

CRITICAL DEBATE ARTICLE

The bureaucratization of war: moral challenges exemplified by the covert lethal drone

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Abstract

This article interrogates the *bureaucratization* of war, incarnate in the covert lethal drone. Bureaucracies are criticized typically for their complexity, inefficiency, and inflexibility. This article is concerned with their moral indifference. It explores killing, which is so highly administered, so morally remote, and of such scale, that we acknowledge a covert lethal *program*. This is a bureaucratized program of assassination in contravention of critical human rights. In this article, this program is seen to compromise the advance of global justice. Moreover, the bureaucratization of lethal force is seen to dissolve democratic ideals from within. The bureaucracy isolates the citizens from lethal force applied in their name. People are killed, in the name of the State, but without conspicuous justification, or judicial review, and without informed public debate. This article gives an account of the risk associated with the bureaucratization of the State's lethal power. Exemplified by the covert drone, this is power with formidable reach. It is power as well, which requires great moral sensitivity. Considering the drone program, this article identifies challenges, which will become more prominent and pressing, as technology advances.

Keywords: *bureaucracy; covert lethal drones; Central Intelligence Agency; democracy; terrorism; war*

This article considers some of the moral problems which follow from bureaucratization of the State's lethal power. Speaking of bureaucratization, it identifies operations embedded in the secretive agencies and undeclared bureaus of the political administration. These operations, though highly administered, are seen to be insufficiently attentive to moral ideas. The covert lethal drone program

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exemplifies such operations, and points to moral challenges that will only become more prominent, pressing and complex with the advance and proliferation of technology.

Speaking at the National Defense University at Fort McNair on Thursday, May 23, 2013, President Obama acknowledged covert drone operations outside declared war zones. The President acknowledged civilian deaths; the inevitable entailment of covert strikes. And, though the President spoke of a diminished terrorist threat, he made it clear that the covert lethal drone program would remain intact.

Flown typically by civilians of the Central Intelligence Agency, covert lethal drone operations are seen to yield strategic advantage at negligible cost. Unlike the Special Forces soldiers, who would otherwise carry out targeted killing, the civilians who fly secret robotic missions bear no evident physical risk. Their victims are ambushed, innominate screen images who cannot fight back. The bureaucracy deploys the drone to kill, without seeming consequence. But, there is significant moral risk and cost.

The employment of covert lethal drones by the United States was pragmatic, a comprehensible case of post September 11 dirty hands. The continuation of these operations appears less vindicable. The United States must now set the security offered by covert drones, against the critical human freedoms they efface. The balance struck will define the justice the United States and her allies might hope to uphold and advance. For this reason, policy concerning covert lethal drone operations concerns all nations.¹

Exploring the operation of covert lethal drones, this article looks past questions concerning military action or international law, which have been characteristic of public debate. Analysis does not concern the *jus in bello* challenges of military drones. Neither is the focus of discussion on the problem of covert political assassination, which in the aftermath of terrorist attacks on the Pentagon and the World Trade Center, has a new allure and complexity. Rather, this article confines its attention to problems entailing from the *bureaucratization* of lethal force. Discussion is not about selective or occasional political assassination; specific murders, which might be justified when a single homicide avoids wholesale war. This analysis is about the bureaucratization of covert killing, political execution, killing which has become so highly administered and organized, so impersonal and morally remote, and of such a scale, that we acknowledge a covert lethal drone *program*. The idea of a program is significant, since it references a schedule, a pattern of killing reduced by 'the system' to hum-drum routine, and exemplified by:

A *New York Times* report (which) showed a president who had weekly meetings with his advisors on 'Terror Tuesdays' to look at profiles of terror suspects much as one would flip through baseball cards, and 'nominate' people (the article says, 'without hand wringing') to be on a kill list.²

This article peers behind the façade and gloss of political respectability, and behind the routine of schedules and systems. It explores the democracy's use of force as a consequential expression of democracy. Killing by covert drone is killing in the name of the State. But, immersed in the secret bureaucracy, lethal power is without moral

sensitivity. This discussion observes how, concealed by officialdom, killing by covert drone is killing without justification, without judicial oversight, and without the informed public debate, which is critical to the collective democratic conscience. This article seeks to inform the perspective of all of us who are isolated by the political bureaucracy from the deadly force applied, outside the framework of law³ in our name. It does not address remote and abstract philosopher's questions, but rather asks questions which must be answered, if democracies are to exert constructive influence as the agents of global justice.

THE BUREAUCRATIZATION OF WAR

Speaking of bureaucratization, this article identifies operations entrenched in the political establishment. These operations are purposeful, scheduled, and highly organized; yet they are insufficiently attentive to moral ideas. Covert lethal drone operations exemplify such operations.

