

Drones and Democratic Peace

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THE INCREASED USE OF COMBAT drones in modern military conflicts requires a substantial revision of democratic peace theory. The development of this technology demonstrates the verity of certain premises of this theory, but its use stands to vitiate others and ultimately the prospects for democratic peace. In 1795, Immanuel Kant argued that cultural and technological forces would make war increasingly destructive and costly and that in trying to avoid these costs, every rational agent hence would have an incentive for maintaining peace. Kant was right that wars would become increasingly costly; the conflicts of the nineteenth and twentieth centuries provide adequate evidence. Kant was also right that these costs would provide the impetus for large-scale peace movements; the twentieth century saw unprecedented mobilization of peace activists on the issues of nuclear weapons and the Vietnam War compared to the more limited peace advocacy of the previous century.¹ Kant predicted in representative democracies such as the United States, such war protests would have the ability to revise policy and therefore could dramatically alter the course of military conflicts by demanding that governments be responsive to citizen interests and fears.

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The public sentiment, geared toward minimizing the cost of war, motivates modern democracies to develop military technologies that certainly reduce costs but paradoxically promote military strategies that are unhinged from democratic

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consensus. One such technology is unmanned aerial vehicles (UAVs), often referred to as drones. These technological advancements are designed to make wars less costly in a number of important respects, particularly in economic terms and risk to citizen soldiers, lessening the incentive for maintaining peace and therefore posing a serious challenge to Kant's hypothesis that democratic constituencies would necessarily find peaceful means of settling disputes.

Kant's argument rests on the premise that individuals understand the increasing costs of future wars and therefore wish to avoid these wartime costs by advocating for their governments to make peace instead. Yet avoiding the costs of war does not always necessarily mean making peace. One can easily imagine a party or nation-state conducting military strikes on an enemy that is unable to strike back. Here, the citizens of the belligerent nation would avoid the typical costs of war—although subtle externalities might still be incurred—but it would be a far cry from maintaining peace. The situation might differ if taking military action would likely lead to wider and more costly conflicts. However, recent history has shown that small and low-intensity wars do not have to escalate into global catastrophes. This is due in part to the technologies such as drones that grant modern military personnel the ability to execute effective operations from a relatively safe distance. This is certainly a good thing, but it has gone a long way toward undercutting Kant's basic point that the costs of war both deter conflict and erode democratic accountability. When military technology lowers the costs that must be shouldered during wartime, citizens tend to care and know less about these conflicts, a situation that decouples democratic oversight.

Since these technologies allow modern liberal democracies to avoid the costs of armed conflict while still making war, a greater pressure will be placed on moral and legal frameworks. These will be the only safeguards to protect deliberative democratic practices without the public—now less invested or interested because it is less directly affected—to keep war making in check. In response to this imperative, we underline another aspect of Kant's ethical theory, namely its protection of autonomy and individual liberty, and argue that this provides some guard against modern liberal democracies abusing combat drones in asymmetric conflict.

PERPETUAL WAR?

Kant's "Perpetual Peace" provides a useful lens through which to understand the development of drone technologies. Kant suggests all citizens of any type of government have the desire to protect their own person and property and that

citizens of liberal democracies have the unique power of electing government representatives to affect state activities such that this protection can be ensured. Writing in eighteenth-century Europe, Kant was responding to a political climate marked by the military ambitions of the aristocracy. He identifies the relationship between oligarchy and warfare in the following manner:

In a constitution which is not republican, and under which the subjects are not citizens, a declaration of war is the easiest thing in the world to decide upon, because war does not require of the ruler, who is the proprietor and not a member of the state, the least sacrifice of the pleasures of his table, the chase, his country houses, his court functions, and the like.²

