The Ethics of Aerial Bombardment in International Conflicts:

From Douhet to Drones

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ABSTRACT

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In this thesis, I demonstrate how the question of ethics in aerial bombardment has been evolving and transforming since its inception at the beginning of the twentieth century to contemporary targeted killings/assassinations by drones. I interact with early airpower theories from Douhet, Trenchard, Mitchell, and contemporary air tactics in order to establish a crucial sequence between these early theories and practices of aerial violence and modern ones conducted by armed drones. I show how the evolution of aerial bombardment challenged, influenced, and transformed essentials of conventional warfare, as well as dispersed boundaries between combatants and non-combatants. Contemporary legally uncontrolled targeted killings by drones now are one of the most discussed issues in military ethics, international law, and international security spheres. Hence, the interdisciplinary approach in this work helps to provide a multi-vector view on the question of the ethics of aerial bombardment.

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Foreword

The industrial revolutions that have taken place in modern history have led to rapid scientific and technological progress in all areas of human activity and, in particular, in the development and use of manned aircraft. The rise of nationalism in Europe provoked two World Wars that shaped the strategic doctrines and honed the various tactics of warfare. Consequently, discussions on the moral side of aerial bombardment were raised among different scholars around the world.

The contemporary digital revolution is shaping the perception of people not only towards the civilian sphere of life, but also is having a significant impact on the military sphere. Drones or Unmanned Aerial Vehicles (UAVs) are opening up a major discussion concerning the legality and morality of unmanned and in the near future uncontrolled (controlled by the artificial intelligence) bombing of people. Contemporary warfare has become asymmetrical with emerging forces in the international arena such as insurgents and terrorist organizations that have the possibility to use such threatening technology as flying drones.

Heavy bombers, which had appeared during the First World War, became the perfect weapon by the 1930s. Technologies in aircraft construction developed so rapidly that in a few years a whole generation was replaced in certain areas of military aviation, leaving other areas behind. By the mid-1930s, for example, a heavy bomber could fly at high speed, at an altitude of several kilometers, where it was almost impossible to intercept by a fighter jet or shoot it down with anti-aircraft weapons. It is not surprising that these impressive technologies have inspired the military to create new doctrines and concepts. A defining feature of air power was that it was no longer possible to retain the concepts of wartime and peacetime, combatant and non-combatant.

Introduction

Military theory and doctrine history is a subfield of military history. Theories and doctrines are concerned with the sphere of ideas, not processes, and this has contributed to the scarcity of writers in this obscure field. As a result, studying the military history of ideas is a relatively unexplored area. The situation is even greater when it comes to air power. Pilots from any state have rarely been branded as philosophers, and only a select number have taken up this challenge to express their views on how aerial warfare should be employed in combat. Add to this the comparatively short existence of airpower: less than a century. As a result, there have been relatively few books, papers, and manuals produced on the theory and philosophy of air power so far.

To the present day only one book makes an attempt to examine the development of airpower theory throughout the last century. The book is titled *The Paths of Heaven: The Evolution of Airpower Theory*.¹ It includes chapters on Giulio Douhet, Hugh Trenchard and the Royal Air Force (RAF), Billy Mitchell, as well as numerous lesser-known European thinkers prior to World War II, including Alexander de Seversky, John Boyd, and John Warden. Additionally, it includes chapters on topics like air superiority in low-intensity warfare, airpower and ground combat, airpower in NATO, and Soviet air theory. This book offers to the reader a smooth start in understanding the theory of air superiority from Western perspective. This work served as a starting point and became a manual for this present study.

The majority of early authors on the airplane's military applications felt that surveillance and communication would have the greatest influence on military operations. In 1909, British journalist R.P. Hearne in his work *Aerial Warfare* realized that aerial surveillance would have a profound influence on armies, as it would enable armies to establish their

¹ Phillip S. Meilinger, *The Paths of Heaven: The Evolution of Airpower Theory* (Maxwell Air Force Base Alabama: Air University Press, 2010).

positions and potential aims more quickly and accurately.² He also remarked that airplanes would be extremely efficient at terrorizing “savage races,” enabling governments to exert more control over colonial territories. This, too, was an accurate forecast of the Royal Air Force’s role in imperial policing throughout the interwar period.

It’s remarkable how shallow and/or mechanical the majority of pre-World War II material on airpower was. Flight was a pivotal moment in human history. As a consequence, it grabbed people’s interest while also leaving them confused as to what it involved. As a result, most aviation books begin with a study of what makes airplanes fly, including an explanation of drag and lift, the difficulties of steering movement, and the impact of weather on aircraft structures. Following these introductory chapters, writers would begin speculating about the future of aviation, which they were forced to do due to the scarcity of empirical evidence.

Giulio Douhet, an Italian artillery commander, was the first to think thoroughly about the function of airpower in battle and also to express his thoughts in public. Douhet’s most renowned work, *The Command of the Air*, was published in 1921 in the Italian language.³ Since Douhet was the first one to write on the most significant airpower challenges, and the majority of those who followed him, whether knowingly or unknowingly, basically produced commentary on his thoughts and forecasts.

Douhet thought that World War I proved that conflicts were unavoidable and would be completely destructive. He also thought that contemporary technology had created an impenetrable stalemate on the ground. As a consequence, air power, which had paradoxically contributed to the trench stagnation by eliminating the advantage of surprise, would now revive war’s mobility. Due to airplanes’ capacity to function in the third dimension, they were able to fly over fortifications, terrain, and river systems that blocked enemy troops. Additionally, they

² R. P. Hearne and Hiram S. Maxim, *Aerial Warfare* (London: J. Lane, the Bodley Head, 1909).

³ See translated version Giulio Douhet and Dino Ferrari, *The Command of the Air* (Maxwell Air Force Base, Alabama: Air University Press, 2019).

could then attack an adversary country's "vital centers," which were previously guarded by troops and fortresses: the critical industries and infrastructure that enabled a state to operate. Due to the fact that aircraft may fly in any direction, at any height, and at any time, planes would have the tactical element of surprise. As a result, they were unable to be intercepted or halted. Countries would be prevented from striking out of terror of enemy air reprisal if the sole defense against air assault was a successful offense. Additionally, Douhet believed that this was such a revolutionary new way of thinking about combat that only trained pilots with a thorough understanding of this weapon system should be permitted to command it.

Douhet thought that when discussing a country's key centers, the psychological impacts of bombing would be more evident than the physical consequences. As a result, he advocated for the employment of incendiary and gas bombs. He felt that such strikes would create widespread terror, prompting the populace to demand an end to the conflict. Douhet thought that this would happen before a protracted and brutal ground war. He never advocated for the elimination of the army or navy, but he clearly thought that the air force would be the predominant rather than subordinate partner in the integrated defense structure. As a result, he saw no need for aircraft dedicated to land or sea combat.

Douhet's theories have been challenged by a variety of critics. He badly overestimated bombing's physical and psychological consequences. Populations did not disintegrate as rapidly as he anticipated under the strain of air bombardment. There is effective anti-aircraft defense. Ground conflict did not result in irreversible stasis; mobility was reintroduced by a mix of technology, different tactics, and airpower. Finally, it has become more evident over the last few decades, that legal and ethical restrictions do play a significant role in conflict.

William "Billy" Mitchell was the prominent American aviation theorist. He was the top American aviation commander during World War I. Mitchell was a prolific writer: he authored

three main aviation books and hundreds of articles.⁴ He viewed airpower as a breakthrough weapon that would coexist with other services. Mitchell suggested the employment of airpower as a significant contribution to ground or naval campaigns—not as a replacement for them. Mitchell wrote to persuade the American public, not his professional comrades. As a result, the majority of his published works have been criticized as mere propagandistic. He did, however, publish an essential doctrinal handbook for private use that more accurately represents his views on how airpower should be used in battle.⁵

The leader of the RAF in the interwar period Hugh Trenchard left behind a limited number of published papers that provide light on his ideas. He lays out some of the fundamental concepts in *Aspects of Service Aviation*.⁶ Aircraft's mobility and ability to strike almost anywhere at the start of a war had rendered slow mobilization obsolete. As with the majority of other airmen, he emphasized the need of air superiority. He felt airpower had the potential to be decisive in battle, but cautioned against believing it could finish the conflict in a matter of days or weeks. Air assault had cumulative consequences, necessitating ongoing operations.

Robin Higham's *The Military Intellectuals in Britain* provides an excellent overview of British air thought throughout the interwar period.⁷ This book has two chapters on the RAF: the first discusses doctrine generally, while the second discusses personalities such as Groves, John Slessor, and James Spaight in greater detail. Higham provides insightful analysis of the politics and working mechanism of the RAF establishment, but his hostility against Trenchard is obvious.

⁴ See William Mitchel, *Winged Defense: The Development and Possibilities of Modern Air Power--economic and Military* (University of Alabama Press, 2009); William Mitchell, *Memoirs of World War I: "from Start to Finish of Our Greatest War."* (New York: Random House, 1960); William Mitchell, *Our Air Force: The Keystone of National Defense* (New York: E.P. Dutton, 1921).

⁵ William Mitchell, *Notes on the multi-motored bombardment group, day and night* (United States Army Air Corps, 1923).

⁶ Air Marshall Sir Hugh M. Trenchard, "Aspects of Service Aviation," *The Army Quarterly* 2, no. 1 (1921): 10-21.

⁷ Robin Higham, *The Military Intellectuals in Britain, 1918-1939* (New Brunswick, N.J: Rutgers University Press, 1966).

James M. Spaight was a significant and prominent writer, not just for his razor-sharp intelligence and insight into aviation issues, but also for his expertise in international law. As a result, he was frequently consulted by the British government over problems such as the legitimacy of striking certain targets. He disregarded those who criticized the employment of planes in battle as somehow unlawful in his first work on the subject, *Aircraft in War*.⁸ Spaight contended that because no international law regulating aerial combat existed at the time, it was essential to rely on the rules governing land and sea warfare. His reasons, which remained the conventional interpretation for the next decades, included the assumption that, just as artillery might bombard a besieged city randomly in order to speed up its surrender, airplanes could do the same. Spaight wrote a number of other works on the subject of airpower in conflict during the next decades, the majority of which dealt with its legal implications. Among his most influential works are *Air Power and Cities*; *Air Power in the Next War*; and *Air Power Can Disarm*.⁹

Thomas Schelling's *Arms and Influence* is a seminal work from the Vietnam War that has had repercussions ever since.¹⁰ Schelling was an economist who had previously written about nuclear strategy and arms control. However, in this work, he put forth the notion that would become known as "gradual escalation". Schelling contended that escalating the use of force might cause an opponent to adjust his attitude. If the force is successful, the opponent will abstain from whatever behavior was deemed undesirable. The ratchet's operator may briefly let off the pressure to give the subject time to consider the situation. If required, force can be reintroduced at a slightly greater level to determine if the intended outcomes are obtained. This scenario presupposes that the opponents are "rational actors" that comprehend

⁸ James M. Spaight, *Aircraft in War* (London: Macmillan, 1914).

⁹ James M. Spaight, *Air Power and the Cities* (London: Longmans, Green, 1930); James M. Spaight, *Air Power in the Next War* (London: Bles, 1939); James M. Spaight, *Air Power Can Disarm, a Sequel to Air Power and the Cities, 1930* (London: Air League of the British Empire in assn. with I. Pitman, 1948).

¹⁰ Thomas C. Schelling, *Arms and Influence* (New Haven: Yale University Press, 2008).

the signals being exchanged. War, in truth, rarely promotes reasonable action. In Vietnam, Schelling's hypothesis was tested and found inadequate. Nonetheless, the theoretical logic of his views has persisted; indeed, it appeared to resurface during the air war over Kosovo. It will be fascinating to observe whether future policymakers view steady escalation more positively.

In the United States, conventional strategic airpower doctrine had been stifled by the country's dependence on nuclear weapons and, on the other hand, by the Vietnam War's primarily tactical nature. This began to alter with Colonel John Boyd's works.¹¹ The secret to winning was to act more swiftly than your opponent, both intellectually and physically. He articulated this notion through a cyclical process dubbed the OODA Loop (observe-orient-decide-act). Once one side acted, the other side saw the consequences, and the cycle was restarted. The loop's most critical phase was the "orient" phase. Boyd hypothesized that the rising complexity of the contemporary world needed the capacity to take seemingly disparate facts and ideas from many fields and events, disassemble them to their simplest components, and then reassemble them in novel and unexpected ways.

Boyd's tactical air ideas are significant because he eventually postulated that this continually functioning cycle was at work not just in aircraft dogfights, but also at higher levels of conflict. Boyd observed that victory always went to the side that could conceive most creatively and then act fast on that understanding. Although military historians typically recoil at such a selective application of history, the argument is intriguing. Significantly, by emphasizing the orientation part of the loop, Boyd was advocating for a strategy geared against the enemy leadership's mentality. Although they were proposed by an airman, these theories encompass much more than a manual for air operations. This mechanism has a profound effect on warfare in general. However, because of the OODA Loop's emphasis on speed and the

¹¹ Boyd never published his theories. Ian Brown is making a great job describing John Boyd works and concepts. See Ian T. Brown, *A New Conception of War : John Boyd, the U.s. Marines, and Maneuver Warfare* (Marine Corps University Press, 2018).

unsettling surprise it inflicts on the adversary, Boyd's theories appear to be particularly suited to airpower, which embodies both characteristics to the fullest.

Colonel John Warden is also another aviator who has thought carefully about strategic airpower and has likewise concentrated on adversary leadership. His work, *Campaign: Planning for Combat*, remains a staple text at Air University.¹² Although this publication had a significant effect on Air Force thought, its recommendations for strategic air power were rather limited. Warden contended that if the leader could be assassinated, kidnapped, or delayed, the entire country would be rendered incapable of resisting.

