DRONE WARFARE
AND
LAWFARE
in a Post-Heroic Age

Marouf Hasian Jr.

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RHETORIC, LAW, AND THE HUMANITIES

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Dedication

This book is dedicated to Robert Ivie of Indiana University, a friend and colleague who woke me from my dogmatic slumber so that I could join those who already appreciated the importance of critiquing securitization rhetorics and military communication.

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Acknowledgments

An Argumentation Approach to the Study of Drone Warfare and Lawfare

> From SMART CD, to presidential directives, to "casualty estimate
> worksheets" to automated aircraft: the human condition is overtaken by
> a toxic form of passivity . . . that removes the need for judgment and
> expels thinking from its morbid calculations.
>
> <div align="right">Ian Shaw, October 2013</div>

There is no doubt that we are living in an age obsessed with drones. In 2009, the US Air Force described them as some type of post-human weapon that involves platforms not "limited by human performance or physiological characteristics" and that were ideal for situations wherein cyber warriors needed "persistence" and "maneuverability."[1] The Brookings Institute estimates that more than 2,700 militants in Central Asia have been killed by drone strikes.[2] At various times drones fired missiles at Muammar Gaddafi of Libya, and a targeted strike killed an American cleric by the name of Anwar al-Awlaki in Yemen.

Over the last decade, America's drone fleet grew from 50 planes to some 7,500 drones, and eventually the drones would represent almost a third of the Pentagon's air fleet.[3] There was so much demand for both the Predator drones and the deadlier Reaper drones that their manufacturer, General Atomic Aeronautical Systems, had a difficult time filling orders. Retired Admiral Dennis Blair, former director of national intelligence, characterized America's flirtation with drones as "dangerously seductive."[4] Yet those who support their usage consider them to be an invaluable part of our "US foreign policy tool kit."[5] The drones, after all, were just the latest iteration of aerial weaponry that delivered more "push-button, bloodless wars."[6]

These drone infatuations have also influenced the ethical, legal, technical, scientific, and cultural rhetorics that circulate in our Anglo-American cultures as audiences are invited to contemplate how the military's and Central Intelligence Agency's (CIA) adoptions of drone platform systems impact our global war on terrorism (GWOT). We are constantly hearing

about how new "modular" forms of networks extend conflicts beyond the conventional military battle spaces,[7] and talk of unmanned aerial vehicles (UAVs)—or what the US Air Force prefers to call "remotely piloted aircraft" (RPA)—has influenced how we converse about the costs and benefits of their deployment.

Unfortunately much of this growing interest in drones has led to the circulation of a lot of general, merely descriptive information, and participants in heated debates accuse each other of using poor methodologies or faulty reasoning. There is no shortage of assertions about the efficacy of drones, but rarely does any genuine dialogue take place during these exchanges. Surprisingly, Gabriella Blum and Philip Heymann argue, "of all the coercive counterterrorism techniques employed by the United States, targeted killings have so far attracted the least public criticism."[8] During the fall of 2013 James Walsh noted that while UAV defenders talk about the benefits of drones and detractors argue that their usage leads to more violence, there is "surprisingly little systematic evidence that either of these positions is correct."[9] This paucity of evidence has not prevented observers on both sides from making outlandish claims about the drones based on speculations, inferential leaps, and fighting faiths.

National secrecy shrouds America's drone platforms, and US citizens become defensive when foreign critics complain about "extra-judicial" or "extra-territorial" RPA strikes. As Greg Kennedy recently noted in an issue of *Parameters*: "Perceptions and suspicions of illegal clandestine intelligence agency operations, already a part of the public and official psyche due to experiences from Vietnam, Iran-Contra, and Iraq II and the weapons of mass destruction debacle, have been reinforced by CIA management of drone capacity. Recent revelations about the use of secret Saudi Arabian facilities for staging American drone strikes into Yemen did nothing to dissipate such suspicions of the CIA's lack of legitimacy in its use of drones. . . . The secret facility . . . used to kill American citizens Anwar al-Awlaki and his son in September of 2011 . . . only deepened such suspicions."[10] The circulation of general assertions about American rights to self-defense, or talk of the existence of a continuing "armed conflict" against countless militant individuals or "affiliated" organizations, worries those critics who believe that this violates either the principles of international humanitarian laws (IHL) or international human rights laws.

At various times journalists, policy-makers, and other observers have indicated that they would like to see more nuanced debates taking place as agonizing decisions are made about drone strikes and other targeted killings. For example, Jane Mayer of the *New Yorker* contends, "the embrace of the Predator Program has occurred with remarkably little public discus-

sion, given that it represents a radically new and unbounded use of state-sanctioned lethal force."[11] David Carr similarly remarked that we need to be "debating drones in the open" so that we don't sit idly by while key decisions are made behind the closed doors of the Pentagon or White House situation rooms.[12]

Granted, President Obama in his famous address in 2013 at the National Defense University talked in generalities about the desirability, morality, and legality of the drone war programs,[13] but many worry that his commentary on "al Qaeda affiliates," Al-Qaeda in the Arabian Peninsula (AQAP), unrest in Libya and Syria, or threats in Algeria threatened *to expand*, rather than *contract*, what some were already calling a "perpetual"[14] or "everywhere" war.[15] White House advisers may have believed that their speeches provided greater transparency and accountability, but not everyone believed that this "trust government" approach provided anything in the way of substantive executive transparency or judicial due process. Even well-intentioned decision-makers, who told members of the press that they were reading the just-war ideas of St. Augustine as they conducted their "terrible Tuesday" meetings in which they drew up a list of potential drone targets, appeared to be serving as judges, juries, and executioners.[16] No one, after all, who was targeted and killed in this thanatopolitical[17] bureaucratic process could contest their alleged status as militants or imminent threats. How, after all, as Jeremy Scahill would ask in February 2014, does one "surrender" to a drone?[18]

High-ranking Department of Defense (DOD) or CIA officials were handing down these lists to the thousands of pilots, sensor operators, surveillance experts, judge advocates, and others who participated in the planning or execution of RPA targeting strikes.[19] Carrying out drone strikes thus becomes a performative act of legal and public theater, whereby many individuals could say they had a hand in carrying out lethal strikes. Was this adding to the ranks of those committing war crimes in an unjustified war that did not involve a major military emergency, or was this all part of a legitimate, transglobal "noninternational armed" conflict?

At the very time that American audiences were celebrating the return of conventional ground forces from Iraq (2011) and Afghanistan (2014), White House decision-makers were asking their listeners to patiently accept more fluid, ongoing, asymmetrical future conflicts that would involve greater CIA involvement, more mobile Special Forces,[20] expanded drone strikes, and other forms of targeted killings. Countless military experts defended this move because they conceptualized America's new Way of War in the GWOT as a type of network-centered warfare, a Clausewitzian shift in the "center of gravity" that would take the fight to the enemy.[21]

As I will note in more detail in chapter 6, conventional wars, such as those fought on the "hot" battlefields of Iraq and Afghanistan, would now give way to more diffuse, transglobal battles that would take place between al-Qaeda or Taliban networks and the American counterterrorism platforms. Air force personnel dreamed of having thousands of drones on hand to take out both "high" and "low" level militants in places like Pakistan, Yemen, Somalia, or even the Sahel. The twenty-first century would witness posthuman wars, where "manned" and "unmanned" vehicles and robots would wage constant and relentless war against fundamentalist Islamic enemies who were supposed to realize the futility of their resistance.

This book aims to provide readers with an interdisciplinary, humanistic way of studying and analyzing some of the key public and elite discourses in circulation since 2001 that valorize or vilify the efforts of the RPA crews. It will unpack some of the traditional argumentative stances that US governmental officials and lawyers have presented, but it will also explore some of the nontraditional rationales that circulate in newspapers, journals, magazines, law reviews, military blogs (milblogs), foreign venues, and alternative presses. It will highlight both the "visual" and "virtual" aspects of debates that are as complicated as the drone platforms they critique.[22] I want to expose readers to some of the most intriguing critiques in circulation, regardless of their origins, be they elite or public.

This humanistic approach assumes that the development, adaptation, and deployment of any military device or technology is a *rhetorical venture*, wherein culture, politics, and power are entangled and implicated. As John Kaag and Sarah Kreps remind us, the very "creation of technology is a value-laden enterprise" wherein drones and precision-guided munitions "create the material conditions of culture and society."[23]

It is therefore imperative that we don't leave these debates to the so-called experts. We must not treat drones as some posthuman weapon that can be guided only by the hands of those who are conversant in the languages associated with military sciences or precision warfare. We need to learn how to decode their militaristic messages and not be intimidated by the jargon used by those who claim that the DOD's interpretations of the law of armed conflict (LOAC) in drone contexts provide us with a privileged, and dominant, way of reading targeted-killing rationales. The views of military experts are important, but when we are discussing the morality, legality, and efficacy of drone usage and assessing the truth of the various claims made about drone warfare, we need also to take into account the views of many other commentators and audiences.

Throughout this book I will argue that while presidents, congressional leaders, military generals, security experts, law professors, and jurists have

played some role in the rhetorical crafting of UAV critiques and drone culture, this talk of "just" wars, precision warfare, and collateral damage assessment reports that has circulated since 9/11 would have fallen on deaf ears *if most Americans didn't share these drone obsessions.* Supporters of drones, like law professor Kenneth Anderson, may write about how the executive branch, the military, and legal communities have legitimated the "honorable" targeting of militant foes,[24] but we need to remember that this attempt to claim the high moral ground is itself a rhetorical strategy, a legalistic form of argumentation that tries to marginalize critics who argue that drones are inhumane weapons deployed during a "post-heroic" age.

A vocal minority of Americans is not a part of what I call a "drone syndrome," and many international critics of the drone wars view the RPA attacks as highly problematic. Is it any wonder that Lt. Col. Douglas Pryer of the US Army pairs his essay on ethics in a 2013 issue of *Military Review* with a still image of armed terminator robots and hovering drones fighting humans in a scene from the movie *Terminator 3: Rise of the Machines*?[25] I will have more to say about that image in chapter 2, but for now what is important to note is the fact that acceptance or rejection of drone arguments involves a host of cultural and ideological ways of thinking about the concept of "precision"—technical precision, accurate intelligence gathering, moral acuity, and so on. Our patriotic beliefs in the rectitude of drone crews and their superiors are symbolically tethered to the ways that we talk and write about the accuracy of surgical strikes, the proper designation of civilians and militants, and the balancing of counterterrorist or counterinsurgency strategies.

These twenty-first-century tensions between accurate and inaccurate targeting, or heroic and post-heroic visions of drones, manifest in a number of ways, and drone conversations can morph in an instant. What begin as empirical conversations about meters and the blast radius from a Hellfire missile, or the seconds of "latency" between real-time and transmitted time, may suddenly veer into normative debates about the desirability of clinical, antiseptic, surgical, or detached network-centric warfare. This volatile mixture of empirical and normative accounting influences how we conceptualize geopolitical distance, relational intimacy, or "situational awareness."[26] Descriptive explanations about drone technologies have a way of drifting into ideological debates about their usage.

Many of these drone debates assume that listeners will find comfort in "kill-or-capture" approaches to terrorism, which underscore the agency of militant enemies while treating American and coalition forces in the GWOT as reactive agents who are simply trying to contain, and immunize their populations against, pathological threats. This combination of

biopolitical and thanatopolitical arguments hides the structural features of global terrorism, and it individuates the drone strikes so that we do not see the cumulative impact of these attacks. We hear or read about the number of casualties in RPA attacks, but we are told little about the lives of those who live in places like the Federally Administered Tribal Areas (FATA) of Pakistan. Michel Foucault once wrote about the biopolitical power to "make die" in "order to live,"[27] and the death of militants or civilians is considered to be the price that some foreigners pay for being unwilling or unable to control those who might attack America's homeland.

These are not just academic topics or congressional concerns, because these drone grammars and their operative logics circulate in Pentagon hallways, corporate cafeterias, documentary rooms,[28] and family kitchens. For example, when the Jonas Brothers—Kevin, Joe, and Nick—attended a 2010 White House Correspondents' Dinner, President Barack Obama mentioned that his daughters, Sasha and Milia, were huge fans but that the Jonas boys had better not get any ideas because Obama had two words for them: "Predator drones."[29] Considered distasteful by some, funny by others, Obama's breezy referencing of targeted killings perhaps spoke volumes about some of the taken-for-grantedness, bureaucratic legitimation, naturalization, and normalization that has taken place as we contemplate the cultural importance of drones. Is it even possible to think about American military intervention or foreign policy decision-making in Central Asia anymore without mentioning drones?

Given that some polling surveys show that the United States is one of the few countries in which the majority of the people surveyed support the use of militarized drones,[30] is it any wonder that the CIA and the DOD continually deploy these aerial weapons and that so many of their supporters believe they are a legal, ethical, and humane way of fighting militant foes? What critics call "blowback" seems to carry little weight in these drone controversies, in part because few nation-states have joined the nongovernmental organizations (NGOs) or alternative media outlets in their critiques of US RPA usage.

For some drone apologists, it is the technical capabilities of drones, and the supposed reasonableness of American legal interpretations, that allows UAVs to serve as defensible tactical weapons of choice, ethical tools that purportedly save the lives of thousands of American troops who no longer have to serve in conventional wars of attrition. Michael Schmitt, a professor specializing in international law at the US Naval War College, provides a typical example of the faith that military experts have in the progressive development of precision warfare:

Military technology has advanced well beyond simply being able to spot an individual or object. Modern sensors, can, *inter alia*, assess the shape and size of objects, determine their speed, identify the type of propulsion being used, determine the material of which they are made, listen to the object and its environs, and intercept associated communications or other electronic emissions. They can also . . . monitor a potential target for extended periods in order to gather information that will enhance the reliability of identification and permit target engagement when the target is relatively isolated. Even software for autonomous weapons systems that enables visual identification of individuals, thereby enabling precision during autonomous "personality strikes" against specific persons, is likely to be developed. These and related technological capabilities auger against characterizations of autonomous weapon systems as unlawful *per se* solely based on their autonomous nature.[31]

These types of claims are used to attack those who try to ban the use of UAV or robotic platforms, and their purveyors assume that over time drone strikes will become more precise. This, in turn, is supposed to counter the claims of those who complain about excessive civilian loss of life, indiscriminate killing, or the psychological damage that comes when communities in places like North Waziristan have to hear the constant buzzing of drones. For those who believe in existential evils and the threats posed by intransigent terrorist enemies, constant warfare against terrorism or Jihadism is a post-9/11 fact of life, and those who share these views often consider drones to be necessary and effective weapons.

Pacifists and other critics of aerial bombardment during times of war have never had an easy time understanding why violence has rained down on so many defenseless populations. Today's drone critics are often puzzled by the equanimity of American audiences who hear about collateral damage and the horrors associated with targeted killings, but we are not the first generation that has participated in these types of wartime debates. In a justly famous essay written in 1940 during the Battle of Britain, Virginia Woolf had this to say about the psychic horrors that she speculated would be experienced by future millions who had to hear the "drone of the planes," the "hornet in the sky" that roused "another hornet in the mind": "The Germans were over this house last night and the night before that. Here they are again. It is a queer experience, lying in the dark and listening to the zoom of a hornet, which may at any moment sting you to death. It is a sound that interrupts cool and consecutive thinking about peace. Yet it is

a sound—far more than prayers and anthems—that should compel one to think about peace. Unless we can think peace into existence we—not this one body in this one bed but millions of bodies yet to be born—will lie in the same darkness and hear the same death rattle overhead."[32] Militarists may view this as the idealistic ramblings of a woman who knew little about the realpolitik of her own "new" war, but there are many twenty-first century witnesses who can relate to the distant suffering of those who live under their own darkened skies.

