THE CHANGING DISCOURSE OF THE AMERICAN DRONE DEBATE

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Abstract

Drones that combine different revolutionary features, are the quintessential weapons of the twenty-first century. However, the very characteristics that distinguish them put drones in the center of a political debate. The central conceptual, theoretical as well as ethical problem with drones is that they cannot be easily categorized as merely conventional or non-conventional weapons. Drones are extensively used and relied on in the War on Terror as the weapons of choice by the United States as conventional weapons, although certain moral and ethical concerns put them in a 'grey' area. While an argument can be made that drones are not conventional weapons, their use on the battlefield is not restricted either; on the contrary they are deployed ever more widely.

After contrasting the current drone debate with the nuclear debate of the 1950s, the main theoretical framework of this study uses Just War Theory (JWT) and the concept of Military Revolution to demonstrate that while drones are revolutionary weapons they possess questionable moral and ethical features that dominate the debate about the use of drones in the US. While this discourse plays out on a variety of levels, two levels of representation are central: the official discourse taking place between the government and its critics which is where ultimately decisions about the legality of drones will be made; secondly, public opinion that informs official policy and how it is shaped by representations in popular media. It is these two high impact levels this study examines in order to provide a better understanding of the complexities behind the current debate.

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List of Abbreviations

AUMF –Authorization of the Use of Military Force

CSTK – Center for the Study of Targeted Killing

CIA – Central Intelligence Agency

DoD – Department of Defense

FATA – Federally Administered Tribal Areas

FBI – Federal Bureau of Investigation

IHL – International Humanitarian Law

JSOC – Joint Special Operations Command

JWT – Just War Theory

LWJ –The Long War Journal

NGO – Non-Governmental Organization

NSC – National Security Council

PTSD – Post-Traumatic Stress Disorder

RMA – Revolution in Military Affairs

TBIJ – The Bureau of Investigative Journalism

UAV – Unmanned Aerial Vehicles

UN – United Nations

WMD – Weapon of Mass Destruction

WoT – War on Terror

WWII – Second World War

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Introduction

After 9/11, the United States was the first country to use drone strikes outside of conventional battlefields in major military attacks to fight al-Qaeda. Since Barack Obama took office in 2008, drone attacks have become prominent elements in the 'War on Terror' (WoT). Drones are gamechangers in today's warfare system. They are unique because there is no need for a pilot to fly the drone to the targeted area; a person can operate it without physically being at the target area. And this is precisely why their use is problematic.

The American government's official position on targeted killings is that their use is justified because they save American lives by not requiring military groups to enter the field and therefore risk the lives of soldiers on the ground. However, not only the public but also NGOs and Congress members have opposed the government's arguments. They believe that "killing by remote control" raises moral and ethical questions. Furthermore, they argue that drones are not being used properly because the American Drone Program is led by the Central Intelligence Agency (CIA) and not by the military. The military follows different rules when it comes to conducting a war regardless of it being a 'traditional' war or the WoT.[1]

In my view, this tactic is simply an all too convenient way to fight a war whether it is against terrorists or not, and many of its aspects should be questioned. For example, the fact that there has not been a set of regulations or a covenant that would set the rules of drone attacks is worrisome. Although the Obama Administration has recently made a statement about the construction of a "playbook to drones", the process is still ongoing.[2] Without such guidelines the

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[1] Avery Plaw, Matthew S. Fricker, and Carlos R. Colon, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft outside Conventional Battlefields* (New York: Rowman and Littlefield, 2015), 240-242.
[2] Evan Perez, "Obama Administration to Release Drone Killings 'playbook'," *Cable News Network (CNN),* 5 March, 2016.
http://edition.cnn.com/2016/03/04/politics/drone-program-obama-administration/ (Accessed 28 March. 2016)

current government possesses the freedom to use drone attacks outside of conventional battlefields, resulting all too often in civilian deaths.

When a new weapon is introduced in the warfare system, the first step is to decide whether that weapon's use can be justified, that is if it can be a conventionalized weapon that complies with International Humanitarian Law (IHL), also known as the Law of War. The second step is to set rules for the use of that weapon, in order for it to continue complying with these laws.[3] Drones are relatively new weapons that are being widely used; therefore these steps need to be taken in order to decide whether its use can be justified against potential enemies of a state.

The purpose of my thesis is then to test how it is possible to distinguish a conventional from a non-conventional weapon. To accomplish this goal I will be looking at the discourse about the nuclear weapon in the 1950s as a reference point for today's drone debate. By considering features that define a weapon as conventional, I can also analyze how a weapon is categorized as 'just' or 'unjust'.

I believe that there is a gap in the literature about weapons which are considered to be conventional but clearly possess morally questionable attributes that would make them non-conventional or 'unjust'. In my opinion, drones should be put in this third, 'grey', group, because they are considered to be conventional weapons, but they raise numerous ethical and moral questions. To prove this point I am also going to use the concept of Revolution in Military Affairs (RMA) and military revolutions in general. Following along these lines, the main questions I will explore are the following: *how is it possible that drones are being used as conventionalized weapons although they have morally questionable features? Moreover, how*

[3] Kathleen Lawand, *A Guide to the Legal Review of New Weapons, Means and Methods of Warfare: Measures to Implement Article 36 of Additional Protocol I of 1977: International Committee of the Red Cross Geneva, January 2006.* International Review of the Red Cross, Volume 88 Number 864, Dec., 2006: 931-934.

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has the U.S. government been trying to justify the use of drones in targeted killings?

The structure of the thesis is as follows: after reviewing the research method used in this thesis, the first chapter provides an extensive overview of the empirical puzzle about Just War Theory (JWT) and the concept of the American Revolution in Military Affairs (RMA) as part of wider military revolutions. Based on these theories I am going to specify what types of weapons are defined as conventional ('just') and non-conventional ('unjust'). The second chapter explores the debate surrounding Eisenhower's Conventionalization Politics in the 1950s as an example to show how the discourse can change with different representations of a newly introduced weapon. In 1945 there were no moral issues attached to nuclear weapons, but the discourse changed by the beginning of the 1950s when the nuclear taboo evolved.[4] Following the Korean War the Eisenhower administration fought this taboo and was trying to conventionalize tactical nuclear weapons.[5] The discourse about drones has also changed in the past fourteen years since its first use in 2002. This change in the drone debate is due to the numerous representations that have recently evolved. Especially since the Anwar al-Awlaki case in 2012, critics have been challenging the administration's position about drones. Finally, the last chapter investigates why drones can be considered as revolutionizing weapons of the twenty-first century and the questions that the American government ought to address in order to lawfully use drones in the future. Moreover, I will analyze TV shows and movie depictions in order to prove that the discourse has changed with these new representations, which aim to inform the public about drones, therefore developing a more extensive debate in society.

My thesis attempts to show that weapons are not 'black' and 'white' which means that they cannot only be placed into the category of conventionalized or unconventionalized

[4] Nina Tannenwald, "Stigmatizing the Bomb: Origins of the Nuclear Taboo," *International Security* 29.4 (2005): 13.
[5] Ibid, 24.

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weapons. Drones are being used as conventionalized weapons, although certain ethical and moral issues show that the use of drone strikes are not necessarily just. Moreover, I will argue that President Obama needs to establish a doctrine that could be used to set the rules for the use of drone strikes. This doctrine needs to be based on the JWT which is the base of international law. The ambition for my work is to provide an analytical point of departure for this debate.

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Research Method

In my thesis I will use critical discourse analysis as it is widely employed by scholars of a post-structuralist or reflectivist point of view. They hold that a discourse is not static but constantly changes due to factors such as societal influence. For example, in the view of Michel Foucault together with Jacques Derrida the pioneer of postmodernist discourse analysis, it is a complex exercise:

> A task that consists of not – of no longer – treating discourses as groups of signs (signifying elements referring to contents or representations) but as practices that systematically form the objects of which they speak. Of course, discourses are composed of signs; but what they do is more than use these signs to designate things. It is this *more* that renders them irreducible to the language (*langue*) and to speech. It is this 'more' that we must reveal and describe.[6]

Drawing on Foucault's argument, Lene Hansen argues that "language is social and political, an inherently unstable system of signs that generate meaning through a simultaneous construction of identity and difference."[7] This nature of language entails that discourse consists of particular constructions of problems and subjectivities.[8] Therefore, policy and identity are closely connected.[9] Understanding language as a social phenomenon also means, according to Jacques Derrida that we need to deconstruct discourse based on the use of concepts from social sciences in order to get a clearer picture of what we are looking at.[10]

David Campbell adds to these views that discourse includes a "series of representations and practices through which meanings are produced, identities constituted, social relations

[6] Michel, Foucault, *The Archeology of Knowledge* (London: Routledge, 1972), 54.
[7] Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (New York: Routledge, 2006), 15.
[8] Ibid, 15.
[9] Ibid, 16.
[10] Jacques Derrida, *Of Grammatology* (Baltimore: John Hopkins University Press, 1976), 14.

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established, and political and ethical outcomes made more or less possible."[11] To paraphrase Campbell, the drone debate – as any discourse – features a wide variety of different representations, frames, and interpretations that together form the discourse on drones. Due to the scope of this thesis, after analyzing the main ethical and moral questions that surround drone use, I will focus on two particular aspects of this discourse. First, I am going to analyze the debate that takes places between the government and its critics. Second, I will look at their depiction in popular media in order to see how these questions are represented in contemporary movies and TV shows. This way of representation is, of course, only one aspect of the discourse about drones, however I found movie depictions crucial in informing the public about the issue. Moreover, the importance of popular media is not central to scholarly papers, and I intend to show that this needs to be reconsidered. Campbell also adds that discourses are performative.[12] This means in the case of drones that the drone debate is made possible by a wide range of discursive practices that address important policy changes, moral, as well as ethical issues.

Therefore, my methodology will rely on Iver B. Neumann's approach, who also emphasizes the importance of various representations in his methodology. Neumann suggests an approach that I found useful for my research. *First*, I need to delimit the sources I am going to use to prove my argument.[13] There are texts that are anchor points such as short government policies and speeches by high-ranking officials. Moreover, there are secondary texts and movie adaptations that shape the discourse about drones. Because scholars analyzing the drone debate focused on anchor texts, my focus will be more on secondary readings although official positions will also be discussed in detail. The timeframe will be limited to the Obama administration with

[11] David Campbell, "Poststructuralism," in *International Relations Theories: Discipline and Diversity, 2007,* ed. Timothy Dunne, Milja Kurki, and Steve Smith (Oxford: Oxford University Press, 2007), 226.
[12] Ibid, 226.
[13] Iver B. Neumann, "Discourse Analysis," *Qualitative Methods in International Relations: A Pluralist Guide.* (Basingstoke: Palgrave Macmillan, 2008), 73.