Both Boyd and Warden appear to have abandoned the economic focus of prior airpower theorists. Instead, they concentrate on the adversary's leadership. Unlike Boyd, who aims to undermine the enemy's leadership process, Warden wishes to destabilize its shape. The Gulf War was the apex of this type of aviation strategy. Air strikes on Iraq's communication system, roads and railways, and electricity supply not only rendered it physically impossible for Saddam to handle his armed troops, but also created massive confusion and doubt in his decision-making process. His OODA Loop was significantly enlarged, and its cycle time correspondingly slowed.

Most of the academic response to the development of unmanned aircraft as a weapon of war has been excessively focused with this autonomous element, which is frequently regarded as the most problematic part of contemporary drone deployments in "targeted killings" operations. In this perspective, the fact that drones keep their human operatives totally out of mortal danger has also contributed significantly to the perception of drone warfare as a truly revolutionary kind of armed conflict that departs from prior legacies of military violence. While I believe that the "unmanned" or "remote control" factor of drones is troublesome,

¹² John A. Warden, *The Air Campaign : Planning for Combat* (Washington, DC: National Defense University Press, 1990).

mainly because it expanded and sustained (pre-existing) conditions of asymmetric violence, this thesis does not conform to the broader trend that views this aspect as the defining feature of analysis of the drone as a weapon of violence. As such, my work's scope is limited in that it does not aim to create an explanation focused on the technological objects - drones themselves.

Nevertheless, as a result of these limitations, the scope of my account has been expanded as well. By avoiding the topic of technological uniqueness, my perspective on Unmanned Aerial Vehicles violence does not begin with the idea that the drone must be viewed as an unidentifiable violent object with no historical background; an item that is fundamentally different from prior forms or practices of bombing. Instead of focusing exclusively on the "unmanned" component of the armed drone, this thesis examines closely the "aerial weapon" component of its definition. This shift in analytical emphasis is important for highlighting the key similarities between drone warfare and past regimes of aerial violence. This is a paradigm change that results in a view of drone warfare that stretches beyond the limits of the United States' present use of UAVs as a counterterrorism tool. This larger perspective provides an alternative to the prevalent conceptualization of drone violence as "targeted killings." As I demonstrate, a historical perspective requires going beyond the issue of how do we define unmanned warfare as a new form of war to also include the topic of what elements of violence continue with a new technology such as the drone.

To begin, I challenge previous approaches to drone bombing that rely solely on the concept of "targeted murders" to comprehend, explain, and criticize drone violence. I contend that this narrative has created discursive conditions in which non-lethal violent impacts such as harm, damage, terror, and immiseration suffered by the victims living under drones are overlooked and negated because they would seem to fall outside the planned use of drones as armaments used to seek and kill specific targets. Second, I argue that the widespread trend among scholars, analysts, and journalists to regard drone warfare as a revolutionary new form

of armed violence is predicated upon and reinforces a limited understanding of what drone warfare and past legacies of military violence represent.

I interact with early air power theories and contemporary air tactics in order to establish crucial sequence between these early theories and practices of aerial violence and modern ones conducted by armed drones. On the basis of this historical study, I argue that what separates drone bombing from earlier regimes of aerial violence is not the cessation of reciprocal violence or the possibility of extremely precise and “surgical” targeting. Indeed, aerial bombing was founded on the premise that air power is a fundamentally unequal kind of military force. For early air power theorists, this imbalance was the basis of bombing operations’ strategic significance. As the instance of colonial air policing demonstrates, the concept that aerial bombing is a kind of non-reciprocal infliction of violence is inextricably linked to past aerial bombing tactics. Similarly, this thesis’s historical narrative of aerial bombardment helps make sense of the widespread violence, damage, and terror experienced by populations targeted by and living under drones. Because aerial bombing has always been recognized by military theorists and practitioners to imply broader consequences on targeted populations, such as terror and demoralisation, I argue that critical thought should account for these effects when they appear in the case of drone bombing.

While I concur with many of its opponents that drone violence is premised on an individualisation process – one in which people, rather than populations, have increasingly become the primary target of aerial bombardment – I situate that process in a different register. Whereas popular criticisms assert that the introduction of drone technology reduced combat to manhunting, assassination, or murder, thereby individualizing the violent repercussions of military action, I maintain that this individualization is largely discursive in character. Individual targets, in fact, exist only in military contexts and in the methods by which the drone program methodically finds, locates, and kills individuals.

Chapter 1. The emergence of air supremacy and strategic bombardment theories

Air power theorists of the early twentieth century believed that the question air power posed to military strategists of their day necessitated a break with traditional methods of thinking about the conduct of war. Their argument was that the major distinction was in the direction in which the military mind should have looked when considering the possible role of air forces in a conflict situation.¹³ In the past, traditional military study treated war as a phenomenon that could best be understood through the prism of previous experience.¹⁴ According to the traditionalist view, the study of warfare was primarily impacted by historical precedent. Thus, military scholarship was primarily concerned with analyzing past battles; similarly, experts who used this approach regarded themselves as historians — filtering the ash mountain of events in order to confirm their views or to understand where they went wrong and discover new concepts of warfare.¹⁵

Air power theorists were outraged by this methodological perspective, and they were right to be. Essentially, their main point of argument was that, once it came towards the subject of air power, actual information was of little use. According to them, air power might be better understood through an approach that relied on envisioning future fights rather than dwelling on previous conflicts. To give an example, William “Billy” Mitchell, the prominent air power theorist in the United States at the time,¹⁶ stated that the tendency to look for a precedent to direct each potential action was inappropriate to the study of air power, where “one has to look ahead and not backward and figure out what is going to happen, not too much what has happened”.¹⁷ Giulio Douhet, an Italian thinker, presented an argument that was comparable to

¹³ Meilinger, *The Paths of Heaven*, 1-2.

¹⁴ Mäder Markus, “In pursuit of conceptual excellence: the evolution of British military-strategic doctrine in the post-Cold War era, 1989-2002,” *Studies in Contemporary History and Security Policy* Vol. 13 (Bern: Peter Lang, 2004), 28-29.

¹⁵ In this situation, military academics viewed their publications as historical investigations, but also as having the intellectual lineage of academic historians. Eliot A. Cohen, “The Historical Mind and Military Strategy,” *Orbis* 49, no. 4 (2005): 575-88.

¹⁶ Meilinger, *The Paths of Heaven*, xv.

¹⁷ Mitchell, *Winged defense*, 20-21.

Mitchell's in his own way.¹⁸ The preparation for a battle in the air, according to Douhet, necessitated an effort of the imagination that included nothing less than a mental journey into the far future.¹⁹

According to Douhet, past experience had not only failed to prepare military strategists for forthcoming air conflicts, but it also served as a hazardous basis for the growth of air power. After dismissing the preceding frameworks' cognitive worth, he then went on to compare air strategists' job to that of artisans. Just like someone who carefully considers the future use of the material researchers are about to produce, Douhet remarked, a person planning to construct a good weapon of war must first ask oneself what the next battle would be like.²⁰ When air power theorists like Douhet and Mitchell adopted this future-oriented way of thinking, it allowed them to disregard current information about military aircraft that didn't align with their vision for what such a weapon should accomplish and how it might do it.

It's also worth noting that air power theorists saw their hostility to military tradition as extending beyond methodology and philosophy. On the other hand, as military officers, they felt it was part of their job requirement to be unconventional. The essential principles of war haven't changed, since the participants and the game have always been the same, as Douhet stated.²¹ When it came to military leaders, he said that the difference between good ones and great ones was that good ones stayed inside the boundaries of tradition while great ones were more like gamblers who could cut loose from convention.²²

Like Douhet, Hugh Trenchard praised his fellow airmen for having the type of mental temperament that Trenchard considered desirable. Trenchard was the first Chief of Staff and senior post-World War I officer of the Royal Air Force (RAF). David Henderson had twice the

¹⁸ Jonathan Haslam. "Giulio Douhet and the Politics of Airpower." *The International History Review* 34, no. 4 (2012): 753-773.

¹⁹ Douhet, *The Command of the Air*, 145.

²⁰ *Ibid.*, 146.

²¹ *Ibid.*, 149.

²² *Ibid.*

insight and intelligence as Trenchard, and more significantly, he was willing to take risks rather than miss an opportunity that he believed would never come around again, as Trenchard remarked in complimenting him.²³ As a counterpoint, military theorists noted that the military leadership was known to be a vocal opponent of any theories that aimed to modernize combat. When it came to the military forces, Mitchell said that they were the most cautious and, as a result, more inclined to build on a platform of confidence rather than take any chances to make a mistake.²⁴ To be an expert in military flying, an officer must be able to think creatively, and Mitchell believed that the institutional orthodoxy of the army and navy could only produce officers who would be mentally unsuitable to command the air forces.²⁵ So air power theorists valued inventiveness, perception and risk-taking as essential leadership characteristics while simultaneously seeing themselves as the leaders who possessed an abundance of these traits in their own personae.

My point is that while air power theorists created for themselves this vision of the revolutionary intellectual or the adventurous military commander, they did not do it in a vacuum; rather, they did so within a discursive context. It is more accurate to say that they were pulling from and contributing to a larger narrative in which aviators were shown as the major heroes of a technologically advancing society, rather than creating such subjectivity from the ground up. First and foremost, I would want to emphasize that cultural images of the pilot in the twentieth century changed over time; they were complex and overlapping. As a result, it would be inaccurate to restrict these depictions to merely what air power theorists thought of them, or to assume that they were only relevant to military personnel. Just as flying was not a military-only endeavor, neither was the image of “the aviator”, a character created only for the purposes of military recruitment. During the early stages of flying, this was particularly true,

²³ Andrew Boyle, *Trenchard* (New York: Norton, 1962), 233.

²⁴ Mitchell, *Winged defense*, 20-21.

²⁵ Ibid.

since the pilot was connected less with the army and more with private owners such as the Wright brothers, Louis Blériot, and Henry Farman.

First and foremost, being an aviator meant taking a stand against the most established tradition of all: the natural world. Not by chance, the use of military phrases like “the conquering of the sky” as appropriate abstractions to convey what they believed to be the core of an aviator's life purpose was popularized at the time by media and other authors of the day.²⁶ Furthermore, because aviators were recognized for their accomplishments in flying an airplane, simply being an aviator was evidence of the victory of human inventiveness over the rules of nature at the time. Cultural depictions of civil aviators, in this regard, glorified the act of flying by converting what was fundamentally a mechanical achievement into a militarized activity.²⁷

This type of sensationalist discourse persisted when the aviator image became genuinely militaristic — that is, when personnel of the armed services began to identify with it. However, in the latter instance, the rhetoric was also flipped. While aviation was previously portrayed as a glorious endeavor since it closely resembled combat, now it was warfare that was allegedly transformed into an experience by adding aviation. At the heart of this discussion was a determinist vision of the airplane as a technological breakthrough that would inevitably transform the character of war and bring in a radical new age of combat.

To emphasize the heroic nature of aerial combat even more, air power theorists frequently compared it with ground combat, which they saw as a more costly and inglorious effort. Their point was that the modern military had reached the end of its evolution and was no longer capable of achieving a swift and decisive success. For them, World War I was a case in point: a paralyzing conflict between two opposing armies that immobilized one another for years while condemning their men to pointless death and suffering. This contemptuous view

²⁶ Michael Paris, “The Rise of the Airmen: The Origins of Air Force Elitism, c. 1890-1918.” *Journal of Contemporary History* 28, no. 1 (1993): 123–41.

²⁷ Hugh Kenner, “A Passion For Wings: Aviation and the Western Imagination, 1908-1918.” *Modernism/modernity* 2, no. 1 (1995): 190-192.

of land-based wars permeated postwar writings by theorists such as Basil Liddell Hart,²⁸ J. F. C. Fuller, and J. M. Spaight, who propagated a somewhat distorted official history that represented aviation in war as a success in comparison to the army's supposedly disappointing performance on the Somme and at Passchendaele, the navy's performance at Jutland, the horrific cost in human lives.²⁹ On the other hand, the work of these air commanders was critical in supporting the notion that aircraft – and, more specifically, its capacity to bring a military presence to the sky – offered a technical answer to ground troops' physical limitations. Battle in the air was imagined in this way as a means of escaping the cycle of monotony and death endured by men in the trenches; combat with planes converted war into a whole new experience. According to historian John H. Morrow, the employment of airplanes during World War I generated romantic visions of heroic young aviators dressed in long leather jackets and helmets, peering from open cockpits to hunt or to be hunted.³⁰ Aviation, according to air power theorists, raised combat to an entirely new dimension of existence – both literally and metaphorically.

Contrary to popular opinion, the notion that military aircraft advanced warfare was supported by the conviction that this invention also restored battle to its presumably noble past. 'War in the air,' declared a recruitment brochure for the Royal Flying Corps in the United Kingdom, reminds of bygone eras when knights went forth to combat and gained glory and honor by their acts of personal valor.³¹ Unlike army soldiers, the Royal Flying Corps' advertisement told recruits that their lives would be filled with passion, excitement, adventure, and possibilities for magnificent success.³² Aviation was therefore a technological advancement that restored war's reputation as an attractive and honorable activity. The

²⁸ Basil Henry Liddell Hart, *Paris ; or, the Future of War* (New York: Garland, 1972).

²⁹ Michael Paris, *The Rise of the Airmen*, 123–41.

³⁰ John Howard Morrow, *The Great War in the Air : Military Aviation from 1909 to 1921* (Tuscaloosa, Ala.: University of Alabama Press, 2009), xiv.