Derek Gregory, an influential political geographer who has stitched together his own genealogies based on military studies of visuality, verticality, and geopolitical research, contends that all of us need to notice that there are "genetic pathways between Woolf's hornets and what the Pashtun now call the *machay*, the bees that have their own deadly sting."[33] Elsewhere, in his essay "Lines of Descent," Gregory makes the point that promoters of the latest drone technologies—with all of their talk of high-resolution imagery and objective-looking targeting calculus—were a "part of a techno-cultural system that renders 'our' space familiar," even in the spaces of the "obdurately Other."[34] In these (post)colonial renderings of battle spaces and visualities, the drones are used to police populations at the same time that they militarize entire regions.

Given the existence of diverse disciplinary lexicons, it is understandable that Gregory does not label his work as a "rhetorical" study, but many critical scholars who work in English or communications departments would view him as a kindred spirit who understands the Foucauldian nexus at play when we study discourse/knowledge/power,[35] especially in post-9/11 contexts. Gregory's commentary on the technical dimensions of drones, and his brief referencing of "genealogy," "visual interpellation," and the supposed lack of local knowledge on the part of the CIA, the White House, and military planners suggests that the advent of drones is accompanied by contingent and motivated disputation about our drone obsessions. Those who defend the ethics of drone usage and those who view them as problematic are participants in dynamic and synergistic public debates about the desirability, morality, and legality of American drone systems.

For the last five years I have collected a plethora of journal articles, law reviews, newspaper accounts, books, and milblog commentaries on what Amitai Etzioni has called the "great drone debate."[36] I have analyzed many of the discursive and visual arguments that appear in a variety of politicized texts. These texts include the images,[37] casualty figures, governmental white papers, NGO reports, and documentaries related to drone usage. Inspired by the work of writers such as Woolf and Gregory I became convinced that readers must have a book that explains the contentious claims

that many audiences around the world—including those who are sending out the drones and those who suffer from the drone attacks—have advanced. They have made inferences, supplied visual evidence, and used contestable warrants as they talk and write about the presence or absence of honor during UAV strikes.

If drones are here to stay, and if drone proliferation continues,[38] then all of us need to become familiar with the assumptions that undergird all types of legal, military, and public arguments. For meaningful debate to take place we need to be self-reflexive enough to recognize some of the strongest arguments posed by all the participants in this technical and public disputation. In place of the "echo chamber" that some critics have written about in their analyses of heated drone conversations,[39] we need honest assessments of the strengths and weaknesses of *our own positions* as we think about these complex issues.

With that in mind this book is about the warfare and the "lawfare" (the politicization of the law during wartime) that haunts these drone syndromes. While some readers will be bothered by what they perceive to be the absence of substantive evidence, rationality, logic, or objectivity in many of the elite and vernacular drone conversations that I will reference, I hope that by the end of the book they will see the heuristic value of taking a critical and argumentative approach that asks readers to take into account the praxis of public argumentation.[40]

I anticipate that readers will at times shake their heads as they read some of the claims being made about drone usage, military intentions, White House policies, foreign perceptions, and even what constitutes sound or relevant argumentation. For example, there might be disagreements about what counts as honorable martial behavior, just wars, or discriminating targeting behavior.

As I will note throughout this book, some of the most persuasive arguments circulating in the drone debates draw on emotional cultural ties, national identities, populist notions of military honor, justness, and so on that are involved in the production of motivated grammars that simply do not resonate with all international communities. For example, there are a host of historical, cultural, military, and social reasons why so many global communities outside of the United States despise drone warfare. The fact that the International Red Cross, or the UN special rapporteurs, have the temerity to critique US executive or judicial interpretations of the LOAC does not necessarily mean that their arguments resonate with those who believe these organizations are asking for unrealistic "zero casualty" wartime scenarios.

As noted above, some readers may be puzzled by my study of public commentaries or remarks by journalists that White House officials, military

scholars, and contributors to law reviews, who write as if they are authorities on the legality and ethics of targeted killings, often ignore. For example, I analyze what appear to be "human interest" stories about drone pilots and their travels to and from Las Vegas, and I illustrate how these cultural artifacts are used to critique more formalistic ways of thinking about "rules of engagement," applicable laws of war, or IHL.

My critical sensibilities also demand that I pay attention to what milbloggers and former UAV pilots have to say about honor and the protection of both soldiers and civilians. Their views and interpretations of applicable rules of engagement (ROE) do not always resemble the positions taken by their superiors, contributors to law review, or jurists. At other times, I ask readers to take seriously commentaries that come from overseas, for example, from representatives of tribal regions of Pakistan or Afghanistan that are often treated as "mere" propaganda.

I refuse to write a book that privileges the US legal or military commentary on how to interpret international laws, and I purposely include argumentative material from many other parts of the globe. Simply recycling and parroting the arguments US governmental officials supply, or stitching together the positions of those one agrees with, does little to help us understand the strongest positions of our opponents.

The first decade of the twenty-first century was filled with Kafkaesque talk of transparency and accountability, and the drone debates are often waged by those who assert that governmental secrecy is of transcendent national importance. As noted above, we live at a time when the CIA has taken on increasingly militaristic roles and the DOD has moved into more intelligence-gathering fields. This convergence has impacted the ways that Americans talk about the dark arts or the need for targeted assassinations. Commentary on joint CIA and Special Forces planning signals the growing hegemonic power of those who wish to celebrate a future that will witness America's continual involvement in unilateral and multilateral ventures.

Regardless of whether we like to hear about "counterinsurgency" or "counterterrorist" paradigms, we will be asked to ratify plans to intervene in places like Mali, Somalia, Yemen, Pakistan, Afghanistan, and Iraq. At present, it could be argued that the United States is already involved in the maintenance of more than sixty nodal bases in network-centric warfare that is being waged in a growing number of countries.[41]

The political intrigue and geopolitical concatenations that shadow drone debates create a rhetorical situation replete with all sorts of opinions regarding heroic or post-heroic ages, and no doubt there are times when one's political proclivities or national allegiances make it difficult to witness some of the assertions and speculations made about the ratio of civilians to militants killed during drone raids. For example, is it really the case that 90 per-

cent of all war victims are civilians?[42] What exactly is the "acceptable" ratio of the number of militants to the number of civilians killed during targeted killings and drone strikes, and can we really say that there has been "proportional" military gain when "only" three or four noncombatants die on average during each drone strike? Who gets to make these decisions, and what types of arguments and counterarguments are produced by those who dispute these figures?

At a time marked by a dramatic increase in both documentary and visual argumentation about RPAs, it behooves us at least to try to understand some of the motivations, values, interests, and ideologies of those who defend or attack these controversial missions. It is no coincidence that at the same time that we hear about the release of a Columbia Law School Human Rights Clinic report on the "civilian impact of drones,"[43] we are also invited to listen to those who wish to focus attention on the alleged dangers posed by the latest al-Qaeda affiliate or Taliban cell. It becomes abundantly clear that many twenty-first-century populations—especially in regions that are supposedly controlled by those wanting to impose "Shariah," or Islamic laws in militant ways[44]—are in danger of hearing the buzzing that so terrified Virginia Woolf.

A Review of Relevant Literatures on Targeted Attacks and the Drone Wars

My argumentation approach to the drone wars differs from that of many previous studies of drones because very few writers on this topic are willing to treat *all the participants in these debates* as in need of a hearing. Drawing on traditional, objectivist approaches to discourse and epistemic knowledge, many who write about drones try to establish their credentials by proceeding as if they possess some empirical and special knowledge about reality that can be contrasted with the mere rhetoric of their adversaries.[45] As I argue throughout this book, this dichotomous style of reasoning serves several ideological functions: reductionist binaries are used to grant or deny credibility, establish or destabilize legitimacy, or vilify those who do not share similar ideological preconceptions about heroism or UAVs.

One of the most popular books on drones, a text that provided American audiences with a heroic version of the drone wars, was published in 2010 by a former drone pilot, Lt. Col. Matt Martin, and a coauthoring journalist, Charles Sasser. Their book, *Predator: The Remote Control Air War over Iraq and Afghanistan; A Pilot's Story*, explained to American audiences just why the US Air Force and the George W. Bush administration decided to deploy UAVs during the Iraq and Afghanistan campaigns.[46] This patriotic telling of the tale of the early years of the drone programs will appeal

to audiences who have few qualms about the targeting of radical terrorists, and it provides a hagiographic view of the sacrifices made by RPA pilots who help America avoid the horrors of conventional wars that might otherwise cost the lives of thousands of infantry soldiers on the ground. In this typical passage, Lt. Col. Martin and Charles Sasser use one small anecdotal story of a famous battle during the Iraq campaign to make larger claims about the tactical importance of using drone crews: "We could have sent troops busting through Fallujah rooting out the cancer house by house, except that would have been extremely dangerous and would have taken a lot of troops. Fallujah was a big city. Instead, we used spies and informants on the ground and Predators in the air (along with other airborne assets) to locate and track bad guys until we could take them out. With prejudice."[47] This type of passage has several argumentative functions. First of all, note the breezy deployment of dehumanizing rhetorics to characterize the enemy. Operating here is an implicit assumption that many of this book's readers—especially those who have served in combat—will understand and applaud the characterization of insurgents or other enemies as cancerous growths that require extermination. The biopolitical saving of lives, where drones provide needed information, is contrasted with the thanatopolitical taking out of enemies—"with prejudice." Contextualizing drones this way makes it appear as if drone pilots and sensor operators are in the heat of battle, bringing along with them their omnipresent and omniscient eyes as they help take out the enemy.

Neta Crawford's *Accountability for Killing* (2013) takes up the question of why so many distant "others" suffer all types of American bombings when US authorities claim to be doing their best to use "precision" warfare during the global war on terrorism.[48] Her book discusses drone attacks while critiquing the use of American B-1 bombers in strikes against the Taliban and other enemies, and she outlines for readers many of the air force's operative logics that undergird the US reliance on airpower in recent years. Crawford is interested in the question of moral culpability for the consequences of these aerial attacks, and her critique focuses on the normative features of international laws of war that she believes outlaw the deliberate killing of civilians during wartime. It is her contention that Americans and other coalition forces work too hard at hastily dismissing criticism about collateral civilian damage, and she provides readers with an account of these aerial wars that focuses on the consequences of this targeting.

Targeted Killings (2012), by Claire Finkelstein, Jens Ohlin, and Andrew Altman, is an edited collection of essays that grew out of a law and philosophy conference held just weeks before the Navy SEAL Team Six raid on Osama bin Laden's compound.[49] This book brings together applied ethi-

cists and legal scholars who study both drone strikes and other strategies that are parts of American counterterrorist policies, and the seventeen essays provide readers with an excellent overview of some of the legal and moral conundrums faced by political decision-makers and military experts who have to fight wars in an "asymmetrical world." While *Targeted Killings* does devote one chapter to a review of the argumentative claims advanced by participants in targeted-killing debates—Gregory McNeal's chapter on the so-called problems with some of the "empirical claims" presented by critics of the targeting practices of the Bush and Obama administrations[50]—most of the chapters are by authors who, in a formalistic style, highlight the importance of foundational legal or philosophical rules and articulate their opinions on the legality and morality of targeted killings in the GWOT.

Drone Warfare (2013), by political activist Medea Benjamin,[51] provides readers with an insider's view of what life is like for drone critics who travel to Pakistan or heckle speakers like President Obama.[52] In many ways it can be contrasted with the book written by Martin and Sasser; *Drone Warfare* includes commentary from Pakistani drone critics. Benjamin, one of the co-founders of an activist, antidrone organization, Code Pink, explains some of the challenges that confront activists who organize coalitions at the White House, in New York City, or in Islamabad, Pakistan. She is convinced the drone activism has made a difference at some local levels, where mayors and communities may have second thoughts about supporting the domestic usage of drones. While Benjamin shows us that many researchers were interested in drones long before the GWOT, most of her analysis is aimed at trying to convincing contemporary readers of the problematic nature of today's drone flights that track terrorists and kill both militants and civilians.

One of the most intriguing collections of essays on the promises and perils associated with RPA crews appears in Bradley Jay Strawser's edited collection, *Killing by Remote Control: The Ethics of an Military* (2013).[53] For several years now Strawser, an assistant professor of philosophy in the Defense Analysis Department at the Naval Postgraduate School, has been writing articles about how it would unethical *not to use* drone technologies. Most contributors to this book discuss factors such as asymmetry, just-war constraints, the precision of modern technologies, worries about "assassinations," and the potential loss of military "virtue" before concluding that autonomous drones are not only necessary but also efficacious. This book illustrates how civilian and military "experts" are well-acquainted with automated weapons systems, the decisional processes that are involved, and the strategies and tactics associated with drone usage and other forms of "killing by remote control."

Many scholars and journalists harp on the fact that we seem to know

more about the Pentagon's DOD drone programs than we do about the CIA's secret RPA operations, so Mark Mazzetti's *The Way of the Knife* (2014) provides helpful analyses. His tales explain why the CIA became "consumed with manhunting" and why many of Langley's "old guard" joined the younger generations of post-9/11 warriors who were willing to go back to the business of killing some of America's terrorist enemies.[54] Mazzetti, a *New York Times* reporter, narrates how the CIA gave up some of its traditional intelligence-gathering functions as it became obsessed with the hunting down of high-value enemy targets, and key parts of *The Way of the Knife* are used to explain why CIA leaders and White House occupants have formed "a secret army" and decided that they are willing to take the GWOT to the "ends of the earth."

Mazzetti's book is written for diverse audiences who might be interested in understanding how the CIA's fear of potential lawsuits after the interrogation of enemy detainees may have motivated some to view drone usage as "cleaner, less personal" warfare that carried fewer risks. We learn how drone wars and small Special Operations missions might resonate with a president like Obama who is doing his best to avoid entangling his nation in costly, conventional overseas ventures.[55]

One of the most intriguing books on drones is Jan Bachmann, Colleen Bell, and Caroline Holmqvist's edited volume *The New Interventionism: Perspectives on War–Police Assemblages* (2014).[56] This book purposely blurs the theoretical lines that have traditionally existed between *policing* functions and *military* functions of humanitarian interventionism, and many of the contributors provide case studies that show how today's "liberal intervention" assembles hybrid rationales for foreign occupation. Drones are obviously one of the new modalities that are used in this merger of policing and military functions, and this particular collection draws from a welter of intriguing interdisciplinary theoretical work that has emerged on the role that the visual arts, the body, and gender play in various interventionist situations.

These books are all interesting in their own ways, and they have all informed my work. I aim to complement their work by providing a study of the motivations and strategic usages of the arguments presented by all sides in the drone debates, including many who pretend that they are circulating arhetorical "facts" about targeted killing or the drone wars. I argue that purportedly empirical, objectivist, or balanced approaches that contextualize these RPA attacks are *always* promoting a motivated way of thinking about patriotism or cosmopolitanism or the balancing of national interests and individual rights.

