Killing from a Safe Distance: What Does the Removal of Risk Mean for the Military Profession?

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Abstract Unmanned systems bring risk asymmetry in war to a new level, making martial virtues such as physical courage by and large obsolete. Nonetheless, the dominant view within the military is that using unmanned systems that remove the risks for military personnel involved is not very different from using aircrafts that drop bombs from a high altitude. According to others, however, the use of unmanned systems and the riskless killing they make possible do raise a host of new issues, for instance the question to what extent the willingness to take risks is part of the military profession. This article addresses that existential question, but also the question of whether the elimination of all risk would make the military profession a less moral one. To that end, it juxtaposes the military viewpoint that riskless killing by means of drones is morally uninteresting with the more critical view that such riskless killing is in fact highly problematic.

Keywords: Military ethics; honor; just war; drones; riskless killing

I. Introduction

In World War II, the Japanese navy armed some of their submarines with manned torpedoes which (different from the manned torpedoes that Italy, the United Kingdom and Germany used) offered no chances of survival for their volunteering pilots. The pilots of these Kaitens were sacrificed for a rather minimal increase in accuracy. The use of Kaitens reminds somewhat of Japan's kamikaze attacks from the same era, but also of the suicide bombings we have witnessed in more recent years. Although cultural factors such as the Japanese shame culture of that time no doubt did play a role in motivating these Kaiten pilots, culture is only part of the explanation—RAF airmen in the Second World War continued to fly their bombing missions over Germany while knowing that their chances of surviving a tour of duty were slim. Today, however, with military personnel increasingly fighting far from home in conflicts in which the survival of one's own political community is not at stake, we see the proliferation of a technology that is in essence the opposite of the manned torpedo. Unmanned aerial vehicles (UAVs), or drones, make it possible to fight the enemy from a very safe distance.

In the military, the dominant view seems to be that using unmanned systems that reduce the risks for military personnel involved to nearly zero is not very different from using artillery or aircrafts that drop bombs from a high altitude. It is perhaps to stress that lack of difference that some within the military prefer the term "remotely piloted" over the more eerie sounding "unmanned." In this view, an armed drone is just another weapon system, and as such it is neither good nor bad; it is only the way it is used that can be said to be ethical or unethical. This idea that nothing essentially changed with the coming of unmanned systems echoes Machiavelli's idea that each new development in warfare has its analogy in ancient times (which most of the time can be found in the work of Livy), and that for instance firearms do not really differ from the catapults of old. History proved Machiavelli wrong on that last point, we now know. According to others, not sharing Machiavelli's static view of history, the use of unmanned systems and the riskless killing they make possible do raise a host of new issues, for instance about the civilian casualties they can cause or the way they lower the bar for resorting to the use of force. Among these issues is also the more existential question to what extent the willingness to take risks is in fact part of the military profession. Interestingly, such more profound questions are mostly raised by critics from outside the military, who are justifiably worried that killing might become a bit too easy when there is no risk for one's own side. From their point of view, the use of unmanned armed drones is very different from using manned aircraft. This article questions to what extent risk is an essential element of the military profession, and whether the elimination of all risk would make the profession a less moral one. To that end, the next section describes the dominant view within the military that there is nothing morally wrong with riskless killing by means of drones, while the section after that depicts the more critical view that such riskless killing is unethical.

II. A Moral Duty to Fight Riskless

Many people working in the military will argue that risk is not, or is no longer, a defining element of what it means to be a military professional. Warfighting is not a game which benefits from contenders of roughly equal strength, and you could maintain that the more unfair the odds are the better it is, perhaps even for the losing party. Although war is occasionally compared with sport, it is a very different activity.³ War should of course be fought fairly, in the sense that one has to fight by the rules laid down in the laws of armed conflict and the just war tradition, but that is an altogether different story.4 That war may be unfair in the sense of uneven implies that there is nothing wrong with attaining your objectives, and this can involve killing enemy combatants, without incurring any risk to yourself. Bradley J. Strawser, an Associate Professor of Philosophy at the Naval Postgraduate School in Monterey, argues along that line that there is a moral duty to use unmanned aircraft, based on what he calls the principle of unnecessary risk. This principle holds that "[i]f X gives Y an order to accomplish good goal G, then X has an obligation, other things being equal, to choose a means to accomplish G that does not violate the demands of justice, make the world worse, or expose Y to potentially lethal risk unless incurring such risk

aids in the accomplishment of G in some way that cannot be gained via less risky means."⁵ From that principle follows that military and political leaders "have a duty to protect an agent engaged in a justified act from harm to the greatest extent possible, so long as that protection does not interfere with the agent's ability to act justly. UAVs afford precisely such protection. Therefore, we are obligated to employ UAV weapon systems."⁶