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a few references to the Bush administration to indicate the change in the discourse. I will delimit the scope of my thesis to one segment of the debate, which deals with the use of drone warfare on non-conventional battlefields, such as Pakistan.

I am going to focus on the discourse that surrounds Pakistan because this territory is considered to be a non-conventional battlefield, which means that the U.S. is not at war with Pakistan; drone strikes are aimed at al-Qaeda members and its affiliates. My aim is to show how the debate about drone strikes in Pakistan between the Obama administration and its critics has evolved. In order to do this I am going to use a variety of sources such as official documents, speeches from members of the government, NGO reports, and television representations that are currently shaping public opinion. By using a variety of secondary sources I hope to bring a unique perspective to the drone debate. The representation of drones in television shows and movies made in Hollywood will receive special attention on perspectives represented for the public. As I will prove in the section about the conventionalization attempt of nuclear weapons in the 1950s, public support is essential for a government to continue justifying the use of a new weapon. The Eisenhower administration's conventionalization politics is going to be scrutinized mostly because the President and his Secretary of State John F. Dulles were trying to change the emerging nuclear taboo perspective when they entered office in 1953. In order to conventionalize certain tactical nuclear weapons they established programs that were specifically focusing on influencing public opinion. Such a change in discourse can also be seen in the Obama administration, therefore the nuclear debate provides considerable precedence for my analysis of the drone debate.

The *second* step, according to Neumann, is mapping representations. In a discourse there

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is always a dominant representation and a few alternative representations.[14] In my thesis I will show that the dominant representation of the Obama administration differs from the alternative representations of NGOs, Congress members who oppose the use of drones, as well as movie adaptations about drones. Neumann argues that a comprehensive critical discourse analysis needs to demonstrate that there might be a change in the dominant discourse. For this purpose I will introduce the case of Anwar al-Awlaki, an American citizen, suspected to be a terrorist, allegedly recruiting members to al-Qaeda. His killing in 2012 in a drone strike was leaked to the media, which was followed by an even more heated debate about the use of drones.[15]

The *third* element of Neumann's approach is layering discourses. "Not all representations are equally lasting. They differ in historical depth, in variation, and in degree of dominance/marginalization in the discourse." [16] Analyzing Eisenhower's attempt to conventionalize nuclear weapons, I will demonstrate that a certain representation might change, which can lead to a change also in the discourse. Neumann also mentions Foucault's notion that some representations remain the same while some are changing, and new ones are developing.[17] For example, movies and television adaptations of drones became more popular in recent years, and they are shaping public opinion that might influence actions of the government in the future.

With critical discourse analysis I attempt to examine the use of drone warfare on non-conventional battlefields. I will analyze the discourse about drones by considering the representation of the debate in the public sphere and how the public's view has been influenced by media adaptations such as movies and TV shows. I will prove that this representation of the discourse is crucial to be considered because presidents have been influenced by public pressure

[14] Ibid., 70-73.
[15] Benjamin R. Farley, "Targeting Anwar Al-Awlaki: A Case Study in U.S. Drone Strikes and Targeted Killing," *American University National Security Law Brief, Vol. 2, No. 1* (2012): 58-59.
[16] Neumann, Iver B., "Discourse Analysis," 73.
[17] Ibid, 74.

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in political decisions in the past as it was the case of Eisenhower's conventionalizing politics in the 1950s. Moreover, the current lack of transparency leads to a gap in public awareness about the drone program. Therefore, popular media provides necessary attention about drone use to the public. With this perspective I am hoping to bring a new perspective to the debate about drones.

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Chapter 1: Explaining the Empirical Puzzle

This chapter presents an overview of the two concepts that my thesis uses as theoretical background. First, just and unjust war theory (JWT) will be analyzed with special attention to Bradley Strawser's article "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles" and Michael Walzer's book *Just and Unjust Wars: A Moral Argument with Historical Illustration.* Second, the concept of Revolution in Military Affairs (RMA) will be elaborated on as it is viewed by scholars like Andrew Latham, Gary Chapman, and Ronald O'Rourke. This section will also provide a summary about military revolutions in history because RMA is positioned as the continuation of a wider military revolution in the twenty-first century by using new technology that reforms the American warfare system.

It is essential to understand the concept of just war, because the Obama administration has justified the extensive use of drone strikes outside of non-conventional battlefields based on its understanding of this theory. This argument will be further elaborated on in Chapter 3. Moreover, the just war theory will help me specify what type of weapons we can call conventional ('just') and non-conventional ('unjust'). RMA as part of wider military revolutions is critical to my thesis because it situates drones in today's warfare system and demonstrates the historical continuity as well as contingency of these questions. By focusing on the drone debate, I am hoping to prove that drones have created a major change in today's military by developing new strategies and tactics in the War on Terror.

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1.1. Just/Unjust War Theory

Just War Theory (JWT) is a more than two thousand year-old concept that has been widely used in military affairs mostly in Western societies. The conversation about how JWT

should be applied in modern times is ongoing. The main question that surrounds the discussion is whether JWT needs to be applied to the way military actions are carried out, or should it be used to restrict weapons.[18] This debate has provided a possibility for the Obama administration to justify signature strikes on non-conventional battlefields as will be shown in a later section.

The main reason JWT has been in the center of the drone debate is because drone strikes are seen as military operations rather than targeted killings.[19] Brian Orend summarizes the main arguments that scholars participating in the JWT debate agree on saying that JWT criteria include *just cause*, *right authority*, *right intention*, *last resort*, *proportionality of ends*, and, *probability of success*.[20] As Orend puts it, *right intention* is crucial to carry out a just war because a war ought to be waged for the common good, however defined, and not for mere hatred of the enemy.[21] According to Walzer, a country at war has to take every possibility into consideration in order to measure the effect a certain tactic or weapon will have on the enemy. Then it can turn to the *last resort* if needed. [22] This raises an important question about drone strikes: has the U.S. given space to other, less lethal means to fight such enemies such as Al Qaeda? President Obama in his speech at the National Defense University in 2013 pointed out that he sees the use of drones as the last resort in the war against Al-Qaeda: "Other tactics would pose profound risks to our troops and local civilians."[23] The *proportionality of ends* is also an important element in JWT. As Orend states "only if the projected benefits, in terms of securing

[18] Avery Plaw et. al, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft outside Conventional Battlefields*: 174.
[19] Ibid., 167.
[20] Brian Orend, *The Morality of War* (Peterborough: Broadview Press, 2013), 34.
[21] Ibid, 177.
[22] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations, Fourth Edition* (New York: Basic Books, 1977), 213.
[23] Barack Obama, "Obama's Speech on Drone Policy," Speech given at the National Defense University, Washington D.C., 23 May, 2013.
http://www.nytimes.com/2013/05/24/us/politics/transcript-of-obamas-speech-on-drone-policy.html
(Accessed 2 Apr., 2016)

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the just cause, are at least equal to, and preferably greater than, such costs as casualties may the war action proceed."[24] Based on the question of proportionality, the elimination of terrorist members in the War on Terror by drone strikes has been fiercely debated.

Scholars who study JWT all agree that these are the distinguishing factors of the theory. However, Michael Walzer goes beyond these elements and proposes the concept of *supreme emergency*. Walzer argues that in certain cases a state needs to apply extraordinary measures out of necessity in order to secure its safety from an antagonist. According to him the term is "defined by two criteria, which correspond to the levels on which the concept of necessity works. The first has to do with the imminence of the danger and the second with its nature."[25] Moreover, if a state intends to justify the use of such extraordinary measure, the threat has to be an unusual kind. [26] The *supreme emergency* concept will be useful in the following chapters when considering Obama's justification process.

Bradley J. Strawser's essay in which he applies the accepted criteria of JWT to the drone debate needs to be further examined at this point. Strawser poses six main objections regarding the current use of drones. First, Unmanned Aerial Vehicles (UAVs or drones) should not be used because they might lead to an autonomous weapons system. Second, the limitations of drones could lead to *jus in bello* violations. Breaches of the just war theory principles of distinction or proportionality by separating the combatant (the pilot who operates the drone from afar) from the target (which is far distance from the pilot) might occur. The third objection is that the killings by remote control will lead to mental problems in pilots such as Post-Traumatic Stress Disorder (PTSD) because even if they are not physically present when they kill their target, these strikes

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[24] Brian Orend, *The Morality of War,* 34-64.
[25] Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 252.
[26] Ibid, 182-183.

nonetheless emotionally and psychologically affect them.[27] Fourth, targeted killings by drones under the authority of the CIA pose the problem that "assassinations fall outside the bounds of acceptable just-war theory/practice and the UAVs somehow make this practice too easy."[28] Fifth, it is concerning that one state possesses drones and the other does not nor does it have adequate means of defense at its disposal. This situation leads to an unequal battle between the two sides, because the target does not have the opportunity to defend its territory. Finally, if a country has a drone in its possession, then that country might go to war more easily.[29]

These objections are the core elements of the drone debate that this thesis will touch upon because based on these factors, scholars have questioned the use of drones on non-conventional battlefields.

1.2.Conventional ('Just') and Non-Conventional ('Unjust') Weapons

When is then a weapon just? First, a just weapon has to be controlled by the right authority. This argument is a major part in the drone debate, because many opponents of signature strikes on non-conventional battlefields question the role of the CIA in the American Drone Program. Moreover, what is also alarming to those who are not in favor of the use of drones is President Obama's authority. As the commander-in-chief, the President has supreme authority over the military. He can decide who should be targeted from the 'kill list'. William Banks and Peter Raven-Hansen also emphasize the importance of this point in the Constitution: "The President as commander in chief [has] the authority to order killing in defense of the United States and does not protect aliens unconnected with the United States from targeted killing by

[27] I need to add that this objection does not only apply for drones because soldiers fighting on the battlefield killing someone even with a gun might also suffer from PTSD after the war. So this factor cannot be used to differentiate drones from other types of weapons.
[28] Bradley J. Strawser, "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles," *Journal of Military Ethics* 10, no. 16. (2011): 351-354.
[29] Ibid, 354-358.