At the same time, I argue that it is no coincidence that most American lawyers who write about law of armed conflict (LOAC) or international

humanitarian law (IHL) have no difficulty coming up with both legal and policy-based rationalizations for transglobal drone strikes. As Dawood Ahmed has recently noted, international publics know something about the coalition drone armies that are flying in the skies, but what they don't always know about are the "potent cadres of skillful lawyers" and others in government and private institutions who are crafting all sorts of narratives in the battles to define "legality on the world stage."[57] Ahmed worries that social actors in the "developing" world need to study how US military interventions are being justified in the name of "self-defense" and "counter-terrorism" and argues in the fall of 2013 that American lawyers and intellectuals are just as "deadly as [America's] drones." He contends that Americans control the framing of the drone debates through "narratives" that are "strategically employed [or better, deployed]" in the precedent-setting international legal arguments used to justify attacks over Pakistan, Yemen, Somalia, Afghanistan, and Iraq.[58]

What really bothers Ahmed are the ways that American lawyers are digging up controversial and "unsettled legal arguments" and treating them as indisputable, *foundational* international laws. For example, Americans are adept at claiming that some "unwilling or unable doctrine" provides that when "target countries can't or won't prevent threats against the US," then "attacks" in other sovereign states are legal.[59] As one might imagine, it is usually American lawyers, or those who support drone attacks, who are the decision-makers, and their views can be cited in legal cases or law reviews to show that other nations have metaphorically dropped the ball in the "manhunt" for both high and low-value terrorists.

Whether we agree with Ahmed's politics or not, what he is admonishing us to remember are *the constitutive features of rhetoric*,[60] where the debatable claims, evidence, and warrants about drones are often hidden in the presences and absences that swirl around military, technical, legal, and diplomatic commentaries about UAVs. Note, for example, as you read this book, how many times authors gesture in the direction of some supposedly arhetorical "rule of law" promoted by American drone advocates.

With this in mind, let me briefly explain the book's overarching trajectory and how each chapter helps me advance some of the arguments I will be making about lawfare, warfare, and the presence or absence of heroism.

The Trajectory for this Book and a Brief Outline of the Following Book Chapters

In chapter 2 I provide readers with a genealogical study of the multiple nineteenth- and twentieth-century rhetorical fragments that became a part of the aerial metanarratives that have been told about precision bombing or

the protection of civilians. This chapter explains some of the discursive origins of the stories we hear today about clinical targeting, acceptable risks to military personal, and the calibration that may or may not have gone into assessments of civilian casualties during aerial bombardments. Drawing on the work of Derek Gregory and others, chapter 2 also traces the colonial and modernist ideological roots of contemporary debates about the need to control populations living in distant lands. I demonstrate how all of today's conversations about the role that distance plays in commentaries about heroic or antiheroic bombings have antecedent genres wherein earlier generations worried about the psychological states of those who dispensed terror from the skies in order to control hostile indigenous or subaltern populations. Chapter 2 begins with critiques of everything from aerial balloons to the rationalizations used for the bombings of places like Iraq during the 1920s or Dresden during World War II.

Chapter 3 extends this analysis and takes up the question of how the George W. Bush administration ultimately decided that Americans would take the lead in utilizing these "new" drone technologies. In theory, the asymmetrical nature of insurgent warfare in a post-9/11 world influenced the adoption of UAVs, and chapter 3 provides readers with an overview of the arguments that were used to explain how drones were being deployed by heroes who were helping win the Iraq and Afghanistan campaigns against terrorism. This chapter also includes commentary on the rising influence of the CIA and the Joint Special Operations Command (JSOC). Here I call attention to the ways that drone supporters have been able to overcome the rhetorical constraints traditionally placed in the path of those who practice the nefarious "dark arts" of assassination.

Chapter 4 invites audiences to shift gears and consider the argumentative stances of Pakistani critics of drones who have to live with the symbolic and material consequences of these targeted killings. Researchers estimate that at least 1,500 "militants" have been killed in the northern regions of Pakistan since late 2003 or early 2004,[61] and divided Pakistani communities have expressed differing views regarding the desirability of negotiating with the Taliban, the military value of the drone strikes, the significance of civilian casualty rates, and the role that the Pakistani government should play in acknowledging these strikes. This chapter also provides a study of photographs and films produced by Pakistanis who believe that their countervisuals can raise global consciousness about the horrors of the drones.

Chapter 5 supplies contrasting, American "vernacular" pictures of the drone wars that spotlight the textual and visual arguments that are used in US public deliberations about RPA crews. In this chapter I show how drone advocates who write about drone crews and sensor operators use a

"politics of verticality" as they counter critics who allege that RPA crews are violating the international law principles of necessity, distinction, proportionality, and humanity. In many of these populist American stories about drones, biopolitical arguments are strategically stitched together so that the symbolic action focuses on the maladies suffered by drone crews. These reported maladies are presented in patriotic narratives about the causes of post-traumatic stress syndrome and other "combat" symptoms, and many human interest stories underscore the "intimacy" and caring of the RPA pilots in ways that humanize—and help protect—the drone crews. For example, during the spring of 2013, the Department of Defense released a study by the Armed Forces Health Surveillance Center that showed that RPA crews that constantly witnessed combat violence from live feeds, or crew members who worked in isolation, were suffering from health problems like depression and anxiety at the same rate as pilots of "manned aircraft" that were deployed to Iraq or Afghanistan.[62] These descriptive medical reports become entangled in larger debates about the supposed PlayStation mentality of drone crews.

I contend that all of this commentary on the health of Americans drone crews does more than just provide "objective" medical evidence on the psychological or physiological status of military personnel—it also helps *shield* the RPA crews from future international accusations that they are committing war crimes or perpetrating crimes against humanity.

Chapter 6 provides a critique of the elitist, bureaucratic arguments crafted by members of the Barack Obama administration who have helped rationalize the proliferation of American drones. This chapter interrogates the claims and the evidence offered by both drone apologists and drone detractors who respectively congratulate President Obama on his success and chastise him for his interventionist practices. Chapter 6 illustrates how the nation's commander-in-chief and his advisers deploy hybrid forms of argumentation that combine normative talk of retributive "just wars" with technological commentaries on the progressive power of "precision" warfare to avoid civilian casualties. This chapter also notes how many legal scholars who defend Obama's drone policies have adopted permutations of Israeli rationales for the targeted killing of terrorists as they talk and write about the targeting of both "high-value" and "low-value" strikes against militants.

The concluding analysis presented in chapter 7 speculates about how the need for "multilateral" drone attacks in America's twenty-first-century overseas contingencies operations will be debated in the future. Here I explain why I join those who contend that we live in a "post-heroic" age, where drone defenders unabashedly approve of the counterterrorist strategies used by coalition forces that now carry out RPA attacks overseas. This

portion of the book argues that all the lawfare and warfare presently being referenced in argumentative defenses of Navy SEAL attacks and "surgical" drone strikes has merged with UN debates about the phrase "responsibility to protect." In the future, we can expect to see many more proxy wars, more bi-lateral agreements for drone bases, and a plethora of transglobal rationales that make it appear as *if many other nations want* to have American drone bases in their countries.

I explain in chapter 7 how American decision-makers—in spite of all the talk about American exceptionalism and the need for US counterterrorist leadership—may have a difficult time dealing with the drone proliferation that will inevitably follow in the wake of the Pakistani targeted killings. In other words, American policy-makers and other decision-makers will be trapped by their own rhetoric as they see other nations adopting permutations of American arguments about self-defense or counterterrorism to rationalize local or regional drone proliferation. China, Israel, and several members of the European Union have already expressed an interest in adopting UAV systems, and in chapter 7 I argue that US leaders and publics may soon find other countries following the American lead as they rationalize the use of drones. None of us should be surprised if we start hearing about drones being used in repressive, foreign attacks on all sorts of dissenters, insurgents, and "terrorist" threats.

What animates all of these chapters is the belief that we need to understand some of the basic implicit and explicit assumptions that ungird the rhetorical architectures used to buttress various positions in the drone debates. For some this may mean following in Derek Gregory's footsteps and complaining about the "juridical othering" of target populations where drone attacks are normalized as acceptable states of exception;[63] for others it may mean concurring with researchers like Gregory McNeal who contend that drone critics are engaging in nonempirical, speculative argumentation.[64]

As I noted above, given what I call America's "drone syndrome," we can move away from our polarizing positions or break the impasse about the presence or absence of truth, or honor, only when we are willing to evaluate the strongest—not weakest—arguments of our opponents.

The Genealogical Origins of Heroic Anxieties over Asymmetrical Warfare, Aerial Bombing, and the "Drone Syndrome"

David slew Goliath with a missile weapon before the giant could bring his weapons to bear. . . . US and British tanks . . . [had guns that] outranged those of Iraq's T-72 tanks. There is nothing new about killing from a distance.

<div align="right">Major Gen. Charles J. Dunlap Jr., USAF, retired, 2011</div>

Since time immemorial military strategists, political leaders, citizens, and others have worried about the "manly" art of fighting and the role that spatial distance should play in the ways that civilized communities think about martial honor, individual sacrifices, ethical codes, and the treatment of civilian populations.[1] Military ethicists and other scholars are convinced that studies of distance have much to tell us about the hermeneutic-phenomenological studies of drone technologies, and they encourage us to "compare the knowledge and experience one has in remote, face-to-face screen fighting with the knowledge and experience one has in close fighting, face-to-face fighting and body-to-body fighting."[2] Derek Gregory advanced a related claim in 2011 when he remarked that the concept of "distance threads through the genealogy of bombing" and that there were dangers that attended the production and articulation of "kill-chain" rhetorics that worked to render bombing an "abstract, purely technical exercise for those who execute it."[3]

There is no shortage of drone advocates who would dispute this, but Gregory is perhaps providing a representative sample of some of the "joystick" assumptions that are made by critics convinced that RPA pilots care more about the lives of a friendly "band of brothers" (see chapter 5) than about the "collateral damage" deaths of foreign others. Defenders of drones do care about the number of foreign "civilian" casualties—they simply don't appear to be that worried about the humanity of the alleged terrorist targets. At the same time, they may sincerely believe that RPA critics overesti-

mate the collateral damage suffered by drone victims in places like Central Asia or Yemen. By simultaneously *magnifying* the alleged "imminent" risks posed by "high-value" terrorists while *reducing* the numbers of actual victims or the amount of blowback that comes from these strikes, drone advocates can argue that this type of asymmetrical warfare is humane, rational, cost-effective, and operationally successful.

For many drone critics, such defenses of the drones are myopic or delusional, and oftentimes these detractors are convinced that no one can make reasonable decisions about wartime necessities from thousands of miles away. The pundits who critique CIA or DOD drone strikes and those who complain about the distant suffering of populations in Central Asia or the Middle East often cite Lt. Colonel Dave Grossman's book, *On Killing*, which studies the psychological costs of killing.[4] Grossman's text is considered to be a primer on how spatial distance impacts one's attitude toward killing. In 1995 Grossman argued, "it has long been understood that there is a direct relationship between the empathic and physical proximity of the victim, and the reluctant difficulty and trauma of the kill."[5] In theory, long-range killing—from bombing and artillery—brings few qualms, but when the distance between the person attacked and the attacker decreases, killing becomes more difficult. Grossman defended his thesis by providing the example of those who attack with bayonets or kill with their bare hands, and he noted that an aerial bomber has an easier time killing individuals because the pilot does not know the exact consequences of his or her act.[6] Grossman concluded that the shorter the physical distance between opponents trying to kill each other, the more one has to face the traumas and consequences associated with one's brutal acts. In one key passage in *On Killing*, Grossman writes: "At close range the resistance to killing an opponent is tremendous. When one looks an opponent in the eye, and knows that he is young or old, scared or angry, it is not possible to deny that the individual about to be killed is much like oneself. . . . As men draw this near it becomes extremely difficult to deny their humanity. Looking in a man's face, seeing his eyes and his fear, eliminates denial."[7] Grossman's work appears to provide empirical and theoretical support for the political and legal claims of those who believe that the American RPA attacks violate the international humanitarian law principles of humanity, distinction, and proportionality. His work is viewed as providing evidence that the abstract targeted killings of alleged militants in Afghanistan, Iraq, Pakistan, or Yemen makes it easier to take the lives of both enemies and innocent civilians caught in the cross fire of combat. Descriptive debates about physical distance become inextricably entangled in normative disputation about the legitimacy and legality of all sorts of lethal strikes.

To provide even more support for their claims, these critics often point out that populations in foreign lands view drone warfare as inherently dishonorable because the avoidance of risk makes for an extremely one-sided battle. For example, when Nek Muhammad, a Pashtun militant, was killed during one of the first CIA drone strikes in Pakistan in 2004, Muhammad's dirt grave become a site of pilgrimage in South Waziristan, and a sign displayed on his grave averred, "He lived and died like a true Pashtun."[8]

Some commentaries on dishonor come from organizations that are convinced that the coalition matrices used for calculating risk and proportionality are not based on reasonable ways of conceptualizing either the short-term or the long-term consequences of these strikes. Haven't we crossed a key threshold, asked the International Red Cross, when civilian casualties constitute more than 25 percent of those killed during a major military strike?[9] The numerical ratios in dispute thus become part of both symbolic and material calibrations.

Is it possible that the introduction of some technologies or types of military strategizing leads inevitably to reprehensible wartime practices? Michael Walzer has complained about the ways that apologists of expansive military targeting have tinkered with international norms regarding proportionality: "Proportionality is a matter of adjusting means to ends, but as the Israeli philosopher Yehuda Melzer has pointed out, there is an overwhelming tendency in wartime to adjust ends to means instead, that is, to redefine initially narrow goals in order to fit the available military forces and technologies. . . . It is necessary in such arguments to hold ends constant, but how does one do that? In practice, the inflation of ends is probably inevitable unless it is barred by considerations of justice itself."[10] In military parlance, this is known as "tactics" guiding "strategies," or the tail wagging the dog.

Drone supporters respond to these types of remarks in several ways. Some drone advocates readily admit that distance reduces a fighter's vulnerability, but they view that reduction as a *positive* instead of a negative. Wars, after all, are supposed to involve the taking of enemy lives, especially during "just wars" fought against irrational or uncivilized foes. As George S. Patton famously argued, when you fight the enemy, you are supposed to be spilling "their blood" and not your own.[11]

Other drone advocates take the position that UAVs do little to change the historical calculus that has always been used in the personal assessment of those who fight from a distance. This might be called the "nothing new here" type of argumentation. Noel Sharkey, for example, contends that unmanned aerial vehicles pose no new psychological issues for those who have studied the history of warfare. In 2012, he had this to say about military ro-

bots: "Military robots are the fruit of a long chain of weapons development designed to separate fighters from their foes. Throughout the history of war, weapon technology has evolved to enable killing from ever-increasing distances. From stones to pole weapons to bows and arrows to cannon to aerial bombing to jet propelled missiles, killing has become ever easier. Not only have distance weapons led to a more effective killing technology, but attacking from a distance also gets around two of the fundamental obstacles that warfighters must face: fear of being killed and resistance to killing."[12] These types of arguments do not counter Grossman's assumptions that distance makes killing easier—they simply assume that making killing easier is either a progressive feature of contemporary counterterrorism or an inherent part of twenty-first-century warfare.[13] After all, if we want to use longitudinal historical or sociobiological ways of thinking about both humans and machines, can't we view drones as just the most recent adaptive weapon for those who wish to survive? This focus on the *evolutionary*, biological nature of drones casts opponents as idealist interlopers who know little about the biopolitical or scientific features of drone technologies.