Despite the fact that war does not have to be a fair fight we do regularly encounter examples of soldiers displaying sportsmanlike behavior. There are famous examples of soldiers deciding not to take aim at lone soldiers who form too easy a target. The best-known case in point is the "naked soldier" from Robert Graves' World War I memoirs (Graves decided not to shoot an unaware bathing enemy soldier) that Michael Walzer uses as an example of just fighting in his 1977 classic *Just and Unjust Wars*.⁷ Walzer sympathizes with these reluctant shooters. Understandably, showing mercy to defenseless enemy soldiers intuitively seems like the right thing to do. In her recent book on cooperation in war, Conspiring with the Enemy: The Ethic of Cooperation in Warfare, Yvonne Chiu, an associate professor at the US Naval War College, illustrates with many more examples how soldiers have now and again felt uncomfortable with sniping and ambushing—as some within the military might feel uncomfortable today about drone killing. However, Chiu believes, given that war does not have to provide combatants with equal opportunity, the reluctant shooters are "positing a category mistake."8 Soldiers who make themselves into an easy target either lack competence themselves or fail to correctly appraise that of their enemy, and war tests those very things. In this view (and from a legal perspective too) naked soldiers form a legitimate target. One could even argue that there is something tragic about the sportsmanlike snipers who let vulnerable enemy soldiers walk: their acting honorably in their wish for a "fair fight" can prolong a war and thus increase the total amount of harm that war causes. Well-intended efforts to reduce suffering might in the end do more harm than good.⁹ The more uneven a war is, the sooner it will be over. That somewhat echoes Clausewitz' remark that "kind-hearted efforts to minimize bloodshed misapprehend the logic of war," 10 or General Sherman's observation that "war is hell" and that "you cannot refine it," with the important difference that Sherman and Clausewitz saw little to no role for law and ethics in war, while most authors who point out the permissibility of killing naked soldiers do see a role for the two. 11

Military and political leaders, meanwhile, prefer their wars as asymmetrical as possible and will do their best to avoid putting soldiers in a fair fight. According to Walzer, sparing soldiers who form an easy target was and is the exception, and the rules of war do not require soldiers to abstain from riskless killing. What's more, as a result of a lot of money and effort, modern militaries are getting better at killing without getting killed. The general feeling within the armed forces seems to be that there are mainly advantages in this development of riskless warfare: "I never, ever want to see a Sailor or a Marine in a fair fight. I always want them to have the advantage," US Admiral Roughead said after witnessing the demonstration of a

railgun, an electromagnetic cannon with a range of over 200 miles. ¹² Technological developments clearly play an important role in getting the upper hand. In 1969 Army Chief of Staff and former Commander-in-Chief of the US-forces in Vietnam, General William C. Westmoreland, predicted in a talk for the Annual Luncheon Association of the United States Army¹³ that "[o]n the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. (...) Today, machines and technology are permitting economy of manpower on the battlefield, as indeed they are in the factory. But the future offers even more possibilities for economy. I am confident the American people expect this country to take full advantage of its technology-to welcome and applaud the developments that will replace wherever possible the man with the machine." ¹⁴ Interestingly, where many in the military see notions about heroism and military honor as outdated, a lot of people outside the military still harbor such views, and do see risk as an essential element of what it means to be a military man or woman.