³¹ Ezra Bowen, *Knights of the Air* (London: Time-Life, 2004), 7.

³² *Ibid.*

portrayal of pilots as air knights aided in the romanticization of the air war into a single picture of lethal yet gallant individual battle.³³ This depiction of a romantic combat emphasized the uniqueness of airborne heroes, in contrast to trench-bound troops who were plowing through the dirt with so little heroism to avoid mechanized mass slaughter.³⁴

To summarize, the aerial subjectivity lauded and self-identified with by air power theorists was discursively placed inside a larger narrative about aviation and aviators. By emphasizing characteristics like creativity, intuition, and risk-taking, these strategists were really replicating and strengthening an already existing image of the aviator as the unconventional pioneer of a new era of technical progress. This kind of subjectivity, according to John Andreas Olsen, in the instance of Douhet, Mitchell, and Trenchard, lends itself to a triumphalist vision of technology... as a flawless “silver bullet” solution to war’s difficulties.³⁵ It was a point of view that enabled them to answer a series of apparently military issues, such as, how might the conduct of warfare be improved? What role might air power play in future conflicts? How should aircraft be implemented? – by using a technical progressivist vocabulary that hailed both the possibility of aerial combat and their role in creating and advancing such warfare.

A fundamental argument made by early air power theorists was that institutional independence for air forces was an essential precondition for air power evolution. The majority of air power theorists at the time agreed on this point: without the organizational, economic, logistical, and tactical freedoms offered by institutional autonomy, air power’s expansion would be severely restricted.³⁶ They reasoned that if the navy and army retained command of the air forces, air power would “always be vulnerable to ground or marine operations,”

³³ Morrow, *The Great War in the Air*, xv.

³⁴ Thomas Hippler, *Governing from the Skies : A Global History of Aerial Bombing* (London: Verso, 2017), 40.

³⁵ John Andreas Olsen, *Airpower Reborn : The Strategic Concepts of John Warden and John Boyd*. (Annapolis: Naval Inst. Press, 2014), 21.

³⁶ Douhet, *The Command of the Air*, 56.

reducing the usefulness of air forces from a powerful offensive weapon to a simple aerial support.³⁷ Thus, for air power theorists, the rise of air power necessitated a two-fold paradigm change: first, a methodological move away from conventional modes of thinking about warfare; and second, fundamental organizational reform culminating in the formation of a separate air service.

The ideological environment during which air power theory developed was also critical for theoretical orientations of air power theorists. Through trying to pursue air force independence, these theorists encountered two mutually reinforcing conditions: on the one side, their reasoning for autonomy rested on the argument that air power had the potential to revolutionize warfare; on the other side, as Douhet noted, such potential can only be realized if and only to the extent that air forces were given autonomy. The issue that air power theorists had was that empirical methods played against their arguments for autonomy. This was partly due to a severe lack of practical information about aviation's capabilities, since engine aircraft had seen relatively little combat usage in battle years before World War I.

The gap in knowledge existed not just at the tactical level of an aircraft's use in combat, but also at the technological level of the vehicle. At the time, as argued by David C. Mowery, flying technologies were still in a development and hence largely untested.³⁸ Mechanical issues – such as the airplane motor's limitations, the adversities that environment or weather extremes may impose on its operation, and the dependability of navigation systems – could thus not be easily corrected or resolved via comparison to previous experiences.³⁹

Thus, to the extent that World War I's combat experience justified aviation, it did so by emphasizing the airplane's supporting function rather than its potential to effectively win

³⁷ Ibid., 55-57.

³⁸ David C. Mowery, *Breakthrough Innovations in Aircraft and the Intellectual Property System, 1900-1975* (Geneva, Switzerland: WIPO, 2015), 12-13.

³⁹ Alexander Bannerman, "The Difficulty of Aerial Attack." *Royal United Services Institution. Journal* 53, no. 375 (1909): 645.

battles via individual action. The effectiveness of aircraft in retaining a supporting position was really a defeat for air power theorists, as it bound the air forces even closer to the army and navy's command, rather than liberating them. Existing information therefore provided a shaky logical basis for air power thinkers to build their theories on; real experience with military planes was both insufficient and unattractive to support thinkers like Douhet and Mitchell. As a result, these theorists' attachment to a conceptual and long-run approach had a very practical function: it enabled them to legitimize their image of an air-only war by systematically disregarding real evidence to the contrary. The resulting philosophy, as scholar Malcolm Smith defines it, was a horrific creation, a combination of "dogma, opportunism and pragmatism" predicated on no single, distinct, and clear explanation.⁴⁰

For British thinkers, air strategy entailed a fundamental departure from the notion of combat. They contended that in conventional warfare, the connection between the force applied and defeating an opponent manifested itself in two interconnected aims: first, removing the opponent's physical capability to fight a war (specifically, its militarized forces), and second, subjugating its will to fight a war.⁴¹ Trenchard, a vocal supporter of strategic bombing, claimed that the initial target was not a goal by itself, but rather a method to destroy the enemy's desire to continue fighting. He asserted that the true purpose of war was to destroy the opposing state, not just its infantry, fleet, or air force.⁴² His argument was that militaries could not seek success without first confronting the opponent's armed forces - armies were obliged to seek combat owing to their earth - based origin.

Trenchard likewise regarded the battleground to be an outdated location for air strategy by downplaying the significance of combat as the only road to success. This theoretical

⁴⁰ Malcolm Smith, "The Royal Air Force, Air Power and British Foreign Policy, 1932-37." *Journal of Contemporary History* 12, no. 1 (1977): 154.

⁴¹ Phillip S. Meilinger, "Trenchard and 'Morale Bombing': The Evolution of Royal Air Force Doctrine Before World War II." *The Journal of Military History* 60, no. 2 (1996): 243.

⁴² Eugene M. Emme, and George H. Quester, "Deterrence Before Hiroshima: The Airpower Background of Modern Strategy." *Technology and Culture* 8, no. 2 (1967): 245.

elimination of the battleground resulted in the air forces being framed as a fundamentally aggressive weapon of war. The RAF's initial doctrine, Operations Manual, released in 1922, said that in ground combat, the attack is not a homogenous body, but is continuously combined with the defensive. Because the battleground was a struggle between competing factions, one force's ability to support an attack was always related to the other force's ability to counter it. Armies might be offensive, defensive, or occasionally both, depending on the circumstances of the conflict in which they were engaged. However, because the enemy troops were perceived to be incapable of resisting air forces, the latter's attacking capability was viewed in absolute instead of relative terms. Even the opponent's opposing air force wasn't really considered a major obstacle by British air power strategists, as it should be recognized that no number of aircraft flying defensively would necessarily prevent a committed pilot from accomplishing his goal. For his part, Douhet did not merely embrace this confidence in the limitless attacking ability of air forces; he took it to its rational conclusion.⁴³ Air power, he believed, simply reduces the opponent to a passive actor whose intentions or actions have no impact on the air weapon's lethality.⁴⁴ In agreement with Douhet, proponents of strategic bombing emphasized that because aircraft have nearly limitless freedom of movement, there is literally no defense against their capacity to infiltrate and attack the enemy's most vulnerable and well-defended locations.⁴⁵ Mitchell, in particular, contended that the new geographical dimension in which air power worked made aerial attack universal; as he remarked, just as the air surrounds the whole earth, aircraft may fly anywhere on the earth.⁴⁶

As previously mentioned, aerial campaigns were viewed as a distinctively unilateral imposition of violence. According to air power thinkers, air forces' capacity to leap over the

⁴³ Douhet, *The Command of the Air*, 55.

⁴⁴ Barry D. Watts, *The Foundations of US Air Doctrine : The Problem of Friction in War*. (Maxwell Air Force Base, Alabama: Air University Press, 1984), 7.

⁴⁵ See Dimitŭr Nedialkov, *The Genesis of Air Power* (Sofia: Pensoft, 2004).

⁴⁶ Mitchell, *Winged defense*, 4.

troops that protect opposing government, industries, and population enabled them to attack directly and quickly at the heart of the enemy's will and policy.⁴⁷ As British air power theorist Liddell Hart noted, this stress could be applied in a variety of ways and at many locations, and the ideal approach was to find and exploit the opposing state's Achilles' heel; to aim not against its thickest line of defense, but against its most sensitive.⁴⁸ Once this is recognized, he said, common sense dictates that the strategic objective should move away from the strongest of the opponent's pressure points – specifically, its military forces – and toward those “vital centers” whose annihilation would quickly drive the opponent to surrender.⁴⁹ While the logic underlying Liddell Hart's thesis was straightforward, the ambiguity of the phrase “vital center” resulted in divergent views on the precise objective of strategic bombing. By portraying industrial units and railroads as vital components of the war engine, Trenchard established that they were acceptable military targets, despite the unavoidable civilian deaths.⁵⁰ Thus, he argued that while dropping bombs on a town blindly with the sole purpose of terrorizing the civilian population was unjustified, terrorizing munition laborers by attacking their housing was not only acceptable but vital, however he did not clarify how these residences would be recognized or how the terror of bombing them would be encapsulated so as not to affect the general population.⁵¹

Given that the manufacturing areas that Trenchard considered to be justifiable military targets were located within or quite near to population centers, the concept of bombing an opponent's “vital centers” effectively blurred the line between what constituted a “military target” and what constituted “civilians.”⁵² Indeed, Liddell Hart's “Achilles heel” argument for

⁴⁷ Basil Henry Liddell Hart, *The Current of War* (London: Hutchinson & Co, 1941), 59.

⁴⁸ Liddell Hart, *The Current of War*, 59.

⁴⁹ *Ibid.*, 55-59.

⁵⁰ Tami Davis Biddle, *Rhetoric and Reality in Air Warfare : The Evolution of British and American Ideas About Strategic Bombing, 1914-1945*. (Princeton, NJ: Princeton University Press, 2004), 96.

⁵¹ Beatrice Heuser, *The Bomb : Nuclear Weapons in Their Historical, Strategic and Ethical Context* (London: Routledge, 2016), 43.

⁵² Jurgen Brauer, and Hubert P. Van Tuyl, *Castles, Battles, & Bombs : How Economics Explains Military History* (Chicago: University of Chicago Press, 2008), 197.

targeting the opponent at its most vulnerable pressure line obliterated that distinction entirely – it was a strategic proclamation that classified civilians, a group portrayed by theorists as the embodiment of the opponent’s vulnerability, as military objectives.

The air power theorists’ opinion on the role of population in aerial bombardment was also affected by the fact that their concept of air power was driven from the start by a concern with the “moral” rather than “material” impacts of bombing.⁵³

It's noteworthy to highlight three significant implications of the notion of “moral impact” on the formulation of air strategy. The first is about how the RAF command used the ambiguity of this term to overstate the impact of aircraft assaults without risk of empirical disagreement.⁵⁴ A classic example of this type of exaggerated argument is Trenchard’s famous declaration that bombing should strive to inflict the largest moral damage achievable, since at the moment, the moral impact of bombing definitely outweighed the material effect by a factor of twenty to one.⁵⁵ According to one scholar, Trenchard’s proportion was entirely fictional and without any mathematical and scientific foundation.⁵⁶ Due to the dynamic nature of moral impact, it could not be measured, which meant that statements like Trenchard’s could not be easily refuted. Thus, the problem of properly measuring the psychological effect of bombings was precisely what enabled Trenchard and his associates to assign it a numeric value that created the illusion of logical or mathematical thinking.

Additionally, air power theorists employed the concept of “moral impact” to promote the notion that aerial combat was a positive advance in the conduct of war. Their thesis was that the psychological effect of bombing indicated clearly that the bomber was a special weapon capable of directly attacking the war’s primary aim (the opponent’s will to fight). They

⁵³ George K. Williams, *Biplanes and Bombsights : British Bombing in World War I*. (Maxell Air Force Base, Ala.: Air University Press, 1999), xii.

⁵⁴ *Ibid.*, 25.

⁵⁵ *Ibid.*, 247.

⁵⁶ Biddle, *Rhetoric and Reality in Air Warfare*, 48.

claimed that a merciless bombing attack that directly influenced that objective was far more effective than prior strategic methods that did it indirectly. Additionally, by emphasizing the moral consequences of bombing above the physical consequences, these thinkers framed aerial warfare as a more effective, but also more “merciful,” “humane” and useful type of armed combat.⁵⁷ Thus, the binary choice between ethical effects and physical violence invoked in theoretical approaches of strategic bombing enabled the removal of what air power theorists understood and actually admitted to be true: that the unrestrained killing of civilians is an inevitable and unquestionable element of “morale” bombing.

Finally, by emphasizing the moral consequences of bombing, air power theorists established citizens as the primary target of air assaults. As mentioned above, inhabited areas were considered a primary goal of strategic bombardment. However, with an emphasis on moral consequences, terrorizing people was no longer considered an incidental result of strategic bombing, but more the deliberate effect and stated goal.

⁵⁷ Douhet, *The Command of the Air*, 61.

Chapter 2. Strategic bombardment during the Second World War and nuclear bombing discussion

Due to a variety of circumstances, including bombardment inaccuracy, weather conditions, high fatality rates, and a strategic preference for area bombing, the RAF and USAF both resorted to bombing targeted at workers' housing by igniting massive firestorms in residential neighborhoods all over Europe. Although the nuclear bombings on Hiroshima and Nagasaki were notable for their purpose to kill non-combatants, they killed roughly the same number of civilians as conventional incendiary assaults on Dresden and Tokyo.