Drones, in other words, allow for the dispassionate killing of those who need to disappear from the face of the earth. If we can agree that terrorism is a growing threat, and that we are in an existential war with Jihadist terrorists who can't be reasoned with, doesn't it make sense to use lethal strikes to bring about the just killing of distant enemies? Here there is no disputation that we are at "war," no admission that coalition forces have a difficult time telling friend from foe, and no discussion of how anyone should be skeptical of or second-guess decisions made by anyone who is a part of the drone "kill chains."[14]

Many RPA crew supporters use permutations of this "nothing new here" argument in larger narratives that underscore how many of the twenty-first-century military and legal debates about drones and the importance of distance are just the latest iterations of ancient quarrels. The epigraph from Maj. Gen. Charles J. Dunlap Jr. that appears at the beginning of this chapter is an example of some typical commentary that comes from drone apologists, who view UAVs as modernist instruments of war that need to be used against weaker terrorist militants. Those who adopt this position consider themselves to be realists, supporters of anticipatory defensive strikes that "decapitate" enemy nodal points in network-centric warfare, thereby disabling al-Qaeda and Taliban cells.[15]

Since September 11, 2001, countless milbloggers, contributors to law reviews, and journalists have written about the "new" American Way of War, revolutionary drone paradigms, or the latest counterterrorist strategy or tac-

tic used in these drone wars. An argumentative study of these paradigms reveals that we are being presented with two contradictory metanarratives—one that *deplores* the usage of weapons from a distance, and another that *congratulates* victors for coming up with less risky ways of wreaking havoc.

As I note in detail throughout this book, just-war rhetorics, filled with principles and exceptions, hover over both of these metanarratives. These are extensions of ancient arguments, wherein defenders of wars against barbarians or other communities often sparred with theologians, politicians, or military planners horrified by the inventions used to dispense distant suffering.

In this particular chapter I decode fragmentary parts of these metanarratives and illuminate the ways that some of these topoi, arguments, and rhetorical figurations reappear in contemporary debates about targeted killing or drone strikes. It is humbling to note that we are not the only generation that has heard about the humming of "drones," the supposed precision of this or that explosive charge, or the vetting that allegedly went into the "pre-planning" of some major bombing mission. A critical genealogical study of just a few key historical situations reveals how conversations about distance and weaponry have always been entangled in ethical, military, and legal conversations about what constitutes military necessity or honorable aerial conduct.

Today's journalists fill our newspapers with commentaries on the heroism of the social agents who are a part of remotely piloted aircraft systems, and oftentimes they focus on the supposed novelty of this way of thinking about the extirpation of terrorist foes. But this is new wine in old bottles. Today's warriors and their defenders have been bequeathed layers of contingent, contested, and contradictory arguments taken from various archives and reassembled into presentist, constitutive rhetorics that underscore the words and deeds of other heroes or antiheroes.[16] Long before RPA crews were ridiculed by Philip Alston, the special UN rapporteur, for their alleged "PlayStation mentality"[17] (see chapter 5), bombers from a host of different nations were either applauded or vilified for the decisions they made during raids. The polysemic and polyvalent nature of bombing from a distance made it inevitable that different historical generations would have internal disagreement about what it means to be an honorable, ethical, or effective warfighter.

I begin this chapter with a brief overview of some of the rhetorical histories that have drifted along during earlier debates about noble combat and aerial warfare and then illustrate how these discursive epistemes have taken on afterlives in the wake of 9/11.

Historical Perceptions of Bravery and Honor, Distance during Warfighting, and Efficacious Bombing Tactics

Since at least the time of Achilles, Ajax, and the Trojan War, both secularists and religious theologians have written about the mythic lines that needed to be drawn between heroic and villainous behavior. Our military and civilian archives are filled with complaints about bad martial characters and the sophistic use of problematic weapons. In 1415, at the famous Battle of Agincourt, Henry V's force of some six thousand troops reportedly defeated a French force of twenty-five thousand and were said to have inflicted some five thousand casualties on their enemies. David Potts and Jake Thackray, writing for US Office of the Assistant Secretary of Defense, characterized this as an ancient example of "asymmetric" warfare, a British "revolution" in the way of war, where the use of new weapons, new tactics, and new organizations brought victory.[18] For Potts and Thackray, the story of Agincourt highlights British prowess and ingenuity, and these British tales of victory became parts of a larger myth told about the inexorable historical march that led toward America's own use of "network-centric" warfare.

As noted above, for some the notion of fighting foes from great distances was viewed as an "unmanly" activity, a godless attempt to avoid danger to one's immortal soul as one pursued ephemeral, short-term material gains. During the early part of the seventeenth century Miguel de Cervantes called artillery "a devilish invention," a weapon that allowed "a base, cowardly hand to take the life of the bravest gentleman," with shells "coming nobody knows how or from whence."[19] In many cultures it was accepted that ethical warriors faced their foes and risked their own lives, and those who avoided hand-to-hand combat were configured as cowards who killed their betters.

Over the centuries writers have complained about the absence of heroism associated with the use of everything from catapults to crossbows, and dreams of aerial warfare added new layers of discourse as creative human beings tried to come up with inventive ways of killing one's enemies from acceptable distances. Several drone critics have reminded us that targeted killing from the air has intrigued many historical actors. Derek Gregory, for example, tells the story of how one military governor of Moscow during the early nineteenth century came up with a secret plan whereby a "rotor-wing powered hydrogen balloon" would "float above the French Army, pick out the Emperor among his thousands, and fall on his head in a shower of fire and steel."[20] Patrick Cockburn, writing for the UK's *Independent* in 2012, compared this tale with current American UAV obsessions: "Drones or their equivalent have long attracted political and military leaders dreaming

of the surgical removal of their enemies. In 1812, the governor of Moscow, Count Rostopchin, devised a plan to get a hot-air balloon to hover over the French lines at Borodino and drop an explosive device on Napoleon. The source for this is the memoirs of the French writer, traveler, and politician Chateaubriand . . . [and] the story illustrates how, from the moment man took air, he has seen it as a means of assassination. President Barack Obama thinks much the same way as Rostopchin did 200 years ago. The enhanced and secret use of unmanned drones is one of the most striking features of his foreign policy. During his presidency they have been used against Pakistan, Yemen, Somalia, Afghanistan, Libya, and Iraq."[21] In theory, Obama, like Count Rostopchin before him, was on a fool's errand.

The advent of airplanes whetted the appetite of military planners who talked about raids that crossed national boundaries and took the battle to the enemy in foreign lands. For example, during the Italian-Turkish War of 1911–1912 a young lieutenant by the name of Giulio Gavotti dropped several grenades from his Taube monoplane on a Turkish encampment east of Tripoli. One Italian general, Giulio Douhet, was so impressed by what he saw during this particular campaign that he wrote in 1921: "By virtue of this new weapon, the repercussions of war are no longer limited by the farthest artillery range of guns, but can be felt directly for hundreds and hundreds of miles. . . . The battlefield will be limited only by the boundaries of the nations at war, and all of their citizens will become combatants, since all of them will be exposed to the aerial offenses of the enemy. There will be no distinction any longer between soldiers and civilians."[22] Little did Douhet know that within a short time, even the sovereignty of nations and their boundaries would no longer serve as limiting factors.

The advent of aerial bombardment added to the potential blurring of lines between combatants and civilians, and military authorities and legal pundits scrambled to write about changing relationships between soldiers and civilians. After all, what were bombers supposed to do when enemy soldiers hid among sympathetic civilians, and how were combatants supposed to react when populations resisted both military and police interventions? What if bombing civilians or munitions dumps during wartime helped end wars? The policing of jurisprudential boundaries went hand in hand with policing from the air.

Innovators drew up all sorts of offensive and defensive schemes to take advantage of the possibilities that opened up when planes could fly greater and greater distances. In 1915 Nikola Tesla wrote a dissertation that described how an armed pilotless aircraft might be capable of defending America, and several years later, Elmer Sperry, the inventor of the gyroscope, was credited with using an unmanned aircraft to help sink a captured

German battleship.[23] Sperry and his Sperry Gyroscope Company worked with Peter Hewitt to successfully develop an automated control system for the Curtiss Flying Boat, and these innovators were supposed to develop a fleet of "air torpedoes" that could be launched by catapult, travel some distance, and then fly over enemy positions.[24] This secret program was run out of a small field in Long Island, New York, and almost a decade later the *New York Times* reported that plans were being developed for a plane that would be "automatically guided with a high degree of precision."[25] During World War I some naval officers showed interest in what were called "flying bombs," but the unmanned Curtis N-9 Seaplanes constantly crashed and the program was cancelled in 1918.[26]

After World War I, while American inventors worked on perfecting their own automated control systems, some of their former European allies used their planes in the policing of colonial lands. Mark Neocleous has persuasively argued that air power was once deployed by colonizers for both military and police purposes as imperial forces used strategic bombing to help maintain order in many foreign lands.[27] Iraq, South, West, and East Africa, Egypt, Punjab, and Palestine were just some of the places where air power was used to threaten or attack those who created problems for British, Italian, and other colonial powers. For Colleen Bell, Jan Bachmann, and Caroline Holmqvist, the logics crafted during these colonial periods—as the civilized colonizers fought off their allegedly uncivilized foes—would later resurface in talk of "New Interventionism" against terrorism, whereby today's coalition of the willing uses aerial weaponry for its own "war-policy assemblages."[28]

The comparisons researchers make between the aerial practices of colonial periods and today's drone wars are not far-fetched. "The drone strategy is similar to French aerial bombardment in rural Algeria in the 1950s," argues David Kilcullen and Andrew Exum, and contemporary counterinsurgency and counterterrorism techniques bear some resemblance to "the 'air control' methods employed by the British" in "Pakistani tribal areas in the 1920s."[29]

None of this is lost on those who suffer from aerial surveillance and bombardment. Kilcullen and Exum would write in 2009 that the "historical resonance of the British effort encourages" Pakistani populations "in the tribal areas to see the drone attacks as a continuation of colonial-era policies."[30] Chuck Spinney has focused on a different dimension of the GWOT, similarly arguing that the French focus on "intervention to kick Al Qaeda in Islamic Maghreb (AQIM) out of Mali" is a twenty-first-century "version of the 19th century scramble for the resources of Africa."[31] Some drone commentators think of targeted killings as a novel way to take out enemies hid-

ing in the FATA region of Pakistan, but for others this taps into old anti-imperialist discourses redeployed as Pakistanis have to worry about both Taliban acts of violence and US drone strikes.[32]

At the same time that colonial powers sought to maintain aerial control over their empires, other planners witnessed the growing convergence of militarist and imperialist rhetorics that resonated with nationalist audiences that had rearmed after the carnage of World War I. During World War II some people, like Alexander P. de Seversky, who had seen the horrors of the World War I battlefields and the devastation wrought by machine-guns,[33] tanks, and airplanes, would dream of the day that military aviation became so technologically advanced that "war in the skies" would be conducted from one's own shores, far from the dangers of a distant "no-man's land."[34] This was a time when Allied forces dreamed of a future filled with long-range bombers carrying devastating payloads, and the nuclear bombings of Nagasaki and Hiroshima became traumatic examples of the type of human carnage that nation-states were willing to inflict on each other in the name of military necessity.

The Germans horrified many of the Allies when they developed the infamous V-1 "buzz bomb," heralded as the first successful cruise missile. Thousands of these aircraft were sent on one-way missions from France to London, and historians estimate that the thousands of bombs that landed in Britain killed more than six thousand people and seriously injured eighteen thousand others.[35] One veteran of the Allies' Bomber Command admitted that perhaps "one good thing about being in an areoplane" during times of war is that "you never see the whites of their eyes. . . . You drop a four thousand-pound cookie and kill a thousand people but you never see one of them."[36] Even those who participated in the dispensing of this carnage recognized the role that distance may have played in the waging of aerial warfare.

When Americans began using UAVs for a variety of missions in Iraq and Afghanistan, this supposed "new" way of waging American warfare was often represented in the mainstream press or academic journals as a high point in a developmental process that began at least six decades earlier. Journalists could now write about the time, in the 1950s and 1960s, when military scientists began experimenting with radio-controlled aircraft and remotely piloted helicopters. Readers were informed that during the Vietnam War, the US Air Force used UAVs for gathering electronic information and for video reconnaissance.[37] This focus on intelligence gathering and the historical development of the drones helped buttress the claims of advocates who viewed this technological development as natural and inevitable.

The rhetorics that circulated during the Vietnam years were filled with

talk of risk-avoidance, body counts, and the destruction of key enemy supply lines. Derek Gregory argues that the symbolic linkages between the bombings in Indochina and the characterization of today's RPA crews have everything to do with the acceptance of a "new American way of bombing" that allows sensors to create situations wherein "human beings" are treated as "tokens in a board-type war game." Gregory is convinced that any study of the US air war over Vietnam shows that transferring risk to the "target" makes it easier to go to war.[38]

Gregory supports his claims by noting how presidents such as Lyndon Johnson and Richard Nixon similarly justified the bombing of Vietnam, Laos, and Cambodia, and he shows how certain ways of "viewing" deliberate or dynamic targets influenced the abstract ways that military strategists talked and wrote about remotely piloted aircraft, real-time visual surveillance, and rudimentary sensor-shooter systems. The bombing of North Vietnam, he avers, placed a premium on precision, while some of the most horrific bombings in South Vietnam involved forms of "area bombing." For example, President Johnson tried to put in place strict rules that prohibited air strikes within thirty miles of the Chinese border, thirty miles from the center of Hanoi, and ten miles from the center of Haiphong, while strikes against "VC-occupied" installations and facilities elsewhere involved "area saturation attacks" in situations where pinpoint bombings would not work.[39] Precision warfare thus became inextricably tied to rhetorical ways of viewing war with China and was seen as a commendable move away from more indiscriminate "area" bombing.

Gregory's "line of descent" approach allows him to argue that in spite of all of this talk of precision, Gen. Westmoreland and members of the State Department became obsessed with the technical power of B-52s and their ability to pulverize wide areas from 25–30,000 feet. While some critics of the air force were horrified by the lack of precision of some of these raids, others readily adopted an "applied geometry" that accepted the legitimacy of "free bomb zones" and the abstractions that allowed American bombers to blur the lines between civilian and military targets.[40]

Gregory is also horrified by the *subjective evaluations* made by pilots who assumed that their training provided them with a power of discernment that spelled the difference between life and death for the Vietnamese on the ground. One pilot claimed:

> I was steadily learning my trade. I knew how many villagers should be in the rice fields surrounding each village. Too many might mean they had visitors. Too few could mean that a VC recruitment campaign was under way, or that trouble was afoot and the villagers had

wisely decided to stay home until it was over. New footbridges had to be analyzed to determine what sort of traffic was using them, for the farmers seldom strayed away from their local village. A comparative surveillance of the bridges and trails leading to the villages would almost always show the amount of foot traffic in the area. It was impossible to hide movement in the wet season, since tracks would show in the mud and elephant grass. I was starting to feel like something out of James Fenimore Cooper.[41]

These pilots' supposed expertise came from their melding together of cultural assumptions about the VC, the habits of Vietnamese farmers, notions regarding intelligence tracking, and the expertise that came from habitual flying.