III. The Willingness to Take Risks as a Proof of Good Intentions

It was only a few years after Westmoreland predicted applause from the American people for the technical warfare of the future that psychiatrist Robert Jay Lifton, basing himself on his many therapy sessions with Vietnam veterans, wrote very critically about what he called "numbed" warfare: "Psychologically speaking, there are two ways to kill in war. There is the classical way of reducing one's victims to nonhuman status—to 'Huns,' or 'Communists,' or 'Gooks,' or simply 'Enemy'—so that one is merely getting rid of beasts, devils, scum, or threatening obstacles. And there is the more recent method of technological distancing—of being so far removed from one's victim that, psychologically, he does not exist at all." This type of warfare, writes Lifton, "is conducted within a self-enclosed system. The fighter's only psychological contacts are with military superiors or peers and with his equipment. Lacking any relationship with his victims, the numbed warrior receives from them very little of the 'feedback' that could permit at least one layer of his mind to perceive those victims as humans. He does not, therefore, require a dehumanizing 'gook syndrome' since, psychologically speaking, no one is there to be rendered into a 'gook.' Those who bomb need not feel the searing inner conflicts of the former ground troops." In numbed warfare, "the enemy is nothing but 'blips," and, says one commentator who Lifton quotes, "[a] blip is worse than a gook." 15

Lifton's criticism of technological warfare foreshadowed much of the contemporary censure of riskless warfare. Political scientist Peter W. Singer quotes in his *Wired for War* a UAV pilot in Qatar, who said about his job: "It's like a video game. It can get a little bloodthirsty. But it's fucking cool." Since then, we have learned that this is probably not how most drone pilots experience their work. In reality, writes drone expert and former British Royal Air Force chaplain and lecturer Peter Lee on the basis of his research into British Reaper teams, "[p]hysical separation from the combat zone

does not (...) automatically lead to emotional disconnection. The crew of a Tornado flying at low level above an enemy contact may be more emotionally disengaged than the Reaper crew (...)."¹⁷ Just like other military personnel, drone pilots might suffer from PTSD and moral injury.¹⁸ In that sense, drone warfare is not riskless at all.

Despite these nuances, Singer's portrayal of drone warfare as something resembling a video game appears to have set the tone. In more than one publication drones are called death machines (the term killer robots seems reserved for autonomous drones), while also the comparison of flying a drone with playing a video game seems to have stuck, negatively affecting the public opinion on drones. Clearly, the idea of killing without the risk of being killed goes against widespread (at least outside the military) intuitions about what is just and proper. ¹⁹ A week after the 9/11 suicide attacks, Susan Sontag remarked, that "if the word 'cowardly' is to be used, it might be more aptly applied to those who kill from beyond the range of retaliation, high in the sky, than to those willing to die themselves in order to kill others (...) whatever may be said of the perpetrators of Tuesday's slaughter, they were not cowards."20 Although many disagreed with what Sontag wrote about the terrorists, perhaps fewer took issue with her evaluation of those "who kill from beyond the range of retaliation." Ironically, the wars that followed the 9/11 attack gave an impetus to the type of riskless killing that Sontag condemned. Not surprisingly, according to some observers this type of killing is also immoral in the eyes of many who live in the areas where drones operate: journalists Ghosh and Thompson learned that the use of drones was seen as dishonorable and cowardly in the parts of Pakistan where drones killed many Taliban leaders.²¹ A commander of the Pakistani Taliban claimed that each drone attack brought "him three or four suicide bombers," mostly from the families of the victims.²² Also outside such strongholds of honor, many will feel that the use of armed drones is miles away from what is normally understood by the term "honorable": incurring risk to oneself seems to be an essential part of it.

If we turn to military ethics, and more specifically to just war theory, we see a similar sentiment. Michael Walzer, for instance, although admitting that "honor and chivalry seem to play only a small part in contemporary combat," nonetheless places great value on soldiers being willing to take risks. That becomes especially clear in what he writes about the principle of double effect in just war theory: that principle essentially states that civilian casualties are permitted as long as they are accidental and their expected number proportional to the anticipated military advantage. Walzer thinks that this principle of double effect is much too lenient in its traditional formulation: "Simply not to intend the death of civilians is too easy." In that traditional understanding the principle of double effect requires little effort on the part of the military to minimize civilian casualties; as long as the latter are an unintended and proportional side-effect of legitimate attacks on military targets, these attacks are within the principle's limits.