Kant believed republican governments, in contrast, would be less likely to go to war since they had to remain accountable to their citizens: "If the consent of the citizens is required in order to decide that war should be declared (and in this constitution it cannot but be the case), nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war."³ However, Kant's view is not simply a matter of countries remaining pacific due to the immediate self-interest of their citizens. This would imply a crass instrumental justification for peace, one radically out of tune with Kant's moral theory; Kant maintains that such a justification for peace would employ prudential or self-interested judgments rather than moral ones. In contrast, he intends the prohibition against violence is of a universal sort that is not restricted to the immediate interests of any particular party. By the same token, Kant intends the justification concerning any future war would be a matter of public rational deliberation and representative action, and he argued rational deliberation—between parties who could envision the disastrous consequences of war—would deliver communities to actions that generally promoted peace. This is to say Kant envisioned a domestic government that would represent the rational and thereby peaceful intent of its populace. This is more than simply a matter of going to war and protecting one's citizens from the costly exigencies of conflict. If this were the case, once the danger of entering conflict were eliminated, it would no longer be necessary to have discourse surrounding *jus ad bellum*, the recourse to force. Kant would have certainly balked at this idea since it would have merely replayed the problem he had with aristocratic rule: its lack of accountability.

Contemporary international relations scholarship has made use of this premise that the citizenry pays the costs of war and is therefore judicious in terms of the wars it supports. Reiter and Stam, for example, conclude in their

study of wars fought by democracies that because “the people ultimately pay the price of war in higher taxes and bloodshed,” their support for war is conditional on the war being justified and fought at a reasonable cost.⁴ Valentino et al. note, “the fact that elected leaders are more accountable to the citizens who must bear the costs of war does not imply that these leaders will avoid wars in general—only that they will oppose highly unpopular wars that threaten their tenure in office.”⁵ This statement about the costs of war builds on Kant’s theory. The populace pays the costs of war; bearing the cost of war is generally unpopular, but the public may be willing to support the war nonetheless for wars it thinks warrant the sacrifice; and the populace has electoral recourse and can register its displeasure at the ballot box.

What Kant and contemporary scholars have sidestepped is that this desire to protect one’s own person and property often leads democratic constituencies to support policies that shield them from the costs of war but in no way lead to peace. For example, support for the use of drones and opposition to financing recent wars through war taxes open the door to the oligarchic decision making that Kant wished to avoid in his appeal to republicanism since it is precisely shouldering the costs and consequences of war that keeps democracies out of aggressive conflict.⁶ The costs for citizens considered in decision making are, according to Kant, necessary obstacles to leaders who might otherwise conduct affairs of the state without public deliberation or support. In the preliminary articles of “Perpetual Peace,” Kant states no nation is to incur debt in order to accomplish military objectives, suggesting a nation’s willingness to take on debt for military expenditures will be directly proportional to its willingness to go to war. Incurring debt, of course, has become general practice for most modern nation-states and has caused friction among international parties as Kant predicted.

Indeed, the correlation that Kant identifies has been borne out in recent decades in U.S. foreign policy. Especially since the Vietnam War, U.S. leaders have gone to great lengths to shield the public from the direct costs of war in blood and treasure. For example, the U.S. government has not levied a war tax, long a staple of war finance, since 1968. Instead, the United States has financed its wars by increasing debt levels. While U.S. citizens have expressed antipathy toward debt, the connection between debt and the war is far more tenuous than the connection between a war tax and war. For example, in reference to World War I tax legislation, a *Washington Post* reporter wrote, “The bill will bring daily, almost hourly, reminders to the people of the United States of the burden entailed in the prosecutions of a just and victorious war. The average citizen feels

the effect of the war tax when he arises in the morning ... he is reminded of it the last thing at night when he puts on his tax-assessed pajamas.”⁷ War taxes brought daily reminders of the direct burden, causing individuals to weigh their level of support for the war more thoughtfully.

In contrast, the wars in Afghanistan and Iraq have not been funded by a war tax. Instead, they have just been a couple of sources among many to the debt, complicating the targeting of the wars as the basis for the debt problem. Indeed, even if individuals are opposed to higher debt in principle, the consequences are far different because debt does not directly reduce individual purchasing power in the same way as a war tax does. This inclination of citizens to avoid costs is not unique to democracies, but it is certainly accentuated by representative governing structures. The more direct the representation, the more responsive the government will be to this concern and the faster resources will be allocated to technologies that address it.