Covert lethal drones epitomize the evolution of State-sanctioned lethal force. Conspicuously, drone missions have changed the face of warfare. Less evidently, covert lethal drones threaten the democracy they are supposed to defend, and the ideals they are supposed to protect. Hidden from scrutiny by the mechanisms of official secrecy and dissimulated by bureaucratic routine, the drone menace is misjudged.

Concealed by technology's veneer and bureaucracy's methodical order, *sub rosa* drone strikes appear clinical. Together, ingenious instrument and bureaucratic mechanism cast an anodyne camouflage over deathly force. Programmed and scheduled: technology conforms to bureaucratic habit. The bureaucracy plans, forecasts, orders events and measures results. Killing becomes less intensely human and less patently moral.

The covert drone exemplifies the attenuation of moral reasoning when schemes become programs, and programs routine. The covert drone illuminates the moral lacuna that divides standard operating procedures from individual decision and discernment. The drone highlights the dehumanizing attention, which is paid to detailed metrics such as cost or technological effectiveness. This is what happens when civilian contractors or non-commissioned and non-elected officials manage departments and the process of killing on behalf of the State. Bureaucracies are often criticized for their complexity, their inefficiency, and their inflexibility. This article is most concerned with the bureaucracy's indifference and moral unconcern.

In *The Trial*, Kafka captures bureaucracy's insupportable moral unresponsiveness. Kafka reveals the hallmarks of bureaucracy at its worst: remote and unapproachable, cold-blooded and unstoppable. In a telling passage, Kafka criticizes the secrecy and concealment, which is 'an essential part of the justice dispensed here that you should be condemned not only in innocence but also in ignorance'.⁴ Unfolding the futility of human resistance, Kafka apprehends bureaucracy as an unsafe reason and a poor excuse. Dirty hands are not cleaned merely because evil conformed to bureaucratic convention.

Speaking at the National Defense University, President Obama acknowledged the lethal reach of drone technology. And, though President Obama claimed the drone program conformed to the highest standards, political practice does not dispel doubt. Observing the moral jobbery of contemporary public life, Thomas Pogge wrote:

Moral language is all around us—praising and condemning as good or evil, right or wrong, just or unjust, virtuous or vicious. In all too many cases, however, such language is used only to advance personal or group interests.⁵

Pogge draws attention to play politics where moral language is a cover for wrongdoing, cunning and realist convenience. At the same time, he sheds light on the moral frailty of the covert lethal drone *program*. By its nature, such a program is bureaucratic. The program is deep-rooted within the established structures and procedures of government, judged by quantitative metrics and invisible to public scrutiny. Nowhere does the covert drone program call upon personal rectitude, which Pogge points out is merely occasional in public life. Immersed in the establishment, the covert drone exemplifies lethal power without moral sensitivity.

THE COVERT DRONE PROGRAM

Before Al Qaeda's attack on New York and Washington, the United States denounced Israel's targeted killing of Palestinian terrorists. The US Ambassador to Israel, Martin Indyk, said 'The United States government is very clearly on record as against targeted assassinations', which he described as 'extrajudicial killing'.⁶ This posture changed dramatically following the September 2001 terrorist attacks. Since this time, State-sponsored assassination, described euphemistically as targeted killing, had become an official US policy.⁷

Implemented through the Predator and Reaper drone platforms, the strategy of covert targeted killing uses private contractors for various tasks, including flying the drones. This targeted bureaucratized program (identified in this article as the covert lethal drone program) runs in parallel to drone missions flown by the US military (identified in this article as military drones). But, though technically similar, the two programs are philosophically different. Military personnel fly military drones, in declared war zones against recognized military objectives. Military drones are a mechanism of conventional war, not materially different from any weapons system where lethal force is applied with precision from an extended range. As a stand-off weapons system, drones are necessary since, as Hans Morgenthau said, in some cases we deem it necessary to fight.⁸ But more particularly, military drones enable a certain mode of fighting. We seek precision weapons—like military drones—because we wish to fight with exactitude and thus reduce risk to non-combatants. We seek weapons of extended range—also like military drones—so as to safeguard the soldiers who defend our societies. Military drones then are not remarkably different from any other weapons system operated by uniformed personnel in declared war zones.

The bureaucratic program of remote controlled assassination is quite a separate thing. Operated covertly by the Central Intelligence Agency against suspected

terrorists, and beyond the boundaries of declared war zones, the program was initiated by the Bush Administration and has since been expanded under President Obama.⁹ Hidden away in the corridors of political power, this program has become habit, a custom. As bureaucracy's rococo routine conceals the moral gravity of decisions; within the labyrinth, people become insufficiently attentive to the decisions they make.