It is especially because of the principle's leniency that Walzer restated it in his *Just and Unjust Wars*, arguing that soldiers have a further "obligation to attend to the

rights of civilians," and that "due care" should be taken. However, it is not enough that soldiers do their best to avoid civilian casualties as much as possible; they have to do this "accepting costs" to themselves. 25 Within due limits, of course. 26 This adds up to what Walzer calls the idea of double intention, with the first intention being that it is the intention to hit the target and not something else. The second, and here more relevant intention, consists of two rather separate aspects: 1) efforts should be made to reduce the number of civilian casualties; 2) if necessary, at increased risk to oneself. It is of course the second part that is rather demanding, and it is precisely because it is demanding that Walzer thinks we would like to see it: we "look for a sign of a positive commitment to save civilian lives" that says that "if saving civilian lives means risking soldiers' lives, the risk must be accepted."²⁷ Interestingly, that it is "we" that must look for "a sign of positive commitment" suggests that it is intentions perceived by us, not consequences suffered by others, that matter most to Walzer. That Walzer writes in a later essay that the acceptance of risk is the best way to assess "the seriousness of the intention to avoid harming civilians" points in the same direction. ²⁸ In the end, a sincere effort to avoid civilian casualties is considered more important than whether or not that effort is, in fact, successful.

At first sight this reformulation of the principle is a sensible one, as it raises the bar in cases that civilian deaths are, although not intended, foreseen. It can be seen as a criticism of what Martin Shaw calls risk transfer in his *The New Western Way of War*: western militaries look for ways to deliver firepower without risk of casualties among their own military personnel, but this generally happens at the cost of more risk to the local population.²⁹ Politicians and militaries tend to see casualties among the local population as less important than casualties among their own military personnel. A case in point: the 1999 Kosovo War, which cost the lives of about 500 civilians, ended without deaths at the side of NATO. Although about 35 percent of the bombs and missiles used were "smart," military ethicist Martin Cook commented that "one cannot help but note that the precision would have been higher still had the aircraft operated at lower altitudes (and greater risk)."³⁰

The question is, of course, whether there is still such a tradeoff between risks to oneself and risks to others when militaries use armed drones. Although the use of drones is primarily an effort to reduce the risk for one's own military personnel, it could have a reduction in the number of civilian casualties as a collateral benefit. A drone can, because it is unmanned, fly lower and slower than manned aircraft, sending back high-resolution images to its operators who should then be better able to distinguish combatants from non-combatants. What is more, drone pilots, far from the actual battlefield, might be less affected by frustration, peer pressure, misplaced loyalties or the wish for revenge than regular military personnel. At the same time, it is clear that the use of drones does not meet Walzer's accepting risk to oneself requirement.³¹ Bombing enemy targets from a low flying manned aircraft would indicate an acceptance of risk to oneself, but one might ask what the point is if that would bring a risk to the local population that is higher than the risk that the

use of drones would pose. Rejecting the use of drones as a substitute for manned aircraft because their use is free of risk for its operators might boil down to accepting higher risks to oneself and the local population just to prove your valor.³² That is a distinctively unsatisfying option, even if soldiers are in fact willing to run risks to prevent civilian casualties. What defines soldiers is not so much their acceptance of risk, but the restraint with which they exercise violence.³³ Essential to the military profession is not so much the quintessential virtue of physical courage, but virtues of restraint, such as justice and temperance.

IV. Discussion

Civilian casualties are of course to be avoided for what they are, the loss of innocent lives, but there are more pragmatic reasons too: Walzer thinks that "a moral regard for civilians at risk is critically important in winning wider support for the war . . . for any modem war. I will call this the usefulness of morality. Its wide acknowledgement is something radically new in military history." Walzer makes an important point here, considering that the recent wars in Iraq and Afghanistan have shown how civilian casualties can lessen support for foreign military presence among the local population, but can also erode the support for a mission among the electorate at home. The military's attention for "hearts and minds" was always mainly about the hearts and minds in areas of deployment. That might no longer suffice. As Walzer writes, the "idea about the need for civilian support has turned out to be both variable and expansive: modem warfare requires the support of different civilian populations, extending beyond the population immediately at risk."