According to Grayling, Britain's bombardment of German towns was a "moral crime" based on the same criteria used by the allied forces to convict German and Japanese war criminals. However, others still think that the bombardment was absolutely legitimate, as a result of the unavoidable disintegration of the boundary between combatant and non-combatant in conflicts, or as an example of extreme emergency when urgent need transcends established standards.⁵⁸ One exclusion from Grayling's generally comprehensive account of this operation is a discussion of Michael Walzer's so-called 'supreme emergency' defense.⁵⁹ This is a strange exclusion considering that, among modern political theorists, supreme emergency is frequently cited to defend acts that ostensibly violate the most fundamental norm regulating war: non-combatant immunity.⁶⁰ John Rawls, like Walzer, claimed that in contrast to the bombing of German towns at the start of the Second World War, a state of extreme emergency might justify the deployment of nuclear weapons. According to Rawls, the 1945 atomic bombs should be condemned solely because America was not yet confronted with a supreme emergency.⁶¹

⁵⁸ Anthony C. Grayling, *Among the Dead Cities Was the Allied Bombing of Civilians in Wwii a Necessity or a Crime?* (London: Bloomsbury, 2006).

⁵⁹ Michael Walzer, *Just and Unjust Wars : A Moral Argument with Historical Illustrations* (New York: Basic Books, 2006), 251-286.

⁶⁰ See Paul Ramsey, *The Just War : Force and Political Responsibility* (New York: Scribner, 1968).

⁶¹ John Rawls, *The Law of Peoples : With, the Idea of Public Reason Revisited*. (Cambridge, Massachusetts: Harvard University Press, 1999), 98-105.

Michael Walzer's just war argument was based on human rights. He believes that a thin layer of norms drawn from positive legislation, religious, philosophic, and professional standards, reciprocity agreements, and public discourse forms a global 'war convention'. The second premise of the war convention, according to Walzer, is that non-combatants would never be assaulted.⁶² The idea of non-combatant immunity is central to the number of religious viewpoints on the ethics of war, is rooted in customary law, and has existed in some form or another in the just war tradition since the nineteenth century. According to Walzer, this is not a question of providing special advantages to specific classes based on their social or economic role during peacetime, but rather a matter of a universal human right that transcends time and location.

To reject the pacifist objection that a just war theory cannot justify war while requiring non-combatant immunity, because non-combatants could be eventually killed in battle, Walzer employs a slightly altered concept of twofold impact.⁶³ The concept of twofold impact, originally stated in the thirteenth century by Thomas Aquinas, maintains that an act committed with noble intentions can nonetheless have negative effects, such as the death of non-combatants.⁶⁴

Although Walzer establishes the deontological concept of non-combatant exemption, he allows for two conceivable exceptions. The first, which we will not discuss in detail, is reprisals. Walzer argues that belligerents may on occasion lawfully carry out reprisals provided they successfully persuade their adversaries to abstain from perpetrating the unjust actions that provoked the reprisals.⁶⁵ The second is the notion that non-combatant status may be waived in extraordinary circumstances.

⁶² Walzer, *Just and Unjust Wars*, 138.

⁶³ See also Robert L. Holmes, *On war and morality* (Princeton University Press, 2014).

⁶⁴ See Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975).

⁶⁵ Walzer, *Just and Unjust Wars*, 207-224.

According to Walzer, there are instances when the danger posed by war demands the employment of tactics specifically prohibited by the 'war convention'.⁶⁶ When two criteria are met, an emergency becomes paramount. To begin, the threat must be immediate. The term 'imminence' has two meanings in this context. On the one hand, the threat must be current and genuine; the fear of future harm is not adequate.

The threat's nature is the second factor of extreme urgency. During times of conflict, every nation thinks it is confronted by an existential threat. This, however, is insufficient. According to Walzer, the threat must be 'unique and frightening'; in other words, it must strike humanity's consciousness.⁶⁷ As Walzer states, the majority of conflicts are not about defending 'ultimate ideals.' Nations only confront a supreme emergency when defeat would result in the extinction of a political body or its way of life.

Walzer illustrates his idea by referring to Britain's decision to begin attacking German population centers. Walzer believed that Nazism constituted the supreme emergency, but his explanation of the decisions to bomb German towns is founded on two simple fictions that he admits as such. The first is that Britain fought alone against Germany in the second part of 1940.⁶⁸ Second, Walzer maintains that Britain's only option in the closing months of 1940 was to conduct a strategic bombing of cities.⁶⁹

At the start of the war, there was still a marked contrast between how politicians and the general public perceived area bombing and how air-power planners viewed it. While some politicians and members of the general public expressed concerns about its ethics and agitated for worldwide prohibition, a common understanding developed among strategists that area bombing was the most effective way to employ strategic air power and was morally preferable

⁶⁶ Ibid., 251.

⁶⁷ Ibid., 253.

⁶⁸ This is absolutely untrue. Both Terry Nardin, *Law, Morality, and the Relations of States*. (Princeton, N.J.: Princeton University Press, 1983), and Brian Orend, *Michael Walzer on War and Justice*. (Montreal Que.: McGill-Queen's University Press, 2000) have made this argument.

⁶⁹ A lengthy discussion of this subject was made by Grayling, *Among the Dead Cities*, 32-164.

to prolonged slaughter in the trench warfare.⁷⁰ The widespread acceptance of this perspective casts doubt on the key tenet of the ‘supreme emergency’ argument, namely that area bombing represented itself as the sole way to respond to the terrible emergency induced by Hitler’s hegemony in Europe. Area bombing was the very first, not the final, option for many air strategists.

Prior to 1939, area bombing was a pillar of British strategic thought. Strategists argued that bombing enemy cities would ultimately save lives by eliminating the necessity for trench warfare. Hugh Trenchard, the RAF’s first commander, was also a strong proponent of area bombing. Following the First World War, Trenchard stated that Germany was spared from demolishing industrial centers only by a lack of resources.⁷¹

Trenchard contended that attacking the opponent’s military made no sense as it included strikes on the enemy’s ‘strongest point.’ He contended that the air force should be directed against the opponent’s economic and residential centers in order to disrupt output and morale.⁷² Trenchard was well aware of the ethical and legal consequences of terror bombing. Indeed, he acknowledged that it was contrary to the principles of humanity to bomb a city indiscriminately for the sole goal of terrorizing the civil population.⁷³ However, in a phrase that became a popular justification for British bombing campaigns during the war, Trenchard contended that, because a state’s industrial base defined its military capability, bombing directed at ‘dehousing’ manufacturing workers was legal and legitimate, and that ‘moral effect’ (undermining popular will) was an inevitable consequence of a legitimate operating condition.⁷⁴ In other words, the moral impact considered necessary for victory would be a

⁷⁰ Ward Thomas, “Victory by Duress: Civilian Infrastructure As a Target in Air Campaigns.” *Security Studies* 15, no. 1 (2006): 1–33.

⁷¹ Charles K. Webster, Noble Frankland, *The Strategic Air Offensive against Germany : 1939-1945*. History of the Second World War; United Kingdom Military Series. (London: Her Majesty's Stationery Office, 1961), 46.

⁷² Phillip S. Meilinger, “The historiography of airpower: Theory and doctrine.” *The Journal of Military History* 64, no. 2 (2000): 481.

⁷³ Webster, *The Strategic Air Offensive against Germany*, 74.

⁷⁴ *Ibid.*

byproduct of strikes on valid military objectives (industries and workers' homes). This phony double-effect argument was originally proposed in 1928, when the British armed services' high command convened an investigation into the legitimacy of area bombing. The report concluded that assaults against industrial, economic, and military sites within German cities aimed at undermining worker morale were absolutely acceptable targets of aerial bombardment that should be treated as regular acts of war.⁷⁵

Trenchard's ideas were also supported by non-RAF strategists. Although he had little visible direct influence on RAF thought during the inter-war years, Giulio Douhet, the pre-eminent thinker of air superiority during the inter-war years, was a fervent supporter of area bombing. Douhet concurred with Trenchard's opinion that future conflicts might be won only by aerial superiority. He claimed that the only way to destroy an industrialized state was to crush the enemy populations will to fight.⁷⁶

Douhet denied that this method of bombing was cruel. Instead, he advanced a straightforward utilitarian defense of terror bombing, claiming that fortunately, the outcome will be swift. since the decisive strikes will be focused at civilians, the weakest link in the countries at war. Additionally, Douhet claimed that the difference between combatant and non-combatant made little sense in industrialized nation-state warfare.⁷⁷

Although he later opposed terror bombing of German towns, owing in part to his relatively favorable opinion of Hitler, British strategist Basil Liddell Hart had previously adhered to Douhet's notion that area bombing might help decrease overall war deaths.⁷⁸ According to Liddell Hart, a future European conflict modeled after the First World War will

⁷⁵ Richard Overy, "Allied bombing and the destruction of German cities." *A World at Total War : Global Conflict and the Politics of Destruction, 1937–1945* (Cambridge: Cambridge University Press, 2004), 277-296.

⁷⁶ Douhet, *The Command of the Air*, 57-58.

⁷⁷ *Ibid.*, 14.

⁷⁸ Robert H. Larson, and John J. Mearsheimer, "Liddell Hart and the Weight of History." *The American Historical Review* 96, no. 1 (1991): 171.

result in the collapse of Western civilization.⁷⁹ By putting the industrialized nations' capabilities against each other, conventional warfare will only become more devastating. According to Liddell Hart, the objective was to discover and strike the opponent's weak areas. The lessons of the First World War indicated that the civil population's will to fight had been the weakest link. Thus, if a segment of the population can be demoralized, the collapse of its desire to resist pushes the entire population to capitulate.⁸⁰

As with Douhet, Liddell Hart claimed that ethical arguments against area bombing were incorrect since the overall harm caused by this form of conflict would be less than the harm caused by a replay of the First World War. In other words, global conflicts eliminated the barrier between fighters and non-combatants.

According to Walzer, a state of "supreme emergency" is a moral catastrophe in which political leaders may be obliged to behave inappropriately due to a pressing need. This conventional sense of "supreme emergency" refers to a catastrophic conflict between what is essential and what is moral, as described by Ignatieff and others.⁸¹

As a result, for classic realists, need and right are complementary rather than adversarial in a tragic conflict. 'Right' does not prevail over necessity. Politicians, on the other hand, must choose between many sets of ideals. They are comparing one set of values (say, national security) against another when they apparently prioritize necessity above right (for example, non-combatant immunity). Only when society or leaders determine that something is worth fighting for, acts become imperative. Political leaders are given 'special permissions' to behave in ways that are usually banned in such instances.

⁷⁹ Liddell Hart, *Paris: Or, The Future of War* (New York: Garland Pub, 1972), 10.

⁸⁰ *Ibid.*, 27.

⁸¹ See Michael Ignatieff, *The Lesser Evil : Political Ethics in an Age of Terror*, The Gifford Lectures, (Princeton: Princeton University Press, 2005); and Oren Gross, "Chaos and Rules: Should Responses to Violent Crises Always Be Constitutional?" *Yale Law Journal* 112 (2003): 1011–1134.

In conclusion, the history of the Second World War demonstrates that, within liberal societies, “supreme emergency” does not constitute a license for the intentional murder of non-combatants, but rather a license to define the standards of double effect more liberally.

Nuclear era

At the end of World War II air Force officials, like the majority of the American population, supported using the atomic bomb on Hiroshima and Nagasaki, but not because they wanted uncontrolled devastation of Japan - or even because they believed the attacks were essential to finish the war. The Army Air Forces (AAF) were satisfied that traditional strategic bombing, largely conducted at night by B-29s packed with incendiaries, had effectively forced the Japanese surrender.⁸² Indeed, the Air Force’s support for the atomic bombings was motivated more by planned measures of the other US military forces than by enemy activities. The Air Force, paradoxically, backed the bombs since they appeared to accelerate the war’s conclusion and prevented the rest of the US military from sacrificing hundreds of thousands of American lives in a needless invasion of the Japanese islands.

While the majority of just war philosophies prohibit attacking an opponent only for the sake of vengeance, an eye-for-an-eye attitude sometimes attracts proponents. The truth remains that one of President Truman's arguments for dropping the atomic bomb was that the Japanese initiated the war by attacking Pearl Harbor from the air.⁸³ This vindictive attitude was also widespread among the general public, maybe as a result of Truman's influence, and the Air Force acknowledged this reality.

First and foremost, air chiefs supported the nuclear bombings because of their vengeful mindsets toward Japan; second, and perhaps more notably, they believed that it would prevent countless numbers of young American soldiers from dying as a result of stubborn invasion

⁸² Bret J. Cillessen, “Embracing the Bomb: Ethics, Morality, and Nuclear Deterrence in the Us Air Force, 1945-1955.” *Journal of Strategic Studies* 21, no. 1 (1998): 97.

⁸³ Paul Boyer, *By the Bomb's Early Light : American Thought and Culture at the Dawn of the Atomic Age*. (Chapel Hill: University of North Carolina Press, 1994), 12.

plans of those leaders who were uninitiated in the catechism of aerial bombardment; and third, and also most importantly, they backed the nuclear bombings merely because their Commander instructed it.

According to the AAF, the nuclear bomb did not spark any type of ethical revolution - or even that much of a military revolution, for that matter. "Air leaders understood that they had an opportunity to place combat on a more affordable, logical, and reasonable foundation," according to Ira Eaker.⁸⁴

Morris Janowitz argued that many reasons prevented the nuclear bomb from bringing about an overnight transformation in the face of war, according to air chiefs who were educated to be realists and who had access to knowledge that the general population did not have.⁸⁵ When it came to restrictions in the early years of the atomic era, the shortage of bombs, the scarcity of qualified atomic air force pilots and specially adapted bombers, and the length of time it required to transport and build atomic weapons were at the top of the list of issues.