DRONES, BUREAUCRACY, AND MORAL RESPONSIBILITY

Drone operations are not, of and in themselves, unethical. But drone operations are ensnared in bureaucracy, and the bureaucratization of killing is problematic. Entwined in officialdom; the lethal power of the State is ungoverned by foundational moral ideas. And, with their moral acumen tranquilized by the bureaucracy's procedural regimen, individuals exercise the State's lethal force without compassion or compunction. Bureaucrats reduce blood shedding to a routine. When these people pass verdicts of life and death, the potential for abuse and overreach is beyond calculation.

This section considers the decisions to kill, which are made by people immersed in the political bureaucracy and isolated from the point-blank moral intensity of battle. For them, exercising the State's lethal power has become unproblematic and devoid of moral concern. Their victims are dehumanized by a 'political label' as 'terrorists'¹⁰ and executed by remote control. Yet, though mechanized and impersonal—killing by drone is still killing, and it must not be immoral or without moral concern.

In *Political Action: The Problem of Dirty Hands*, the philosopher Michael Walzer acknowledges utilitarian imperatives. Arguing that 'it is easy to get one's hands dirty in politics and it is often right to do so',¹¹ Walzer describes the political dilemma of moral people confronted by utilitarian pressure. When deeply held moral convictions are confronted by circumstances, Walzer argues that good people will typically accept the utilitarian calculation and try to measure up. Faced with extremity, Walzer argues that in order to do the right thing, good people will commit a moral wrong. The innocent will not remain innocent should they choose to abide by absolute moral principles because, says Walzer, they will fail to measure up.¹²

Confronted by stakes of a significant magnitude, Walzer argues it is right to get one's hands dirty.¹³ But it is not right, Walzer reasons, to dirty one's hands with neither qualm nor moral second thought.¹⁴ His position is pragmatic and prudential. But Walzer is not callous; he is not unrealistically realist, blind to critical human rights and dignities. The argument Walzer makes enables us to see how people who act against deeply held moral convictions might *feel* distress, or even guilt, whilst not actually *being* guilty. Walzer illuminates the moral challenge faced by those who find themselves confronted by dilemma, and forced to 'weigh the wrong (they) are willing to do in order to do right'.¹⁵ Spelling out the problem of dirty hands, Walzer identifies a moral awareness and insight, which is not conspicuous amidst the pressures of politically realist bureaucracy.

Walzer argues that when the consequences of not acting are 'beyond calculation, immeasurably awful ... (amounting to) evil objectified in the world ... a threat to

human values so radical that its imminence would surely constitute a supreme emergency'¹⁶ then deep moral convictions must be overridden in the pursuit of a greater good. But Walzer does not suggest that no attention should be paid either to justice or injustice, to kindness or cruelty. Walzer does not believe that good effects inevitably justify reprehensible action.

Walzer acknowledges moral standards, which might be overridden in only indescribably grave circumstances. Walzer advocates the sacrifice of personal goodness, only when there is no other course of action. He allows the mindful, conscious and presumably regretted sacrifice of personal ideals, and argues against the careless wanton abandonment of moral standards.¹⁷ Richly textured and nuanced, Walzer's argument advances powerful claims against the sort of moral insensitivity, which is typical of large-scale bureaucracy. In his text, *Criminal Case 40/61: The Trial of Adolf Eichmann*, Harry Mulisch offers an influential and profound illustration of the evil which follows from morally heedless bureaucratic compliance.

Enumerating the war crimes of Adolf Eichmann, Mulisch explains how 'a dull group of godforsaken civil servants doing their godforsaken duty'¹⁸ turned the bureaucracy into a weapon. Describing an insensitive, process-driven administration, Mulisch coined the term 'psycho-technology'.¹⁹ The term speaks to a quintessentially bureaucratic engrossment with obedience, and to the culpable moral torpor that pervades bureaucratic habit. Eichmann did not get his hands dirty in the way Walzer conceives, because Eichmann was morally oblivious. Insufficiently attentive to moral ideas, Eichmann was tranquilized by bureaucracy's regimen. Similar to bureaucrats everywhere, Eichmann exercised the State's lethal force without compassion or concern, and with a clear conscience.