The effort to spare individuals direct exposure to the cost of war in treasure is matched by efforts to spare them the cost in blood. Not only has the United States moved to an all-volunteer force since Vietnam, but also it has increasingly turned to technologies that reduce the personal risks to its own soldiers and even make troop involvement unnecessary and obsolete. The case of drones is a significant example. At the beginning of 2012, Peter Singer noted not a single aerospace manufacturer is dedicating its energies toward the development of new manned aircraft.⁸ In the words of Phillip Everts, “Total reliance is put today in the effectiveness of military technology, ‘smart weapons,’ and ‘air power.’ The suggestion of a war without bloodshed—at least on one’s own side—is cherished.”⁹ Much of the rhetoric surrounding the development of combat drones revolves around troop protection and the ability to project force without risk. As the Congressional Research Service suggests, “UAVs offer two main advantages over manned aircraft: they are considered more cost effective, and they minimize the risk to a pilot’s life.”¹⁰ In short, UAVs are thought to reduce both the treasure and blood sides of the cost calculus.

The economic case for drones is relatively complicated because it involves a numerical calculation of the operation, logistics, and maintenance costs, but the cost-benefit analysis is not unequivocal. For example, when deciding whether to replace the U-2 reconnaissance aircraft with the Global Hawk UAV, the Pentagon urged delaying the retirement of the U-2 on economic grounds.¹¹ As

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Deputy Secretary of Defense Ashton Carter observed, the Global Hawk had “priced itself out of the niche in terms of taking pictures in the air ... that’s a disappointment for us, but that’s the fate of things that become too expensive in a resource-constrained environment.”¹² In general, however, the UAV does appear to be somewhat more cost effective than many of its manned counterparts. The British land forces’ Chief of the General Staff, for example, concluded, “one can buy a lot of UAVs or Tucano aircraft for the cost of a few Joint Strike Fighters and heavy battle tanks.”¹³

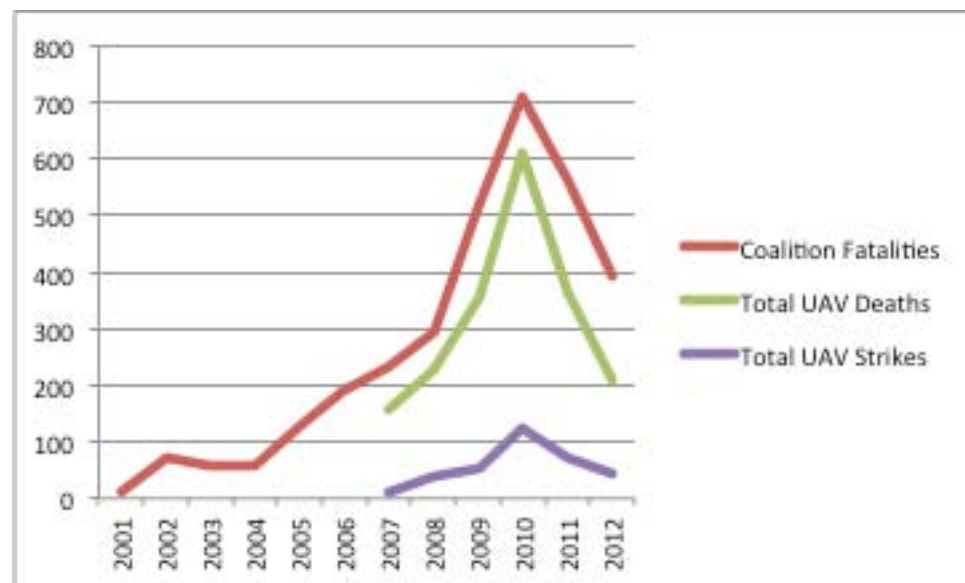


Figure 1. Coalition fatalities in Afghanistan and the use of UAVs in combat.