Because Air Force officials did not see a military transformation in 1945, it stands to reason that they did not detect a moral shift at the same time. In response to the question of whether he recognized any moral difference between fire bombing attacks and nuclear bombings, the retired Ira Eaker answered that there was no difference.⁸⁶ When it came to other Air Force leaders, most prominently Carl Spaatz and Curtis LeMay, they were as ready to point out that the consequences of nuclear bombings were identical to those of World War II incendiary strikes, as well as the fact that they were equally legitimate.⁸⁷ According to LeMay the mass killing of noncombatants was not a revolution of strategic nuclear bombings because such devastation has occurred throughout history whenever a city had been sacked, despite the

⁸⁴ Cillessen, *Embracing the Bomb*, 99.

⁸⁵ Morris Janowitz, *The Professional Soldier : A Social and Political Portrait* (New York: Free Press, 1974).

⁸⁶ Cillessen, *Embracing the Bomb*, 100.

⁸⁷ Ibid.

fact that the essence of twentieth-century conflicts blended civilian population with military and industrial targets.⁸⁸

For example, one of the reasons why Air Force officials thought that the United States' military requirement was always ethical and moral because they believed that America was a completely fair society. Air chiefs elevated America to a religious status, treating a strategic air force like it was a religion. Officers frequently used religious terminology and saw their conflict with the Soviet Union as a prophecy of the end of the world. Because the United States was their last measure for goodness on this planet, the state defined what was right and what was wrong for these individuals.⁸⁹

By the end of the very first nuclear decade, in late 1954, atomic abundance, hydrogen bombs, Communist stockpiles, and effective delivery technologies had driven the Air Force to declare a military transformation before the general public. The failure of nuclear arms control diplomacy, the expansion of Communism, the Berlin Blockade, Soviet nuclear development, and the Korean War all served to persuade air representatives that their 1945 perceptions were correct: powerful deterrence continued to work, and anything considered necessary for military purposes during war - including the use of atomic weapons in a restricted, conventional conflict - was not only reasonable, but also morally essential. And, throughout this early decade, the Air Force participated carefully in the public discussion over atomic weapons out of a concern for its image as well as a sense that it was the right course of action for the United States of America.

To summarize, the Cold War required Western Democratic societies to learn to live with atomic weapons, trusting in their strategic potential to conduct a glorious global war with tyranny while the developed world remained unstable. Everyone was a combatant in this highly

⁸⁸ Ibid.

⁸⁹ Les K. Adler, and Thomas G. Paterson. "Red Fascism: The Merger of Nazi Germany and Soviet Russia in the American Image of Totalitarianism, 1930's-1950's." *The American Historical Review* 75, no. 4 (1970): 1046-64.

militarized society since there were no civilians or battlegrounds in the conventional military perspective. For the early planners, atomic fear from the sky became the necessity of victory, allowing the Free World to instantly annihilate the adversary without suffering with acceptable degree of damage. Meanwhile, the Soviet elites created their own images in the context of the Cold War. They saw the strategic bomber armed with atomic weapons as their only hope against the imperialist capitalistic enemy's misdeeds.

Chapter 3. *Jus in bello* and *Jus ad bellum* in modern warfare

Today, the ethics of war is a thriving field of research with an ever-increasing influence on public debate and decision-making in world politics. And although the normative discourse of war has existed for a long time, traditional concepts (pacifism, militarism, realism, the theory of just war), upon closer examination, turn out to be not so obvious and constant. In addition to moral assessments, numerous socio-cultural and historical factors, stereotypes of mass consciousness and the interests of political elites, collective ideas and myths of historical memory have left their imprint on modern ideas about war. The trend of globalization of wars and risks raised the question of the possibilities of a “new” ethical paradigm, capable of answering the question of what principles can ensure the integration of a modern global society, which is characterized by a variety of worldviews and value pluralism.

The classical theory of just war is built on the postulation of principles that encompass two main normative areas: *jus ad bellum* (“the right to war”) and *jus in bello* (“law in time of war”). From a formal point of view, as pointed out by Nicholas Fotion, a theory is a list of criteria (“check-lists”), subject to which a war can be a relatively fair thing.⁹⁰ *Jus ad bellum* describes a set of conditions under which the outbreak of war can be considered normatively permissible. These include the principles of just cause, legitimate authority, good intentions, probability of success, proportionality, and an understanding of war as a last resort. As for the principle of just cause, the most important of them, the following cases are considered as legitimate reasons for the outbreak of wars: defensive war, aid to an ally, humanitarian intervention aimed at ending civil wars or changing an aggressive regime, as well as combating terrorist threats.⁹¹

⁹⁰ Andrew Valls, *Ethics in International Affairs : Theories and Cases*. (Lanham, MD: Rowman & Littlefield, 2000), 28.

⁹¹ See Bruno Coppieters, Carl Ceulemans, and N Fotion, eds. *Moral Constraints on War : Principles and Cases* (Lanham, Maryland: Lexington Books, 2020).

Jus in bello describes the rules for the use of armed forces during the conduct of hostilities based on the principles of proportionality of the means used, discrimination and “double effect.” This means, for example, that civilian casualties and any other harm caused by war cannot be blamed on the combatants, unless the harm was caused by their deliberate efforts.

The elements of the theory are related to each other, so their significance can only be assessed as a whole. For example, the principle of good intentions is assessed against the background of the principle of just cause. Intentions are good if they contribute to the observance of the principle of a just cause (for example, when returning an enslaved people to their original territory). Likewise, both the probability of success and the principle of proportionality must take into account the benefits and costs of war. Upon closer examination, it can be stated that in the considered moral theory, two fundamentally different interpretations coexist. The principles of *jus ad bellum* have a normative source in pacifism, with its quest to end violence. However, unlike pacifism, the supporters of this theory are convinced that violence can only be stopped by violence. The second part of the *jus in bello* theory is the legacy of militarism and is expressed in the fact that in this part war and violence are morally justified from the standpoint of justice.

The most common argument against the postulates of a just war is based on the fact that, according to opponents, this theory is not a very successful attempt to synthesize deontological and pragmatic criteria, pacifist and militaristic ethics.⁹² It is easy to see that by combining the ideas of war and justice, we get conflicting and inconsistent conclusions. It turns out that the theory of “just war” can simultaneously act both as a prohibition on excessive violence and as its justification. Hence, contradictions inevitably arise in the understanding of the main basis of this theory - the principle of justice. Since actions should be assessed from

⁹² Ibid., 75.

the standpoint of the principles of *jus ad bellum* and *jus in bello*, in this respect three situations are logically possible when the actions of a state are fair in two aspects (both in relation to *jus ad bellum* and *jus in bello*), in which either one aspect of *jus ad bellum* or *jus in bello*, or none of them. Therefore, it is logical to assume that failure to comply with one group of principles cannot be compensated for by the implementation of other principles. The implementation of the principles of just war implies adherence to both the rules of *jus ad bellum* and the postulates of *jus in bello*, from which there can be no deviations. However in reality there are always many exceptions to this rule.

On the one hand, the implementation of the principles of *jus ad bellum* should exclude a situation when both opposing sides have grounds equal in their normative strength for waging a just war, since there is always a “moral asymmetry” between the actions of the aggressor and the resistance of the victim, between the actions of a tyrannical government committing war crimes against the civilian population, and the activity of those who by force of arms prevent genocide. However, in reality, as demonstrated by Carl Schmitt, the use of moral rhetoric and the very concept of justice does not lead to a peaceful settlement of military conflicts, but entails the dehumanization of the enemy and contributes to the intensification of the tension of confrontation.⁹³ Anyone who claims absolute justice and denies it to others is taking a step towards escalating violence.

Schmitt’s realistic argument remains relevant today. Today, when military clashes are no longer knightly tournaments or duels, which are fought according to the rules of honor, the postulate of the limited use of force is finally losing its significance. The main forms of modern conflicts are no longer wars of sovereign states, but humanitarian interventions and the war on terror.⁹⁴

⁹³ Arseniy Kumankov, "Humanism as Casus Belli: Carl Schmitt’s Critique of Just War Theory." *Sociological Review* 14, no. 4 (2015), 77.

⁹⁴ Mona Fixdal, and Dan Smith, "Humanitarian intervention and just war." *Mershon international studies review* 42, no. Supplement 2 (1998): 283-312.

In the interests of this endless war with an undefined adversary, not only all known norms of international law can be violated, but also the principles of *jus in bello*. The just war theory, according to most of its theorists, may be used to justify torture, the use of drones, illegitimate imprisonment and targeted killings without trial and investigation.⁹⁵ By asserting that human rights are the main meaning and justification of war, we thereby proclaim some higher moral value, for which it is worth fighting. But since the interpretation of these rights, as well as the ways of reacting to their violation, is assigned to well-defined actors, human rights turn into a kind of militant moralization or religious belief.

In his classic work, Michael Walzer developed the well-known concept of the highest danger, which allows one to discard the usual restrictions of both the principles of *jus ad bellum* and the principles of *jus in bello* which allows a conflict to transform to Clausewitzian absolute war. According to Walzer, the carpet bombing of German civilian targets during World War II, which often made no sense, was justified on the grounds that Nazism posed “the greatest danger.”⁹⁶ The problem is that the criterion for determining the degree of the totality of evil remains very vague. Instead of Nazism, one can put anything here (terrorism or religious fundamentalism, for example). The danger lies in the fact that those people who call themselves terrorists and also proclaim the highest religious values, act as equal forces with other participants in conflicts. In this case, the war becomes a clash of two total value systems, and acquires an eternal and insoluble character.

As a result, just war theory finds itself in a state of deep crisis, because from a means of limiting violence, this concept becomes a means of justifying war in the name of human rights and building a “democratic world.” The ideologically inspired discourse of national exclusivity and the unidirectional military-humanitarian actions undertaken by the United

⁹⁵ B.N. Kashnikov, “The theory of just war as war and justice of the global world” *Military legal journal*. No 3. (2014): 25.

⁹⁶ Michael Walzer, *Just and Unjust Wars : A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006), 274.

States in the international arena are evidence of the danger of this doctrine. In addition, the constant revision of the theory, carried out by various modern authors, becomes additional evidence of the ambiguity and inconsistency of the declared statements. As practice has shown, the list of principles justifying violence has been expanding all the time, while the list of constraints has practically remained unchanged. Unfortunately, we also have to admit that cases of constructive use of just war theory are rather rare exceptions. In practice, exactly the opposite is observed. For example, when George W. Bush was the Republican Administration Representative under President Richard Nixon as the US Ambassador to the United Nations, he condemned India's humanitarian intervention in East Pakistan, consistently championing a US foreign policy line that was deeply rooted in a realistic worldview. But 20 years later, as Bruno Coppiters points out, after becoming President of the United States, George W. Bush justified military action against Iraq, by relying on the theory of a just war.⁹⁷

It should be noted that the idea of a moral limitation on war does not have to be expressed in terms of justice. For example, Immanuel Kant avoided using the concept of "justice" in relation to war, believing that this term contains moral discrimination that can lead to increased hostility. Enlightened states can conflict and fight among themselves, while maintaining mutual respect and the desire for peace. Kant argued that perpetual peace is possible because the republican structure of states and the desire for mutually beneficial cooperation make war an extremely meaningless occupation.⁹⁸ Unfortunately, Kant's project turned out to be untenable. In the twenty first century, the world is plunged into numerous conflicts. The very nature of the war has also changed. According to Martin Van Creveld, modern wars are increasingly losing their "Trinitarian character", that is, hostilities are no longer conducted by independent states, which, as Carl von Clausewitz argued, are a form of

⁹⁷ Coppiters, *Moral Constraints on War*, 372.

⁹⁸ Immanuel Kant, "Toward Perpetual Peace: A Philosophical Sketch." In *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, edited by Pauline Kleingeld, (Yale University Press, 2006), 67-109.

unity of government, army and people (“the government rules, soldiers fight and die, people pay and suffer”), but by isolated subjects from this triad, which deprives the concept of war of its former certainty. “Non-trinitarian types of wars, known collectively as ‘low intensity conflicts’, destroy the traditional distinction between the army and the population” according to Martin van Creveld.⁹⁹ Under these conditions, the subtle division between the army (combatants), on the one hand, and the population, on the other, inevitably disappears, which contradicts one of the fundamental principles of a just war.

The wars of the postmodern era are increasingly leveling out other conventions of wars of past eras: the difference between war and peace; government military institutions and private military corporations; violent and non-violent actions as means of waging “hybrid wars”; civilians and combatants who, depending on the interests of the international community, can be qualified in very different ways (“rebels”, “revolutionaries”, “terrorists”, “moderate opposition”, “separatists”). The technologies of “hybrid wars” are gradually undermining the thesis about the justice of a defensive war. Just as a criminal can provoke a victim to resistance, interpreting one’s actions as a manifestation of aggression, and the state, using provocative strategies of “indirect actions” as a set of measures of a social, political, informational, non-violent and even criminal nature,¹⁰⁰ can create appropriate conditions for objectionable governments. Under those governments retaliatory steps will be considered as a legitimate reason for an invasion, and in the absence of conventional approval, armed confrontation with them will continue in other formats of “low-intensity conflicts” - hidden wars, guerrilla wars, “asymmetric wars”, as well as the so-called “proxy war”. These proxy wars or/and asymmetric wars, according to Karl Deutsch, are international conflicts between two countries that are

⁹⁹ Martin Van Creveld, *Transformation of war* (Simon and Schuster, 2009), 119.