In her compelling investigation; *Eichmann in Jerusalem*, Hannah Arendt describes how Eichmann, seduced by the Third Reich, was 'not Iago and not Macbeth, and nothing would have been further from his mind than to determine with Richard III "to prove a villain"'.²⁰ Submissive to the bureaucracy, Eichmann's evil was monstrous. But more significantly it was, in Arendt's famous term, *banal*. Eichmann was predictable and conventional: his compliance was ordinary and commonplace. 'He *merely*, to put the matter colloquially, *merely never realized what he was doing*'.²¹ When on trial, Eichmann was described unsurprisingly by his defence as 'only a "tiny cog" in the machinery of the Final Solution (and) in its judgement the court naturally conceded that such a crime could be committed only by a giant bureaucracy'.²²

Acknowledging the suffusive authority of bureaucracy, the court understood what Foucault called the 'subtle, calculated technology of subjugation ... the separation, coordination and supervision of tasks (which) constitutes an operational schema of power'.²³ This was 'panopticism', designed 'to ensure the prompt obedience of the people and the most absolute authority of the magistrates ...'²⁴ which MacIntyre understood to depend for its success upon disguise and concealment.²⁵ Applied through an insidious ensemble of technical interventions, bureaucratic influence commodifies people and dissolves moral autonomy. In bureaucracy, people are valued when their character is inclined toward rule-following.

But Arendt recognizes that bureaucracy does not excuse individuals from moral responsibility. Arendt presumes ideas of virtue ought inform interpretation of laws and regulations. Her analysis reveals how moral thinking is much more than the licit compliance, which is valued in bureaucratic systems. Eichmann's merciless obedience makes clear the limitations of 'the simple principles of the deontologist', which R. M. Hare acknowledged to be a 'prime concern of churches and other "moral authorities"'.²⁶ Depicting Eichmann's moral failure, Arendt underlines Walzer's reasoning that political action should be informed by scruple and moral discernment.²⁷ Her account of Eichmann's moral inanity is shocking. The implication for the contemporary program of CIA murder is appalling. The CIA has secured the background conditions, which make systematized murder by the State seem unremarkable and banal.

In an authoritative investigative text, *The Way of the Knife*, Mark Mazzetti explores the CIA covert drone program. Recalling Eichmann's grotesque delinquency, Mazzetti describes political murder committed without discernment or remorse. Citing Richard Blee, formerly head of the CIA unit tasked with finding Osama bin Laden, Mazzetti describes how selective covert strikes came to be morally vacuous matters of routine. As bureaucratic habit overwhelmed ethical sensitivity, lethal force came to be abused and permission to launch lethal strikes in Pakistan was given, even when American spies were not certain whom they were killing.²⁸ Reliant on notoriously inexact intelligence,²⁹ these so-called signature strikes often resulted in high proportions of non-combatant casualties. Mazzetti quotes Blee:

In the early days, for our consciences we wanted to know who we were killing before anyone pulled the trigger, now we're lighting these people up all over the place.³⁰

Mazzetti reveals how, greased by bureaucratic routine, 'the pistons of the killing machine operate entirely without friction'.³¹ Immersed in the political bureaucracy, people exercise the State's lethal power without qualm, and without a mind to democratic ideals. And critically, as Mazzetti acknowledges, the frictionless bureaucratic mechanism dissolves the fabric of public democracy.³²

DRONES, BUREAUCRACY, AND PUBLIC DEMOCRACY

In *The New Yorker*, Jane Mayer cites Mary Dudziak, a professor at the University of Southern California's Gould School of Law, who argues 'drones are a technological step that further isolates the American people from military action, undermining political checks on ... endless war'.³³ Michael Walzer is similarly disturbed that a civilian intelligence agency wields the State's lethal power in secret.³⁴ Walzer's concern is that people are killed in the name of the United States—and in the name of nations allied to the United States—without any public justification.

Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, tacks a parallel tack. In a study on targeted killings, submitted to the United Nations Human Rights Council on 28 May 2010, he criticized 'the displacement of clear legal standards with a vaguely defined licence to kill, and the

creation of a major accountability vacuum'.³⁵ Alston explained how the legitimate struggle against terrorism has been compromised by a proliferation of wicked acts, routinely explained away by the bureaucratic gloss of legal language, and he protested the failure of governments to:

Specify the legal justification for policies, to disclose the safeguards in place to ensure that targeted killings are in fact legal and accurate, or to provide accountability mechanisms for violations.³⁶

The bureaucratization of drone warfare involves a hefty price, particularly in the corrosion of public democracy. People are isolated by the bureaucracy, from war and from the horrors done in their name. Equally, government agencies are protected by bureaucratic obfuscation and escape the reckoning of public accountability. As William Felice observes, within bureaucracy it is:

Often difficult to attribute moral responsibility to anyone . . . (and where) there is a tendency to deny the responsibility of an individual person, instead attributing blame abstractly to 'the system,' the government, or, 'the State'.³⁷

Political bureaucracy, as Felice depicts it, is a large-scale feature of the contemporary world. Such bureaucracy structures human interaction, and presumes a moral theory in the modes of action and interaction, which it enjoins. Of foundational concern, is the presumption that citizens are rightly disarticulated from political decision; that citizens are merely ruled and no better than indifferent spectators.