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U.S. officials."[30] The U.S. Constitution specifies that the President can use military force including any technology that is in possession of the U.S. to kill "active enemy combatants". This group includes affiliates of the enemy who do not surrender. According to this view, U.S. citizens who engage in actions against the United States can also be killed. The President of the United States has the power to authorize, for example, a drone strike against such Americans and kill them without providing them the right to explain their actions in court. Anwar al-Awlaki's targeted killing was such a case in 2012, and his death brought to light an important element in the drone debate.[31] Therefore, this case will be elaborated on in a later section because it changed the discourse around drones.

Second, a just weapon has to be used with the right intention. The question of who the target is, especially in the case of signature strikes, has moral and ethical implications. Third, a just weapon has to be considered as the last resort that can be used in war. Does the use of drones imply that they are the last resort, and no other tactics could be used to fight Al Qaeda? Fourth, from the perspective of probability of success, it should not be used if it could be predicted that the outcome will lead to human casualties. Finally, it needs to be considered whether that weapon's use will lead to an effective outcome. Audrey Kurth Cronin emphasizes that in the fight against Al Qaeda the possible backfiring effects of drone use are essential to take into consideration. According to her, drone strike might lead to an even more aggressive and dangerous Al Qaeda. Moreover, the terrorist organization finds new members more easily among the population whose lives have been affected by drone strikes.[32]

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[30] William C. Banks and Peter Raven-Hansen, "Targeted Killing and Assassination: The U.S. Legal Framework," *University of Richmond Law Review 37* (2003): 3.
[31] Michael Stokes Paulsen, "Drone on: The Commander In Chief Power to Target and Kill Americans," *Harvard Journal of Law & Public Policy.* Winter 2015, Vol. 38. Issue 1: 44.
[32] Kurth Audrey Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton: Princeton University Press, 2009), 172.

These factors will be analyzed more thoroughly in Chapter 3 where each of these points will be touched upon as essential arguments of Obama's critics.

1.3. The Concept of Military Revolution

During the course of history there were new weapons that changed the warfare system of that period. According to Martin Van Creveld, new weapons are always disliked by the society that they are introduced to because a new weapon always threatens the order of a particular society and its traditional ideas about how wars should be fought. Therefore, weapons that emerge during "periods of rapid technological progress" are often labeled as "unfair".[33]

In the First World War it was the tank; in the Second World War the submarine and nuclear weapons reformed the existing order and warfare system. These weapons were all revolutionary because countries needed to adopt their strategies and tactics in order to take advantage and respond to these new weapons. When this change in the military system comes to pass, it challenges the social characteristics of a particular society that adopts the new weapon system.[34]

The concept of military revolution is not a twentieth century invention. Even when there were no states but, communities that were based on different political orders, a new weapon often changed those communities' political, social, and economic systems. Sinisa Malesevic highlights this important factor in history:

> Military historians emphasize the technological changes which are seen as decisive in transforming the character of warfare in antiquity, among which the most important were the introduction of bronze weaponry, the invention and spread of war chariots, the composite bow and, later, the proliferation of iron weapons. Whereas these technological changes had a direct impact on how wars were fought, they also had profound implications on the patterns of social

[33] Martin Van Creveld, *The Transformation of War* (New York City: The Free Press, 1991), 83.
[34] Sinisa Malesevic, *The Sociology of War and Violence* (Cambridge: Cambridge University Press, 2010), 311.

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stratification in societies affected by these changes.[35]

Martin Van Creveld also emphasizes the role of new weapons on societies when he describes the introduction of early firearms. With this weapon the commoner was able to kill a knight from a distance. This invention was threatening to the social relationship between the commoner and the knight in the medieval times.[36]

The importance of new weaponry continued into the Industrial Revolution. "With the discovery and mass production of steamships, electric field telegraphs, railways, automatic weapons, machine guns, high explosives, canned foods and barbed wire, warfare had entered a new, industrial, phase."[37] According to John Erickson arms such as nuclear weapons were more prone to change warfare society's entire military system because they could deter other countries to take actions and attack them. Besides the nuclear bomb, non-nuclear weapons have also developed to such extent that changes needed to be made in the "operational and organizational forms of warfare".[38] With the arrival of new weapons after the post-WWII era, conventional weapons became ever more abrupt and destructive.[39]

Since the beginning of the Industrial Revolution society's reliance on technology has increased extensively.[40] This reliance on technology created a new phase in the late 1990s when RMA or "defense transformation" in the United States began. There are numerous definitions that describe the essence of this term. However, the common argument that military officials, military analysts, and scholars all include on the concept is that "defense transformation can be thought of as large-scale, discontinuous, and possibly disruptive changes in military weapons,

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[35] Ibid, 97.
[36] Martin Van Creveld, *The Transformation of War*, 82.
[37] Sinisa Malesevic, *The Sociology of War and Violence*, 125.
[38] John Erickson, Edward L. Crowley, and Nikolai Galay, *The Military-Technical Revolution; Its Impact on Strategy and Foreign Policy* (New York: Published for the Institute for the Study of the USSR F. A. Praeger, 1966), 14.
[39] Ibid., 16.
[40] Sinisa Malesevic, *The Sociology of War and Violence*, 311.

concepts of operations."[41] This argument has been used to discuss the transformation of the US armed forces, as well as the increased use of new technological devices to form a new US military which would be: "(1) more operationally flexible and agile; (2) more mobile, more expeditionary, and more rapidly deployable; and (3) more capable of dealing with global as well as regional contingencies."[42] Andrew Marshall, the Director of the Office of Net Assessments in the Office of the Secretary of Defense described the essence as follows:

> A Revolution in Military Affairs (RMA) is a major change in the nature of warfare brought about by the innovative application of new technologies which, combined with dramatic changes in military doctrine and operational and organizational concepts, fundamentally alters the character and conduct of military operations.[43]

Therefore, the RMA more broadly means the change in military strategy and tactics with the use of new technological devices. Drones as members of RMA technology led to a new strategy in the war against terrorism, which differs greatly from conventional military strategies that the U.S. had been using before drones were introduced.

According to Gary Chapman, there have been distinguishable phases since the late 1990s that led to the reforming and the extension of the American defense transformation or RMA concept. The 9/11 attacks in 2001 brought about such a stage because the Iraq war following the attacks displayed particular features of RMA and served as an example to other nations. One of the developments was the closer cooperation of different agencies, for example, between the Federal Bureau of Investigation (FBI), the CIA, and the Department of Defense (DoD). The blurring of boundaries between military, intelligence and law enforcement agencies raised a

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[41]Ronald O'Rourke, "Defense Transformation Background and Oversight Issues for Congress," *CRS Report for Cngress* (Washington, D.C.: Congressional Research Service, Library of Congress, 9 Nov. 2006). https://www.fas.org/sgp/crs/natsec/RL32238.pdf (accessed 8 Apr. 2016), 3-4.

[42] Richard A. Bitzinger, "Arming the Revolution in Military Affairs: The US Defense Industry in the Post-transformational World," *International Journal of Defense Acquisition Management* Vol. 2. (2009): 17-22.

[43] Barry R. Schneider and Lawrence E. Grinter, "The Battlefield of the Future - 21st Century Warfare Issues," *Studies in National Security No. 3* (Maxwell Air Force Base, Alabama: Air War College, 1998), 65.

debate. This is still an important issue because in the case of drones we experience the CIA's extended authority over the drone program. However, the military establishment is not satisfied with this development because the CIA works based on a different rule system than the military.[44] This issue will be raised in Chapter 3 when I will discuss the main arguments of Obama's critics.

Malesevic adds that with the reliance of new technology and the change in strategy and tactics, the United States is more willing to fight risk-transfer wars. The War on Terror is an excellent example for this new type of war, which shows every feature of RMA. The key aim of the U.S. "is minimizing life-risks to Western military personnel and consequently minimizing electoral and political risks to the state leader- ship, which is accomplished by transferring these risks directly to the weaker enemy".[45] This risk-minimizing factor is in the center of the Obama administration's position about the necessity to use drone strikes against terrorists.

As Malesevic puts it "albeit technological sophistication and dependence on precision targeting and air power is obviously a historical novelty, it is not a global development but something that symbolizes the strength of a particular nation-state – the USA."[46] The following chapters will consider this strength of the U.S. in analyzing the case of the nuclear weapons after their first use in 1945 and the introduction of extensive drone strikes as examples. The U.S. has set the example for other countries in terms of military strategies and new technologies numerous times over the course of history. Such was the case with nuclear weapons during the Cold War, and we can see a similar phenomenon with drones.

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[44] Gary Chapman, "An Introduction to the Revolution in Military Affairs," *XV Amaldi Conference on Problems in Global Security* (Helsinki, Finland: September 2003), 14-15.
[45] Sinisa Malesevic, *The Sociology of War and Violence*, 317.
[46] Ibid. 328.

Chapter 2: Eisenhower's Conventionalizing Politics

Since the first use of atomic bombs in August 1945 by the U.S. the main question that surrounded the political discourse on the nuclear debate was whether the nuclear weapon was an ordinary, conventional, or a particular weapon that needed to be restricted. International discourse began to stigmatize the bomb after the end of the Second World War.[47]

President Harry S. Truman contributed to this stigmatization process on both the domestic and the international level by putting nuclear weapons in a separate category other than conventional, traditional weapons. On the domestic level although he supported the increase in the number of nuclear warheads in the United States due to the fact that the Soviet Union built its own atomic bomb, he created policies that put nukes in the center of the American defense strategy but supported their non-use. On the international level, President Truman helped in the creation of a separate category for nuclear weapons. The United Nations established the category of "weapons of mass destruction" (WMD) in 1948 and set the first policies for its non-use.[48]

In 1948 it seemed that the discourse about the categorization of the atomic bomb ended. However, in 1953 Dwight D. Eisenhower with his Secretary of State, John Foster Dulles, took a different position. The Korean War, which was in its third year, was troubling for both Eisenhower and Dulles. There was no sign for a possible armistice in January 1953 when he took office. Therefore, the President's first task was to rethink the American Cold War strategy. He saw the prolonged, costly war in Korea as the failure of conventional wars. The war was hurting the American economy, and the public was troubled by war-weariness.[49] This led to a change in political discourse about the use of nuclear weapons.

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[47] Nina Tannenwald, "Stigmatizing the Bomb: Origins of the Nuclear Taboo," 15-17.
[48] Ibid: 17-18.
[49] Robert A. Divine, *Eisenhower and the Cold War* (New York: Oxford University Press, 1981), 33.