¹⁰⁰ Russell W. Glenn, “Thoughts on hybrid conflict.” *Small Wars Journal* 2, no. 1 (2009): 1-8.

trying to achieve their own goals through military operations taking place on territory and using the resources of a third country to cover the resolution of the same country's internal conflict.¹⁰¹

¹⁰¹ Andrew Mumford, *Proxy warfare* (John Wiley & Sons, 2013), 13.

Chapter 4. Obscure boundaries. Combatant vs. non-combatant in modern conflicts

Air warfare has experienced exponential advancement, as evidenced by recent combat operations. This is due to a number of factors, including the speed with which the interference was carried out, the potential to strike distant targets (thanks to in-flight refueling), and the ability to reduce the attacker's casualties (thanks to the aircraft's limited vulnerability against a low-tech enemy and the use of UAV's). Because of public opinion's reluctance for participation in financially costly and deadly battles, this latter asset has become increasingly important. Air warfare, however, does have a significant financial cost owing to, among other things, the rapid degradation of the equipment.

Regardless of the opposite practice during the World War II, the concept of differentiation has a well-established conventional position in modern times, and airstrikes are no exception.¹⁰² No State has ever contested its binding nature, and it has been included into nearly every military guide and booklet.¹⁰³

In December 1969, the United Nations General Assembly unanimously approved Resolution 2444, which clearly acknowledges the concept of civilian immunity as well as its supporting principle demanding involved factions to maintain a constant distinction between non-combatants and combatants. During Mission Allied Force in the former Yugoslavia, NATO spokesman Jamie Shea stated in a conference that customary international law demands fighters to make a distinction between soldiers and civilians at all instances and to conduct their

¹⁰² Robert Cryer, "The Fine Art of Friendship: 'Jus in Bello' in Afghanistan." *Journal of Conflict and Security Law* 7, no. 1 (2002): 37–83.

¹⁰³ Such as the 1992 German Joint Service Regulations: *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford: Oxford University Press, 1999); the 1976 USAF Pamphlet: *International Law : The Conduct of Armed Conflict and Air Operations* (Washington: U.S. Dept. of Defense, Dept. of the Air Force, 1976); the 1998 USAF Intelligence Targeting Guide: *United States Air Force (Usaf) Intelligence Targeting Guide* (Washington, D.C.: United States Air Force, 1998); the 2002 US Joint Doctrine for Targeting: *Joint Doctrine for Targeting* (Washington, D.C.: Joint Chiefs of Staff, 2002); And the 2004 UK Manual of Armed Conflict Law: *The Manual of the Law of Armed Conflict* (Oxford: Oxford University Press, 2004).

actions solely toward military objectives.¹⁰⁴ NATO General Secretary George Robertson then announced that the alliance's aims were only military in nature and did not include civilian or urban targets.¹⁰⁵ Iraqi and Yugoslavian objections about the United States and its allies' attacks on civilians also show the influence of judicial system on the binding nature of the concept of distinction, even if the two nations ultimately disregarded the norm.

Civilians near military targets are often no coincidence. In 2003, Iraqi authorities stationed anti-aircraft weapons in civilian population centers and military troops took over residential neighborhoods, storing weapons and equipment in clinics, classrooms, and mosques.¹⁰⁶ However, the fact that the opponent purposefully moves civilian population nearby military objectives as shields, does not exempt the attacker from adhering to the principle of distinction, even if, under customary international law, the responsibility for putting civilians at risk might well fall on the targeted belligerent.¹⁰⁷ Recent experience, nevertheless, demonstrates that the presence of civilians close to military objectives, even if forced, does not dissuade assaults against them: such operations are legal as long as the concept of proportionality between collateral harm and acquired military advantage is observed.¹⁰⁸ For example, the Taliban utilized the town of Ishaq Suleiman to conceal their artillery and tanks: despite their location, the vehicles and equipment remained approved military objectives, according to a Pentagon spokeswoman.¹⁰⁹

Allowing civilians to undertake military-related activities and employing them in theater of operations is becoming more common. Examples include specialists and attached

¹⁰⁴ Amnesty International, *Nato/Federal Republic of Yugoslavia : "Collateral Damage" or Unlawful Killings? : Violations of the Laws of War by Nato during Operation Allied Force*. (New York, N.Y.: Amnesty International, 2000), 14-15.

¹⁰⁵ Adam Roberts, "Nato's 'humanitarian war' over Kosovo." *Survival* 41, no. 3 (1999): 112.

¹⁰⁶ Bonnie Lynn Docherty, and Marc E. Garlasco, *Off target: The conduct of the war and civilian casualties in Iraq*. (Human Rights Watch, 2003), 67-9, 72-8.

¹⁰⁷ Yoram Dinstein, "The laws of air, missile and nuclear warfare." In *Israel Yearbook on Human Rights, Volume 27 (1997)*: 9.

¹⁰⁸ Fleck, *The Handbook of International Humanitarian Law*, 163.

¹⁰⁹ John Donnelly, and Anthony Shadid, "Civilian Toll in US Raids Put at 1,000." *Boston Globe* 17 (2002).

reporters, whose roles are becoming increasingly essential as a result of contemporary warfare's increased technological sophistication and the press's relevance. They cannot be labeled as human shields because they are not compelled to do so. However, in bombing missions, it would be nearly impossible for the aircrew or commander to determine whether such individuals were non-combatant or combatant and to discriminate between the two prior to or during the assault. This raises the question of whether and to what degree civilians doing military-related tasks should be included when determining whether collateral damage is disproportionate in light of the concept of proportionality. Regarding so-called quasi-combatants (e.g., those employed in arms manufacturing), they retain their civilian character since they are not directly involved in hostilities: the war may be won merely by defeating the opponent's combatants, regardless of the enthusiasm of its weapons producers. Thus, it is permissible to attack a weapons factory when and where civilians work (assuming that this does not violate the concept of proportionality), but employees cannot be bombed at home just because they assist the enemy's war operations indirectly.¹¹⁰

Transformation of war

In the essay *What's in a War?* Etienne Balibar explores why the concept of a "War on Terror" has generated much conceptual difficulty in a literature that attempts to address it in terms of "war".¹¹¹ The confusion occurs because scholars who believe that America's "War on Terror" (a war fought largely through the deployment of military drones) departs from the basic concept of war concentrate little on its substance.

Agreeing with Balibar, I contend the notion that drone warfare requires a reinterpretation of conventional conceptions of war is valid only insofar as that "tradition" is defined. By defining warfare in this manner, these thinkers adhere to Carl von Clausewitz's

¹¹⁰ Marco Roscini, "Targeting and Contemporary Aerial Bombardment." *The International and Comparative Law Quarterly* 54, no. 2 (2005): 419.

¹¹¹ Etienne Balibar, "What's in a War? (Politics As War, War As Politics)." *Ratio Juris* 21, no. 3 (2008): 365-86.

“traditional” conception of war as a duel involving two opponents, each attempting to coerce the other to own will.¹¹² Drone warfare requires a rethinking of traditional concepts of war, particularly Clausewitz’s view of war as a duel.

I want to bring attention to a few issues that arise when defining war and its heritage in this approach. The first one is that, because the traditional conception of conflict as a duel requires the physical clash of armed forces, historic military acts of violence have likewise followed this structure.

A second issue is how the adoption of Clausewitz’s term as a conceptual framework has resulted in a ‘very limited conception of war as a conventional military confrontation between nations’, as Mark Neocleous puts it.¹¹³ According to Neocleous, this so-called conventional view of war as a duel has not only limited scholarly research and analysis of war to a set of explanatory notes belonging to Clausewitz, but has also fostered a hypothetical environment in which colonial violence is marginalized or even completely overlooked as an irritating misrepresentation.¹¹⁴ One can see how this elimination is accomplished by the frequent reference to Clausewitz by researchers seeking to contrast between previous wars (which are ostensibly Clausewitzian) and present warfare (which are not).¹¹⁵

Another related problem is the fundamental point that theoretical frameworks of war may be objectively accepted as analytical instruments for classifying and categorizing state aggression. As colonialism’s background illustrates, frameworks whose goal is to normalize one form of organized state violence as “ideal type” conflicts while identifying, categorizing, and routinely ignoring others as “something other than war” are neither neutral nor objective. To the contrary, exactly because these frameworks had an ideological purpose in bracketing a

¹¹² Carl von Clausewitz, and J. J. Graham, *On War* (Apostrophe Books, 2013), 75.

¹¹³ Mark Neocleous, *War Power, Police Power* (Edinburgh: Edinburgh University Press, 2014), 5.

¹¹⁴ *Ibid.*, 5-6.

¹¹⁵ Herfried Münkler, *The new wars* (Polity, 2005); Martin Van Creveld, *The Transformation of War: The Most Radical Reinterpretation of Armed Conflict Since Clausewitz* (New York: The Free Press 1991); Mary Kaldor, *New and Old Wars : Organised Violence in a Global Era*, 3rd ed. (Newark: Wiley, 2013).

whole history of military violence – through rebranding conflicts as “little wars,” “counterinsurgency,” “policing,” and “peacekeeping” – they require critical engagement.

Finally, due to a lack of critical understanding of the substance of previous war traditions, many researchers who criticize drone warfare frequently do so by referring to a romanticized picture of prior conflicts. Consider Chamayou’s several references to how, with the introduction of drone weaponry, war degenerates into murder, slaughter, hunting — a phrase that indicates a degradation or distortion of war from its earlier, nobler manner of existence.¹¹⁶

Drones in asymmetric warfare.

The first decade of the XXI century is marked by the intensification of the processes of forming a fundamentally new picture of the world, the vector of which is determined by the desire of the political and economic elites of the leading powers to globalize all segments of people's life. Representatives of the elite circles are looking for new ways to maintain their political dominance and economic power on the planet. This is manifested most clearly during periods of crises in individual societies of a political, economic, social, environmental, informational and military nature, which cause an increase in dangers and threats to regional and interregional interaction of states.

The aggravation of international competition for the possession of sales markets, natural, technological, human, information and other resources leads to an intensification of the struggle of the world powers for the establishment of control over the strategic regions of the planet. The struggle takes place in complex political “battles” of states, in which the conversation from a position of strength is still the last, and, as practice shows, the most effective argument of politicians. This requires constant improvement of force support for the

¹¹⁶ Grégoire Chamayou, *A Theory of the Drone*, Translated by Janet Lloyd, (New York: New Press, 2015), 91, 156, 162.

political course of any country, which is expressed in the development of new military equipment, combat control technologies, new methods of demonstrating military pressure on opponents, and the search for means of its implementation in the parameters of modern politics.

At present, the best forces and minds of mankind are involved in the invention, creation and production of innovative types of weapons and military equipment, and the development of methods for their use. Their appearance changes the content of political dialogues about peace and war, the relations of the opposing sides, theoretical ideas about military force and the prospects for its development.

It is likely that the creation of a qualitatively new weapon by any of the countries can radically change the degree of its political pressure on alleged opponents. Moreover, the desire to create such weapons is observed in the actions of the leaderships of many countries of the world, especially from the point of view of discussions about the loss of the relevance of the use of nuclear potential as the most radical way of resolving conflicts of any nature.

Economically developed countries are not only carrying out a continuous military-technical revolution but have also reached the line of revolution in military affairs. A new colossal leap is taking place in the development of armaments and, as a result, in the forms and methods of armed struggle and war as a whole. On the horizon are not only a new period of wars of high-tech weapons, but also a period of devaluation of the role of nuclear weapons, and a significant release of man and manpower in general from participation in armed struggle.

According to various estimates, from 30 to 50 countries around the world produce and use unmanned aerial vehicles. The United States remains the largest player (over 30% of the entire market for unmanned aircraft).¹¹⁷ The United States is also the world leader in the use of UAVs. After the exhausting wars in Afghanistan and Iraq, the leitmotif of public sentiment in

¹¹⁷ Teteruk, and Chizhevsky, "Unmanned aerial vehicles in asymmetric conflicts." *International processes* 14, no. 2 (2016): 192.

the United States was to abandon the fight against terrorism at the cost of American lives and significant budgetary expenditures. Against this backdrop, drones have become a central element of US military strategy.¹¹⁸

The arguments of the supporters of the use of UAVs are that the latter allow minimizing losses among both the military, since they are controlled from command posts located thousands of kilometers away,¹¹⁹ and among the civilian population.¹²⁰ At the same time, the ethical problem associated with their application, also finds its resolution. UAV operators can make more humane decisions than a soldier in the line of fire precisely because they are not physically present in the war zone. Reduced stress levels, lack of influence of the instinct of self-preservation, reduced exposure to strong emotions that can lead to wrong decisions presumably allow UAV operators to act more rationally.¹²¹

Supporters of the use of drones point out that this type of weapon has already become an integral part of armed conflicts, just as it once happened with other types of weapons (small arms, nuclear). It represents a new stage in the linear historical trend of increasing the distance between the soldier and his adversary.¹²² As Ronald Arkin states, the use of drones reduces the risk of unauthorized use of weapons, since drone strikes are easily tracked and recorded, which contributes to greater accountability.¹²³ Their maintenance requires fewer resources than using traditional military equipment.¹²⁴ Meanwhile, the state bears an obligation to its citizens for the most efficient use of the collective resources entrusted to it.

¹¹⁸ During the 2012 presidential elections in the United States, both Obama and Romney confirmed that the main tactical weapon of the United States in the long-term struggle against terrorism is the even more active use of UAV's used for the targeted elimination of militants. See Tom Roberts "The irresistible attractions of drones." *National Catholic Reporter*. Vol. 49 Issue 2. (2012): 13.

¹¹⁹ Mary Ellen O'Connell, "Remarks: The resort to drones under international law." *Denver Journal of International Law & Policy* Vol. 39. (2011): 585-600.