C. Wright Mills observed the disenfranchisement that impairs the modern and largely urban bureaucracy. Describing the way that the political bureaucracy manipulates the community, Mills described how 'there is the propagandist, the publicity expert, the public-relations man, who would control the very formation of public opinion in order to be able to include it as one more pacified item in calculations of effective power'.³⁸ He argued that:

The communications which prevail are so organized that it is difficult or impossible for the individual to answer back immediately or with any effect. The realisation of opinion in action is controlled by authorities who organize and control the channel of such action.³⁹

Mills critiques a mode of bureaucratic functioning, which presumes citizens are content to experience political events at an unworried and indifferent distance. He identifies the spin and concoction, which operates to put a *cordon sanitaire* around politics. The people are kept at a safe distance, their engagement in politics regulated by the apparatus and ordinance of the press office. Part of this is political stagecraft, the rehearsed rhetoric that has been a part of democratic life since the Pnyx. But there is a part that is not so innocuous: a part that bowdlerizes public statements and keeps the people silent.

Citizens, of course, do not declare war. They may be able to veto military operations at the ballot box, though usually only after a declared conflict has exacted a terrific cost. Even so, in modern mass democracies, the consent of the people remains a critical condition of war's legitimacy. Such consent will, of course, be influenced by

propaganda and bellicose patriotism as much as by a commitment to the high ideals of justice. But at a critical level, public consent for war depends upon the manifest and meaningful accountability of legitimate authority. The drone campaign, which is concealed by political bureaucracy, fails to meet any standard of accountability.

A different concern about covert drone killings, acknowledges democracy's use of force as a consequential expression of democracy. A democracy should be very mindful of the force it uses at home, and abroad. Speaking against the death penalty, Cesare Beccaria argued in his 1764 *Essay on Crimes and Punishments*, the State ought only go so far. He argued that the State's obligation to maintain order does not mean the State has license to do whatever it wants. The protection of public security does justify some measure of imposition, but 'every act of authority of one man over another for which there is not an absolute necessity, is tyrannical'.⁴⁰ Thus the smallest encroachment beyond that which is strictly necessary is 'abuse, not justice'.⁴¹ Thus, a democratic people will not accept that the State has the power to use force against them in secret, without any measure of accountability. Similarly, a democracy should be circumspect in its use of force abroad.⁴²

But the covert drone program contravenes critical human rights and democratic ideals, and dissipates the integrity of democratic justice. Covert drone strikes are not flown by military personnel in declared war zones. Covert missions do not target identified military targets. Covert drone strikes are mounted against those who are merely presumed to be terrorists; against those who merely look like terrorists, who fit a profile—in the argot of CIA covert strikes—a *signature*. The risks are very great. Since covert operations began in Pakistan in 2004, one estimate is that 780 civilians, including 175 children, have been casualties.⁴³

Sustaining a covert drone program therefore erodes the capacity of a democratic nation to advance global justice. As a *program*, covert drone operations are highly structured and of such a scale that they have become bureaucratized. The inescapable corollary is that decisions to kill are not like the decision soldiers may make to kill an adversary. The drone program makes killing impersonal, a matter of routine. Killing is less intensely and less patently a moral judgment.

The Einsatzgruppen and the crematoria gave pitiless and repugnant expression to the minutes and decisions of political staff, of meetings and committees. Just so, covert drones give lethal effect to the recommendations and determinations of bureaucrats who define the official criteria of signature targets.

THE DANGEROUS CONVENIENCE OF DRONES

Concealed behind the muddiness of bureaucratic language and routine, covert drone killing seems merely expedient and not at all upsetting or shocking. Targets are serviced: problems are solved. On the face of it, justice is served. But without the conscientious and purposeful commitment of the polity, killing is less an act of just war than low murder. Enabled by the bureaucracy and disconnected from the social

conscience, drone killing is effortless—but it is not bloodless, and not without moral significance.

