

The Duty to Use Drones in Cases of National Self-Defense

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INTRODUCTION

Since the tactic was first implemented, targeted killing by drones has been associated with political secrecy, dubious legality, and unsavory practices, and has thus garnered a negative reputation. In this essay, I endeavor to vindicate the use of drones, if only under the constrained circumstances of national self-defense. I argue the following: If a state can permissibly carry out targeted killings for the purpose of national self-defense, then it ought to do so with drones because of the minimized risks to soldiers and civilians.

To argue this position, I first demonstrate that we should think of targeted killing as fitting into the self-defense paradigm, rather than military or law enforcement paradigms. I explain that states may permissibly engage in targeted killing when it is justified in terms of national self-defense. Next I explain how drones minimize risk to both soldiers and civilians. By combining the logic of self-defense with the principle of risk minimization, I arrive at the conclusion that in circumstances where targeted killing is necessary for national self-defense, states have a duty to use drones. Finally, I respond to potential objections about the use of drones, all of which can be addressed by improved drone policy.

MILITARY AND LAW ENFORCEMENT PARADIGMS PROVIDE INADEQUATE JUSTIFICATION FOR TARGETED KILLING

Targeted killing is a practice in which many governments engage. To justify targeted killings, theorists and politicians generally invoke one of two paradigms that permit the use of deadly force: the military paradigm and the law enforcement paradigm. These paradigms act to orient government policy—they direct how we may morally and legally behave towards our enemy. Targeted killing remains con-

troversial because it cannot be clearly endorsed by either paradigm.

THE MILITARY PARADIGM

The military paradigm activates the laws and conventions of war. Enemy combatants are the only parties liable to death. According to the *jus in bello*¹ convention, combatants can permissibly be killed during wartime without punishment (with some exceptions). Hostile treatment towards a combatant is permissible simply by virtue of combatant status, rather than any actions taken by the individual in question. In other words, a combatant's liability to death derives precisely from assumption of the role of a soldier. In this paradigm, identifying an enemy terrorist as a combatant engaged in acts of war could enable the state to justify permissibly killing him without a trial. So, the fact that targeted killings of terrorists occur without trial suggests potential use of the logic of the military paradigm.

Furthermore, in the case of the United States' conflict with Al-Qaeda, we notice that the military paradigm seems to underlies the operative language of both parties, although it does not fully account for the conflict's operative logic. Declaring a "War on Terror" and Jihad (Holy War),² respectively, implies at least nominally that each side considers the other's fighters to be enemy combatants. The problem, of course, is that under international law a private citizen (such as Osama bin Laden) cannot declare war as that is a right granted only to sovereign states.³ Conversely, under international law, a state cannot declare war against a non-state actor.⁴

We may doubt the applicability of the military paradigm to targeted killings for several other reasons. First, terrorists willingly forgo the conventions that govern combatant status. The convention states that combatants wear the insignia of their country and carry their weapons openly.⁵ Terrorists, however, do not wear uniforms, and hide amongst civilians. Of course, the main tactic of terrorists—targeting civilians—violates the *jus in bello* convention of noncombatant immunity. It is not only the status of the terrorists that is unclear; the status of those who carry out targeted killing is equally blurry, as civilian leaders often order targeted killings. In the United States, the Central Intelligence Agency (CIA), a civilian

1 Term of art meaning "just conduct during war."

2 This is not to conflate the version of jihad that means "holy war" with its broader meaning: that is, a spiritual struggle within oneself against sin.

3 Jeff McMahan, "Targeted Killing: Murder, Combat or Law Enforcement?" in *Targeted Killings: Law and Morality in an Asymmetrical World*, eds. Claire Finkelstein, Jens David Ohlin, and Andrew Altman, (Oxford: Oxford University Press, 2012), 142.

4 McMahan, "Targeted Killing," 142.

5 This is a long-standing military convention, explicitly defined in by the United States' "Military Commissions Act of 2006," to respond to the lack of its explicit codification under the Geneva Convention.

organization, has the authority to command drone strikes.⁶ CIA control over drone strikes blurs the line between combatant and civilian, since civilians do actively engage in hostile conduct. This further complicates traditional boundaries of warfare with respect to justice and permissibility.