These arguments on the distance that exists between friend and foe—whereby the bomber assumed that American superiors also knew about Vietnamese habits and local culture—anticipate the ways that members of drone crews, military commanders, journalists, or White House advisers talk about the violence of military-age males (MAM), Middle Eastern or Central Asian terrorist "patterns of life," and disposition "matrices" (see chapter 6).[42]

Drone advocates now talk about 2–10 minute response times in the "kill chain" that might begin with a call from pinned-down coalition forces asking for aerial support; during the Vietnam War it might have taken several hours for helicopters or piloted jets to respond to distress signals. This, however, did not prevent crews or scientists during the Vietnam years from dreaming about a period when time could be collapsed, when fewer pilots risked their lives flying over Indochina. Robert Barkan, in an August 1972 article in the *New Scientist*, predicted that within a couple of years "a fleet of new bombers" and "unmanned drones" would attack North Vietnam with their pilots sitting in front of TV screens hundreds of miles away.[43] Some of this was pure fantasy, or wishful thinking, but it does provide readers with an example of how the past can become prologue and how dreams of efficacious, long-distance flights gave hope to those who were already casualty averse.

For drone apologists, these historical lessons also provide plenty of permutations of what might be called the "long distance" forms of argumentation. By showing how other generations dealt with the question of distance and aerial bombardment, purveyors of these military histories can counter the claims of those who harp on the psychological problems and antiheroic acts of those who kill from a distance. For example, law professors Samuel Issacharoff and Richard H. Pildes characterize as a "myth" the notion that

"targeted killings" are a "new form of warfare" that "project[s] force from a distance" in ways that raise "new legal issues." They write about how the US Navy fired cruise missiles from ships in the Mediterranean into Libya, Iraq, and Sudan, and they note that during the campaign over Serbia in 1999 pilots were taking off from bases in the American Midwest. In theory, the US military's use of drone technologies is a mere extension of traditional air force capabilities, which also means that the RPA crews are subject to the same level of civilian oversight as other uses of military force.[44] Complaining about drones, from this vantage point, is about as useless as complaining about wars in general.

If drone critics were going to complain about distant suffering, then they were going to have to critique all forms of military interventionism that required long-distance traveling. These claims hid the fact that they were implying that domestic or international critiques of drones were turning into cultural indictments of all American flyers. Drone apologists could thus use selective historical shards of memory as a way of uniting generations of pilots who were proud of their military service with countless legal scholars who could churn out law reviews defending precision-bombing from a distance.

The Beginning of the GWOT and the Rhetorical Resonance of Heroic, Drone Pilot Tales

Given America's pride in recounting a past filled with tales like the P-51 Mustangs fighting off Hitler's fascism, it is understandable that drone critics express some ambivalence when they are asked to draw parallels between today's targeted strikes and the more controversial Vietnam War years. As many readers are aware, the anti-Vietnam War movements included social agents who vilified the pilots who flew the B-52s and other aircraft that were involved in precision raids or area bombings of Indochinese regions, but this was not the way that American public greeted the pilots who fought Saddam Hussein's forces during the early 1990s. Stories of gas attacks on Kurdish communities during the Anfal campaign and reports about Hussein's invasion of Kuwait set off political chain reactions as the US military prepared its air forces and geared up for yet another war.

Operation Desert Storm provided the occasion for a paradigmatic change in the ways that US forces used UAV systems; these aerial vehicles would no longer be viewed just as systems that would help with the non-weaponized "support" of combat operations. During the 1990s the UAVs were used during numerous deployments, and over the years the Pioneer,

Hunter, Pointer, Exdrone, and Predator drones were all deployed to help with combat situations.[45]

One of the most famous martial stories about the value of drones used during Operation Desert Storm and Operation Desert Shield recounts how the naval crews of the USS *Missouri* and the USS *Wisconsin* used Pioneer drones to overwhelm the defenses of Failaka Island, near Kuwait City. These naval crews purposely flew the Pioneers at low altitude so that the Iraqis could *hear* the air vehicles, and one writer proudly explained that when the Iraqis realized that the appearance of the UAVs overhead might signal the possibility that they would soon be bombarded with two-thousand-pound rounds from naval guns, the "Iraqis made the right choice and, using handkerchiefs, undershirts, and bed sheets, . . . signaled their desire to surrender."[46]

These types of narratives are deployed by drone supporters to explain how the use of drones *saved lives*, allowed for enemy surrendering, and obviated the need for more destructive bombardments or interventions. In theory, drone advocates could claim that even the *threat* to use drones might hasten the end of conflicts, thereby reducing the loss of life on all sides. Naturally, the story of the Failaka Island could also be used to buttress the claims of those who argue that "kill-capture" scenarios regulated American conduct.

Many Anglo-American audiences got a glimmer of what was to come when General Atomics started manufacturing the "RQ-1 Predator UAV" in 1994. A year later the Predator would be flying over Bosnia, and the sensors on the RQ-1 provided a means by which operators could survey an area up to 1,300 nautical square miles.[47]

By 1998 many US military personnel were hearing about the aerial targeting of Osama bin Laden, and this man's name kept resurfacing in terrorist intelligence reports. Rumors circulated that President Bill Clinton called off a strike when analysts estimated that they had only 50 percent confidence in their intelligence and advisers reported that three hundred casualties might result. As the 9/11 Commission later noted, worries about potential collateral damage ushered in a period where Pentagon planners "intensified efforts to find a more precise alternative."[48] Cruise missile attacks might "take out" enemy militants, but they also raised concerns about excessive civilian casualties. Although US commentators rarely explained what they meant by "excessive," they did highlight the existence of decision-making that took into account the possibility of collateral damage.

When Hellfire-packing RQ Predators started flying combat missions in Afghanistan and Iraq in the aftermath of 9/11, one Predator controller, Capt. Sam Vanzanten, reported, "people just started opening their eyes to the ca-

pabilities of the aircraft."[49] Many of these Predator missions focused on reconnaissance and intelligence gathering, but their communicative ability to locate targets for pilots of conventional warplanes encouraged planners to think about militarizing the drones. Washington planners, wishing to avoid the stigma associated with the word "assassination," began talking about using "lethal" force in the defense of the nation during the GWOT.

Some of the first armed drone strikes were carried out in Afghanistan in 2001, and months later, on February 4, 2002, the CIA sent an unmanned drone into the Paktia province of Afghanistan in an attempt to take out a "tall man" that they believed might be Osama bin Laden. This joint operation, wherein the DOD provided the drone operators for a CIA mission, failed. Within days of the strike journalists started interviewing local Afghans who claimed that the dead men were civilians.[50] This event likely caught the attention of many drone advocates and critics who wanted to debate the presence or absence of heroism, accountability, or transparency.

The Paktia incident can be contextualized in a variety of ways, and drone apologists like to argue that in spite of the risks the Americans had to target the "tall man"[51] who looked like he was surrounded by other men who "acted with reverence." These types of commentaries about the supposed behavior of alleged Taliban or Jihadist terrorists set the stage for a time when drone enthusiasts could think about targeting *unknown* militants who were not positively identified. Given the growing twenty-first-century faith in the awesome power of America's network-centric apparatus, and the growing interest in studying the capabilities of CIA intelligence-gatherers, didn't it make sense to think about taking out unnamed militants who acted in ways that threatened coalition members? Didn't precautionary principles of warfare dictate that wise decision-makers take out the nameless, imminent threats that were clearly exhibiting problematic terrorist patterns of behavior? Analysis of pixels and granular images now helped determine whether someone was exhibiting terrorist behavior.

After the mainstream and alternative news channels learned about these early drone strikes, some journalists began focusing on aerial missions that appeared to be targeting suspicious individuals who were viewed as existential threats. John Sifton, reminiscing in 2012 about those days, argued:

> After the February 2002 strike, military officials quickly acknowledged that the "tall man" was not bin Laden. But they insisted the targets were "legitimate," although they struggled to explain why, using vague and even coy language to cover up what appeared to be uncertainty. Pentagon spokeswoman Victoria Clark said, "We're convinced that it was an appropriate target." But she added, "We do not know yet exactly

who it was." Gen. Tommy Franks told *ABC News* that he expected the identities of the three to prove "interesting." Pentagon spokesman John Stufflebeem spoke of the government's being in the "comfort zone" of determining that the targets were "not innocent," noting there were "no initial indications that these were innocent locals," a curious phrase reflecting a presumption of guilt. "Indicators were there that there was something untoward that we needed to make go away. . . . Initial indications would seem to say that these are not peasant people up there farming." Rumsfeld later chimed in, offering his signature pseudo-philosophical analysis to address the allegations that the dead were civilians. "We'll just have to find out. There's not much more anyone could add, except that there's that one version, and there's the other version."[52]

In legal communities this uncertainty is known as legal indeterminacy and in military circles this is called the fog of war, but drone defenders were convinced that scientific and technological progress—combined with American goodwill and decision-makers' vetting—could deal with this uncertainty.

From an argumentative standpoint, many of these reporters and Pentagon spokespersons assumed that one had to *presume* that those who were targeted were legally targeted, and it was up to the critics to come up with the prima facie evidence that rebutted that presumption. This "trust" in the American government and the military type of argumentation was used in countless post-9/11 national security debates about drones and other forms of targeted killings.

This genealogical defense of precision warfare included written and vocalized assurances that the benefits that were gained from the American taking out of high-value detainees outweighed the diplomatic costs that came from foreign interventionism. For example, many observers now contend that it was the publicized "success" of the killer drone attack in Yemen—which took out the leader of al-Qaeda in that country in 2002—that paved the way for massive ideological shifts in the ways that military analysts wrote and talked about the future of drones.[53] Targeting one's enemy no longer depended on visual displays of one's *status*, presence or absence of uniforms, insignias, or "positive identification." That was the old-fashioned, Geneva Convention way of thinking that supposedly did not take into account the changing centers of gravity that mobile terrorists presented. Instead, legal defenders of drones could argue that "new" battlefield conditions required the updating of the laws, and it just so happened that it was American lawyers who were willing to work on renovating either the "law of armed conflict" or the IHL in order to allow for almost unrestricted drone

usage. After all, beliefs in the exceptionalism of the American CIA and the DOD, combined with faith in the precise gaze of the drones, helped distant RPA crews discriminate between deadly militants and innocent civilians.

American law students and lawyers who liked to critique the "lawfare" of US critics of the horrors of Guantánamo, CIA torture, rendition, and other facets of the GWOT entered the political fray and adamantly defended the legality of RPA attacks. They testified before Congress, wrote amicus briefs, attended conventions, talked with reporters, and used other forums as soap boxes to circulate their own jurisprudential defenses of the drones. For example, after 2002 the law reviews started filling up with commentaries and essays on the legitimacy and morality of both Israeli and US targeted-killing protocols, and the drones that hovered over the Gaza strip were often compared with the UAVs that circled over Waziristan. Robert P. Barnidge Jr. wrote a qualified defense of American drone attacks in Northwest Pakistan. In that essay he argued that the 2009 Report of the United Nations Fact Finding Mission on the Gaza Conflict had concluded that "failure to distinguish themselves from the civilian populations by distinctive signs is not a violation of international law itself."[54] Barnidge went so far as to quote Rudyard Kipling's fictional words of an aging imperial soldier who justified British interventionism in "British India": "If evil men were not now and then slain it would not be a good world for weaponless dreamers."[55] This placed the burden of proof on those who were targeted to show that they were civilians. At the same time this stance underscored the benevolent intentions of those who dispensed violence from the skies in the name of fighting evil.

After 9/11 many topics that were once viewed as provincial, esoteric topics—like texts on the law of war or IHL—were now considered to be essential readings in the battle against lawfare. If foreign critics, armed with their interpretations of the Geneva Conventions, were going to complain about drones and unlawful American "assassinations," then UAV apologists needed to be armed with their own jurisprudential weaponry so that they could counter some of this "anti-Americanism."

American academicians scrambled to familiarize themselves with the latest account of the applicable ROE, LOAC, or IHL in the war against terrorism. While some legal scholars adopted intentionalist approaches that focused on the social agency of a few White House decision-makers or military leaders like Gen. Petraeus, other researchers adopted more functionalist perspectives as they studied how the military-industrial-entertainment complex or other bureaucracies contributed to the *regulation* of network-centric warfare. All of this research could be cherry-picked to rationalize

the expansion of US executive powers at a time when more scientists were writing about the ethical nature of unmanned automated vehicles.

The more that American lawyers read about sharp-shooters during the Civil War, or the shooting down of the airplane of Admiral Yamamoto during the Pacific campaign of World War II, or the use of cruise missiles during the Persian Gulf Conflict, the more that US authors became convinced of the rectitude of their drone crews. Issacharoff and Pildes, for example, would argue that American technological prowess had created a situation wherein military forces were using "the most discriminating uses of force in the history of military technology and warfare." Their review of drone pilot interviews convinced them that "remoteness from the immediate battlefield" brought "more deliberate responses."[56] The notion that hovering drones could provide military commanders and RPA crews with plenty of time to survey the same terrain was used to not only humanize but also valorize the efforts of pilots that critics accused of war crimes.[57]

The recognition that remote warfare was nothing new appealed to many writers who thought that banning drones was a silly idea. Regulation, "lessons learned," and the need for more transparency or greater accountability became the neoliberal "god terms" and phrases of those who accepted the idea that a *contained* or discriminating war against al-Qaeda and the Taliban could be a just war. Rosa Brooks, for example, chastised drone critics for believing that drone technologies were inherently problematic when similar concerns were once raised about crossbows, the use of artillery, snipers, or other weapons that were fired by combatants who avoided close-combat situations. In her short summary of some of the arguments that were used by both drone critics and drone apologists, she recognizes that the demonization and the "glorifying" of drones papered over some of the short-term and long-term impacts of drone usage. However, in one key passage of "Drones and Cognitive Dissonance," she presents a fairly moderate, mainstream response to those who lament that we seem to be living in some post-heroic age:

> There is nothing mystical about drones. They are not inherently "evil," and they're not a panacea, either. Drone strikes are just another tactic in America's lethal toolkit—just another means of delivering death, not inherently any worse or any better than any other to kill people.
>
> From a narrow legal perspective, drones are also just "business as usual." Both the United States and the international community have long had rules governing armed conflicts and the use of force in national self-defense. These rules apply whether the lethal force at issue

involves knives, assault weapons, grenades, tank-mounted machine guns, or weaponized drones. When drone technologies are used in traditional armed conflicts in "hot battlefields" such as those in Afghanistan, Iraq, or Libya, for instance—they pose no new legal challenges, and [they] can and should be regulated using the existing laws of war.[58]

What bothered many of these moderates, however, were the drifting rationales that were used to rationalize drone strikes *anywhere* in the world, such as in places away from the "hot battlefields." These concerns prompted Obama administrators, like Jeh Johnson, to start giving speeches on how the war on terrorism might eventually wind down. Johnson, who would be tapped as the new secretary of Homeland Security, would give a speech at Oxford in which he conjectured about when the conflict with al-Qaeda might "end": "I do believe that on the present course, there will come a tipping point—a tipping point at which so many of the leaders and operatives of al Qaeda and its affiliates have been killed or captured, and the group is no longer able to attempt or launch a strategic attack against the United States, such that al Qaeda as we know it, the organization that our Congress authorized the military to pursue in 2001, has been effectively destroyed."[59] The key issue, of course, was *when* we would see this tipping point. The implicit assumption was that Americans, of course, would be the ones who would tell the rest of the world just when their Special Forces, drone attacks, night raids, and constant surveillance had effectively destroyed the networks of terrorists that declared war on America.