In *Perpetual Peace*, Kant argued powerfully that the democratic state should be less likely to go to war because:

If, as must be so under (the republican or democratic) constitution, the consent of the subjects is required to determine whether there shall be war or not, nothing is more natural than that they should weigh the matter well, before undertaking such bad business. For in decreeing war, they would of necessity be resolving to bring down the miseries of war upon the country. This implies: they must fight themselves; they must hand over the costs of the war out of their own property; they must do their poor best to make good the devastation which it leaves behind; and finally, as a crowning ill, they have to accept a burden of debt which will embitter even peace itself.⁴⁴

Kant understands that democratic citizens, realizing the price to be paid in blood and treasure, will deliberate the necessity of conflict seriously. But, disguised and glossed by the political bureaucracy, covert drone killing seems costless and without moral risk. The citizens are misinformed; they cannot give fully formed consent to the killing committed in their name.

The dissimulation of bureaucratic language is aided and abetted by drone technology. Pioneering technology informs the rhetorical devices which aim to reduce political and societal inhibitions to conflict. Drones are described as ‘unmanned’, ‘robotic’, and ‘remote’. Technological ideas are applied with practiced artifice to amplify the psychological distance, which separates advanced democratic society from the distant impact of Hellfire missiles. Technological language dissolves the human empathy, which should inform the moral calculus of war.

The misappropriation of technical language may bring about more than concern about deceit. Technology, which enables the political bureaucracy to depict drone strikes as clinical, routine, regulated and efficient, may contribute to a public callousness, to a public susceptible to the idea of costless war, and to a public predisposed to tolerate wars waged by the bureaucratic class. In his book, *Wired for War*, political scientist P. W. Singer writes, ‘unmanned systems represent the ultimate break between the public and its military’.⁴⁵ Singer recognizes that a weapons system can shape the viability of military action. But more importantly, he illuminates the way that technology can erode our controlling humanity and moral insight. From this perspective, he informs the debate about the dehumanizing bureaucratization of war, which may make war more likely.

DRONES, BUREAUCRACY, AND THE MEANING OF WAR

Vesting the secret bureaucracy with lethal power has transformed the idea of war. Traditionally trusted and commissioned by the State as custodians of lethal power, the military has been supplanted unwisely. Waged covertly by the bureaucracy, war has become remote and killing sneaky. Society ought to remember the critical role of honorable soldiers.

When Thucydides relates how the Corinthians sneered at the Athenian use of mercenary soldiers,⁴⁶ he reveals the inter-relationship of soldiers and the State, which is foundational to the western military tradition. Thucydides understands how martial ideals embody—or should embody—the aspirations of society. Disparaging the Athenian mercenaries, Thucydides reveals the deep-set roots of our understanding that war is an act of national sacrifice.

Covert drones exaggerate the moral distance, which separates civilians from the reality of killing done in their name. The lethal bureaucracy reduces war to outright industrial carnage. Without sacrifice, lacking chivalry, bravery and moral discernment, war becomes a merely legal-technical term, which is applied to excuse political butchery.

This is a dangerous turn of events because more than a legal construct, war is a moral endeavor. ‘For as long as men and women have talked about war, they have talked about it in terms of right and wrong’.⁴⁷ War—more than a physical fight or base slaughter—is a moral concept, richly and powerfully informed by ideals which societies recognize as critically important. These ideas are not conspicuous in the narrative of drone warfare and secret agencies.

Once high ideals are sacrificed to pragmatism, the war is lost. Often tacit, the power and credence of the appeal to high-mindedness is made explicit in United States Army and Marine Corps counterinsurgency doctrine, which argues ‘lose moral legitimacy, lose the war’.⁴⁸

This is a critical idea. In *The Trojan Women* (415 B.C.), Euripides demonstrates the significance and complexity of the moral thinking which textures the profession of arms. Following the capitulation and slaughter of Melos, and butchery at Plataea, Scione, Hysiae and (almost) Mytilene (where the decree to murder the populace was rescinded at the last minute) Euripides was heartsick at ‘simple barbarity’.⁴⁹ When he has Hecuba exclaim: ‘Achaean! All your strength is in your spears, not in the mind’,⁵⁰ Euripides illustrates the ethical perspective that should distinguish soldiers from murderers and war from mere butchery. When Euripides has Poseidon curse the victorious Greeks:

That mortal who sacks fallen cities is a fool,
Who gives the temples and the tombs and hallowed places
Of the dead to desolation. His own turn must come.⁵¹

He points out a fundamental truth—war should advance in the cause of a better peace. Such an end can be accomplished only when conflict is conducted with chivalry and ethical sensitivity. Without regard for ideals, the drone-wielding realist bureaucracy will earn resentment and inspire revenge. As Euripides cautions, their own turn will come.