In terms of casualty prevention, the calculation is in fact unequivocal and may, in the end, outweigh any consideration of economic value, as it did in Congress’s endorsement of the Global Hawk despite the aircraft’s lack of support in the United States Air Force (USAF). Whereas sending ground troops into a combat zone risks the lives of a state’s soldiers, sending a UAV does not. Governments using drones have been clear about these advantages. British Defense Minister Philip Dunne advocated for UAVs as “saving the lives of British and ISAF (International Security Assistance Force) personnel in Afghanistan.”¹⁴ Data on the coalition casualty rate and the number of drone strikes suggests there may be a relationship between the increase in casualties and the turn toward UAVs to strike suspected militants.

Although merely suggestive evidence, the figure does hint at a particular

narrative. Early in the conflict coalition fatalities were low, but in the wake of an uptick in violence in 2007 the use of drones also increased. The dramatic increase in violence in 2009 confronted U.S. President Barack Obama with a quandary: how to maintain U.S. forces in Afghanistan while also upholding the tacit promise to the American people that they no longer would have to bear the burden of warfare. His response was to authorize in his first term over six times more drone strikes than his predecessor, George W. Bush.¹⁵

The turn toward drone strikes is not surprising because they reduce risk for U.S. military personnel and eliminate risk to pilots, who fly the planes remotely thousands of miles away. Evidence suggests this is good domestic politics. For example, in a February 2012 poll, only nine percent of Americans registered their opposition to a policy of using drones for targeted killing. By contrast, 52 percent indicated opposition to drone use for domestic surveillance. This is a striking finding because the distinction suggests greater concern with civil liberties at home than with the legal and ethical implications of using UAVs abroad, such as the violations of sovereignty (for instance, with respect to Pakistan, Yemen, and Somalia, where the United States uses drones), the question of killing American citizens abroad without due process, and the international legal principles of distinction and proportionality related to killing civilians.¹⁶

MORAL BACKSTOPS AND DEMOCRATIC CONSEQUENCES

The relative apathy in regard to the use of combat drones abroad—when compared with the outrage at the very mention of their use at home—reveals citizens of modern democracies tend to care most about political decisions that compromise their immediate well-being or freedom. This obvious point, however, is indicative of a deeper and typically overlooked theoretical reality: citizens form political preferences on the basis of prudential—rational and self-interested—calculations rather than on moral grounds. This, once again, presents a problem in the case of regulating drone warfare abroad. Throughout the Cold War there was some sense that any armed conflict between nation-states had the potential to become catastrophically destructive. As Bertrand Russell states, “When a small war occurs, there is a considerable risk that it may turn into a great war; and in the course of many small wars, the risk would ultimately become a certainty.”¹⁷ He also suggests once nuclear weapons have been developed, their use is an inevitable conclusion in any great war. Therefore, he asserts there is an argument based on prudent self-interest to avoid any war. On 18 April 1960, between 60,000 and 100,000 U.K. citizens marched in London to protest the

testing of hydrogen bombs. Similar protests were organized around the world in the decades that followed. In general, the justification for these protests was simple: the use of these weapons would destroy civilization.

The bittersweet reality of drones is they do not confront us with this danger, and therefore it is very hard to raise prudential arguments against their use. To the limited extent prudential reasoning does play a role in resisting drone use, it comes as no surprise that it is the citizens who face the air strikes in Pakistan, led by political elite Imran Khan, who have organized the most public protests against drone warfare. These protests, such as the march Khan led into South Waziristan that was blocked by Pakistani authorities, have been relatively ineffective. Although the rate of strikes has declined, so has the rate of coalition fatalities, suggesting the general level of hostilities, rather than Pakistani public opinion, is more influential in whether or not the United States continues its drone strikes in Pakistan. Additionally, Kant's theory does not address the protests of the Pakistani public—Kant did not envision this situation—but instead expects that protests will arise in the U.S. citizenry against its own government's aggressive policies. This prediction has not, to this point, been borne out in any large scale protest of drone policy, in part because even these costs are obscured. In a January 2013 poll, only 13 percent of Americans could identify Pakistan as the country where drone attacks have been most prevalent.¹⁸ This situation seems to suggest Kant's democratic peace theory—whereby citizens can effectively protest government policies in the name of self-interest—has been obviated by technological capabilities like drones that allow governments to wage wars without jeopardizing the lives or pocketbooks of their citizens.