Finally, naming someone in advance to be placed on a hit list runs counter to the very idea of status-based liability. In war, individual soldiers on the battlefield are not identified by the enemy and specifically targeted. Rather, a soldier is attacked by another soldier as part of a relationship of hostility *qua* soldier.⁷ In other words, a soldier is liable to be killed due to his status as a soldier, rather than because of his actions. The practice of naming a target in advance singles him out *qua* individual. Therefore, the naming practice is fundamentally at odds with the status-based logic of legitimate military hostility.

THE LAW ENFORCEMENT PARADIGM

Political theorists and governments have also justified targeted killing under a law enforcement paradigm. These parties maintain that terrorists should be considered criminals, rather than combatants.

However, the goal of law enforcement is to arrest—not kill—the criminal. By the law enforcement paradigm, it is wrong to deprive a suspected criminal of due process by killing him before a trial. Indeed, the instances where law enforcement officers can permissibly kill are restricted to cases wherein a criminal resists arrest by putting the life of officers or others at risk. In this situation, liability to death is action-based rather than status-based. In other words, the criminal has effectively forfeited their right to life by initiating an attack. Liability to death may also come after the trial as retributive justice. So in certain cases, certain crimes may be punishable by death. While the death penalty is controversial, in cases where it is legal, it also represents an instance of action-based liability as punishment for a past action.

However, by its very nature, targeted killing skips the fundamental steps of arrest and trial. Placing a name on a hit-list presumes guilt, and the individual listed becomes liable to instantaneous death by drone strike without being afforded due process. Under the law enforcement paradigm, this would be considered an extra-judicial execution, tantamount to murder.⁸

6 Under the Obama administration, this power was transferred to the Pentagon, thereby placing drone strikes under military jurisdiction. However, this policy was reversed in March 2017 by the Trump administration, placing drone strikes in the jurisdiction of civilians again. See Mark Bowden, "Killing Machines," *The Atlantic*, and "Trump Gives CIA Authority to Conduct Drone Strikes," *Reuters*.

7 Thomas Nagel, "War and Massacre," *Philosophy & Public Affairs* 15, no. 6 (July 1972): 123-44.

8 Michael L. Gross, "Assassination and Targeted Killing: Law Enforcement, Execution or Self-Defence?" *Journal*

INVOKING THE PRINCIPLE OF SELF-DEFENSE TO
JUSTIFY TARGETED KILLINGS:
The Self-Defense Paradigm

In this discussion, I will draw from the work of several authors, such as McMahan, Gross, and Finkelstein, who analyze targeted killing as an act of self-defense. The self-defense paradigm better addresses the conceptual lacunae in the military and law enforcement paradigms as they concern targeted killing, and thus maps more clearly onto the practice of targeted killing. The basic premise of the self-defense paradigm is that when there is a threat to national security, a state has a right to protect itself. Self-defense can be considered a special offshoot of the law enforcement paradigm because, as described above, it is sometimes permissible for law enforcement officers to engage in certain self-defensive practices involving lethal force.⁹ This paradigm deals with the threats that terrorists pose to national security and so is preemptive in nature. In this way, the killing of a terrorist should not be conceived of as punishment or retributive justice, since the paradigm does not deal with past actions. Instead, under the self-defense paradigm, someone who has never committed an attack could be just as liable as someone who has already committed several, provided that they pose the same current threat. Indeed, under this framework, a terrorist's past crimes only serve as an epistemic gauge for predicting the likelihood that the individual will strike again.¹⁰

The self-defense paradigm bypasses the military paradigm's murky combatant-noncombatant distinctions because its liability criterion centers on action rather than status. If someone poses a threat to a state, the actions a state may take against the individual are not constrained by their status. Rather, the individual's status is irrelevant both to their liability to death as well as our ability to retaliate. The self-defense paradigm also circumvents the law-enforcement paradigm's crucial steps of arrest and trial because it operates on the logic of preemptive justice rather than retributive justice.

Like the law enforcement paradigm, the self-defense paradigm uses the logic of action-based liability to death, but in a less evident manner. A terrorist's liability to death derives from the notion that in planning an attack, a terrorist wrongs innocent people by increasing their likelihood of harm.¹¹ Thus, the harm

of Applied Philosophy 23, no. 3 (August 2006): 325.

