

Ethical questions facing the use of drones

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The interest in the acquisition of armed UAVs or drones for Canada's military stems from two recent events. Firstly Predator drones have been used by Canada's ally the United States in operations in Afghanistan and in bordering Pakistan. Second, the Harper Government has expressed interest in purchasing these drones in order to assist in patrolling the Canadian Arctic and reinforcing its Sovereignty in that region. "Canada's military is pushing ahead with its plan to buy aerial drones outfitted with weapons even as the Harper government is promising to pull troops out of Afghanistan in 2011."

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This essay addresses a question that is not new in the field of military ethics. Many times in history ethical dilemma has arisen when new military technology has been developed. We can look as far back as the middle ages when the Vatican banned the crossbow for use against Christians to modern concerns regarding the use of nuclear biological and chemical weapons. The use of drones to conduct attacks is however a different kind of ethical debate in that it is not focused on the destructive nature but rather its ability to conduct an attack with virtually no risk to the attacking force.

We will look at Kohlberg's moral reasoning and see how it could apply to the use of this new technology. We will also use utilitarianism, and Jones' model of moral intensity to demonstrate what influences could come into play. It is my opinion that new technology should be used if it supports our moral obligation to minimize all casualties' whether they be friendly or hostile military or civilian. Use of this new technology should also not violate laws of armed conflict or the Geneva Convention. This guiding principle I feel would respect the dignity of human life and create a condition where the best

possible outcome is possible. Using a variety of moral principles I will present what I feel are the most compelling arguments in this debate.

Kohlberg and the Value of Human Life

Kohlberg's moral reasoning describes six stages of moral development. These six stages are grouped into three different levels, pre-conventional, conventional and post-conventional. (Kohlberg 1976). When a person operates at the pre-conventional level they have yet to learn the rules that society places on them. They comply with them mostly out of self interest and to avoid punishment from an authority figure. When they reach the conventional level they understand the rules that society puts in place and obey them for their own sake. Someone who is at the post-conventional stage not only understands rules but also the moral principles behind them. They understand that sometimes rules may contradict each other or that rules may be unfair. They are able to understand this and decide which rules should take precedence if there is a contradiction. They are also able to place themselves outside of their society and judge its rules on their moral validity.

Kohlberg (1976) describes someone acting at a level 3 to have a "Concern that laws and duties be based on rational calculation of overall utility" (p.35). It also implies "that persons are ends in themselves and must be treated as such" (Kohlberg, 1976, p.35) There is no question that a military that conducts operations using drones as opposed to manned aircraft or ground troops will certainly minimize or even eliminate casualties among friendly forces "Drone strikes look like the perfect solution: clean, low risk,

inexpensive, and only the target, and possibly the weapon, gets hurt. At first glance it looks like the absolute perfect military device. And of course in many ways it *is* the perfect military device. It strikes from afar, it's highly accurate, there is little or no risk of life on our side, and it's extremely effective.” Long,(2012). If friendly casualties were the one and only concern there would not be much of a debate. The use of drones it could be said stems from the desire to preserve the lives of “our” soldiers. If we consider however that the ethical conduct of military operations imposes that military objectives be met with an effort to minimize all casualties and respect the dignity of all human life then the debate is not so straightforward. If we abide by Kolberg’s principle that all persons are ends in themselves the standards become higher.

There are a number of concerns that make the use of drone controversial when civilian casualties and the destruction of infrastructure are considered. The primary concern is that drones are not as precise as they are said to be and that as a result they have caused an unacceptable amount of civilian casualties. Unfortunately, because the technology is so new there is little official data regarding strikes in Afghanistan and Pakistan that has been released to the public.