Johnson may believe that an end to the global war on terrorism is in sight, but the nature of proliferating rationales for drone strikes makes it difficult to think that drone wars will "end" when the deaths of certain detainees are achieved. The genealogies that haunt the drone wars, with their focus on "signature" strikes and "patterns of behavior," militate against the possibility of having some twenty-first-century temporal "end" to conflicts, as in World War I or World War II. For example, in February 2013, *NBC* obtained a copy of a confidential Justice Department memory that justified the killing of US citizens who were believed to be "senior operative leaders" of al-Qaeda or "an associative force." The memo then explained that these types of suspects might pose "imminent threats" and that their capture would be difficult.[60] All of us are now able to read articles about the supposed targeting of "mosques" and tribal gatherings, the double-tapping that comes when rescuers arrive on the scene, the alleged training and financing of terrorism on Asian and African continents, and the dangers posed by regional instabilities. The naming of the enemies and their locales change, but

the templates used to defend drones remain relatively stable as they present us with the latest permutations of ancient argumentative fragments. Interest in specific drone attacks may wax and wane, but the argumentative epistemes are here to stay as talk of distance, precision, and the wisdom of America's leaders turns drones into military and cultural weapons of choice.

The Return of the Repressed, the Revival of (Post)Colonial Memories, and the Targeting in the "AfPak"

Readers of mainstream newspapers realize that the deaths of major figures like Osama bin Laden do not mean that the American nation has any shortage of targets. Amitai Etzioni, who characterizes himself as a "liberal communitarian," has admitted that while the "transmoral dialogue" about the treatment of terrorists has lost some of "its intensity in the decade after 9/11," in many parts of the non-Western world "terrorists continue to pose a major threat."[61] What he worried about were the terrorists who deliberately set out to kill innocent civilians, the persons who terrorized and coerced entire populations.[62] His defense of drones was symbolically linked to his belief that there was a Responsibility to Protect (R2P) that obligated the West to patrol the skies in the name of humanitarian interventionism.

As I will explain in more detail in chapter 7, as long as this type of American exceptionalist rhetoric survives, there will be those who see the drone as a type of clinical weapon that serves both policing and military functions. The old stories that were once told about the effectiveness of the British aerial policing of Iraq will be recontextualized to explain why the Americans—and only the Americans and their allies—are capable of dealing with the intransigent terrorists who now live in what are often called the "inhospitable" regions of Afghanistan, Pakistan, or Yemen. Colonial and imperial rhetorics that one might have thought had been abandoned after decolonization now resurface as recolonization rhetorics that normalize the behavior we hear about during attacks in places like Waziristan.

Tales once told about the Khyber Pass have been refurbished for post-9/11 audiences who heard about Tora Bora and bin Laden's escapades, so it is not very difficult in our age of insecurity to conjure up images of new Taliban or al-Qaeda networks in need of dismantling. The sons and daughters of those who fought the Russian invaders in some of these regions are now dodging drones while they hear local politicians declaring these attacks a violation of their historical, "autonomous" rights given to them by the Pakistani government. Meanwhile, Westerners are told that the growth of some Islamist movements, such as Tehrik-e-Taliban Pakistan (TTP), "now pose a greater threat to the Pakistani government than Al-Qaeda ever did."[63]

For hundreds of years, colonial and postcolonial discourses have been used to characterize Pakistan's FATA and the Northwestern Frontier province as some wild, uncivilized region of the world occupied by untamed and undemocratic populations, tribal communities that could not be controlled or contained by British or Russian forces. Drone apologists blame the "peculiar governance and problematic history of civil-military relations in Pakistan" for complicating the ways that we think of the "sovereignty" issue as we debate the ethics and legality of targeted killings in that region.[64] In other words, talk of sovereignty is interfering with the plans of those who want to rationalize the transglobal nature of American drone warfare.

The alleged "peculiarity" of FATA—which has been variously described as another "heart of darkness" or a place whose "archaic" governance presents a "thorn"[65] for those who want to see blooming democratic governance—has served as an argumentative warrant that justifies the differential treatment of its populations. These populations can be targeted in ways that would never be allowed if we were talking about Islamabad or some other "modern" place.

These characterological prefigurations make it easy to view the spread of Islamic militant networks in these regions as a problem that needs new, American solutions to threats whose scope appears to be ever widening. Why not believe that imminent dangers are posed when some of these foreign groups decide to congregate under the banner of the TTP?[66] The enemies of the Pakistani government become America's enemies, and once again talk of preemptive strikes is in the air. Local and regional dissension can be used to help with the listing of potential drone targets.

Critics may try to put on display thanatopolitical photos of the dead as they circulate testimonials from Pakistani survivors, but they are fighting discursive wars where the drone supporters have plenty of archival evidence to spotlight the historical and enduring threats of "the other."

Historical Aerial Transgressions, Heroic Memories, and the Crafting of the "Drone Syndrome"

These colonial characterizations of Pakistani provinces are just a few of the shards of memory deployed in our contemporary GWOT operations. Since the time of Friedrich Nietzsche scholars and journalists have written about the use and abuse of historical legacies for presentist needs,[67] and in the case of drone war historiographies, oftentimes the stories told about horrific aerial bombings are used in *dissociative* argumentative frameworks. Once again, contentious metanarratives about distance and heroism resurface, and now drone defenders ask American audiences to compare the area bomb-

ings of World War II or Vietnam with steadily improving "precision" attacks of today's terrorist targeting.

Drone apologists will contend that even if one accepts the supposedly inflated figures of Pakistani civilian deaths that appear on the web pages of organizations like the *Bureau of Investigative Journalism*, these nevertheless pale in comparison with the loss of life suffered by those who had to endure twentieth-century carpet bombing, imprecise raiding, and constant bombardment. No wonder Samuel Issacharoff and Richard Pildes are willing to argue: "Targeting a particular enemy combatant may be viewed as the antithesis to the general, indiscriminate bombing of civilian centers during World War II, or the general strafing of enemy armies. Indeed, as practiced, the most sophisticated targeted killing programs make fine-grained distinctions among and between enemy soldiers; only those exceptionally high in the command and operational structures are singled out for personalized targeting. . . . In our view, it is a mistake to focus exclusively on the level of force being used without also understanding that the targets (if accurately identified) bear a moral culpability for unlawful warfare."[68] Note some of the rhetorical strategizing going on in this fragment from a law review. First, it focuses on the social agency of the "targets," who are assumed to be engaging in unlawful warfare. Second, it uses historical comparisons with World War II to assuage guilt about the level of today's drone destruction. Third, the commentary on "fine-grained" distinctions creates the impression that the drone attacks are still focusing on "high-value" targets, when in many cases unknown individuals exhibiting particular patterns of behavior have to suffer through signature strikes. Finally, this type of moral calculus almost always requires us to focus on the supposed powers of discernment of the drone crews and the good-faith intentions of superiors who are producing accurate DOD or CIA mosaics.

Many drone critics, who understand the complex nature of terrorism, do not accept all of the dissociative strategies that are used by some of today's defenders of targeted killing. These skeptics understand the allure of these cultural narratives and aerial histories, and they are deeply suspicious of the claims made about today's precision warfare.[69]

If all of this was simply a numbers game, wherein we compared the massive loss of civilian life during the bombings of World War II with the reported deaths from drone attacks in Central Asia, then it might appear that secretive attacks on a select few makes sense and that Americans are in possession of the ultimate, riskless asymmetrical weapon. Yet critics like Michael Boyle explain why they find this type of argumentation highly problematic: "The comparison to normal war-fighting is fallacious: the alternative to drones in Pakistan, Yemen, Somalia and elsewhere

is not American-led ground operations or air strikes. The US is not formally at war with any of these states and it is not legally entitled to use ground forces or air strikes on their territory (though this has not stopped the US from launching periodic air strikes in the past). The realistic alternatives to drones in these cases range from diplomatic pressure to capacity-building to even covert operations . . . the cost-benefit analysis for drones in these cases needs to be measured against these less violent alternatives, not against extreme examples from wartime like the firebombing of Dresden."[70] For these detractors, Americans refuse to consider these less violent alternatives. The US decision-makers don't show any real interest in capturing and detaining militant terrorists, and critics describe "kill-and-capture" missions as public relations campaigns that serve to stave off any potential war crimes proceedings.

If drone supporters are going to continue to make comparisons between the bombings of places like Dresden during World War II and targeted killings in the twenty-first century, then I would present these comparisons as further evidence of the resonance of the historical features of the "drone syndrome" I alluded to in chapter 1. American decision-makers and their audiences are becoming addicted to the idea that riskless wars from a distance saves countless lives, and it doesn't hurt that this is couched in American exceptionalism.

Our defense of contemporary attacks may be a transvaluation of what Patrick Blackett, Paul Johnson, and Alan Dowd called the "Jupiter complex," whereby Allied bombings during World War II contributed to the notion that "the Allies are righteous gods, raining retributive thunderbolts on their wicked enemies."[71]

In some cases, this has meant that Anglo-American audiences can also complain about what happens when allies do not openly and unequivocally voice their support for American targeting policies. The old colonial, Orientalist imaginaries of the FATA, filled with tropes about spies and counter-spies, can also be revived to justify particular characterizations of Pakistani-US relations. Those Pakistanis who support American drone usage can be characterized as modernist, realistic defenders of attacks on terrorism, while those who oppose military interventionism can be ridiculed as ignorant populations who misunderstand the dangers posed by local madrassas.

Support for drones may also serve transcendent purposes when war-hawks and doves share the common belief that Pakistan's military and intelligence service, the Interservices Intelligence Directorate (ISI), is a deceptive organization filled with terrorist sympathizers. Mark Mazetti, in *The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the Earth*, asserts that the ISI does not want CIA spies on the ground because it

wants to avoid American access to "places where Islamabad didn't want the Americans to go: Pakistan's nuclear facilities, and mountain camps where Kashmiri militants were trained for attacks against India."[72] Winking and nodding at the American attacks means that ISI officials can have it both ways—they can tell their own publics that they deplore these attacks as invasion of national sovereignty, while in private talks with Americans they condone US attacks as the lesser of two evils.

Supporters of targeted strikes in Pakistan allege that the ISI has given its imprimatur for drone attacks in FATA, but some have insisted that we need to focus on interpretations of American domestic laws and US interpretations of IHL. For example, some contend that all of the American drone strikes can be authorized under the CIA's statutory covert authority—the so-called Title 50 operations, in legal parlance.[73] These allow the US government to take the position that drone secrecy protects national security *and foreign diplomacy*, and that it is foreign governments who are pleading with Americans to maintain drone secrecy. This argument invites us to believe that Pakistani supporters of drone strikes are the social agents who stand in the way of greater US transparency and accountability.

As the story goes, the ISI does not mind that CIA spokespersons do not publicly acknowledge that the drone strikes ever take place, because this allows the Pakistanis to maintain their own dignity by selectively choosing when to take credit for individual kills and when to remain silent.[74] Note how this self-serving tale makes it appear as though many (if not most) Pakistanis are in favor of American or coalition intervention.

As I note in the last chapter, I expect that the persistent existence and development of what I am calling the "drone syndrome" will mean that in coming years we will witness the crafting of more multilateral American rationales for targeted strikes and that these invented resources will be used to make it appear as if the United Nations or the European Union are *requesting* American strikes as a part of R2P mandates. The American nation will still be configured as exceptional, but there will be less unilateral talk of "unitary executives" as other nations "request" US intervention.

There may come a time when drones are no longer viewed as the best *military* tactic to use in long strategic wars with al-Qaeda or the Taliban, but our *cultural* addiction to drones—fueled by our beliefs in American rectitude—means that we will constantly be combing through aerial archival historical collections for military, technical, and legal rationales for using drones against the latest foe.

It will also mean that we will continue to seek evidence that our military is using "lessons learned" to help improve the precision of drone. In the next section, I argue that the military has used multiple visual strate-

gies for making this "precision" clear so that we can maintain our faith in the capabilities of our Joint Special Operations Command and CIA forces.

Military Preplanning, Visualizing Victory, and the Future of Unmanned Aerial Vehicles

As noted above, aerial histories are crafted, culled, and redeployed to suit presentist needs, and today some law professors who are drone supporters write entire law review articles that explain in great detail how the DOD is putting together protocols that build on the knowledge American pilots gained while fighting in the Iraq or Afghanistan campaigns. These types of essays are incredibly popular with Anglo-American law professors who support drone strikes because they provide arguers with so-called empirical evidence and claims. They can underscore the importance of the vetting processes used by the judge advocates and others who put together the code books that, in turn, are used to decide everything from the ordnance to be fired at militants to the acceptable estimates of casualties that might be suffered during particular RPA attacks.

The protocol that the military uses for this pretargeted planning—the Collateral Damage Mitigation (CDM) assessment—creates the impression that the US military has some internal, scientific guidelines that help commanders-in-chief, senior commanders, or general officers bring together a host of vectors and variables. In theory, this information can be used to determine who needs to be targeted, how that person will be targeted, and how all of this will impact both the suspected target and any civilians who might be around the target when the Hellfire missiles land. When journalists and White House officials comment on the care that the military takes in trying to avoid excessive civilian casualties, they are probably referring to the assessments handed up the military chain of command by those who use permutations of the CDM assessment.

I'll be talking about this assessment later on in this book, but for the purposes of this chapter it is important to realize that those who write about the CDM assessment are motivated social actors who are trying to explain why drone critics don't understand military science, what "signature strikes" actually entail, and the intentions of those who are assumed to be honorable military personnel. In some of the more nuanced defenses of drone attacks that are used to familiarize readers with CDM, UAV critics are often vilified as misguided characters who know little about the realities of actual combat situations.[75]

Perhaps the most famous legal author who defends the usage of CDM and constantly writes and talks about the scientific nature of American de-

cisional drone processes is Gregory McNeal, a recognized expert on national security and law. It is his contention that since at least the summer of 2009 *all air-to-ground operations have to be preplanned*, except in cases of emergency where air support is needed or the pilot is acting in self-defense. Note how all of this is strategically worded: you can follow either the pre-planning or the "emergency" *exceptions* to the preplanning, depending on which legal spin you need to put on your chosen course of action.

McNeal's essays invite readers to believe that air force pilots—whether they are flying F-16s or drones—are warriors who sometimes call off strikes because of the risk of hitting too many civilians in the pursuit of the "bad guys." McNeal writes of how air force leaders will not discipline their pilots for coming back to base with all their bombs on planes, and he explains that the military's collateral damage estimations process requires that military commanders and their subordinates (1) positively identify a legitimate target; 2) deal with the question of proportionality;[76] and then 3) take "mitigation" steps. This last step involves the selection of the best type of effective weapon that can be used with the most precision. One of McNeal's controversial conclusions is that "civilian casualties occurred in less than 1% of the pre-planned operations that followed the CDM,"[77] and this implies that the civilians or military officers involved in planning for strikes are doing everything in their power to cut down on noncombatant casualties.