DRONES AND A DEMOCRATIC COMMITMENT TO END TERRORISM

The legitimate struggle against terrorism will not, in the end, be won by military force. Neither will terrorists be defeated by drones of the bureaucracy. Terrorism

poses a threat, which might best be combated by the law, and by political dialog and integration. In a 2008 research report, the RAND Corporation found that ‘a transition to the political process is the most common way in which terrorist groups (end)’.⁵² When political integration was not the answer, the RAND report found policing to be the next most effective strategy for combating terrorism.⁵³ A sustained commitment to drone operations is not, therefore, a sensible long-term strategy.

The drone is relatively precise weapon, and one that limits the necessity for military ‘boots on the ground’. But the drone is not the means by which peace will be won, nor the means by which democracy will be advanced. The implication is significant, because democratic nations will be judged as much by the company they keep, as by the means they employ.

DRONES: THEIR FUTURE RESPONSIBLE USE

What is once seen or heard cannot be unseen and unheard. The drone is a technological advance, which represents a profound and now pervasive challenge to the western profession of arms, to western democracy, and to the prospects of global justice. Where the drone leads, other weapons systems will follow. Our moral thinking must keep up.

The drone is an instrument of the State’s lethal power, which rightly belongs in the hands of the military. But the governance and regulation of drones must be transparent. Drone operations should be morally defensible, as well as operationally practical. Even if the specific details of operations are concealed, the citizens in whose name violence is practiced should be able to trust that State sanctioned killing is not furtive murder, and not habituated bureaucratic routine.

As the drawdown from major operations in Afghanistan takes effect, various lawless frontiers will likely emerge as a new and difficult area of operation. These will not be the defined battlefields of declared wars. Insurrectionary frontiers will be the territory of failed or failing States and, conceivably, the incubators of hostile radicalism. Drones, deployed as part of the post Afghanistan force projection strategy, will patrol these inexact marches. Such operations, though they may well be covert, need to be philosophically transparent. Publicly accessible rules of engagement need to define the basis upon which a covert lethal drone strike may be authorized. Force projection needs to be more than lawful and recognized as just and responsible.

The drone, though stealthy, needs to emerge from the bureaucracy. Drones must not be the implements of a bureaucratized murder program. The drone is a military instrument, materially indistinguishable from airborne munitions, or from cruise missiles launched from far-flung platforms at sea. As a military apparatus, lethal drones should be deployed only in declared war zones, by a disclosed military command chain, subject to publicly accessible rules of engagement and governed by transparent targeting protocols. All the rules and limits, which apply to conflict and to military systems, should apply to drones.

There may well be cases where targeted political assassination by covert means, is justifiable. But this issue was not the focus of this article. This discussion argued that alarm bells should ring when bureaucrats, secure in their shadowy fiefdoms, embark upon programs of systematized murder by remote control.

CONCLUSION

Covert lethal drone operations exemplify the recasting of State-sanctioned lethal force. But, beyond their constructive part in operations, drones menace the democracy they are supposed to defend, and the ideals they are supposed to protect. This article did not argue against the operation of covert lethal drones *per se*. The focus of discussion was on the *bureaucratization* of lethal drones. It was argued that when killing is meshed in bureaucratic routine, the State connives at foundational moral ideas. As a *program* formalized in government procedures, lethal drone operations are unlike particular strikes against named individuals. Bureaucratized covert killing is mechanical in character and petrifying in scale.

Lethal drones reduce war to a political pogrom. People are murdered by the State beyond the bounds of declared war zones, because they fit an undisclosed profile. The ritual of legalistic language rationalizes killing, but the high ideals of democracy and justice are irretrievably diminished. And, with every covert strike, the legitimate struggle against terrorism is compromised.

The drone is precise weapon, and one that limits the requirement for ‘boots on the ground’. But the drone is not the means by which peace will be won, nor the means by which justice will be advanced. Though stealthy, the drone needs to emerge from the bureaucracy. Drones must not be the concealed weapons of injustice.

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NOTES

1. Greg Kennedy, ‘Drones Legitimacy and Anti-Americanism’, *Parameters* 42, no. 4/43, no. 1 (2013), 26, 27. The *Australian Defence White Paper* (Commonwealth of Australia, 2013), 20 paragraph 2.81 acknowledges the importance of policy, which must inform the operation of autonomous systems.
Philip Dorlin, ‘Pine Gap Drives US Drone Kills’, *The Sunday Age*, July 21, 2013. Dorlin describes the involvement of the Australian signals intelligence base at Pine Gap in United States’ drone operations. The article does not specify the missions that have been supported. But the article does make plain that American drone operations have received critical geolocation signals intelligence from the Australian base. Thus, Dorlin underlines the interest of nations apart from the United States in drone operations and policy.