2.1. Eisenhower and Dulles's View on Nuclear Weapons

Eisenhower's presidency from 1953 to 1961 focused on containment of the Soviet Union. His policy called the "New Look" was committed to defend the U.S. by all necessary means, even with the use of nuclear warheads if deterrence had failed. Eisenhower cut military spending on conventional armed forces by a third and concentrated the rest of the resources on increasing strategic air forces and the possibility of nuclear retaliation.[50] In his famous 'Chance for Peace' (1953) and 'Atoms for Peace' (1953) speeches Eisenhower depicted the nuclear weapon as the main source for future peace. He believed that "not only would the mere existence of nuclear not trigger a war, they were actually the best guarantee against the eruption of a global conflagration."[51]

Eisenhower argued that in case the U.S. and the Soviet regime found themselves in a direct war, it would become a nuclear conflict. The President was fully aware of the outcome of a possible nuclear war, so over time he became more cautious about his foreign policy decisions in relation to the Soviet Union. The first such case was when the administration was considering the use of nuclear warheads in the Korean War in May 1953.The leadership's goal during the National Security Council's meeting on May 20, 1953 was to force North Korea to agree to an armistice. Although the administration did not use nuclear weapons because the armistice arrived a few days after the NSC's meeting, Eisenhower's views on nuclear weapons became clear.[52]

The President began the conventionalizing of tactical nuclear weapons, which consisted of two elements. "Integrating tactical nuclear weapons more fully into military planning at the operational level, and waging a concerted public relations effort to make use of nuclear weapons

[50] Michael Gordon Jackson, "Beyond Brinkmanship: Eisenhower, Nuclear War Fighting, and Korea, 1953-1968," *Presidential Studies Quarterly* 35.1 (2005), 52-53.
[51] Eisenhower (1953) cited in Tal David, "Eisenhower's Disarmament Dilemma: From Chance for Peace to Open Skies Proposal," *Diplomacy & Statecraft* 12.2 (2001), 175.
[52] Ibid, 54-56.

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politically acceptable."[53] The integration of tactical nuclear weapons in the defense doctrine was not an easy task for Eisenhower and Dulles. Since 1945 the United Nations had been organizing numerous meetings to discuss nuclear warhead restrictions. The first serious talks were held in Geneva between 1958 and 1960 with those nations that were in possession of nuclear warheads: the U.S., the United Kingdom, and Russia. The purpose of the Nuclear Test Ban Talks was to slow down the arms race by limiting nuclear tests to those conducted underground. Martha-Smith Norris argues that the talks were not successful because for two reasons. First, there was a division in the administration about nuclear warheads, which had a negative impact on the negotiations. The administration's offices such as the State Department, the complete American Delegation in Geneva, the President's Science Advisory Committee, and the CIA were also supporting the plan to ban nuclear testing. Secondly, Eisenhower did not show strong leadership during the talks. He preferred instead a comprehensive test-ban treaty, which would have not restricted his New Look strategy that focused mostly on nuclear weapons. So Eisenhower was opposing his own State Department and the American Delegation in Geneva.[54] During the end of 1958 the talks started to progress when the Soviet leadership changed its position due to the possibility that China was going to build its own atomic bombs. Eisenhower recalled this meeting in his memoirs: "[W]e had expected the Soviet technicians [delegates] to be more politically oriented and negative than they turned out to be."[55] By the time the President left office, the negotiations were still going on.[56]

The second main element in Eisenhower's conventionalizing politics was raising

[53] Nina Tannnenwald, *The Nuclear Taboo: The United States and the Non-use of Nuclear Weapons since 1945* (Cambridge: Cambridge University Press, 2007), 167.
[54] Martha Smith-Norris, "The Eisenhower Administration and the Nuclear Test Ban Talks, 1958-1960: Another Challenge to Revisionism," *Diplomatic History* 27.4. (2003): 503-504.
[55] Dwight D. Eisenhower, *Waging Peace: The White House Years* (New York: Doubleday, 1965), 477.
[56] Martha Smith-Norris, "The Eisenhower Administration and the Nuclear Test Ban Talks, 1958-1960: Another Challenge to Revisionism," 538.

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awareness among the public about the usefulness of tactical nuclear weapons. The President realized how important it was to receive public support in the nuclear debate. According to Christopher Bright,

> Americans were informed of the development and deployment of nuclear antiaircraft arms. In an effort to facilitate popular acceptance of these weapons, details about their purpose, operation, and safety were broadly disseminated. The arms were touted in news releases, featured in films and television episodes, and made visible in many other ways. The publicly available information about the purpose, operation, and safety of these weapons largely approximated that which was available to policy makers. The need for atomic weapons was readily accepted by most Americans, and few objected to their existence or ubiquity.[57]

However, the public's support began to decrease by the end of the 1950's. Government funded movies such as *On the Beach* were broadcasted in 1959; however the threat of nuclear war rose among Americans. Although Eisenhower expected *On the Beach* to be popular, the movie failed.[58]

Eisenhower faced many critics during his presidency who were opposing his New Look policy. The discourse about the nuclear debate had different representations. The President's conventionalizing program focused on the American public and the international community however, the debate was not restricted to these groups.

2.2. The Critics' View

Eisenhower's critics came from within his own administration, the public, non-governmental organizations (NGOs), scientists, the U.N., and even from international groups who were protesting against the use of nuclear weapons and their testing.

[57] Christopher J. Bright, *Continental Defense in the Eisenhower Era: Nuclear Antiaircraft Arms and the Cold War* (New York: Palgrave Macmillan, 2010), 2.
[58] Brian Madison Jones, *Abolishing the Taboo: Dwight D. Eisenhower and American Nuclear Doctrine 1945-1961* (West Midlands: Helion and Company Limited, 2011), 421.

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One argument that everyone who was opposing Eisenhower and Dulles' New Look agreed on was that although there was a threat of a nuclear war between the U.S. and the Soviet Union, the U.S. should have been working on resolving the issues that the two countries did not agree on instead of urging a disarmament agreement. Although an agreement would have solved the nuclear problem, the initial conflict between the communist and the democratic state would have remained the same.[59] As we can see, the nuclear debate extended to many interconnected issues.

First, government officials and advisors such as Henry Kissinger criticized Eisenhower several times because he believed that the President's administration had spent too much time and money on building its new technology and did not establish a comprehensive strategy against the Soviet Union. Since the New Look brought about budget cuts and divisions in armed forces. Eisenhower's Cold War strategy was less costly than previous strategies, but in terms of military power it was argued not to be effective. General Maxwell Taylor agreed with Kissinger's argument and added that the use of nuclear weapons would have put the U.S. in even more danger because in the case of Soviet military aggression, the U.S. should have either used massive retaliation or should have done nothing. Both of these options would have hurt the international reputation of the country, which Eisenhower could not risk.[60] Even the Joint Chiefs disagreed with Eisenhower and Dulles. Already in the beginning of Eisenhower's presidency, when the possibility to use nuclear weapons in the Korean War was central to the nuclear debate, the Joint Chiefs were skeptical about the use of nuclear weapons in Korea. Yet they agreed that

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[59] David Tal, "Eisenhower's Disarmament Dilemma: From Chance for Peace to Open Skies Proposal," *Diplomacy & Statecraft* 12.2 (2001), 176-177.
[60] Brian Madison Jones, *Abolishing the Taboo: Dwight D. Eisenhower and American Nuclear Doctrine 1945-1961*, 166-167.

these weapons could have been effective in other places. [61]

Second, despite of Eisenhower and Dulles' efforts to get the American public on their side, Americans remained skeptical about atomic weapons. Public opinion polls showed that instead of accepting the usefulness of tactical nuclear weapons suggested by the Eisenhower administration, the nuclear taboo remained the dominant view. Polls suggested that public approval rate never went higher than 27%.[62]

The third group of critics was the international community. On the global level anti-nuclear propaganda began already during the Korean War. In Stockholm in 1950 the 'ban the bomb' petition was signed by nearly 500 million people. This initiative was led by the Soviet regime for power politics. It was aiming to delegitimize the use of nuclear weapons by the U.S.[63] The Stockholm petition was not the only protest against Eisenhower and his conventionalizing process:

> Between 1958 and 1962, protesters made several attempts to sail yachts into the US testing area at Eniwetok. Protest movements also developed in Britain, West Germany, Sweden, Switzerland, Norway, Denmark, Canada, Australia, New Zealand, and to a lesser extent in France and Greece. The largest one of all was in Japan. Many of the demonstrations, and especially the protest voyages, generated widespread media coverage.[64]

The international representation of the debate about nuclear weapons remained the same during Eisenhower's presidency. The State Department's polling suggested that in Europe the governments' greatest fear was that in case of a nuclear war between the U.S. and the Soviet Union, Europe would become the battleground. Therefore, many of America's allies disapproved

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[61] Nina Tannenwald, "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use," *International Organization* 53.3 (1999), 449.
[62] Ibid, 150-151.
[63] Nina Tannenwald, *The Nuclear Taboo: The United States and the Non-use of Nuclear Weapons since 1945* (Cambridge: Cambridge University Press, 2007), 165.
[64] Ibid, 160.

of Eisenhower's conventionalizing program.[65]

Finally, NGOs with the help of American and British scientists were raising attention to the negative effect of nuclear testing on affected people's health. These scientists were the leading figures of the campaign against nuclear testing. The Federation for American Scientists began its counter-propaganda to try to stop nuclear tests in the middle of the 1950s after a nuclear testing resulted in the serious illness of thirty soldiers'.[66] The Eisenhower administration began the conventionalizing program by focusing on the American public, but it had to realize that the representation of the nuclear debate spread to different groups.

2.3. The Conventionalizing Process Fails

When Dwight D. Eisenhower was elected in 1953, there were 841 nuclear warheads in the possession of the American military. Eight years later when he left office, this number increased twenty-two times.[67] Although Eisenhower was trying to convince his critics that the use of tactical nuclear weapons could be useful in deterring the Soviet Union, it was evident by the end of the 1950s that the conventionalizing program had failed and the nuclear taboo remained the dominant concept in the debate about atomic bombs.[68]

Political discourse on the nuclear debate changed during Eisenhower's politics not only because the message that the President was sending was different to the message of the previous administration, but also because the variety of representations focusing on this debate became wider. International protests and the anti-nuclear propaganda led by scientists and NGOs made it impossible for the Eisenhower administration to transfer nuclear weapons from the category of

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[65] Ibid, 152.
[66] Ibid, 156-157.
[67] Christopher J. Bright, *Continental Defense in the Eisenhower Era: Nuclear Antiaircraft Arms and the Cold War* (New York: Palgrave Macmillan, 2010), 1.
[68] Nina Tannenwald, "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use," 450.

weapons of mass destruction (WMD) to the category of conventional weapons. This discourse about a newly introduced weapon, the atomic bomb, resembles to the discourse that we can see today regarding the use of drones.