The question is whether the regard for local civilians that these different audiences want to see still must come at the cost of increased risk for military personnel. Today, the rise of unmanned systems means that the answer to this question is sometimes negative: such systems make it possible to kill enemy combatants in a manner that brings no risk to one's own military personnel and reduces the risk to innocent bystanders at the same time. At least in theory: although drones might cause fewer civilian casualties than a manned aircraft would under the same circumstances, critics rightly point out that drones can also be used when using manned aircraft is out of the question, for instance for targeted killing in countries we are not at war with, such as Pakistan or Yemen. ³⁶ Compared with not using force, using drones causes more civilian casualties. This also makes clear that distinguishing what a drone is from how it is used is somewhat artificial: that a drone is a weapon system that makes riskless killing possible clearly leads to its being used for operations that can be ethically questionable. That might at least partly explain why public opinion is averse towards killing that poses no risk to those who do the killing. George Lucas observed, writing about targeted killing by drones, that in the eyes of many people "[t]his vast technological superiority and its reach, including the removal of any risk of harm to the military or civilian pursuers, seems grotesquely unfair, persecutory, oppressive, abusive, and therefore morally repugnant," reminding "of the Death Star from Star

Wars."37 The George Lucas who speaks here is not the well-known director of the Star Wars movies, but the slightly less famous military ethicist who bears that same name. Lucas rightly points to something now and then overlooked within the armed forces: rationally there might be nothing inherently wrong with riskless killing, but if the consequence is that the support for what the military is doing dwindles both at home and abroad one might end up winning the battle but losing the war. The public is perhaps badly informed, writes Lucas, but that does not alter the fact that as a result of the negative public sentiment the political and strategic price of riskless killing might sometimes outweigh the tactical gain.³⁸ Lucas thinks this might be a reason to not use drones in some circumstances, and that is certainly an option to consider. However, one could also argue that the military should not only restrain itself as far as the use of drones is concerned, but also explain itself better when they do use them. Instead of emphasizing that drones are not really different from manned aircraft, it should address the legitimate worries the public might have and point to the reasons why unmanned aircraft are used.³⁹ Although it might be true that many people dislike the notion of riskless killing, they are equally averse to civilian casualties among the local population or military casualties on one's own side. The public sentiment against riskless killing is real and deserves to be taken seriously. In the end it is society that decides on how and when it uses its military, and where the limits on the use of force lie.

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Notes and References

- 1. See for more details on the use of Kaitens: http://www.fischer-tropsch.org/pri mary_documents/gvt_reports/USNAVY/USNTMJ%20Reports/USNTMJ-200H-0 555-0601%20Report%20S-02.pdf.
- 2. Max Hastings, *Bomber Command* (New York: Dial Press, 1979). See also Stanley Rachman, Fear and Courage (New York: W.H. Freeman and Company, 1990), 36-7.
- 3. See also George Lucas, *Military Ethics: What Everyone Needs to Know* (New York: Oxford University Press, 2016).
 - 4. Of course, when warring parties are of unequal strength, there is always the

change that rules are of little influence. As Thucydides has the Athenian envoys say in his famous Melian dialogue: "Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must." Thucydides, *The Peloponnesian War*, 5.89.1.

- 5. Strawser continues: "That is, it is wrong to command someone to take on unnecessary potentially lethal risks in an effort to carry out a just action for some good; any potentially lethal risk incurred must be justified by some strong countervailing reason. In the absence of such a reason, ordering someone to incur potentially lethal risk is morally impermissible." In short, the principle of unnecessary risk "is a demand not to order someone to take unnecessary risk on par with alternative means to accomplish some goal G." Bradley Strawser, "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles," *Journal of Military Ethics* 9, no. 4 (2010): 342-368.
 - 6. Strawser, "Moral Predators."
- 7. Michael Walzer, *Just and Unjust Wars*, Second Edition (New York: Basic Books, 1992).
- 8. Yvonne Chiu, *Conspiring with the Enemy: The Ethic of Cooperation in Warfare* (New York: Columbia University Press, 2019).
 - 9. Chiu, Conspiring with the Enemy.
 - 10. Ibid, 146.
- 11. Clausewitz made the intuitively appealing claim that wars tend to "absoluteness," and that all limitations law and morality impose are alien to it, at least in theory. Clausewitz of course knew that there are in practice many limitations to how wars are fought, but saw them as contingent to what war is.
- 12. See https://www.onr.navy.mil/en/Media-Center/Press-Releases/2008/Powerful-Electromagnetic-Railgun-10-MJ.
- 13. Shane Halton, "Westmoreland's Dream and Perrow's Nightmare: Two Perspectives on the Future of Military Command and Control," *Australian Journal of Defence and Strategic Studies* 2, no. 2 (2020): 259-268.
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- 15. Robert Jay Lifton, "The 'Gook Syndrome' and 'Numbed Warfare," *Saturday Review*, December (1972).
- 16. Peter Singer, Wired For War: The Robotics Revolution and Conflict in the Twenty-First Century (New York: Penguin Books, 2009).
- 17. Peter Lee, "Remoteness, Risk and Aircrew Ethos," *Air Power Review* 15, no. 1 (2012): 1-20.
 - 18. Christian Enemark, "Drones, Risk, and Moral Injury," Critical Military