2. Medea Benjamin, *Drone Warfare: Killing by Remote Control* (London: Verso, 2013), 8. Benjamin cites Jo Becker and Scott Shane, 'Secret "Kill List" Proves a Test of Obama's Principles and Will', *New York Times*, May 29, 2012.
3. Mary Ellen O'Connell, 'Lawful use of Combat Drones', Hearing: Rise of the Drone II: Examining the Legality of Unmanned Targeting from Subcommittee on National Security and Foreign Affairs, Washington, DC, April 28, 2010. Cited in Benjamin, *Drone Warfare*, 186. Benjamin also cites O'Connell at pp. 140, 141: 'Drones are not lawful for use outside combat zones Outside combat zones, police are the proper law enforcement agents and police are generally required to warn before using lethal force'.
4. Franz Kafka, *The Trial* (London: Secker and Warburg, 1956), 59–60.
5. Thomas Pogge, 'Making War on Terrorists—Reflections on Harming the Innocent', *The Journal of Political Philosophy* 16, no. 1 (2008): 11.
6. Steven Clark, 'Targeted Killings: Justified Acts of War or Too Much Power for One Government?' *Global Security Studies* 3, no. 3 (2012): 28.
7. Daniel Brunstetter and Megan Braun, 'From *Jus ad Bellum* to *Jus ad Vim*: Recalibrating Our Understanding of the Moral Use of Force', *Ethics & International Affairs* 27, no. 1 (2013): 89–90.
8. Hans J. Morgenthau, 'Does Disarmament Mean Peace?' *Arms and Foreign Policy in the Nuclear Age*, ed. Milton L. Rakove (New York: Oxford University Press, 1972), 418.
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10. Alex Bellamy, 'Is the War on Terror Just?' *International Relations* 19, no. 3 (2005): 283.
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12. *Ibid.*, 161, 162.
13. *Ibid.*, 164.
14. *Ibid.*, 174.
15. *Ibid.*, 174.
16. Michael Walzer, *Just and Unjust Wars: A Moral Argument* (New York: Basic Books, 2000), 253.
17. Walzer, 'Political Action', 175, 176.
18. Harry Mulisch, *Criminal Case 40/61: The trial of Adolf Eichmann*, trans. Robert Naborn (Philadelphia: University of Philadelphia Press, 2005), 141.
19. Mulisch, *Criminal Case 40/61*, 113.
20. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 2006), 287.
21. Arendt, *Eichmann in Jerusalem*, 287. (Emphasis in the original)
22. Arendt, *Eichmann in Jerusalem*, 289.
23. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995), 221.
24. Foucault, *Discipline and Punish*, 195, 196, 197.
25. Alasdair MacIntyre, *After Virtue* (Indiana: Notre Dame, 1984), 109.
26. Richard Mervyn Hare, 'Rules of War and Moral Reasoning', *Philosophy & Public Affairs* 1 no. 2 (1972), 174, 175.
27. Walzer, 'Political Action', 166.
28. Mark Mazzetti, *The Way of the Knife: The C.I.A., A Secret Army, and a War at the Ends of the Earth* (New York: Penguin Press, 2013), 319.
29. Cited in Jane Mayer, 'The Predator War: What Are the Risks of the C.I.A.'s Covert Drone Program?' *New Yorker*, October 26, 2009, 44.
30. Mazzetti, *The Way of the Knife*, 319.
31. *Ibid.*
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The original source is: Mary L. Dudziak, 'To Whom Is a Drone Loyal?' Balkinization blog, <http://balkin.blogspot.com/09/to-whom-is-drone-loyal.html> (accessed September 27, 2009).
34. Mayer, 'The Predator War', 42.
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41. Cesare, Marchese di. Beccaria, *An Essay on Crimes and Punishments*, 20.
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45. Peter Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century* (New York: Penguin Books, 2009), 319. This excerpt from discussion exploring this idea, between, 316–21.
46. Thucydides, 'Speech of the Corinthians' in *The Landmark Thucydides*, ed. Robert B. Strassler (New York: Free Press, 2008) Bk. 1.121.3 at p. 67: 'The power of Athens is more mercenary than national . . . (our) strength lies more in men than in money'.
47. Michael Walzer, *Just and Unjust Wars: A Moral Argument* (New York: Basic Books, 2000), 3.
48. The United States Army and Marine Corps Counterinsurgency Field Manual: US Field Manual 3–24 also published as Marine Corps Warfighting Publication 3–33.5 (Chicago: University of Chicago Press, 2007) paragraph 7.44. The example of the French counterinsurgency in Algeria is provided as an example. In this campaign, the French condoned the use of torture against insurgents. This was seen to undermine the moral legitimacy of the French campaign, and to empower the insurgent campaign, which became associated with ideas of just cause and seen as a defensive action against oppression.
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