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Chapter 3: The American Drone Debate

When Barack Obama became President of the United States in 2008, he started withdrawing troops from Afghanistan and Iraq with the intention of using a different military strategy to continue the fight against al-Qaeda. Drones had been already used during President George W. Bush's administration since 2002 when the first drone strike was authorized on Yemen. With drones already being in the center of the new American strategy there were a record number of 122 strikes performed against suspected terrorists in Pakistan in 2010. By the end of 2013, 58 al-Qaeda leaders were reported to have been killed by American drone strikes in Pakistan.[69] This was a considerable success for the Obama administration because it managed to fight the war against al-Qaeda without tremendous American losses. What features did the drone offer that brought about such a substantial change in the government's way of carrying out the WoT?

Drones or unmanned aerial vehicles (UAVs)[70] are used in the American military to carry warheads that weigh up to 1,000 kilograms and are able to fly into territories that are thousands of kilometers away from the station.[71] "These factors enable large military-specific drones to operate and strike deep inside an adversary's territory."[72] Drones can also remain in air much longer than the fighter jets, and while flying they collect surveillance data from the territory. This way their mission is not only to drop a bomb on a target but also, in theory, to distinguish

[69] Peter L. Bergen and Jennifer Rowland, "Decade of the Drone: Analyzing CIA Drone Attacks, Casualties, and Policy," in *Drone Wars: Transforming Conflict, Law, and Policy*, ed. Peter L. Bergen and Daniel Rothenberg (New York City: Cambridge University Press, 2014), 13-15.
[70] I will use drones and UAVs interchangeably in the upcoming sections.
[71] Kelley Sayler, "A World of Proliferated Drones: A Technology Primer," *Center for a New American Security*, June 10 2015. http://www.cnas.org/world-of-proliferated-drones-technology-primer#.VzdjClNF_lQ (Accessed 14 May, 2016.), 5-6.
[72] Ibid, 6.

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combatants from non-combatants.[73] However, the main advantage of drones that make them so popular is that they do not need a pilot because some technician from distance can control them remotely with a joystick. Today, the number of countries that possess drones is more than ninety, and there are at least thirty more that are either operating or currently developing their versions of UAVs.[74]

Drone use has been questioned by the public and several NGOs only for a few years. The discourse has expanded from the Congressional level to a variety of representations. Because the authority over drone strikes is divided between the CIA and the Defense Department's Joint Special Operations Command (JSOC) most of these operations have been classified, therefore the public has had little knowledge about them. However, with the Anwar al-Awlaki case in 2012, the Obama administration has been forced to change its policies and make information available to Congress, as well as, to the public for review.[75]

As Sarah Holewinski writes, "drones are being used for secret attacks against unspecified targets, without public scrutiny, based on questionable intelligence, and with unknown outcomes."[76] The discourse about drones can be compared to the nuclear debate during Eisenhower's presidency because in the current American military strategy drones have been used as conventional weapons, although critics highlight several points that question the morality and legality of them. This discourse will be elaborated on in the following sections by focusing on several representations with special attention to public opinion, which may change a future president's way of policy making.

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[73] Sarah Holewinski, "Just Trust Us: The Need to Know More About the Civilian Impact of US Drone Strikes," in *Drone Wars: Transforming Conflict, Law, and Policy,* ed. Peter L. Bergen and Daniel Rothenberg (New York City: Cambridge University Press, 2014), 42.
[74] Kelley Sayler, "A World of Proliferated Drones: A Technology Primer," 5.
[75] Sarah Holewinski, "Just Trust Us: The Need to Know More About the Civilian Impact of US Drone Strikes," 47.
[76] Ibid, 43.

The criteria of Just War Theory (JWT) described in Chapter 1 will be used as point of departure to explain the main critical responses to the use of drones. However, a consideration of President Obama's definitions of terrorism and the WoT is detailed first in order to understand the government's extensive use of drones.

3.1 The Obama Administration: Justifying Drone Strikes

Barack Obama during the presidential elections of 2008 highlighted in his speeches that he intended to continue the fight against terrorism, but he also meant to make changes in the American counterterrorism strategy. Fighting terrorism as a global phenomenon became Obama's *just cause* (the first principle in JWT). In his inaugural address in January 2009 he clearly showed his willingness to follow his predecessor's footsteps in the fight against terrorism: "And for those who seek to advance their aims by inducing terror and slaughtering innocents, we say to you now that, our spirit is stronger and cannot be broken. You cannot outlast us, and we will defeat you."[77] Moreover, he claimed to maintain key constitutional values that were, in his opinion, not properly adhered to during the Bush administration.

According to Andrew Pilecki, President Obama "constructed the terrorist as a multifaceted, morally abject category distinguished not only by the unjust nature of the violence inflicted by its members, but also because of their oppressive political objectives and desire to undermine and 'infect' the societies they target."[78] There are certain themes that have appeared in Obama's speeches that show a clear message to society about who the terrorists are and what their intentions might be.

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[77] Barack Obama, "Barack Obama's Inaugural Address," Speech delivered in Washington D.C. on 20 January, 2009. http://www.nytimes.com/2009/01/20/us/politics/20text-obama.html (Accessed 14 May 2016.)
[78] Andrew Pilecki, "The Moral Dimensions of the Terrorist Category Construction in Presidential Rhetoric and Their Use in Legitimizing Counterterrorism Policy," *Qualitative Psychology: November 16,* 2015: 1.

The first such theme depicts terrorists as murderers whose actions are unjustified and lead to loss of innocent lives. Obama has emphasized this numerous times, highlighting the U.S. government's responsibility for its own citizens' and also for its allies' safety. Seeing terrorists as murderers who kill innocents provided the background to his administration's *just cause*. Therefore, the violence Americans use as counterterrorism measures become morally acceptable. Terrorists, by definition, do not distinguish between legitimate and illegitimate (civilian) targets. In contrast, American drone strikes, by applying personality and signature strikes, are argued to make such a distinction. So the level of casualties in such drone strikes can be seen as an unfortunate outcome or collateral damage of a justified mission.[79] This point will be further elaborated on when I am going to analyze the drone debate based on JWT as these points are crucial in the critics' arguments.

The second theme is that terrorists are using unjust methods to kill innocents; therefore the U.S. has the authority to respond proportionately. In other words, the U.S. government is allowed to use any tactics and methods to punish and stop terrorists from carrying out more attacks against Americans or their allies. The proportionality factor has a center space in the drone debate especially when critics focus their questions on high casualty numbers.[80] This theme was already used in Obama's speech when he announced Osama bin Laden's death to the public in 2011:

> We were also united in our resolve to protect our nation and to bring those who committed this vicious attack to justice. We quickly learned that the 9/11 attacks were carried out by al Qaeda—an organization headed by Osama bin Laden, which had openly declared war on the United States and was committed to killing innocents in our country and around the globe. And so we went to war against al

[79] Ibid, 8-12.
[80] Ibid, 8.

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> Qaeda to protect our citizens, our friends, and our allies.[81]

With his speech the President also included the terrorist-as-divisive enemy theme which invokes that terrorists, especially members of al-Qaeda, were threatening not only innocent lives, but they were also challenging the unity of societies.[82]

These themes were common in Bush and Obama's arguments when they justified their actions against terrorists. However, President Obama then expanded the fight to all terrorist groups, so the focus was no longer on al-Qaeda alone. Moreover, the perception of who can be seen as a potential threat also changed. The so-called "kill list" that contains targets who could be killed in a drone strike also includes al-Qaeda affiliates worldwide. As the following section will show the definition of an affiliate is ambiguous not to mention the fact that it includes American citizens who are believed to be members of al-Qaeda. The American security strategy already included this expanded view of targets in 2010: "To disrupt, dismantle and defeat al-Qa'ida and its affiliates, we are pursuing a strategy that protects our homeland, secures the world's most dangerous weapons and material, denies al-Qa'ida safe haven, and builds positive partnerships with Muslim communities around the world."[83] In 2015 the American Security Strategy explained the shift from military tactic to a different counterterrorism that included targeted killing:

> We shifted away from a model of fighting costly, large-scale ground wars in Iraq and Afghanistan in which the United States—particularly our military—bore an enormous burden. Instead, we are now pursuing a more sustainable approach that prioritizes targeted counterterrorism operations, collective action with responsible partners, and increased efforts to prevent the growth of violent extremism and

[81] Barack Obama, "Osama Bin Laden Dead," speech given in The White House on 2 May, 2011. https://www.whitehouse.gov/blog/2011/05/02/osama-bin-laden-dead (Accessed 15 May, 2016).
[82] Andrew Pilecki, "The Moral Dimensions of the Terrorist Category Construction in Presidential Rhetoric and Their Use in Legitimizing Counterterrorism Policy," 8.
[83] Barack Obama, "National Security Strategy," Washington D.C.: The White House, May 2010. https://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf (Accessed 16 May, 2016).

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radicalization that drives increased threats.[84]

The shift from the military meant a drone program led by the CIA and JSOC, and "collective action with responsible partners" referred to a closer cooperation with Pakistan. President Obama understood the limits of the American operations in Pakistan's Federally Administered Tribal Areas (FATA), so he knew that he had to rely on the Pakistani government's support to fight al-Qaeda. However, the President recognized already in the beginning of his first presidential term that it was not enough to rely on Pakistan's help; therefore he emphasized the more extensive use of drone strikes in the region.[85] And this new American strategy in the WoT brought about a moral and ethical debate with striking similarities to the one we saw during the Eisenhower administration on tactical nuclear weapons.

3.2 Critics of the Use of Drones on Non-Conventional Battlefields

This section intends to touch upon the drone debate's main arguments that consider JWT. The focus is on those four criteria (*right authority*, *right intention*, *right intention*, *last resort*, and *proportionality of ends*) that Brian Orend and Bradley J. Strawser highlighted to be the most important factors to consider whether a war is just or unjust. In addition, I will look at Michael Walzer's view about *supreme emergency* as a necessary factor for a leader to justify one's war.