Kant, however, may still provide several useful ways to consider the type of loss that conducting drone strikes in the current manner causes. One crucial insight that Kant maintains throughout his corpus is that there is a meaningful and absolute difference between prudential reasoning and moral reasoning. He states in cases where casuistic and prudential decisions are out of sync with moral ones, it is prudence and not morality that is supposed to take a backseat. When self-interest directs one to do the wrong thing, one is still morally obliged to do the right thing. This may seem hopelessly optimistic in the political sphere where prudence receives the least weight. In previous generations, prioritizing prudence was permissible since it often delivered policy makers to the same conclusions that ethicists would also endorse, such as instituting the SALT treaties of the 1970s. With the advent of technologies like drones and precision-guided munitions, these two motivations of prudence and morality can result in divergent policies. As the drone policies of the United States make warfare cheaper and

easier for its citizens, attempts to place regulations on its military action will have to increasingly rely on moral frameworks such as Kant's for their support.

The most facile moral reasoning on drones is that they reduce collateral damage and therefore “offer marked moral advantages over almost any other tool of warfare.”¹⁹ Certainly, wars with higher casualties are undesirable. However, this drones-as-moral-obligation argument is too narrowly construed since it focuses only on domestic casualties, excluding foreign civilian ones or the prospect of waging open-ended wars because there is no apparent cost. Additionally, this argument tends to conflate technical capabilities and moral justifications by assuming that the mere use of certain technologies allows governments to achieve justice in warfare.²⁰ In light of these shortcomings, we propose Kant provides a more helpful moral framework for thinking about the moral guidelines for drones that might resonate in liberal democratic societies.

First, it might be helpful to underscore frameworks that have not carried much weight in the past and therefore are not likely to in the future. For one, Kant's most famous contribution to moral theory, the categorical imperative, will probably never gain enough popularity to serve as the moral backstop against drones. The categorical imperative can be formulated in many different ways, but in short it makes two relevant prescriptions. The first is that we must always treat other human beings as ends in themselves rather than as means to our ends. Simply stated, people have the ability to set and pursue ends for themselves; they are not tools and should not be treated as such even if they are in interrogational torture or many targeted killings. The second is that we must act only on that maxim whereby we could at the same time will it as a universal law. Could the United States, without contradiction, support the use of drones if our endorsement were taken up as a universal law? Simply stated, could we rationally will all other nation-states to use drone strikes in the same manner as the United States? This line of reasoning could be used in arguments against U.S. drone strikes, but it has fallen flat at this point. These formulations of Kant's categorical imperative will most likely fail to receive any real hearing in the public sphere, at least not yet, for at least two reasons. First, the political preoccupation with domestic over foreign casualties will not go away any time soon. Second, this preoccupation is obscured by the expansive way in which the U.S. government defines foreign casualties (militants are defined as any adult

male in a targeting zone), allowing it to claim that strikes minimize collateral damage and maximize the effect on “militants,” whereas the death of an American military officer is unambiguous and a matter of public record.²¹