9 McMahan, "Targeted Killing," 135; Claire Finkelstein, "Targeted Killing as Preemptive Action," in *Targeted Killings: Law and Morality in an Asymmetrical World*, eds. Claire Finkelstein, Jens David Ohlin, and Andrew Altman, (Oxford: Oxford University Press, 2012), 179.

10 McMahan, "Targeted Killing," 139.

11 McMahan, "Targeted Killing," 139.

caused by the terrorist's death would need to be proportional to the harm prevented by protecting innocents from the attack. In other words, if their death would not disrupt realization of that harm, the targeted killing is not justified. Finally, it must also be considered whether or not the targeted killing could result in dangerous unintended consequences. When these criteria are met under the self-defense paradigm, the result would be that targeted killing is permissible as an act of self-defense. In the next sections, I argue that in the cases where targeted killing is permissible, states have a duty to use drones to carry them out because drones reduce risk to both civilians and soldiers.

The Duty to Minimize Risk in Cases of Self-Defense: Individual Cases

To demonstrate the duty to minimize risk to civilians and soldiers in cases of national self-defense, I will employ an analogy involving individual self-defense. Imagine that an individual is attacked in a way that threatens their life. It is uncontroversial that they have the right to defend themselves against the attack. By initiating the attack, the attacker has forfeited their right not to be harmed. Because the victim's life is threatened, responding proportionally to the attack means that they may permissibly kill the attacker, if that is the only way to thwart the attack. However, imagine that the attack occurs in a crowded location. While the victim still has the right to defend themselves, they would wrong bystanders by inflicting harm on them, or risking their harm. The bystanders, detached from the conflict, have done nothing to make themselves liable to harm. Consequently, they must minimize the harm to which bystanders are exposed. Therefore, the means by which one may defend themselves in this crowded location are constrained. For instance, while the victim may shoot the attacker in the open, the victim may not shoot indiscriminately into the crowd in order to scare the attacker away. Similarly, if the attacker hides within the crowd, it would be wrong to simply aim at the group of people if there existed high likelihood that a bystander would be harmed.

Furthermore, imagine the victim had the choice between two weapons that each afford equal capabilities to thwart or end the attack. One of the weapons is more precise than the other. For example, consider a handgun in comparison to a large vehicle (to be used as a deadly weapon). By aiming a gun at the attacker, they have a lower chance of accidentally hitting a bystander than if they were to drive the vehicle into the crowd. Because the victim has the choice between the two weapons, it would be wrong to choose the car, because it poses higher risk to bystanders.

These two examples demonstrate that even in the presence of bystanders the victim retains the right to self-defense, yet has a duty to minimize the risk they

pose to the innocent. For the bystanders simply have the misfortune of being in the wrong place at the wrong time, and have done nothing to make themselves liable to harm.

The duty to minimize risk even when acting in self-defense is not only a consideration which must be undertaken with respect to bystanders, but at the state level also stretches to the defensive capabilities afforded by the state to its soldiers. Consider an analogy offered by Bradley Strawser. He imagines a commander who orders their troops to take off their bullet-proof vests and run at the enemy, and concludes that the commander wrongs the troops by ordering them into a dangerous situation without the normally available protection.¹² In doing so, the commander unjustly increases their risk to harm. While there may exist important moral differences between denying defensive capability to soldiers and aiming a weapon at a crowd of bystanders, Strawser's analogy highlights the fundamental idea that it would be wrong to increase the possibility of harm to a soldier, or civilian, through deprivation of defensive capability.

Applying a Duty to Minimize Risk to Cases of Self-Defense: State-Level

The duty to minimize harm to bystanders in the individual case can be extended to situations of state-level self-defense as a duty to minimize the risk of harm to civilians and soldiers. If under reliable intelligence a state discovers an imminent threat to its national security, the state has a right to defend itself against that threat. But at the same time, the means available to the state for the purpose of self-defense must be bound by a duty to minimize risk to civilians and to soldiers. If a state can justifiably respond to an imminent threat of a terrorist attack, it does not have a carte blanche to employ any weapon in its arsenal. For instance, a state could launch a nuclear bomb on the city where the attacker is hiding. While this would certainly be an effective method to kill the attacker, it is a grossly disproportionate and as such obviously unjust. Instead, the state might instead choose a "boots on the ground" mission to find the individual, or any number of other more precise strategies.