Since President Obama has been using an extensive number of drone strikes, critics have been questioning the legality and morality of the use of drones. I believe that the political discourse about drones was limited to the government and certain legal entities in the beginning of the use of these weapons. However, the number of representations that considered drone

[84] Barack Obama, "National Security Strategy," Washington D.C.: The White House, February 2015. https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf (Accessed 9 May, 2016).
[85] Wali Aslam, "Drones and the issue of continuity in America's Pakistan policy under Obama," in *Obama's Foreign Policy: Ending the War on Terror*. ed by Bentley, Michelle and Jack Holland (New York City: Routledge, 2014), 151.

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strikes on non-conventional battlefields increased in 2012 when the Anwar al-Awlaki case was leaked to the media and the public received information of this American citizen's targeted killing.

From 2012 on the number of reports and research carried out by non-governmental organizations began to increase. These NGOs have been playing a crucial role in creating an opposition against drone strikes to the government's representations. Besides NGOs, I will focus on the importance of public opinion and depictions in movies and television shows as crucial elements in the process of shaping the public's view about drone use.

In recent years there have been several media productions especially movies and TV shows that have problematized the characteristics of drones and President Obama's different strategy in the fight against terrorism. As the currently available research on drone debate only briefly touches on the role of public opinion, I intend to show that the public might have an influence on how American presidents shape their policies. In the case of Eisenhower it was already mentioned that the President, who from very early on recognized the utility of these tools, was drawing on movie adaptations as a way of propaganda to change public opinion about tactical nuclear weapons. Because there is still limited information about drones that reach the public, movie adaptations play a great role informing those people about drone use who would otherwise not know about it because they do not read scholarly papers or watch political debates on this topic.

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3.2.1. Right Authority

With the Authorization of the Use of Military Force (AUMF), passed by the U.S. Congress on 14 September 2001, the Bush administration received the most extensive political mandate for military action any post-WWII U.S. presidents had been endued with.

This leads us to the second argument that critics advance against the use of UAVs. Drones are under the authority of the CIA and the JSOC, however while JSOC is a military institution, the CIA is a civilian entity. The shift that occurred in the discourse about drones changed in 2012 not only because of the al-Awlaki case, but also because John Brennan was nominated by President Obama to be the CIA's next director. The debate surrounding Brennan's nomination was significant because Brennan had been the Obama administration's advisor in counterterrorism policies, and he had already been supportive of the use of drone strikes in Pakistan. Critics were afraid that with Brennan becoming the director of the CIA, drone strikes would remain in use and their number would even increase. Consequently, his confirmation hearing was focused on targeted killings, and Senator Rand Paul protested against Brennan's nomination with a 13-hour filibuster focusing on drone strikes. However, Brennan was affirmed director and the critics' fears became reality: the CIA received even bigger authority over drone strikes than ever before.[86] According to McCrisken, "the CIA has considerably stepped up the business of killing suspected terrorists in targeted drone attacks, raising suspicions that the Obama administration prefers a kill-not-capture policy against al-Qaeda and its associates."[87]

The suspicion about the government's preference for a kill-not-capture policy led to several U.S. Congress members and legal entities to raise awareness about the lack of transparency in the Obama administration to provide Congress with information about drone strikes on non-conventional battlefields in order to oversee their legality.[88] David Rohde highlights that Congress does not have the authority to examine these cases' constitutionality, a

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[86] Ibid, 43-44.
[87] Trevor McCrisken, "Obama's War on Terrorism in Rhetoric and Practice," in *Obama's Foreign Policy: Ending the War on Terror*. ed by Bentley, Michelle and Jack Holland (New York City: Routledge, 2014), 29.
[88] Julian E. Barnes and Siobhan Gorman, "U.S. Military Pushes for More Disclosure on Drone Strikes," *Wall Street Journal*, 22 May, 2014.
http://www.wsj.com/articles/SB10001424052702303749904579578443104419368 (Accessed 16 May, 2016).

troubling circumstance.[89] Moreover, Jameel Jaffer points out that the President Obama is creating a precarious precedence with this type of authority: "You have to remember that this authority is going to be used by the next administration and the next administration after that. You need to make sure there are clear limits on what is really unparalleled power."[90]

President Obama's extensive presidential authority and the power he invested the CIA with manifest problems with Obama's strategy against al-Qaeda. The lack of transparency enables the government to proceed without Congressional oversight to fight a shadow war in Pakistan. These are alarming features that make the war, and therefore the use of drones, unjust.

3.2.2. Right Intention

The President has emphasized that the U.S. is fighting a just war with the intention to save American lives, as well as its allies, from future attacks. McCrisken points out that if we examine Obama's speeches during the presidential campaign in 2008, we can see that he was persistent in the fight against terrorism. In addition, he extended the fight and changed the tactics by withdrawing troops from Iraq and Afghanistan and added drones as his major tool.[91] Extending the kill list to al-Qaeda affiliates, who do not necessarily take part in terrorist action but support the organization, support these concerns.

3.2.3. Last Resort

Are drone strikes on non-conventional battlefields a *last resort* that the U.S. can use in the fight against al-Qaeda? President Obama gave a speech about this question in "an hour-long video 'hangout' on Google's social network, Google+, which was also streamed live on

[89] David Rohde, "The Obama Doctrine," *Foreign Policy*, 27 Feb. 2012. http://foreignpolicy.com/2012/02/27/the-obama-doctrine (Accessed 9 May, 2016)
[90] Ibid.
[91] Trevor McCrisken, "Obama's War on Terrorism in Rhetoric and Practice," 22.

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YouTube."[92] The President justified the use of drone strikes by arguing that UAVs are the only, currently available, weapons that serve the U.S.'s goals without putting Americans in harm's way. He argued for the precision of drones and assured the public that drones were well monitored.[93]

The discourse about drones does not emphasize the *last resort* criteria of JWT to such an extent as it covers the elements. However, there are a few popular media depictions that intend to focus on the government's stand on the *last resort* question. Such an example is National Geographic channel's documentary called 'CIA Confidential'. The documentary's main focus is the hidden locations of al-Qaeda members in Pakistan's tribal area. The editors of the documentary emphasize that although the U.S. relies on the Pakistani government to help them fight the terrorist organization, terrorists are normally hiding in remote locations in the mountains. Therefore, the documentary provides justification for the use of drones as they are depicted as the only possible option, *last resort,* that the U.S. can use to carry out successful attacks without losing American lives.[94]

3.2.4. Proportionality of Ends

Proportionality of ends is the most debated issue in the political discourse about drones, and the discourse entails several issues. First, critics have emphasized that the United States does not keep the rules of Article 51 written in the United Nation Charter, which states that "launching an attack, which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in

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[92] "Obama Defends US Drone Strikes In Pakistan," 31 January, 2012. http://www.bbc.com/news/world-us-canada-16804247 (Accessed 9 May, 2016).
[93] Ibid.
[94] *CIA Confidential: Inside the Drone War*. USA: National Geographic Channel, 4 June, 2013.

relation to the concrete and direct military advantage anticipated, is prohibited."[95] This means that the CIA use of signature, and personality strikes might lead to a high number of civilian casualties. In a personality strike the identity of a target is well known, while in the case of signature strikes, attacks are conducted against individuals whose identity is not known but based on their actions they are suspected to be terrorists.[96] Signature strikes particularly concern the critics of the government for obvious reasons: the U.S. kills certain individuals without evidence of them being terrorists. Since 2012 several NGOs have conducted research in Pakistan and other non-conventional battlefields such as Somalia and Yemen to indicate the number of civilian deaths during Obama's presidency. "A few organizations have assembled databases tracking U.S. drone strikes."[97] These NGOs include the New America Foundation, The Long War Journal (LWJ), The Bureau of Investigative Journalism (TBIJ), and the Center for the Study of Targeted Killing (CSTK). All of them put the number of civilian deaths around 400 by the end of 2013. United Nation has also conducted its own research:

> In March 2013 the Special Rapporteur was provided with Ministry of Foreign Affairs statistics recording at least 330 RPA strikes in the Federally Administered Tribal Area of Pakistan (FATA) since 2004. Government records showed that the total number of deaths caused by RPA strikes was at least 2,200 and that in addition at least 600 people had suffered serious injuries.[98]

The UN's research is also available to the public. Both the group of NGOs and the UN's report are crucial in shaping public opinion because they are able to provide transparency, although a very limited one, to the people, so they can form their opinion about drone strikes carried out on non-conventional battlefields.

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[95] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules.* (Cambridge: Cambridge University Press, 2005), 46.
[96] Sarah Holewinski, "Just Trust Us: The Need to Know More About the Civilian Impact of US Drone Strikes," *46.*
[97] Avery Plaw et al, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft outside Conventional Battlefields*, 28.
[98] United Nations, "UN SRCT Drone Inquiry," http://unsrct-drones.com (Accessed 21 April, 2016).

The second concern regarding casualties highlight the U.S. "kill list". Who and under what circumstances can someone be put on this list is still unknown. The only information the government provided was that it considers every military-age male as a militant in the target area. This means that even civilians living in the area where a potential terrorist suspect is targeted can be killed.[99] Although President Obama took over the responsibility to personally decide what individual would be added to the drone kill list, this issue remains important in the discourse about drone strikes.[100] This is the case mostly because JWT clearly states than in conducting a war, *jus in bello*, both sides need to distinguish combatants from non-combatants.[101] As it was shown, Obama justifies civilian casualties only as byproducts or collateral damage of a war. He believes that as terrorists are murderers who do not distinguish combatants from non-combatants, the U.S. government has the right to conduct drone strikes against al-Qaeda members. If civilians die in the process that is considered to be an unfortunate byproduct of an attack, but it is still proportionate if the drone kills a suspected terrorist who might be a potential threat to the U.S.

The last concern regarding the proportionality of ends is that the U.S. also targets American citizens. The case already mentioned that resulted in a great political debate was Anwar al-Awlaki's case who was not participating in terrorist attacks, but was actively plotting against his own country, and he was recruiting new members to al-Qaeda. Critics raised their concerns because they argued that every American citizen needs to be protected by his/her Fifth Amendment rights which entails that the citizen has the right to due process. Al-Awlaki's case

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[99] Peter L. Bergen and Jennifer Rowland, "Decade of the Drone: Analyzing CIA Drone Attacks, Casualties, and Policy," *16.*
[100] Ibid, 16.
[101] David True. "Disciplining Drone Strikes: Just War in the Context of Counterterrorism," In *Drone Wars: Transforming Conflict, Law, and Policy*, ed. Peter L. Bergen and Daniel Rothenberg (New York City: Cambridge University Press, 2014), 287.

brought about accusations against the government's kill-not-capture policy. The Obama administration argued that al-Awlaki needed to be put on the kill list because he posed an imminent threat to the U.S.