¹²⁰ Leon Panetta, "US Airstrikes in Pakistan called very effective", CNN, 18 May, 2009.

¹²¹ Bradley J. Strawser, "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles." *Journal of Military Ethics* 9, no. 4 (2010): 345.

¹²² Jai Galliot, *Military robots: Mapping the moral landscape* (Routledge, 2016), 44.

¹²³ Ronald C. Arkin, "The Case for Ethical Autonomy in Unmanned Systems." *Journal of Military Ethics* 9, no. 4 (2010): 332-41.

¹²⁴ Galliot, *Military robots*, 46.

The use of drones in asymmetric warfare in response to terrorist activity is becoming an integral element in the arsenal of developed countries. Such operations are driven by the need to respond to modern threats and unconventional methods of warfare, but as a result, the boundaries of the use of force are significantly blurred. Given the fact that UAVs have been used in military operations since the 1980s, it is highly likely that targeted operations to eliminate terrorists in the near future will remain one of the most common methods of warfare.

Eliminating terrorists without endangering the lives of military and civilians enhances the sense of security. Therefore, at the level of basic ideas, society should approve of the use of UAVs in armed conflicts. Consistent with this logic, in the states of the Middle East, Africa and South Asia, which rely on the military power of the United States to fight terrorism, it would be logical to expect that the population would welcome the use of drones. In practice, this assumption usually turns out to be incorrect. Citizens of countries in which drones operate show a very negative attitude towards them.

In September 2012, a team of researchers from Stanford Law School and New York University School of Law prepared the report *Living Under Drones*.¹²⁵ In the course of the study, more than 130 Pakistani residents living in the northwest of the country were interviewed in order to identify their attitude to the use of UAVs by coalition forces in these areas. From the polls it followed that due to frequent airstrikes, the population of the territories was in a state of severe post-traumatic stress. The constant fear of bombing led to the fear of gathering in groups for various social events (holidays, funerals, meetings of tribal leaders).¹²⁶

The position of the European allies of the United States regarding their use of drones also remains controversial. The EU leadership, in rare statements on the topic of UAVs, notes that it does not consider the legal grounds on which the position of the United States is based

¹²⁵ International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law, *Living Under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan* (2012).

¹²⁶ Ibid.

to be legitimate. Moreover, there is a widespread belief in the EU that the use of lethal force outside of active combat zones remains an exceptional measure that can only be justified by the presence of a serious and immediate threat.¹²⁷ According to Pew Research Center polls, in 2012 44% of the UK population supported the use of drones, while in Spain the same figure was only 21% (while support among Americans was at 62%).¹²⁸

The condemnation of the US policy on the use of UAVs in Muslim countries is so great that it led to massive demonstrations that escalated into pogroms and thereby threatened the stability of the new regimes that emerged during the Arab Spring. Unmanned aerial vehicles provoke public discontent, which helps terrorist organizations to recruit new members. This circumstance allowed the *New York Times* to state that ironically drones became the main incentive for encouraging terrorists to take up arms, although Guantanamo Prison had successfully coped with this in the past.¹²⁹ The number of people killed as a result of suicide attacks, whose actions were provoked by hatred in response to the use of UAV technology, is comparable to the number of deaths as a result of airstrikes.¹³⁰

Ensuring legal regulation of the use of UAVs turns out to be extremely difficult, which raises many questions from human rights defenders. The most acute debate remains regarding the very right of the state to kill a person on the territory of another country without the appropriate permission of its authorities and the conditions under which such a right can be exercised.

At the same time, it is widely believed that the killing of alleged terrorists should be interpreted as law enforcement activity against criminals,¹³¹ and not as a military action or part

¹²⁷ Anthony Dworkin, *Drones and Targeted Killing : Defining a European Position*. Policy Brief / European Council on Foreign Relations. (London, U.K.: European Council on Foreign Relations, 2013), 8.

¹²⁸ Pew Research Center, *Pakistani Public Opinion Ever More Critical of US*, July, 2012.

¹²⁹ Jo Becker, and Shane Scott, *Secret Kill List Proves of Obama's Principles and Will*, The New York Times, May, 2012.

¹³⁰ Douglas A. Pryer, "The Rise of the Machines." *Military Review* 93, no. 2 (2013): 5.

¹³¹ See Steven Groves, *Drone Strikes : The Legality of U.s. Targeting Terrorists Abroad*. Backgrounder, No. 2788. (Washington, D.C.: Heritage Foundation, 2013).

of a combat operation. In the United States, the CIA, not the Department of Defense, is responsible for most of the drone campaigns.¹³² However, if drone strikes are carried out by other agencies than the military, they fall under civil law. In this case, the use of the UAV can be classified as political assassination, which is prohibited by international law. This argument, in turn, is leveled by the primacy (from the point of view of the United States) of national American legislation over international, which also gives rise to many legal conflicts when analyzing the practice of using unmanned aerial vehicles.

To sum up, the claim that technological improvements help people make “better decisions” is based on two false assumptions. One is that technology can distinguish between combatants and non-combatants, which is a crucial distinction under International Humanitarian Law. In asymmetric circumstances, such differences are ambiguous and can only be adequately resolved via substantial legal and ethical arguments, rather than advanced technology. Individuals who place explosives in Afghan communities are appropriate military targets, as most would argue. However, as the International Committee of the Red Cross observed in its meetings with legal experts, the validity of many other targets is less obvious. The legal and moral definitions of involvement (direct or indirect) in hostilities, as well as the statute of limitations on people’s previous engagement, are legal and moral issues that cannot be answered by the employment of UAVs or precision weaponry alone.

A second erroneous assumption is that technological advancements can restrict such high goals as “eliminating evil”. Even under the best of circumstances, determining proportionality is difficult due to the difficulty of differentiating combatants from civilians and predicting military advantage in relation to civilian harm. When aims are defined in such broad terms, military advantage may be applied to virtually anything, and almost everything can be

¹³² Greg Miller, *CIA remains behind most drone strikes, despite effort to shift campaign to Defense*. Washington Post. November, 2013.

justified as a tactical strike. This is particularly true when evaluations of collateral damage and risk to US military troops are reduced, the same two factors that previously limited military action in the previous UAV free times.

Military personnel have employed UAVs and precise technology in a variety of ways to improve intelligence gathering. This is undoubtedly beneficial in enforcing discriminatory and proportionality standards. I don't want to imply anything other. However, I do want to emphasize that the sheer employment of certain technology in military operations does not establish ethical or legal legitimacy on them; men, not the technologies themselves, make these determinations. The greatest threat, according to security studies, is a misguided sense of security. An incorrect feeling of moral validity can also lead to a harmful lack of attention when it comes to ethical and legal issues.

There might be another method to respond to the rising and often ignorant use of such technology, one that is not specifically addressed in this piece but is supplementary to the argument. The idea that technologies are politically neutral and normatively indifferent is a relatively recent development of modernity, particularly American modernity. This concept leads to the conclusion that utilizing technology eliminates ethical concerns. On the other hand, one may argue that technology is indeed and always has been political.¹³³ In summary, such a proposition would assist us avoid becoming focused on military technology capabilities and instead center our attention on their failure to solve moral and legal challenges.

¹³³ Donald A. MacKenzie and Judy Wajcman, *The Social Shaping of Technology : How the Refrigerator Got Its Hum* (Milton Keynes: Open University Press, 1985), 121-136.

Chapter 5. Theoretical debates on the Use of Drones

Recent decades have witnessed a significant increase in the amount of scholarly material produced on unmanned aircraft. The growth in the use and effect of drones across a wide range of military activities has been accompanied by an increase in the amount of academic studies being conducted to try to answer some of the important concerns posed by these weapons systems. The growth is not only in terms of quality, but also in terms of diversity: by now, drones have appeared as a topic of discussion in a wide range of academic fields, like security studies, philosophy, politics, geography and sociology, among others. Drone warfare raises a number of issues, including: the normative challenges that arise as a result of the radical imbalance in the battlefield;¹³⁴ the illegal and political status of stealthy drone operations performed by non-military organizations such as the CIA;¹³⁵ the hostile biopolitics that reinforce the lethal targeting of alleged terrorists;¹³⁶ the technological fetishism that characterizes government narratives about drone weaponry;¹³⁷ and the racist implications and dissenting views that undermine U.S. drone programs.¹³⁸

The issue of the emergence of the drone warfare has been approached in a variety of ways, however there are only few attempts in the scholarly works to contextualize drone violence in connection to earlier practices of air power violence such as “obliteration bombing” and “supreme emergency”. This does not rule out the possibility of a completely historical perspective on the armed drone; nevertheless, the typical method of facing such a past is with a passing gesture rather than thorough examination. This is because the common view among

¹³⁴ John Williams, “Distant intimacy: Space, drones, and just war.” *Ethics & International Affairs* 29, no. 1 (2015): 93-110.

¹³⁵ Benjamin McKelvey, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power.” *Vand. J. Transnat'l L.* 44 (2011): 1353-1384.

¹³⁶ Kiarina A. Kordela, “Monsters of Biopower: Terror(ism) and Horror in the Era of Affect.” *Philosophy Today* 60, no. 1 (2016): 193-205.

¹³⁷ Jeremy Packer, and Josh Reeves, “Romancing the drone: Military desire and anthropophobia from SAGE to swarm.” *Canadian Journal of Communication* 38, no. 3 (2013): 309-331

¹³⁸ Marina Espinoza, “State terrorism: orientalism and the drone programme.” *Critical Studies on Terrorism* 11, no. 2 (2018): 376-393.

researchers has been that drone-based violence is a relatively new phenomena, and they have handled it as such. Labeled “drone warfare” because of its novelty, it is seen as a condition of violence that rejects military tradition and fundamentally departs from notions that have long been regarded as being intrinsic to the very conception of “war” itself. While this claim of originality is a key and repeating theme in the literature, it has also not been scrutinized. I will now discuss Grégoire Chamayou’s work *A Theory of the Drone* which defines the drone’s discontinuity.

According to Chamayou, a significant issue for researchers examining current patterns of drone violence is that certain activities lie beyond the realm of conventional methods of conceptualizing war. As a result of this break, drone warfare generates various crises of intelligibility that cannot be handled by conventional conflict frameworks.¹³⁹ When it comes to characterizing drone attacks, fundamental terminology and ideas such as “battlefield,” “combat,” and “combatants” become dramatically twisted or even useless. Chamayou’s conceptual difficulty, then, comes as a result of the discontinuity between drone warfare and prior modes of comprehending and theorizing war.

According to Chamayou, the uniqueness of drones is that they effectively eliminate the capacity of one of the conflicting parties to physically fight the other’s aggression. This technological capability of drones results in a fundamental change, as war ceases to be a reciprocal relationship of violence, or at least ceases to have a minimal potential of being such. By obliterating reciprocity, he adds, the drone has thrown the whole concept of “war” into disarray. This transformation is so profound, according to Chamayou, it calls into question even metaphysical conceptions relating to conflict.

However, exactly because it is presented as a preliminary assumption, this type of statement regarding the drone’s uniqueness not only remains untested, but also underlies

¹³⁹ Chamayou, *A Theory of the Drone*, 14, 99.

Chamayou's whole theoretical explanation. This may be seen in the way Chamayou observes earlier that by completely separating combat experience from the paradigm of face-to-face fighting, war becomes something very detached. War devolves into massacre or hunting. One no longer confronts the opponent; rather, one removes him, like one does with rabbits.¹⁴⁰

As previously stated, this method is far from unique to Chamayou's work but rather illustrates a common theoretical stance in the literature, which opposes the use of war's conceptual lexicon as a theoretical paradigm for examining drones' non-reciprocal aggression. For instance, Paul Kahn argues in his examination of what he refers to as "riskless warfare" that labeling war as "riskless" creates an underlying paradox because "combat is not war at all" without the application of equal risk.¹⁴¹ Christian Enemark makes a similar argument, observing that when a manner of murdering is risk-free for the individual perpetrator, it is worth questioning whether "war" is taking place at all.¹⁴² Enemark continues by stating that while the characteristics of war may vary through time, the nature of war is unchanging: war, in order to be war, must be a fight.¹⁴³ As with Chamayou, both Kahn and Enemark view reciprocity as an essential prerequisite of conflict. Due to the fact that the weaponized drone eliminates this requirement of reciprocity entirely, academics who take this stance conclude that an armed conflict in which one side utilizes drones is something other than warfare.

Drone warfare theories are generally developed in two stages. The first step involves debating the appropriateness of the term "war" as a theoretical framework for understanding modern usage of armed drones: could drone attacks be qualified as war?¹⁴⁴ As I have shown,

¹⁴⁰ Ibid., 91.

¹⁴¹ Paul W. Kahn, David Luban, William A. Galston, and Verna V. Gehring, *The Paradox of Riskless Warfare*. Philosophy & Public Policy Quarterly, Vol. 22, No. 3. (College Park, Md.: School of Public Affairs, University of Maryland, 2002), 4.

¹⁴² Christian Enemark, "Drones, Risk, and Perpetual Force." *Ethics & International Affairs* 28, no. 3 (2014): 366.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

the majority of drone warfare theorists answer negatively to this question, claiming that the non-reciprocal character of drone attack essentially contradicts conventional notions of war.