Again, this serves a host of rhetorical purposes: it psychologically assures readers that there is some "orderly" targeting process out there, that this American process works, and that some of the mistakes that have been reported during strikes can be linked to situations wherein human actors did not follow the appropriate preplanning. In other words, some of the casualties were suffered because someone did not follow American protocols. The protocols themselves are blameless.

Many lawyers and judges are convinced that McNeal's work is empirical, and they are sure that his commentaries provide us with some of the best evidence we have of the ideological mindset of those who sincerely believe that drone arsenals are constantly improving and don't violate any laws of war.

McNeal, however, is writing for an elite audience, so we need also to take into account how persuasively drone apologists argue in front of lay audiences. Supporters of drone programs perhaps recognize that most Anglo-American audiences would be incredibly bored if they were presented with all the legal and military jargon that informs studies like McNeal's. They deal with this problem by finding creative ways of combining the written and spoken word as they travel around the country talking about the technological prowess and logical thinking that has gone into the US develop-

ment of drone protocols. Savvy air force officers, for example, understand the rhetorical power of visualities. They like to give presentations that allow their viewers to vicariously follow along as military analysts use voiceovers to describe a typical drone attack so that these RPA attacks don't seem so mysterious, arbitrary, or irrational.

Oftentimes these presentations include PowerPoint, photographs, stills, or videos to illustrate how the review of "full motion video" and "weapons system video" can help authorized decision-makers improve the quality of bomb damage assessment reports. The topics of precision and civilian safety invariably take center stage, and some of these experts can "show" how today's warriors are constantly honing their skills and learning more about how to take out their foes.

One of the leading world experts on the US Air Force's drone programs is Col. James G. Bitzes, a former US Air Force legal adviser for Al Udeid Air Base, and he has found a visually effective way of providing YouTube viewers with visual information that highlights the efficacy of America's lethal attacks.[78] During an event organized at Arizona State University, Bitzes presented vignettes of how "real-time action" intelligence can be utilized to hunt down enemies. In one of his scenarios, he showed his audience what a drone attack looks like when planners try to preemptively take out several enemies preparing a mortar attack on a coalition air base.

In many ways Bitzes covers some of the same ground that McNeal mentions in his legal essays, but instead of providing jurisprudential definitions for such concepts as "distinction," "proportionality," and "mitigation," Bitzes adapts to the needs of his audiences by using easy-to-follow narratives filled with implicit operational definitions that do not sidetrack him as he shows actual video footage of a lethal attack. For example, during one of his presentations Bitzes tells listeners that they are witnessing a real scenario wherein a ground commander has requested that an air mission be organized to eliminate the alleged threat posed by two individuals attempting to set up a mortar position.[79]

Bitzes' framing of what was happening is structured such that he implicitly answers any questions viewers might have about American operationalization of the principles of distinction or discrimination. For example, near the beginning of his visual presentation at Arizona State University Bitzes provides a voiceover that explains that a battle space commander stayed in touch with "JTAC" (Joint Terminal Attack Controller) for several hours as they followed the activities of these would-be attackers, and his audience could clearly see some of the mortars fired off during this video clip. After seeing this, how can anyone have any doubt that the drone crews

were helping deal with the existential threat posed by terrorists attacking coalition forces?

Bitzes' viewers are not provided with any specifics about this case—they are not told the names of those who are targeted and they don't know when or where the attack took place—but it does appear as if some sort of attack was imminent. The two suspects "seen" in the video clip appear oblivious to the fact that a drone is tracking them from above. Bitzes talks about planning information that has been put together and then sent up the chain of command, at which point a decision was made regarding engagement. He notes that the drone pilots and the air force support system were looking for a "low collateral" area that might afford the best place to attack these enemies while minimizing collateral damage. This type of contextualization for laypersons communicates the idea that many individuals are involved in the mitigation of possible collateral damage, and it also demonstrates the technical ability of drone "hovering" aids in collateral damage assessment.

Colonel Bitzes' video is also used to help us visualize what it means to take out "imminent" threats. Bitzes' short clip begins with the depiction of a scene wherein one of the targets seems to be preparing a mortar while another individual stands near a white car. Bitzes explains how viewers can detect the presence of mortars, and at that point we get to see one of the enemy fighters actually loading a mortar tube, firing it, and then walking away.

In this case it would be difficult for drone critics to argue that this was some innocent civilian unfairly targeted. One wonders, of course, just how many drone scenarios actually involve combat situations in which terrorists are mortaring coalition forces.

Bitzes mixes in a bit of humor when he makes fun of the two suspects, who find that they fired a dud after sending off a live mortar round. The mortar tips over, and Bitzes explains that while he is not an artillery man the second suspect must have realized that tipping over a mortar and letting it hit the ground is probably not a "good idea." At this point he explains that this seems to be a dangerous situation and some of his audience members laugh. From an ideological vantage point, this use of humor juxtaposes the stupidity of America's enemies with the cleverness of omnipotent and omnipresent Americans, an example of some of the godlike power of those that Anna Mulrine described as agents trying to "put warheads on foreheads."[80] Bitzes continues by explaining that he had to crop out some of the material before he came to ASU, and the next thing viewers see is a vehicle carrying the two targeted humans moving away. As viewers watch the vehicle travel down what looks like a dirt road, Bitzes explains that the

drone pilot has a camera that was "panning in and out, looking at the surrounding area." This reemphasizes the point that a premium is being placed on the saving of lives and the avoidance of civilian casualties, and at this point Bitzes interjects and explains that the laser designation that viewers see is "bad" news for the occupants of the vehicle. The colonel mentions in passing that in most cases like this the "weapon of choice" will be a laser-guided Hellfire missile, and as he supplies this information viewers see the total annihilation of the vehicle and become distant witnesses to the killing of two human beings. Smoke fills the air, and Bitzes points out what must have been self-evident, namely, that this was a "very, very, accurate" attack. This mechanical and martial framing of the incident makes for less painful and traumatized viewing of the taking of the two lives.

Bitzes' visuality is just one of many examples that illustrate some of the difficulties faced by those who would critique these incredibly popular and persuasive nationalistic, patriotic, and legalistic dominant rhetorics. Those who object to the proliferation of drones may try to circulate pictures of the victims of some of these attacks, but they will always have to argue with those who want to display photographs from 9/11 or the pictures of those who suffer at the hands of Taliban or al-Qaeda fighters.[81] There is no shortage of patriotic textual or visual weapons in these contentious drone debates, and the cameras deployed can be turned in many different directions.

Conclusion

This chapter provided readers with a genealogical study of aerial combat to make clear some of the textual and visual arguments that have been advanced about the honorable or dishonorable ways that pilots and others involved in aerial attacks deal with such topics as targeted killings, the control of populations, and the loss of civilian lives.

Each generation has had social agents who have talked about what heroism means during aerial warfare, and they have used illustrations to persuade us of the horrors of warfare or the constraints that come from the use of "precision" guided munitions. What W. J. T. Mitchell and others have called the "visual turn" in wartime studies[82] has sometimes invited both drone detractors and supporters to study the jouissance of combat, that is, the reactions to the aesthetic display of Predator and Reaper drones as they fly over distant horizons. This "militarized regime of hypervisibility" invites us to rethink our notions of both distance and death as we review the aerial histories that contextualize today's wartime planning.[83]

For many drone critics, the aesthetics that swirl around these heroic tales of virtuous pilots may indeed help us humanize and understand the mo-

tives of those who preplan or carry out raids, but it may also deflect attention away from the *dehumanization* of the enemy. By focusing on abstract protocols and by producing formalistic military or legalistic commentary on topics such as distinction or proportionality, drone advocates make it difficult to humanize an enemy that experiences distant suffering.

Our aerial archives are filled with examples of how nominal choices based on perceptions and misperceptions are made. For many members of the air force, dispelling the notion that drones were "unmanned" was so important that they became embroiled in a semantic process of change wherein they tried to drop the term "UAV" in 2009 in favor of "remotely piloted aircraft."[84]

Drone critics are also worried about the influence of some of these inherited aerial lexicons. One organization, *Reprieve*, provided a radical critique of some of the military nomenclature used during the Obama years when it decided to play on the air force's use of the term "Bugsplat." "Bugsplat" is the official term American military personnel use to characterize the human beings who deserve to be killed with drone missiles, and *Reprieve* has tried to use the rhetorical strategies of irony, subversion, and inversion to create a new web project entitled "Bugsplat." This website, rather than glorifying the heroic efforts of those who take out the "bad guys," invites visitors to the website to see the hypervisibility of what happens when citizens, as well as suspected terrorists, are targeted.[85]

I venture to guess that more Americans would be interested in viewing Bitzes' visualities than *Reprieve*'s countervisualities. We may indeed be living in an age that talks about robots, videogames, and post-heroic instrumentalism, but the allure of heroism will not go away.

The George W. Bush Administration and America's Adoption of the Drones, 2001–2008

Now it is clear the military does not have enough unmanned vehicles. We're entering an era in which unmanned vehicles of all kinds will take on greater importance—in space, on land, in the air, and at sea.
—President George W. Bush, December 11, 2001

Changing a rhetorical context often alters how one views controversial CIA restrictions, military rules of engagement, and applicable legal interpretations of international humanitarian laws. When nations feel secure and consider themselves to be at peace, they don't mind circulating discourses that celebrate the transcendent importance of either IHL or "international human rights law" or focusing on the need for civilian control over military affairs. Yet during times of perceived emergency and military necessity, nation-states quickly abandon more peaceful, idealistic grammars as they rummage through domestic and international legal histories and look for precedents that would justify more hawkish behavior. In the name of inherent rights of self-defense they set aside the alternatives of mediation, diplomacy, or sanction and let "loose the dogs of war."[1] They replace talk of potential human rights violations with paradigms that prioritize the deployment of the less restrictive rules of engagement or the "law of armed conflict."

Take, for example, the various ways that American diplomats and decision-makers have talked about the legality and legitimacy of "assassinations." During the mid-1970s American laws were supposed to worry about attacks on Castro and others and they banned the use of CIA assassinations.[2] Decades later, before 9/11, the US Ambassador to Israel, Martin Indyk, openly worried about how the Israelis were treating Palestinian terrorist suspects in the Gaza Strip or West Bank. As Indyk stated on Israeli television in 2001: "The United States government is very clearly on record against targeted assassinations. They are extrajudicial killings and we do not support that."[3]

A few months later, with very little fanfare, President George W. Bush and the rest of the American nation ratified policies that effectively overturned President Gerald Ford's 1976 executive order (Executive Order 11905) that prevented the CIA from engaging in assassinations.[4] Both the spirit and the letter of the law were altered as Department of Justice employees scrambled to find ways to dissociate the "new" tactics in the global war on terrorism from the "old" prohibitions of the 1970s. Jurisprudential distinctions were made between prohibited "political" targeting of foreign leaders and the acceptable "military" targeting of "enemy combatants," and attorneys started to prepare memos for the president that used a host of historical precedents to expand unitary executive powers in the name of national defense. According to some reports, the nation's commander-in-chief gave the CIA, and later the US military, broad authority to kill even US citizens abroad if there was strong evidence that they were involved in organizing or carrying out acts of terrorism against the mainland or against US interests.[5] The United States could thus continue to maintain the impression that it supported the international human rights principles that undergirded the assassination bans while at the same time arguing that the LOAC allowed American drone crews and Special Forces to carry out necessitous "lethal" strikes.

Given that most American lawyers and members of the public seemed to accept the fact that we were in an "armed conflict" with al-Qaeda, these government officials had little trouble finding rationalizations for today's strikes in the dustbins of governmental archives. For example, decision-makers after 9/11 could look back and find a 1989 Memorandum of Law, an advisory opinion written by W. Hays Parks, who at that time was the special assistant for law of war matters to the judge advocate general of the army.[6] Parks argued that the prohibition in Executive Order 12333 applied to covert acts of murder for "political" reasons, so if the military was targeting individuals or groups who represented a direct military threat, then military targeting had nothing to do with political assassination.

Those who shared Parks' view had to wait until the rhetorical climate changed in order to resurrect and refurbish this line of argumentation, and the 9/11 terrorist attacks provided the needed occasion for redeploying Parks' conceptualizations in countless secret and public debates that were used to rationalize America's targeted killing. I would, of course, contend that Parks' ideas represent those of *most* American military leaders, Washington decision-makers, or members of the public who see nothing wrong with killing "bad guys" before they come after "us."

These types of abstract—yet deadly—legal distinctions could then be linked to specific examples wherein presidents worried about direct mili-

tary threats. For example, lawyers working in the George W. Bush administrations could poach from domestics texts prepared when Ronald Reagan supervised the 1986 bombing of Libya,[7] when George H. W. Bush justified intervention during the first Persian Gulf War, or when William Clinton signed off on the 1998 bombings in Somalia and Afghanistan.[8] If they wanted to, they could cite a 2006 Israeli Supreme Court decision that addressed concerns about the legality of targeting missions as well as the proportionality tests that might be used in case-by-case studies of collateral damage.[9]

Note the rhetorical importance of these selections. First of all, by writing memos that merely mention the IHL concepts of proportionality, necessity, humanity, or distinction, they led one to believe that these were thoughtful decision-makers who were not arbitrarily justifying all calls for assassination or targeting. Second, by referencing earlier precedents, they made it appear as if some orthodox "rule of law" had existed all along to justify extrajudicial killings, and this helped immunize the decision-makers who followed these precedents. Third, by selectively focusing on the legal commentaries that came from Israeli courts, Americans could poach on the arguments of other jurisprudential communities who also refused to ban assassinations or other forms of lethal strikes. This strategic usage of legal precedents *bracketed out* the countless legal commentaries from other international actors who opposed these steps. These were the prefigurative, performative acts that set the stage for commentaries that applauded President George W. Bush's public and elite defenses of targeted killings.[10]

After 9/11, the alleged "new" war on terrorism, fought by anxious and angry Americans interested in retribution, was framed as a conflict that could not be waged along policing or "international human rights" (IHR) lines. Notice how many journalists, congressional leaders, military lawyers, and milbloggers started to reference the mythic LOAC when they discussed various strategic, tactical, or operational features of the GWOT, and note how many times they battled drone detractors who claimed that targeted killings violated the principles of IHL.

This type of lawfare was a battle that involved not only disputation over the number of civilian casualties in Central Asia or the amount of blowback that came from targeted killings but also disagreements regarding the rhetorical framing of this violence in the first place. Americans intent on getting the United Nations, NGOs, and international communities to see matters their way were not about to relinquish the semantic high moral ground that came from militarizing the discourse that would circulate during the post-9/11 years. United States defenders of their RPA crews were also unwilling to take a back seat when the International Criminal Court, mem-

bers of the United Nations, or members of skeptical NGOs offered conflicting interpretations of wartime conduct.[11]

One of the interesting features of this disputation that often gets lost in the fog of lawfare involves the punctuation of historical time used in many American historiographies of the events that led up to the attacks on the Pentagon and the Twin Towers. Rarely do these histories comment on the CIA involvement with the Mujahideen in their battle with the Russians in Afghanistan in the 1990s or on the complex nature of Middle Eastern geopolitical events. Instead, defenders of lethal strikes against the Taliban or Jihadist terrorism have few qualms about characterizing the attack on the Twin Towers as an al-Qaeda military operation that fulfilled some of Osama bin Laden's videotaped threats. Bin Laden's social agency is magnified, and only a minority of Americans objected to the usage of militarized ways of conceptualizing terrorist violence.