3.2.5. Supreme Emergency

The question of imminence brings us to the last point that is covered in the political discourse about drone strikes in non-conventional battlefields such as Pakistan. As Walzer argues a country might need to use extraordinary measures if it intends to save its citizens from an antagonist. However this threat has to be imminent.

According to Plaw, "the consistent position of the Obama administration on the permissibility of drone strikes outside of conventional battlefields under international law involves two key claims: (1) the United States is in an armed conflict (or "at war") with al-Qaeda and its affiliates; and (2) the U.S. can also use military force against them on the basis of its inherent right of self-defense."[102] However, the state can only use self-defense and killing individuals if that person poses an imminent threat to the country.[103] What imminent means remains a topic of discussion because the Obama administration consummately views any possible future attacks against the U.S. as imminent.

Using drone strikes in personality and signature strikes as extraordinary measures is also criticized by many officials who bring Executive Order 12333, Section 2.1. as evidence for the Obama administration's violation of domestic law. The policy states that "no person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in,

[102] Avery Plaw et al, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft outside Conventional Battlefields*, 119.
[103] William C. Banks and Peter Raven-Hansen, "Targeted killing and assassination: The U.S. legal framework," 671.

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assassination."[104] Targeted killings carried out by drones are assassinations because the U.S. does not provide due process to the perceived enemy, and it kills the individual without giving the opportunity for that person to save her/himself.

3.3. Forming Public Opinion: Movie Adaptations

Public opinion can change a political discourse and a government's reputation. As it was mentioned regarding President Eisenhower's conventionalizing politics about the use of tactical nuclear weapons, Eisenhower integrated public opinion about nukes into his political strategy. His main goal was to support movie productions that were explaining the essence of the government's ambitions with these weapons. Moreover, they were also providing technical information about nuclear warheads. The President knew that if he was unable to change the public's antinuclear sentiment and the public was going to disapprove of his plans regarding tactical nukes, his policy would have failed.[105] And this is exactly what happened, leading to the nuclear taboo.

Not only the American government but its agencies too have realized the role of public opinion in political discourses. The CIA has been actively working with Hollywood and television show producers since the end of the Cold War.[106] Especially after the 9/11 terrorist attacks when the public was critical towards the CIA's usefulness, the Agency began to cooperate with filmmakers more closely. Movies and television series became tools to show a

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[104] The White House, "Executive Order 12333: United States intelligence activities, 40 Fed. Reg. 59, 941" (4 December, 1981).
http://www.archives.gov/federal-register/codification/executive-order/12333.html (Accessed 16 May, 2016).
[105] Christopher J. Bright, *Continental Defense in the Eisenhower Era: Nuclear Antiaircraft Arms and the Cold War*, 2.
[106] Tricia Jenkins, *The CIA in Hollywood: How the Agency Shapes Film and Television* (Austin: University of Texas, 2012), 2.

positive image of the CIA.[107] Therefore, the CIA's goal has been to support movie productions that depict the CIA in a positive light.[108] And also in a way, that American society would believe that what they saw in those movies is not a product of the CIA's influence.[109]

Public perception plays an important role in the discourse about drones. However, public debate was not considerable during the Bush administration and the beginning of Obama's presidency mostly because Americans were not well-informed about drones and the assumptions they drew from the speeches of government officials made them believe that the U.S. was fighting a just war with the use of drone strikes.[110] The American public still seems generally supportive of drone strikes against al-Qaeda members, however as Avery Plaw and Matthew Fricker pointed out this can be an outcome of the lack of transparency regarding the use of drones on non-conventional battlefields. The minimal information the Obama administration provides about these strikes leads to the public's reliance on media reports and investigative journalism.[111] The goal of this section is to also consider the role that movies and television productions play in the shaping of public opinion. Although the Obama administration has been providing more data on drone strikes since the al-Awlaki-case in 2012, the sources Americans could use to decide where they stand in the drone debate are not considerable. Therefore, in the next sections my focus turns to such TV productions as *Homeland*, *Good Wife*, and a 2013 movie called *Drones*. I chose these examples because they show different perspectives and different segments of the drone debate.

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[107] Ibid, 6.
[108] This is not to suggest that every movie or TV show related to the CIA is influenced by the Agency.
[109] Ibid, 137.
[110] David True, "Disciplining Drone Strikes: Just War in the Context of Counterterrorism," 288.
[111] Avery Plaw et al, *The Drone Debate: A Primer on the U.S. Use of Unmanned Aircraft outside Conventional Battlefields*, 28.

3.3.1. *Homeland*: "The Drone Queen"

Since its first debut in 2011, *Homeland* has been one of the main TV shows that focus on the CIA's role in the WoT. The drama began with a CIA operative's, Carrie Mathison's (Claire Danes), suspicion that a prisoner of war, Nicholas Brody (Damian Lewis), joined al-Qaeda. The story line reveals that Brody indeed returned to the U.S. as an al-Qaeda affiliate because he was affected by the death of a child who was killed by an American drone strike that led to many casualties. *Homeland* has been depicting drones on non-conventional battlefields in its episodes showing both the government's and the critics' arguments in order to provide information of the drone debate to its viewers. The episode which I chose for further analysis, "The Drone Queen", is from 2014 and considers several important factors that critics of the drone strikes are concerned about.

In this first episode of season four questions are highlighted regarding collateral damage and the CIA's "kill list". The main plot in this episode focuses on a targeted killing against a terrorist, Haissam Haqqani, who is number four on the CIA's kill list. This episode presents the root of the whole season's storyline because the CIA's drone strike hits a farmhouse where a wedding takes place, therefore many civilians die. This is a result of the CIA source's wrong information about the details of Haqqani's location.[112] Although the drone strike kills the terrorist, the great number of casualties leads to protests in Pakistan. The outcome is the murder of Sandy Bachman (Corey Stoll) who has been providing secret intelligence to the CIA to support their drone strikes. He is killed by an angry Pakistani mob when his identity is leaked to the Pakistani television as the scapegoat of the drone strike.

[112] Alyssa Rosenberg, "In Its Fourth Season, 'Homeland' Crowns Carrie Mathison 'Drone Queen'," 6 October, 2014. https://www.washingtonpost.com/news/act-four/wp/2014/10/06/in-its-fourth-season-homeland-crowns-carrie-mathison-drone-queen/ (Accessed 14 May, 2016).

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The conversation between the Chief of the CIA's Station in Kabul, Mathison, and Agent Bachman is key in the beginning of the episode because Mathison is unsure about the validity about the source's information before she gives the order to carry out the drone strike targeting Haqqani who is Pakistan.

> *Mathison:* Talk to me, Sandy.
> *Bachman:* What's the issue?
> *Mathison:* There is no issue, I'm just caring about this for the first time.
> *Bachman:* He's in number 4 on the hit list, Carrie. What more you need to know?
> *Mathison:* The source of the intel?
> *Bachman:* The same as the four high value kills before.
> *Mathison*: Does he have a name?
> *Bachman:* The deal was anonymity in exchange for information. So far it has been a very fruitful relationship.
> *Mathison:* Well, so far we always managed to get a second opinion to check the intelligence.
> *Bachman:* Well, consider the target.
> *Mathison:* What do you mean?
> *Bachman:* You don't get too many shots at a guy like Haissam Haqqani. He's famously careful.[113]

The message of this discussion is that Mathison's concerns about the source's legitimacy are brushed aside because she has to carry out orders from a higher authority.

The second topic that this episode covers is the CIA's "kill list". As mentioned in the previous sections, the process behind the collection of targets whose names are put on the kill list is not known. In the episode the following discussion takes place between the American Ambassador to Pakistan, Martha Boyd (Laila Robins) and Agent Quinn (Rupert Friend) after they hear about the forty civilians who were also killed in the strike:

> *Ambassador Boyd:* Do you know how many names were on the kill list after 9/11?
> *Agent Quinn:* No.

[113] *Homeland: The Drone Queen (Season 4, Episode 1)* (USA: Showtime, 5 October, 2014).

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> *Ambassador Boyd:* Only 7. Today there are more than 2000. You don't have to be a terrorist anymore. You just have to look like one.[114]

This is a clear criticism about the methods of the U.S.'s kill list and whom the government identifies as an imminent threat.

Homeland is a TV show with considerable reach in both the U.S. and other countries with over six million viewers every week, therefore the public's view on drone strikes can be influenced by this production.[115] Although the CIA does not work closely with the Homeland staff, there have been numerous meetings between the filmmakers and CIA officials to verify certain information that made Homeland depict such an authentic storyline.[116]

3.3.2. *The Good Wife*: 'Targets'

The main character in *The Good Wife* is Alicia Florrick (Julianna Margulies) who plays a successful associate attorney who is charged with several cases of domestic and international importance. The 'Targets' episode adds to the drone debate by emphasizing the question about targeting an American citizen as a suspected terrorist. With the al-Awlaki case the public had already learned details about cases when the U.S. put an American citizen's name on the kill list, but this episode presented further moral and ethical concerns.

The 'Targets' episode takes place at a confidential session. At this meeting there are representatives from different offices: Alicia Florrick (civilian advisor), Martin Barnstone (Intelligence Legal Advisor), George Kirby (Legal Advisor for the State Department), Terrence

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[114] Ibid.
[115] Shyam Dodge, "Homeland Renewed for Fifth Season by Showtime as Viewing Figures Continue to Rise," 10 November, 2014. http://www.dailymail.co.uk/tvshowbiz/article-2829306/Homeland-renewed-fifth-season-Showtime-viewing-figures-continue-rise.html (Accessed 19 May, 2016).
[116] Dave Itzkoff, "What Happened When Claire Danes Met the Real C.I.A," 13 December, 2013. http://www.nytimes.com/2013/12/15/magazine/what-happened-when-claire-danes-met-the-real-cia.html (Accessed 15 May, 2016).