Any kind of armed engagement involves risk to both civilians and to the soldiers involved. As in the case of individual self-defense, it is the state's duty to employ a strategy that offers the least risk to all parties involved. I will now explain how drone technology seems to be the obvious choice for risk reduction in such a scenario.

12 Bradley Jay Strawser, "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles," *Journal of Military Ethics* 9, no. 4 (December 2010): 346-7.

Risk Reduction Through Use of Drones

Undertaking targeted killing with drones reduces the risk of harm to a state's own soldiers, as well as foreign civilians, in several ways. For pilots, the remote operation of unmanned weapons dramatically reduces chance of harm: drone pilots can operate from a base thousands of miles away from the conflict zone. They personally face no threat of harm, retaliation, or retribution. In contrast, engaging in a "boots on the ground" mission puts the soldiers involved at an increased risk because they are directly exposed to the hazards of a hostile territory, which leaves them open to the possibility of attack.

The remote aspect of drone strikes may also reduce harm to civilians in the conflict zone. Journalist Michael Lewis perceptively reasons that because drone pilots feel secure, they are surprisingly less likely to initiate a strike out of fear or anxiety for their personal safety.¹³ What Lewis articulates is that the mistakes frequently made by soldiers in the "fog of war" can be minimized by drones.¹⁴

Moreover, drones themselves can act as intelligence-gathering machines. A target may be surveyed for months before an attack is carried out. This has several benefits. First, it confirms that the target is actually involved in terrorist activities, reducing the chance of targeting an innocent person. If the suspect is the right person, then the extensive intelligence allows the pilot to identify a pattern in the subject's daily life so that the subject may be targeted at times when they are more likely to be alone.

Furthermore, when operated with due care, drones are precise, capable of striking only a single person. As journalist Mark Bowden notes, "[A drone's] extraordinary precision makes it an advance in humanitarian warfare. In theory, when used with principled restraint, it is the perfect counterterrorism weapon. It targets indiscriminate killers with exquisite discrimination."¹⁵ To ensure that its deployment is as precise as possible, operators have adopted measures to minimize civilian risk. For example, a recent review of drone procedures by the International Security Assistance Force in Afghanistan recommended that strikes occur while the target is in a vehicle, rather than in a compound. This is because it is easier to keep track of those entering and exiting vehicles than those entering and exiting compounds, reducing the likelihood that a target's family member or close asso-

13 Michael W. Lewis, "Drones: Actually the Most Humane Form of Warfare Ever," *The Atlantic*, August 21, 2013, accessed November 20, 2018, <https://www.theatlantic.com/international/archive/2013/08/drones-actually-the-most-humane-form-of-warfare-ever/278746/>.

14 Lewis, "Drones: Actually the Most Humane Form of Warfare Ever."

15 Mark Bowden, "The Killing Machines," *The Atlantic*, September 15, 2013, accessed November 20, 2018, <https://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/>.

ciate will also be hit. In addition, the strike could take place on an isolated road, further reducing the risk to bystanders.¹⁶ Even under unideal operation conditions, drone strikes are generally less deadly to civilians than other available means, such as ground strikes or piloted airstrikes.¹⁷

Finally, the practice of targeted killings itself can reduce a conflict's escalation and thus its casualties. Targeted killing, when justified as preemptive action as described above, functions to avoid prolonged engagement or full-scale war. Comparing the civilian casualties of war to drone strikes demonstrates clearly that conventional warfare is the deadlier of the two.¹⁸

Thus, for the aforementioned reasons, when states can permissibly carry out targeted killing for the purpose of national self-defense, they have a duty to do so with drones because they minimize risk of harm for civilians and soldiers alike. This duty to employ drones should be understood as *prima facie*, a strategy that should be adopted unless specific circumstances require the use of other measures. In other words, the duty stands as long as using drone technology will minimize risk to bystanders and soldiers involved in the operation. If in a given operation, certain material limitations, geographical specificities, or procedural carelessness will cause an elevated risk of harm, the duty no longer stands.

OBJECTIONS

Many critics object to drones on the grounds that civilians sometimes are killed in drone strikes—because of this unjust risk to civilians, they argue that the use of drones cannot be justified.