A more promising moral backstop against drone warfare might be found in the relationship Kant draws between republican constitutions, citizenship, and human freedom. As mentioned in the first section, Kant was justifiably worried about aristocrats drawing people into war for the obvious reason that doing so leads to ruin in the cost of blood and treasure, but he was also more worried about people giving away their political freedom by letting leaders unilaterally decide what is right and wrong. Throughout his corpus, Kant is repeatedly struck and disgusted by human beings’ proclivity to give up freedom for the sake of convenience. Exercising true freedom, Kant believes, is not easy business and so individuals frequently shirk it. In a 1784 essay written entitled “What is Enlightenment?” he suggests that individuals often commit themselves to a “self-imposed immaturity” in which they allow others to make decisions they themselves could make. This is the type of activity Kant calls heteronomous rather than autonomous. Kant’s definition of autonomy does not entail the freedom to do whatever one might wish to do—whatever desire might suggest—but rather the freedom of an individual to legislate and execute the moral law for himself or herself. Republics are meant to reflect the free, autonomous decisions of their citizens through representation, and according to Ellis, “a Kantian political theorist would ask how citizens today could move toward substantive freedom that entails the opportunity to exercise control over the decisions that determine people’s collective fates.”²² Drone warfare creates a situation which risks eroding this objective of Kantian republicanism. If this were simply a matter of discarding a part of eighteenth-century philosophy, it would not bear much significance. But this objective of Kantian republicanism remains one of the founding statements of modern liberal democracy and therefore carries great importance. In fact, when U.S. civilians protest the use of domestic as opposed to foreign drones, they draw on the Kantian rationale that drone use at home is simply undemocratic since it limits the “substantive freedom” upon which the nation was founded.

The use of drones abroad creates closely related problems for democratic representation and should cause similar consternation. When the Obama administration was asked why drone strikes in Yemen and Libya did not require congressional—and therefore indirectly, through representation, public—oversight, it answered, among other reasons, these strikes did not put U.S. troops in harm’s way.²³ This response represents the Pyrrhic victory of the advent of drone

warfare. Most military conflicts in the future will not be fought in such a way as to risk U.S. soldiers, and this is undoubtedly desirable, but in avoiding these risks, leaders will neither be bound by public consent for these actions, nor will they be obligated to call these actions acts of war. Leaders can then rationalize not obtaining public support for going to war or continuing war on the basis that the nation’s citizens are not in harm’s way, even if this means citizens of other countries are in danger. The point is not more U.S. troops should be put in harm’s way. Rather, the development of drone warfare has given rise to the following paradox: U.S. citizens are wary of domestic adversity and favor the candidate and policy that will minimize the costs of particular policies. Leaders respond to these mandates by reducing these costs imposed on the electorate. They can do this either by adopting peaceful strategies or belligerent ones that are the least costly, such as using drones. The United States risks trending toward this second option. In so doing, however, leaders insulate implications about the war from the electorate, eliminating one of the factors that used to ensure ample oversight of war powers.

CONCLUSION

In the words of Michael Walzer, “No government will send young men into battle to kill and be killed without offering some justification for what they are doing.”²⁴ The contrapositive risks becoming the case with the rise of drone warfare: when wars can be fought without young men and women going into battle to kill and being killed, governments do not have to offer a justification for what they are doing. This will undermine peace and liberal democracies. Ironically, the pressure from a democratic electorate to protect itself from the harms of warfare will not encourage policy makers to adopt peaceful or democratic methods—which Kant believed it would—but rather methods of warfare that leverage technology in order to insulate citizen soldiers from harm. The irony then is this insulation creates the possibility that leaders will no longer have to, in a prudential sense, obtain popular permission to go to war.

The appeal to moral and political ideals—in this case to respect autonomy of citizens reflected in genuinely democratic processes—may be Kant’s most salient argument against drones. This may seem relatively toothless since it is a strictly moral assertion, but it is arguably the type of argument on which we will have to increasingly rely in a future of military technologies including drones. Prudence will no longer serve as an adequate substitute for morality and law if it ever did in the first place. In his argument against nuclear weapons, Russell

was concerned about the physical destruction of civilization. If we fail to grasp Kant's point about oligarchic rule and permanent warfare, we risk destroying civilization in another important respect by eliminating the principle upon which civilized democracies are supposed to rest—the ideal of being responsibly and autonomously human. 

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