Studies 5, no. 2 (2019): 150-167.

- 19. Some militaries attempt to draw the use of drones into the realm of honor. In a recent article in The New York Times we read how "[f]or years, the military's drone pilots have toiled in obscurity from windowless rooms at bases in suburban America, viewed by some in the armed forces more as video game players than as warriors. But in a reflection of their increasingly important role under President Obama, the drone operators will now be eligible for military honors akin to those given to pilots who flew over the battlefields of Iraq and Afghanistan." Although honoring this killing from a safe distance might seem odd to many people, it fits well with the development of ways of fighting in which soldiers run less risk. In the same article we read that "[a]ccording to the Pentagon, the first seven Medal of Honor awards for service in Iraq and Afghanistan were given to those who had died. But since 2010, all 10 people who have received the Medal of Honor have been living at the time it was awarded." Michael Schmidt, "Pentagon Will Extend Military Honors to Drone Operators Far From Battles," *The New York Times* (January 2016).
 - 20. Susan Sontag, "Talk of the Town," *The New Yorker* (September 2001).
- 21. Bobby Ghosh and Mark Thompson, "The CIA's Silent War in Pakistan," *Time* (June 2009).
 - 22. Ghosh and Thompson, "The CIA's Silent War in Pakistan."
 - 23. Walzer, Just and Unjust Wars, 35.
 - 24. Ibid, 155.
 - 25. Ibid.
 - 26. Ibid, 156.
 - 27. Ibid.
- 28. Michael Walzer, *Arguing about War* (New Haven and London: Yale University Press, 2004).
 - 29. Martin Shaw, The New Western Way of War (Cambridge: Polity Press, 2005).
- 30. Martin Cook, *The Moral Warrior: Ethics and Service in the U.S. Military* (Albany: State University of New York Press, 2004).
- 31. In a later formulation of the due care principle, Walzer writes that the second intention "must be manifest in the planning and conduct of the attack; the attacking force is morally required to take positive measures to avoid or minimize injury to civilians in the target area. Indeed, it is morally necessary to take such measures, that is, to be careful in the strongest sense, even if it appears likely that the number of deaths caused by the attack would not be 'disproportionate to' whatever the relevant measure might be. The attacking force must protect civilians as best they can—period. That is their moral responsibility." Interestingly, the "accepting costs to himself" requirement is missing in this later version. Michael Walzer, "Responsibility and Proportionality

in State and Nonstate Wars," *Parameters: US Army War College Quarterly* 39, no. 1 (2009): 40-52, at 48-49.

- 32. Strawser, "Moral Predators."
- 33. Neil Renic, "UAVs and the End of Heroism? Historicising the Ethical Challenge of Asymmetric Violence," *Journal of Military Ethics* 17, no. 4 (2018): 188-97.
 - 34. Walzer, Arguing about War.
 - 35. Ibid.
- 36. For such valid criticism, see the website https://dronewars.net/, especially https://dronewars.net/the-danger-of-drones/.
 - 37. Lucas, Military Ethics.
 - 38. Ibid.
- 39. Ensuring public support will even be more relevant when (it is not an if) militaries start using autonomous weapons that make life-and-death decisions without a human in the loop. From the viewpoint of the military, resistance against such systems might seem more based on sentiment than on ratio, but here also that is too easy a way out.