Simultaneously, these theorists believe that a negative characterization of drone warfare is not a war but only temporary measure to conduct violence and to participate in conflicts. According to Enemark, the conceptual gap caused by the rise of drone warfare requires a further level of study, which unavoidably entails resolving Chamayou's introductory question: if the "war of drones" is no longer truly warfare, what type of "condition of violence" is it?¹⁴⁵

This analytical need to identify the nature of drone warfare has resulted in the acceptance of different theoretical approaches other than war with the goal of providing a more realistic explanation of present behaviors including the deployment of armed drones. One such scenario is what Chamayou refers to as "cynegetic war," or warfare conducted in the manner of hunting. If the armed drone changes the performance of war, Chamayou believes it does so by realizing the cynegetic warfare objective of non-confrontation with killing and dominance without actual conflict.¹⁴⁶

This notion that violence done by armed drones is more equivalent to murder than combat is also important to the interpretations of other opponents who refer to drones as highly technological killers.¹⁴⁷ Calhoun, in particular, takes a very similar approach to Chamayou, defining drone warfare largely in terms of its discontinuity from traditional combat. Calhoun writes in her book *We Kill Because We Can* that those who are adamantly opposed to the deployment of armed drones see a divide between previous and contemporary military tactics.¹⁴⁸ Additionally, she adds that while war has always entailed the deliberate planned

¹⁴⁵ Chamayou, *A Theory of the Drone*, 14.

¹⁴⁶ Grégoire Chamayou, "The manhunt doctrine." *Radical Philosophy* 169, no. 3 (2011): 4.

¹⁴⁷ See Laurie Calhoun, *We Kill Because We Can : From Soldiering to Assassination in the Drone Age*. (London: Zed Books, 2015), and Andrew Cockburn, *Kill Chain : Drones and the Rise of the High-Tech Assassins*. (London: Verso Books, 2016).

¹⁴⁸ Calhoun, *We Kill Because We Can*, 5.

death of groups of people, drone warfare is novel in that it includes the deliberate, premeditated assassination of single individuals.¹⁴⁹

The latter observation indicates that Calhoun's method has significant parallels with Chamayou's. To begin, drone weaponry creates a set of inconsistencies (moral, legal, political, tactical, and historic) with “traditional” combat for both of them. These inconsistencies, in turn, make conceiving of drone strikes as military operations problematic, if not impossible. Moreover, both Chamayou and Calhoun argue that manhunting and assassinations are preferable models for comprehending the monopoly of violence indicated by drone warfare.

This monopolization of violence has also resulted in the establishment and popularization of a third, related paradigm — specifically, the conceptualization of drone strikes as law enforcement rather than military operations. A famous example of this technique is Kahn's study of “riskless warfare”. By conceptualizing “policing” as a regime of violence theoretically and materially separated from term “war”, Kahn suggests that one way to resolve the paradox of “riskless warfare” is to conceptualize asymmetrical conflict as a transformation from warfare to policing.¹⁵⁰ Unlike Chamayou and Calhoun, Khan, does not believe that one-sided armed confrontations are inherently bad.¹⁵¹ According to Kahn, the issue is rather one of confusing conventional battlefield morality with the right morality for current, international policing. If the military is involved in policing, it must reconsider its terms and conditions.¹⁵² Khan praises the move from combat to policing because he believes that one result of an unequal power to deploy force might be a self-imposed commitment to rigorously stick to legal objectives limitations.¹⁵³ According to this logic, the deployment of armed drones heralds a morally advantageous development: By taking the asymmetry of military conflicts to its actual

¹⁴⁹ Ibid., 33.

¹⁵⁰ Kahn, *The paradox of riskless warfare*, 4.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid., 6.

extremes, drone warfare enhances the prospect of war being tempered by the (more limited) system of ethics of policing.

The scholars have addressed the unpredictability of drone violence in a variety of ways, including policing, assassination, and manhunting. It is worth noting that, while each of these paradigms has its own conceptual uniqueness, they also are closely intertwined. For example, manhunting and assassinations are both linked forms of violence, as assassination requires a type of search aimed at locating and murdering the targeted individual. Similarly, manhunting is a critical component of policing. As Tyler Wall observes in his criticism of the repurposing of unmanned aircraft for domestic enforcement, police drones underscore unmanning police search, that basic activity that gives the police authority.¹⁵⁴

The popular objections to drone warfare always center on the widely held perception of drones as a military weapon capable of deadly targeting of specific individuals. This is unsurprising, given that these weapons have become the primary tool used by the US in its “War on Terror”. Thus, the US UAV program is organized discursively around the concept of “targeted killings”: Its declared mission is to track down, apprehend, and assassinate people suspected of being terrorists. It is exactly this background of deadly targeting that gave support to critiques such as those by Chamayou and Calhoun. By situating their criticisms inside contexts such as manhunting and assassinations, Chamayou and Calhoun are able to uncover and criticize the deadly counterterrorism rationale that underpins contemporary usage of armed drones. However, in doing so, they – and other critics who take a similar approach – unintentionally contribute deemphasis of the violent phenomena they want to critique.

Drone bombing’s deadly consequences extend long beyond the period of the planned assassination. Not only death, but also life under drones is intolerably violent: in addition to

¹⁵⁴ Tyler Wall, “Unmanning the Police Manhunt: Vertical Security As Pacification.” *Socialist Studies/études Socialistes* 9, no. 2 (2013). 34.

murder, drone strikes mutilate and dismember the bodies of bystanders, who must continue living with those injuries; they damage property, displacing people; the strong presence of drones disrupts daily life, contributing to the social degeneration of targeted areas; and promote a continuous fear of drone attacks. These are only some of the deadly consequences of drones that manhunting and assassination frameworks cannot adequately account for. I say “adequately”, since it should not be assumed that skeptics who subscribe to these frameworks ignore these larger violent consequences. However, they do so indirectly, as they perceive violence as being beyond the intended aim and purpose of UAV weaponry. Chamayou's analysis illustrates this indirect method in disputing the argument that drone bombardment is less brutal than previous aerial bombardment campaigns due to its accuracy.¹⁵⁵

Chamayou's conclusion is both appealing and problematic.¹⁵⁶ It is appealing because it successfully criticizes the counter-terrorist reasoning of deploying drones to assassinate targets: When contrasted to other tactical options, drone attacks are the most lethal. At the same moment, it is problematic since Chamayou characterizes the drone as a “assassin-drone,” a weapon whose brutality is defined entirely in terms of its ability to murder specific targets. While important, Chamayou's perspective creates two simultaneous issues. To begin, if we characterize the drones only from a perspective of the counterterrorist tactic for which it is being deployed, we epistemically minimize the brutality of drone attacks by making “targeted murders” the sole lens through which such violence can be understood. Second, the weapon's shape is significant, as it reveals the essential similarities that connect current drone usage to colonial air force tactics. When drone strikes are contextualized within the older violent legacy of aerial bombing, it is demonstrated that their larger non-fatal consequences are as much an element of how the weaponized drone operates as its deadly violence. Chamayou's fear is that

¹⁵⁵ Chamayou, *A Theory of the Drone*, 140-141.

¹⁵⁶ *Ibid.*, 141.

a reference to earlier types of aerial bombardment may lead to the perception of drone strikes as advancement. The type of logic that underpins such an assessment is dependent on a subsequent reduction in related activity. In this example, the reduction resembles the form of characterizing drone attacks as isolated acts of violence. However, the perception of drone attacks from the ground is not one of quick violent actions interwoven with intervals of non-violence. The devastation and suffering left in the aftermath of a drone strike, as well as the terror associated with living in a world defined by constant drone attacks, point instead to a protracted and structured practice of violence, the horrors of which extend further than the instant violent impacts of a single strike.

To summarize: because of their philosophical attachment to discontinuity, drone opponents frequently overlook the tactical and technological lineage of these weapons of mass destruction. While manhunting and targeted killing are beneficial images for debating the strategic rationale for the US implementation of drones in Iraq, Afghanistan, Pakistan (as well as Israel's mobilization of UAVs in Palestine),¹⁵⁷ they continue to frame drone violence almost solely in terms of targeted killings strategy. By adhering to the policy's discursive constraints, manhunting and targeted killing do not substantially undermine the mainstream narrative where the drone is portrayed as a weapon meant to kill specific individuals. Indeed, by adopting these frameworks, critics have unintentionally reinforced that narrative, by assigning an important authenticity to the drone and its violence – for example, “assassin-drone” or “hunter-drone” – that equates to the concept that these arms are first and primarily accurate weapons of war.

¹⁵⁷ Michael L. Gross, “Fighting by Other Means in the Mideast: A Critical Analysis of Israel's Assassination Policy.” *Political Studies -Oxford-* 51 (2003): 350–68.

Conclusion

The risk of allowing judgments of a technology's conceptual capabilities to correlate with how this would, or, more importantly, should, be used is demonstrated by the air power scenario. Not only are these technical evaluations likely to be wrong in significant ways, as they were for proponents of the "war economy", but the combination of capabilities and practical use gives them an undeserved moral weight. Researchers start to contextualize controversial ethical questions about human intention and responsibility, as evidenced most egregiously by the manner air power adversaries and morale bombing believers transformed knowledge that air power could target civilians. Unfortunately, we can see this trend among even some of the most articulate and passionate participants in the drone warfare ethical discussion. Upcoming drone capabilities are even more loaded with the risk of allowing expected technology capabilities to drive the ethical debate.

New challenges over suitable methods may be the ones most prominently highlighted by an emerging military technology but focusing too much on them will just feed into the recurrent tendency in conflict to reinterpret originally restricted aims to match existing military forces and technology. In the case of air power, a concentration on the technically achievable approach of bombing cities flowed into vague and exaggerated notions of what war can and should achieve, such as the destruction of opponent's will to fight. With such unachievable goals as a guide, it became increasingly possible that, in addition to the unavoidable uncertainties, war agents would be persuaded to turn promising new methods into objectives in and of themselves. Indeed, opponents are concerned that the amount of impunity granted to combatants by drones may make it too simple to go to war, leading to lazy thinking about who needs to be targeted and how their deaths will help achieve the righteous goals intended.

The rationale for air power suggests that we shouldn't ignore the *jus ad bellum* issues that drones may cause. Given the temptations they frequently bring, and the way they might

destabilize our capacity to think clearly about the aims of war, the topic of why we fight becomes even more relevant. In what precise method should a weapon be used to achieve just goals? Is the new weapon's capabilities changing how we think about goals in the first place? These considerations, rather than leading us down an epistemological rabbit hole, must drive our war ethics, especially in the face of potentially revolutionary developing military technologies.

What happens when war breaks out? Efforts must be taken to combat what, in the case of air power, was a propensity to overestimate military need, putting people and civilian infrastructure in risk. Just war theorists may need to constantly concentrate on tightening the borders between combatant and non-combatant, and potentially even enlarging the latter's sphere, at least in talks about drone warfare emergence. Even when just war theory is applied, the very military technologies that are ostensibly meant to adhere more and more to its principles cannot be allowed to blunt the critical edge we require when considering the ethics of warfare. The instance of air power is a stark warning of what might happen if they don't.

The points I make here in this work are not really meant to argue that drones shouldn't be used to fight wars; rather, they are meant to emphasize the need to adapt our violence ethics to account for the technological benefits (and downsides) of drones. Terrorism and the omnipresence of wars engaging with non-state actors have altered the environment in which we analyze the classic norms of the just war tradition, and the rising use of drones should do the same. As drone technology becomes more integrated into military tactics, assuming that they are just like any other weapon and thus do not pose a threat to how just war fundamentals are understood is to understate their actual implementation and postpone what must be an unavoidable renegotiation of just war fundamentals.

The ethical issues addressed in this thesis are not the culmination of the subject; rather, they serve as a starting point for further research. On one hand, with breakthroughs in drone

technology leading the way, automation might be the next military revolution. Imagining a series of scenarios in the not-too-distant future, we may see how our understanding and implementation of just war principles can change. Experts expect the ultimate creation of a fleet of UAVs capable of staying overhead for up to five years and enabling fast armed responses throughout the world, which would constitute an increasing web of surveillance sites. This would ostensibly make it easier to combat terrorism and maintain the responsibility to protect possible standards, while also decreasing the value of state sovereignty. Will all countries, however, consent to such a drone distribution? Is such a network usable by any state or group of states? What criteria should be implemented? Such modern drones would, presumably, cut collateral harm significantly. Would they make conventional military techniques, such as the deployment of bombs and missiles, obsolete?

On the other hand, limited violence in contemporary asymmetric conflicts still hasn't reached its breaking point. War on terror could be an obvious example of how boundaries have been blurred between combatant and non-combatant forces. Even though that precise bombing or targeted killing decreased the number of involved objects collateral damage caused by armed drones is still inflicting varieties of casualties among civilian populations starting from Post-Traumatic Stress Disorder and ending with different types of mutilations of the human body, let alone death.

The erasing of history, the horrific consequences, and the casualties of drone bombardment all operate in tandem. Its theorists are able to limit the historical viewpoint taken on military drones to one that deals only with the history of manhunting and not with a history of air power by excluding any examination of the specific means employed in modern manhunting. Similarly, reducing the history of UAVs to a narrative about manhunting encourages a dissociation from what is unique about the weaponized drone and its brutality — drones are typically mixed with other manhunting tools and presumed to be similar to them. A

history of manhunting describes the weapon employed in modern manhunts as the “hunter-drone” and the “assassin-drone,” frequently disguising its historical nature as the “bomber-drone” and the “terror-drone,” as explored by military thinkers and critics. Finally, these erasures seek to preclude members of the targeted communities from becoming drone victims. People who live beneath drones, who are traumatized psychologically and physically, whose houses are damaged, and whose lives are ruined, are rarely mentioned in manhunting narratives - until they are murdered. Their statements are critical in understanding what drone strikes are, what they do, and who they are used against, but they are ignored. Hence this work raises a set of forthcoming questions: how should we evaluate combatants and non-combatants in modern asymmetric warfare, how do we evaluate the rules of contemporary “acceptable” warfare, and what moral and ethical issues do drones generate in potential conflicts?

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