks to an anonymous referee for this suggestion.

The philosophical assumption that drones will make wars more likely by reducing one's own casualties isn't, it turns out, doomsday pessimism: it may actually be overly-optimistic by misreading the politics of choosing drone operations over more traditional operations. This, to be clear, is not incompatible with Beauchamp and Savulescu's argument, as they do not argue for the idea that drones make wars more likely by reducing one's own casualties but rather just assume this point to go on to offer an evaluation of (some) of its consequences.

Still, our argument questions not just their assumption but a general claim which is prominent in the debate on drones: not simply the coarse claim that 'drones make war more likely' but also the more fine-grained version of it according to which 'drones make war more likely by reducing one's own casualties'.

So Beauchamp and Savulescu may be right and indeed I have no objections to the content of their argument; symptomatically, though, they may have made their argument irrelevant (or anyway less interesting) by misreading political realities on the ground, so to speak; specifically, how important casualty reduction actually is for decisions on war and peace.[13]

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[13] In future research, it will also be worth thinking about the relative importance of various kinds of casualties: enemy combatants, friendly combatants, enemy civilians, friendly civilians, agents of contested status etc (again here see Fabre 2009). This, again, can and probably should be done, as this article suggests, not only in terms of military ethics and just war theory but also in terms of the effect that these differences can have in perceived acceptability and political decision-making. Again thanks to a referee for this suggestion.

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