There are concerns that the Hellfire missile that is fired by the Predator drone causes an unacceptable amount of collateral damage. Adversaries of drone attack do make a valid point if they compare the use of missile to an attack with the use of ground troops. There is no doubt that an infantry platoon has a chance of causing less damage than a missile This however is not a fair comparison the decision to use other methods other than ground troops is often done precisely to avoid placing troops on the ground. The estimated casualties may be too high or there use is simply not possible for tactical or

other reasons. The chain of command must always calculate the risks and rewards associated with the use of ground troops and very often other methods are used to avoid casualties. This consideration is no different when any other method is used other than ground troops.

A more balanced comparison would be comparing drone attacks to artillery fire or air strikes. Both of these technologies are used when the use of ground troops is not a viable option and to avoid friendly casualties. Both of these methods are just as destructive as drones if not more so. In the case of artillery fire the information to acquire the target often comes from non-weaponized UAVs that use similar imaging technology in use in drones. The target information is then passed on to the guns, who then fire on the target which could be well over 20km away. This more often than not, requires multiple rounds of adjusting fire if conventional munitions are used... This method not only allows enemy forces to gain cover but also runs the risk of striking civilians and the surrounding infrastructure. In addition, the high explosive round is comparable in its destructive power to a Hellfire missile

In the case of airstrikes the missiles used in a manned aircraft are arguably just as destructive as the ones used in drones. The difference is that the pilot, in order to protect his own life, will look to minimize the time he is exposed to the target and maximize his distance. The drone in contrast, is not concerned with its own safety, it can closely hover over its target and do this for a prolonged period of time. This allows the controller extra time to confirm his target and minimize damage to civilians and untargeted infrastructure.

The use of drones can if properly used, not only eliminate casualties among friendly forces but also when compared to other methods of long distance warfare

minimize casualties among civilians. However, when we consider enemy casualties, drones offer no opportunity for enemy forces to surrender. This is a drawback when compared to the use of ground troops but is no different than using other long distance methods like artillery fire and airstrikes.

Utilitarianism and the Dehumanization of Warfare

The most compelling arguments against drones is not the destructive power the perceived inaccuracy or the pain that they inflict. The strongest argument is that the removal of the human element makes them, by their very nature, unethical. According to Long “The real problem with drones is also one of their advantages. That problem is that no one is exposed to danger when they are used. This makes an act of war too easy, and far too cheap. War is the last resort of diplomacy. Everything else should be attempted first, and because of the cost of going to war is (was) so high, everything else has usually been attempted first. With drones however, since there is no possible loss of life on “our” side, drones are easily deployed and there are minimal political repercussions because all of “our boys” come home each night.”(2012). Historically, when there has been armed conflict the belligerents on both sides felt that a particular cause was important enough to sacrifice lives. When one side can conduct war without risking the lives of its citizens it removes the deterrent to wage war.

Utilitarianism is a school of thought that states that the goodness of an action or a rule can be judged based on the idea of creating the greatest amount of positive results. Happiness is the only good and pain the only evil as expressed by these two principles as stated by Pojman (2012). “The consequentialist principle states that the rightness or

wrongness of an act is determined by the goodness or badness of the results that flow from it. It is the end not the means, that counts.... The utility, or hedonist, principle states that the only thing that is good in itself is some specific state (for example, pleasure, happiness, welfare).” (p.103) Utilitarianism dose however take two forms it can be applied to every individual act or can be used to create rules.

One way to describe act utilitarianism is that there are no hard and fast rules, the utility of each act must be judged individually. According to Pojman (2012), act-utilitarianism considerers that... “An act is right if and only if it results in as much good as any available alternative.” (p.105) In this interpretation of utilitarianism, rules do not have any intrinsic value. What matters most is the result of the action therefore any act is permissible if it results in more good that harm. If we arrive at the decision to use drones using act utilitarianism only, the result would be quite clear. There is nothing intrinsically wrong with using technology that will minimize deaths among friendly forces and causing death among enemy forces if we truly believe that by eliminating those forces we are making a greater amount of people safer. According to act utilitarianism if we feel that a war is justifiable then it is the chain of commands moral obligation to minimize all casualties Drones without question, give the military commander a tool to significantly reduce casualties among his troops and perhaps also minimize loss of life among civilians