I will first respond by emphasizing that my argument deals with minimizing risk, not eliminating risk altogether. To eliminate risk completely would be to advocate for pacifism. We need to compare the risk that drones pose to civilians to the risk that other weapons and armed operations pose to civilians. Recent figures indicate that in comparison to conventional measures, drone strikes have ranged from slightly to far less lethal in producing collateral damage.¹⁹

The above objection can take on a more nuanced character, deserving a different response. Perhaps critics feel an intuitive discord between the very precise capability of the drone and the fact that it nevertheless produces civilian collateral, damage which seems to imply carelessness in drone operations. To respond

16 Lewis, "Drones: Actually the Most Humane Form of Warfare Ever."

17 Bowden, "Killing Machines."

18 Daniel L. Byman, "Why Drones Work: The Case for Washington's Weapon of Choice," Brookings (blog), November 30, 2001, <https://www.brookings.edu/articles/why-drones-work-the-case-for-washingtons-weapon-of-choice>.

19 Bowden, "Killing Machines," *The Atlantic*.

to these critics, I argue that their concern has more to do with mishandling and reckless use of the technology than with a problem with the technology itself. This kind of criticism is not unique to drones; any weapon can be used well or poorly. However, I contend that because drones are known for their precision, concern over rates of collateral damage may be even more relevant than in the case of use of other weapons. As such, elevated numbers of civilian casualties may be an indication of faulty intelligence or careless policy. I reiterate that the duty to use drones is only *prima facie*: if drones cause or exacerbate harm—either as a result of material factors or policy faults—then the duty to use them is dissolved. Indeed, I would agree with critics that these cases call for rigorous reassessment of policy and procedure. However, I would highlight that by focusing on drone technology in discussing this problem we misplace responsibility by blaming the weapon for the faults of its operators.

In his 2006 essay “Terrorism and Just War,” Michael Walzer advocates for targeted killing as a counterterrorism measure. He acknowledges that counterterrorism occurs in the grey area between war and law enforcement, and usually away from active war zones. In his view, to keep the effects of counterterrorism from resembling the effects of terrorism, it is the duty of counterterrorist fighters to take extensive measures to prevent civilian casualties. For it is the care and protection of civilians that distinguishes legitimate counterterrorist activities from the illegitimate engagement of terrorists, as terrorists do not operate with similar notions of “collateral damage.” Walzer believes this care for civilians should be upheld even more so in the case of targeted killings because they are activities outside of wartime. He concludes that “what justice demands is that the army take positive measures, accept risks to its own soldiers, in order to avoid harm to civilians.”²⁰

While I believe that the motivation for Walzer’s argument is noble, it rests on a false premise. For, when read carefully, we observe that Walzer takes risk as a sort of sliding scale oscillating between the two extremes of risk to soldiers or risk to civilians. Rather, it is possible to work to minimize risk for civilians without this occurring at the expense of soldiers, minimizing risks for both parties. Walzer does not seem to entertain this possibility. However, when used with due care, the drone is the most precise weapon that we have in our arsenal. Its use would minimize risk to civilians while simultaneously eliminating risks to soldiers as well. If this is truly the case, then there does not seem to be a reason that, by his criteria, Walzer would object to their use. It does not seem that acknowledging the duty to avoid harming civilians would necessarily preclude the duty to avoid harm to soldiers. Again, however, my argument for the use of drones is only a *prima facie*. If it is indeed the case that more civilians would be harmed by the use of drones, either

20 Michael Walzer, “Terrorism and Just War,” *Philosophia* 34, no. 1 (2006): 9.

due to material limitations or reckless policy, then they should not be used.

Many critics argue that if drones make targeted killing easier and less risky to soldiers, states will undertake more targeted killings than they would otherwise. They worry that the easy, efficient, and asymmetric nature of drone engagement may cause operators to ignore or forget that killing is only permissible when absolutely necessary to prevent greater harm. In turn, criteria for appearing on a hit-list for such targeted killings could become weaker and weaker. Walzer expresses this concern in his essay “Targeted Killing and Drone Warfare.” He writes, “why should we think it different from the sniper’s rifle? The difference is that killing-by-drone is so much easier than other forms of targeted killing. The easiness should make us uneasy. This is a dangerously tempting technology. It makes our enemies more vulnerable than ever before, and we can get at them without any risk to our own soldiers” (italics added).²¹ Therefore, he and likeminded observers assume that when there is lower risk to military personnel, the “necessity” threshold for pursuing a targeted killing would be lowered.