Hicks (Army General's Core Attorney), Edward Janoway (corporate lawyer who has a conservative perspective), and Oren Creary (Legal Council to the Chairman of the Joint Chief of Staff). All these participants are invited to the meeting, so different opinions are offered. The aim of the meeting is to look at a case for broader consensus requested by the President. The team should decide whether a suspected terrorist, Massoud Tahan, who is a recruiter for ISIS should be put on the kill list. The CIA knows the location of Tahan for forty-eight hours, therefore the team needs to provide legal justification to put him on the list and therefore target him with a drone. They need to decide if Tahan poses an imminent threat to the U.S. After describing the main task of the participants and receiving a file with all the necessary information on the person, the discussion begins by highlighting various important considerations and perspectives:

> *Creary:* He has not fired a gun or killed anyone, however his recruits have.
> *Florrick:* I am worried about the message it mends to other nations if they call a recruiter an enemy combatant.
> *Hicks:* The U.S. has always held that a propagandist is not a combatant and is therefore immune from targeted killing.
> *Kirby:* It would not be a first time that we kill a propagandist to prove their point.
> *Hicks:* Alright, but I cannot see how he materially supported the attacks.
> *Florrick:* He supported them with bodies. He recruited members who blew themselves up.
> *Cleary:* I think we can now vote: Is he an enemy combatant and can he be placed on a kill list?

Except for Captain Hicks who represents the army's point of view everyone votes 'yes', so Tahan's name is put on the kill list. However, the conversation is not over because Cleary hands over another file to the participants, which show that Tahan's former name was Lance Hopper, therefore Tahan is an American citizen who is recruiting terrorist members against his own country. The participants are told that this information was withheld from them because their judgment might have been clouded in case they knew that the suspected terrorist was American.

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The question remains the same: can Lance Hopper (Massoud Tahan) be put on the kill list? The group of representatives is divided on the matter:

> *Barnstone:* If Massoud Tahan is an enemy combatant then so is Lance Hopper.
> *Florrick:* This is not that simple. An American has first amendment rights. He gets due process.
> *Cleary:* Are you withdrawing support for the targeted strike?
> *Florrick:* No, but I want to know more.
> *Cleary:* There is nothing more to know if you support the targeted strike.
> *Hicks:* Withdraw your support, and we will be told more.
> *Florrick:* Then I withdraw my support. Temporarily.[117]

After reviewing Hopper's statements and discussing what "imminent" means, it is clear that three participants including Florrick, Hicks, and Janoway would vote against putting the American on the list and killing him with a drone strike. The vote is postponed by Cleary to the next morning when Captain Hicks is not there as he was sent for questioning because of possible leak about the meeting. Therefore, two members voted 'yes' and two members voted 'no', however Cleary decided the question by voting 'yes'. Hopper is killed in a drone strike not long after the meeting ended.

This episode raised attention about the government's process that is used to decide who should be called a combatant, who should be put on a kill list, and what "imminent" threat means. Although it is not explicitly stated in the episode, from Florrick's gestures the viewers can conclude that Florrick believed the process to be unjust. By framing Hicks with leaking confidential information, Cleary removed someone from the table who would have voted 'no', therefore Hopper could have not been killed. Moreover, the storyline highlights the division

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[117] *The Good Wife: Targets (Season 7, Episode 15)* (USA: CBS, 21 February, 2016).

inside the American legal system because of different perspectives representing different entities inside the government.[118]

3.3.3. *Drones* (2013)

The last movie I chose to briefly analyze depicts a day of two drone pilots who spend their time in a cubicle in the Creech Air Force Base, Nevada. The story touches upon several questions about the use of drones, but it also covers the mental state and the tasks of drone pilots. The two main characters show very different characteristics. Jack Bowles (Matt O'Leary) plays a character who does not have a military background and who likes playing on drone simulation games. He is not affected by the number of civilians that he might kill. On the other hand, Sue Lawson (Eloise Mumford), the daughter of a military general, was previously a pilot, so she has a different perspective than Bowles. It is Lawson's first day as a drone pilot working together with Bowles.

When Bowles gets to know Lawson he becomes concerned about Lason's capability to do her job because she is more educated than other drone pilots: "The colonel tells you who you take out and you do it. Some people are good at it; some people are not because they think too much."[119] Bowles considers everyone who is in the targeted area as terrorist even children. He justifies his job as a drone pilot as "a chance to kill a terrorist. If we do not, he might kill many other Americans.[120] The two characters' different personalities and background highlights the question of who is controlling a drone. The "soda straw effect", which means that the drone shows a certain range of the target idea which might lead to casualties being in that area and

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[118] Ibid.
[119] *Drones* (USA: Khaos Digital and Whitewater Productions: 2013)
[120] Ibid.

being killed by the strike,[121] is also depicted as important element of the drone's technical capabilities.

Drones, Homeland's 'Drone Queen', and the *Good Wife*'s 'Targets' episode provide unique representations of the drone debate by touching upon those issues that are also the main focus of scholars who consider JWT as a basic system of laws that the U.S. should be using in every conflict, even in the WoT. In *Drones* the question of *good intention* and *proportionality* by focusing on the "soda straw effect" is highlighted which are important JWT criteria. In the 'Drone Queen' a series of such issues are depicted such as *right authority*, *proportionality*, and the "kill list". Finally, in 'Targets', the focus is on *supreme emergency* and the "kill list", which could potentially include American citizens. All these movie and TV show depictions manage to provide information to the public about the morally and ethically questionable features of drone use, which is crucial, so these popular media depictions contribute to a significant extent to the public discourse about this issue.

The drone program's lack of transparency leads to the public's reliance on media coverage and also on movies, and TV depictions that I covered in the above sections. These productions have an important role in the shaping of the drone debate because they are able to inform the society about the drones' capabilities and the questionable nature of the use of these weapons on non-conventional battlefields. I believe that the number of movies which include drones will continue to increase; therefore they will remain crucial source of information for the public.

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[121] Human Rights Clinic and Center for Civilians in Conflict, *The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions* (New York and Washington, DC: Columbia Law School and Center for Civilians in Conflict. 2012), 37.

Conclusion

Drones have undeniably revolutionized the face of the twenty-first century's warfare system. The ability to kill remotely shows that we need to reconsider Just War Theory, which has been used by Western societies as a collection of legal principles and sets of moral conduct on the battlefield. In this thesis I discussed five main factors of JWT that make drones unique to current policy making decisions on the rules of war.

In this thesis I examined discourse about drones according to the criteria determining a 'just war'. Although I am aware of the many sublevels of this debate, I chose two representations. First, I analyzed the discourse between the government and its critics because this group great ultimate decisions about drone use. Second, I considered media representations as they can influence public opinion about political issues such as the drone debate.

The use of drones on non-conventional battlefields proved to have morally and ethically questionable characteristics in terms of the five main pillars of the JWT: *just cause*, *right authority*, *right intention*, *last resort*, *proportionality of ends*, and according to Walzer, *supreme emergency*. The government justified the extended use of drone strikes in the name of the fight against global terrorism. When a new weapon is used by the military a set of guidelines needs to be established in order to provide limitations on its use. As the U.S. government does not have a comprehensive policy controlling drone use that ensues legally and morally questionable actions. The selection of targets from the "kill list", signature and personality strikes, and the high number of casualties raised many concerns among critics. Drones had several features that put them in the group of non-conventional weapons under the current legal system and based on JWT, although they continued being used as conventional weapons. This is important to note, however we also need to consider the fact that the U.S. is not fighting a war with a traditional

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adversary; it is fighting a shadow war with a non-state terrorist organization. The WoT has its limitations in terms of the tactics that can be used in order to fight terrorists. Drones are the only currently available weapons that are able to carry out successful strikes against terrorists without sending soldiers to the battlefield and risking their lives.

I believe drones belong to a 'grey' zone. They are between the two categories, conventional and non-conventional weapons, because they possess non-conventional features while, at the same time, being used as conventional weapons. Therefore, the U.S. needs to establish a set of rules or new laws that would regulate drones to a certain extent that would still allow them to be effective in the WoT, but would also keep them under strict monitoring. Moreover, the U.S. has to consider the fact that other countries already possess drones and by creating precedence for the use of drones in non-conventional battlefields, it indirectly allows other countries to follow the American example. This can undermine global security systems.

As in the case of every new weapon during previous military revolutions, the drone also affected the society it was introduced into. However, with the lack of transparency about drone strikes carried out by the United States, the public is less aware of the implications of drone use. Therefore, the drone debate is not fully developed on the public level yet. I made this conclusion based on the example of Eisenhower's conventionalizing politics in the 1950s. In the beginning of Eisenhower's presidency, he recognized the opportunity to conventionalize certain tactical nuclear weapons that could have been used in the Cold War as strategic elements. His optimism came from public support towards these weapons in the beginning of the 1950s. However, due to anti-nuclear critics and protests during his two terms as being president, the public was influenced despite the propaganda movies that Eisenhower was aiming to persuade the American society. In the fifteen years that passed since the first use of nuclear weapons in 1945 and the end

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of Eisenhower's second term in 1959, the discourse changed from acceptance to opposition to nuclear weapons thereby creating the nuclear taboo.

In this thesis I also considered representation of the drone debate as seen in popular media which can have the effect of informing the public about certain aspects of drone use. Public opinion is crucial in the current debate because it can decide the question whether drones will move to the conventional or the non-conventional category of weapons from the 'grey' zone they are currently in. The public was supportive of drones during George W. Bush's administration and in the beginning of Obama's presidency in 2004. However over time and with more information, more people became skeptical. I believe that popular media has played a role in this change in public opinion and the current status of the drone debate. I have shown that during the Obama years, media productions of movies and TV shows have been focusing more on drones and the morality/ethics around these issues creating a dialogue between the public and the government. *Homeland*, *The Good Wife*, and *Drones* are only a few examples from the numerous media narratives that raised public awareness about the American government's drone strikes on non-conventional battlefields. Popular culture needs to be considered as a crucial source of information in the drone debate because it reaches certain Americans – and other people around the world – who otherwise may not engage in the debate about important political issues such as drone use.

Public opinion has been important to the American government because citizens are the voters who will elect the next president. Acquiring public approval and a solid reputation among the American citizenry is a priority for every President. Therefore, not only Obama but also his successor need to focus on intensifying this dialogue that can change the face of the drone debate in the future. I am not concluding that drones will become non-conventional weapons, and that

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they will be banned. On the contrary, I believe that they will remain the focus of military strategists. However, this will only be the case if the government starts keeping a closer eye on popular media and the concerns these channels are expressing to the public.

In 2016 the Obama administration announced that it was working on a 'drone playbook' which would create a stricter policy that would be more in line with the domestic and international legal systems. Whether his intention to establish a set of guidelines was influenced by the public's greater awareness about drone use remains a question for future research. Popular media has definitely been changing the discourse among American citizens about drones who might influence the government's decisions in the future, so focusing on this representation of the debate is as important as the discourse between the government and its critics.

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