Rules utilitarianism also weights the good and the harm but applies it to rules as opposed to acts. Pojman (2012) states that according to rule utilitarianism “ An act is right if and only if it is required by a rule that is itself a member of a set of rules whose acceptance would lead to greater utility for society that any available alternative.” (p.106) Here we see that the bar is set higher that in act utilitarianism. It is not sufficient for an

act to be useful only in a particular situation it must be part of a set of rules that is justifiable not only in this situation but every situation similar to this one. The overall consequences of this rule must result in more good than harm for society. Long's argument against drone attacks falls in line with a rules utilitarianism argument. The principle idea being that by using technologies that permits to nearly eliminate friendly casualties it creates a situation where the deterrent to military action is reduced. This could create a new arms race and it may only be a matter of time before the very terrorists that we are attempting to eliminate develop their own drones. . This is the most compelling argument for refraining from using this technology

The fact that strikes with Predator drones can be used without the risk of having soldiers killed or captured make operations that are politically risky unethical or even illegal more viable. "The U.S. government runs two drone programs. The military's version, which is publicly acknowledged, operates in the recognized war zones of Afghanistan and Iraq, and targets enemies of U.S. troops stationed there. As such, it is an extension of conventional warfare. The C.I.A.'s program is aimed at terror suspects around the world, including in countries where U.S. troops are not based. It was initiated by the Bush Administration and, according to Juan Zarate, a counterterrorism adviser in the Bush White House, Obama has left in place virtually all the key personnel. The program is classified as covert, and the intelligence agency declines to provide any information to the public about where it operates, how it selects targets, who is in charge, or how many people have been killed." Mayer (2009)

What is more troubling is that the personnel that operate the drones for the CIA are not members of the armed forces but rather employees of the private defense contractor Xe formerly known as Blackwater. The personnel that runs and maintains the fleet, loads the missile on the drone and eventually launches the missile strike are civilians. They are not subject to the Geneva Convention or the Law of Armed Conflict. This privatization of armed conflict is a separate issue altogether but it is made all the more possible when the risk of casualties by an attacking force is reduced to zero. Traditionally the soldier is one who is willing to accept injury or death in combat and who also agrees to act according to a certain code of ethical conduct. It is because of this that he or she has the permission to cause harm or death on behalf of the state. The use of drones seems to have called this fundamental principle into question.

Yet another issue that opponents of drones present is the psychological distance between the operator and the enemy or surrounding civilians. It minimizes the psychological impact and of the action. It makes the killing of other human being less traumatizing. According to Jones' (1991) model of moral intensity this is called proximity. He defines proximity as "...The felling of nearness (social, cultural, psychological, or physical) that the moral agent has for victims (beneficiaries) of the evil (beneficial) act in question." (Jones, 1991 p.376) .There is no doubt that proximity both physical psychological for the operator of a drone is very weak and this can surly have a negative effect. Vicki Divoll, a former C.I.A. lawyer, who now teaches at the U.S. Naval Academy, in Annapolis, observed, "People are a lot more comfortable with a Predator strike that kills many people than with a throat-slitting that kills one." But, she added, "mechanized killing is still killing." (Mayer 2009) Drones opponents say, create what is

called the “Nintendo Affect” where the operator ceases to see victims as human being but rather faceless images on a screen.

The act of using drones to safely conduct strikes against an enemy may be morally justifiable. It most certainly allows commanders to fulfill their obligation to reduce to minimum casualties among their soldiers. It may very possibly also allow him to minimize the loss of life among non combatants. The ease, with which that technology can be used however, can create an overall expansion of armed conflict that could be in the long run detrimental and begin a new armament race that is detrimental to society as a whole. It may also erode the privileged role we give our soldiers as well as the laws and conventions relating to armed conflict. All weapons can have evil consequences when humans fail to use proper judgment. The use of drones will certainly test that judgment more than ever.

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