My immediate response to such an objection is to specify that I do not argue for a blanket duty to use drones. My argument only pertains their use in justified instances of self-defense. Just because drones are tempting to overuse or abuse, it does not follow that they will definitely be misused. In a similar vein to my previous responses, I emphasize that the key is a consistent and honest drone policy, with transparency and accountability. If states consistently hold themselves to a high bar of certainty required to permissibly engage in a targeted killing, then temptation does not have to materialize into a dubious precedent. Similarly, some critics contend that the remote warfare aspect of drones will create a “video game mentality” in its operators, emboldening them to undertake even more risks.

This notion, however, is simply untrue. According to a 2011 Department of Defense study, drone operators experience depression, anxiety, and PTSD at rates similar to combat pilots.²² In the Atlantic article “The Killing Machines,” Mark Bowden, after conducting interviews with drone pilots, describes why these pilots experience such emotional distress. Combat pilots are not responsible for long-term intelligence collection, and are trained to leave the scene as soon as their missions are complete. On the other hand, a drone operator is responsible for collecting intelligence. This operator may observe the same person for months, becoming intimately familiar with the target’s daily life after seeing him with his

21 Michael Walzer, “Targeted Killing and Drone Warfare,” *Dissent Magazine*, January 11, 2013, accessed November 20, 2018, https://www.dissentmagazine.org/online_articles/targeted-killing-and-drone-warfare.

22 James Dao, “Drone Pilots Are Found to Get Stress Disorders Much as Those in Combat Do,” *The New York Times*, February 22, 2013, accessed November 20, 2018, <https://www.nytimes.com/2013/02/23/us/drone-pilots-found-to-get-stress-disorders-much-as-those-in-combat-do.html>.

friends and family. What's more, the drone's camera feed continues after a missile is launched. Drone pilots witness "the carnage close-up, in real time—the blood and severed body parts, the arrival of emergency responders, the anguish of friends and family... War by remote control turns out to be intimate and disturbing."²³

One might also worry that justifying targeted killing with the logic of preemptive self-defense fails to address the combatant-noncombatant ambiguity previously discussed in reference to the military paradigm. For, if someone is killed before he commits a wrongful action, doesn't that indicate that his killing could have only been status-based?

I respond to this objection by reiterating that self-defense operates on the logic of action-based liability. While not immediately obvious, planning a deadly attack is a type of wrongful action severe enough to warrant liability to death, as it increases the likelihood of harm to a innocent people.²⁴ In this way, the assailant's status is irrelevant; it is the nature of the threatening action that allows permissible retaliation. However, because of the preemptive nature of the response, there will always remain some uncertainty—indeed, the assailant could have had a change of heart and not followed through with the planned attack. Given this uncertainty, it is necessary to set the epistemic bar rather high when assessing the true likelihood that a suspected assailant will follow through with the threat. Indeed, extended surveillance should be used to ensure—to a degree of near certainty—that the targeted individual's outward behaviors definitively imply intention to carry out an imminent attack. This would be possible with use of a drone, since it carries intelligence gathering capabilities. Ultimately, we should make quite certain that the assailant is truly preparing an attack for which killing them would be proportional to prevent the harm to innocents.

In sum, my responses to these five objections follow a specific trend, emphasizing the need for stringent procedural constraints in use of drones, a high epistemic bar for identifying targets who pose a threat before proceeding to killing, and conducting the strikes with tremendous care for the welfare of civilians. I believe that if the policy for targeted killings was transparent, rigorously regulated, and strictly followed, the objections discussed above would be void.

CONCLUSION

In this essay, I have demonstrated that whenever targeted killing is permissible as an act of national self-defense, states have a duty to use drones to carry out the attack. In support of this argument, I have explained that the logic of self-defense

23 Bowden, "Killing Machines."

24 McMahan, "Targeted Killing," 139.

is better applicable to targeted killings than either the logic of military conduct or of law enforcement. As the self-defense paradigm requires use of means which reduce risk to all parties involved, drones stand out as the obvious choice—precise, remote weapons which reduce the risk of harm to both soldiers and civilians. Finally, I responded to several objections to drone technology, ultimately concluding that strict and thoughtful procedures with regards to the technology's use could allay critics' overarching unease.

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