The CIA's intelligence-gathering skills were now linked to the massive structures and power of the US Department of Defense, and the promiscuous use of these military paradigms shaded the ways that audiences debated everything from negotiation with the enemy to the legitimacy of night raids, cruise missile attacks, UAV missions, and other forms of aggression. After 9/11 few American decision-makers viewed terrorism as a worldwide policing problem that could be handled without the use of military force.

During this period the law reviews and the World Wide Web started filling up with talk of lawfare and "counterlawfare" as drone advocates who supported the Bush administration policies scrambled to respond to the arguments of those who insisted that some targeting was arbitrary, capricious, and unreasonable.[12] Some of the legal wordsmithing that circulated in the law reviews filtered through the porous borders of the broader rhetorical cultures as journalists and citizens also sought ways of rationalizing the use of "lethal force" and "targeted killings." For example, in October 2001 Bob Woodward of the *Washington Post* explained to readers that then vice president Dick Cheney had said that the war on terror "may never end" and that the CIA had been told to do "whatever" was "necessary" to kill bin Laden. Institutions that at one time had different mandates, missions, funding levels, or organizational chains of command—such as the intelligence-gathering communities and the Department of Defense communities— were reportedly "collaborating at unprecedented" levels.[13] At the same time that the CIA's J. Cofer Black was talking about the "gloves" coming off,[14] White House officials considered a host of new counterterrorist tactics and strategies. Eventually, during President Bush's tenure, the drone wars would come to Central Asia, and America's commander-in-chief signed off on at least forty-five strikes in Pakistan's tribal areas.[15]

American decision-makers often talked about the importance of having "flexible" ways of dealing with all sorts of threats, and the drones were one of the components of this full-spectrum way of thinking about warfare. During a speech he gave to the cadets at the Citadel in December 2001, President George W. Bush did not hesitate to preview some of the reasons why he and his administration regarded the UAVs as technologies that would change the face of America's Way of War: "The Predator is a good example. This unmanned aerial vehicle is able to circle over enemy forces, gather intelligence, transmit information instantly back to commanders, then fire on targets with extreme accuracy. Before the war, Predator had skeptics, because it did not fit the old ways."[16] President Bush thus positioned himself as a modernist, a decider who knew about the military importance of UAV systems.

The commander-in-chief's commentary on the "old ways" may have referred to internal US military squabbles over any potential moves away from traditional piloting's contributions in "shock and awe" campaigns.[17] Some mulled over the importance of the F-16 fighter plane for future engagements, and the nation's commander-in-chief was not the only person who was hearing about these anxieties. Lieutenant Gen. George Muellner (retired) explained how a minority of drone critics within the air force might have constructed cultural roadblocks that had been standing in the way of even earlier adoption of drone technologies. "There are certainly aviators out there who feel threatened, I think," noted Muellner, although "most warfighters really believe there is a very viable niche for these types of vehicles."[18]

However, as I will note later on in chapter 5, there is a difference between conceptualizing the UAVs as a smaller, auxiliary "viable niche" in network-centric warfare and viewing them as the *preferred weapons of choice*, the technological backbone and future aerial vehicles of the US Air Force. Many air force pilots seemed to have the sense that the drone syndrome was a pervasive malady that threatened the older heroic cultures formed by those who once flew F-16s.

Martial honor was at stake, and intra- and interagency feuds about funding priorities would later impact the ways that various US civilian and military communities argued over drone strategies, tactics, and operational procedures. UAVs were once viewed as mere "accessories" in earlier conflicts, but Bush administrators didn't hesitate to publicly let everyone know that priorities were changing. Secretary of Defense Donald Rumsfeld would write in *Foreign Affairs* in 2002 that the "experience in Afghanistan showed how effective unmanned aircraft could be. . . . We must begin shifting the balance in our arsenal between manned and unmanned capabilities, between

short and long-range systems, between stealthy and non stealthy [*sic*] systems, between shooters and sensors."[19]

Drone apologists started crafting discourses that treated UAVs as futuristic weapons that would help Americans wage relatively riskless warfare in places like Afghanistan or Iraq: riskless in a military sense because fewer military personnel would die in combat, and riskless in a political sense because few observers could object to drones helping "hunt" Osama bin Laden or protecting troops fighting in the treacherous terrain of Afghanistan. It would be several years before critics would start to complain about the weekly usage of drones against helpless populations in Pakistan or Yemen, and during these early years drone apologists were vocal supporters of the UAVs. The secrecy that surrounded all of this only added to the rhetorical stature of those who defended the drones during these early George W. Bush years.

The nascent discourses on drones that started to surface during the Bush years were *co-produced* by countless Americans who also took pride in the fact that UAV technology was being supported and financed by all branches of the government, which seemed to recognize the strategic, tactical, and operational importance of the drones. John Klein, writing in the *Joint Forces Quarterly* in the winter of 2002, was convinced that the "future application" of drones was "virtually limitless" and that the "unmanned combat air vehicles" would "help maintain the supremacy of the US military."[20] American exceptionalism was in the air, and few doubted that unarmed and armed drones would be the types of asymmetrical weapons that would make a difference in the tracking down of Taliban or al-Qaeda leaders.

Writers today often point to the proliferating usage of RPA drone crews as evidence that this is "Obama's drone war," but in many ways this punctuation of temporal influence misses the persuasive effect of earlier discourses that circulated during the George W. Bush years. John Yoo—the infamous author of the "torture memos"—argued that despite "the hue and cry" President Obama had not issued "American 007s a license to kill" and that Obama administrators needed to give credit to the Bush administrators who earlier had had to make difficult decisions when they considered 9/11 to be "an act of war."[21]

Most Americans were so deeply infatuated with drones and their usage that it would have seemed *odd if Obama hadn't followed* in the footsteps of his predecessor and helped with the evolutionary growth of an American style of "counternetwar"[22] that had begun many years earlier.[23] After all, if Osama bin Laden and his minions were operational heads of their own terrorist "networks," didn't it make sense that the UAVs should be funded at levels that would allow the CIA and the DOD to mechanically "see" what

might appear to be hidden from the "naked eye"? The rhetorical strategy of projection—where one assumed that the enemy's desires and motivations mirrored one's own—allowed countless American corporate firms to join in the fray as hundreds of billions of dollars were spent on the building of US counterterrorism network activities. As Hanna Musiol insightfully observed, the simultaneous removal of the "human eye from the spaces of military violence" was accompanied by the dependence on drones' "hyper-precision of techno-vision."[24]

During the first few years of President George W. Bush's presidency, his administrators, advisors, and supporters often focused attention on the role that drones could play in the search for Osama bin Laden, but as soon as the campaigns in Afghanistan and Iraq were reconfigured as "insurgencies" involving "irregular" or "asymmetric" warfare, drone rationales became more militarized, more nuanced, and more sophisticated. For example, the military began talking about how militarized drones helped protect troops on the ground during violent engagements with the Taliban or al-Qaeda. These rationales circulated for decades—even during situations wherein drones were attacking targets hundreds of miles away from conventional battlefields.

Some of today's researchers admit that we have only sketchy information about the early drone strikes in Afghanistan, but we do know a little more about how RPA were supposed to have helped after the "surge" in Iraq as Gen. David Petraeus and other military strategists tried to win "hearts and minds" with the adoption of counterinsurgency (COIN) policies. Counterinsurgency tactics were credited with helping turn the war around in Iraq, and Special Forces units in Afghanistan were raving about the help that they got from UAV crews. Members of drone crews, in turn, told interviewers about some of their own successes and failures, and they explained to journalists how they circled above and had to watch US soldiers being killed.[25] At the same time milbloggers could celebrate the fact that weekly drone strikes were weakening the networks of the enemy.

Drones became a part of the American cultural and academic mediascapes and landscapes during the Bush years, but they were also increasingly discussed as essential elements of changing battlescapes. UAV proliferation spawned new corporate ventures, and the US Department of Defense budgets factored in more and more drone appropriations.

All of these cyber warriors and their superiors became the subjects of popular books, television programs, and newspaper articles, and theorists wrote of how the coalition was now fighting what Antoine Bousquet has called "chaoplexic warfare," where hybrid blends of hierarchies and dif-

ferent ways of conceptualizing decentralized warrior units can be used to fight in more chaotic, asymmetric wars.[26] This, in turn, signaled the rise of the drones, the valorization of the mobile Special Forces, and the need for more strategic assassinations.

To fight this new chaoplexic type of warfare, military leaders during the Bush administration were able to bring together some twenty thousand full-time members of Special Forces units under the umbrella organization known as the Special Operations Command (SOC). The group within SOC that was responsible for counterterrorist operations was the Joint Special Operations Command (JSOC), and the formation of this community meant that the US military would have its own intelligence, its own procurement, its own drones, and its own satellites. Some observers expected to see rivalries as the CIA and the JSOC fought for dominance in turf wars, but many mainstream writers highlighted the "joint" nature of their deadly work.

During the Bush years at least two different drone systems developed and flourished, one that would be supervised by the CIA and another that would be controlled by the US Department of Defense. The military version, which is publicly acknowledged,[27] usually operates in the regular war zones, the so-called hot battlefields of Afghanistan and Iraq. Drone apologists, and even some drone critics, argue that it is legal and moral to use drones on these conventional battlefields, given that al-Qaeda declared "war" on the United States, both in words and in deeds. More divisive objections were raised when supporters of some of the Bush drone policies started talking and writing about the legitimacy of targeted strikes *outside* of these conventional war zones.

The CIA's drone programs—because of their focus on spying and national security—were not theoretically bound by any conventional geopolitical space like a "battlefield," and they grew in importance because they were supposed to continually track or kill suspects around the world. As I note later on in this book, talk of individuated behavior replaced talk of one's personal identity or status, and one could become a drone target without being an identifiable member of al-Qaeda or the Taliban. For example, while president Bill Clinton had talked about approving the use of lethal force against al-Qaeda members who were identified as a part of an al-Qaeda "infrastructure," in 2001 Bush used an intelligence finding to broaden the list of targets beyond bin Laden and included individuals operating outside Afghanistan.[28]

The CIA drone programs remain covert, and over and again their lawyers refused to affirm or deny their existence. In many jurisprudential cases, this

also meant that the CIA had employees who argued that they could even target militants who were living in allied countries. Juan Zarate, a former counterterrorist adviser to the Bush White House, noted that when Obama took office *he left in place* virtually all of the key personnel who were making targeting decisions during the Bush years. The CIA continued to argue that the American public had no right to know how their programs operated, how they selected targets, who made these decisions within intelligence hierarchies, and how many people were said to have been killed.[29] These were viewed as matters of national security that could not be made public because that type of transparency would help terrorists.

What Were Some of the Public and Legal Arguments that Resonated with Americans During the Bush Years?

As I argued in chapter 1 the development and maintenance of drone programs depends on winning over the hearts and minds of American audiences, and readers need to be aware of the arguments that circulated in different spheres as various social agents debated their desirability and legality between 2001 and 2008. Some of these arguments circulated before the exponential growth of UAV systems, while others were deployed as critics began complaining about some of the technical or cultural features of drone usage.

Perhaps the most obvious, and popular, reason that US audiences during the George W. Bush administration supported drone usage is that drone apologists made a convincing case that the use of UAVs cut down on the number of sons and daughters who would have to sacrifice their lives fighting terrorism overseas. Polls showed that many of the same publics who once supported aggressive warfighting in the aftermath of 9/11 grew weary of thinking about the mounting costs of the GWOT.[30] However, casualty aversion was a different matter.

These worries about mounting casualties during times of war are nothing new. Cori Dauber, in her essay "Image as Argument: The Impact of Mogadishu on US Military Intervention,"[31] illustrated how casualty-averse American audiences hated to see anything that displayed the loss of American lives during the intervention in Somalia, and she argued that the images that circulated during that temporal period impacted the ways that US communities thought about future losses of life during other military interventions. Jeffrey Record echoed some of this when he noted a year later that a "combination of failed states, elite casualty phobia, and the unfolding aerial precision strike and associated technologies" was "profoundly altering the locus

and style of future US military interventions overseas."[32] Like many others who kept an eye on the pulse of public opinion during wartime, Record realized that the Gulf War, the military interventions in Somalia (1992–1994), Haiti (1994), Bosnia (1995), Kosovo (1999) and Afghanistan were teaching the lesson that "too many American lives lost would implode public and congressional support for the war."[33] The loss of "unmanned" drones theoretically cost just a few million dollars and saved lives.

As I noted in chapter 2, initially drones were viewed as just one more arrow in the quiver of coalition forces, but over time their militarization also helped drone advocates answer some of the complaints of those who harped on excessive foreign loss of life. Drone apologists had several ways of writing and talking about "collateral damage," but they almost always underscored the point that American military personnel were going out of their way to avoid the intentional infliction of *excessive* loss of civilian life. In theory, if Americans wanted to make sure that high-value militants did carry out another 9/11 type attack, then they needed to accept the fact that the public would inevitably hear about some civilian casualties.

Peter Bergen and Katherine Tiedemann provided one of the most popular of estimates when they noted that since 2004, perhaps 32 percent of those who died during US drone strikes in Pakistan were civilians.[34] As long as debaters during the Bush years were talking about militarized drones providing suppressive fire for ground troops, they had a relatively easy time defending the use of the UAVs.

Drone apologists had clearly learned some lessons from the earlier public relations nightmares of the "shock and awe" years, when American publics had to hear about the "collateral damage" that followed in the wake of the violence that could be dispensed by artillery, helicopters, and fighter jets during Operation Iraqi Freedom (OIF). Beleaguered Bush administrators had had to cope with investigative reporting that had looked into abuses at Abu Ghraib prison or the Haditha incident, and this had contributed to the heated debates about enhanced interrogation techniques or the use of permissive rules of engagement during the battles of Fallujah. This conventional warfare, carried out for many years by hundreds of thousands of coalition forces, had taken an emotional toll, and drone apologists could later argue that drone "precision" *avoided* this very type of "heavy" footprint. Drone attacks would later infuriate Pakistani publics during the Obama administration years, but during the early Bush years the selective use of drones was viewed as a vital element in the toolbox of those who sought to support the soldiers fighting on the ground.

As I note in the following two sections, there are other reasons why many

Americans became obsessed with drone usage. They did not share the suspicions of critics who did not trust the CIA, and they trusted the Department of Defense that oversaw the JSOC RPA programs.

The Growing Influence of CIA Activities and the Legitimation of Targeted Killings

Many American legal commentators are convinced that President George W. Bush did nothing wrong when he helped unleash the CIA and ordered the targeted killing of Osama bin Laden and other terrorists. Jonathan Ulrich, for example, contends that if we pay attention to the "practice" of the last four presidents who fought terrorists, then we see that "gloves were never on" and that Americans legally ordered the targeted killing of the nation's enemies. He elaborates by noting that a close reading of the United Nation's Charter Article 51 shows that nations can legally carry out some military operations as self-defense measures and that president George W. Bush had simply followed precedents that allowed him to "order the targeted killing of an individual in times of war or when confronted by an imminent threat to US national security."[35] Military personnel who were constantly hearing and talking about the spread of bin Ladenism or Jihadist propaganda had little trouble conjuring up examples of imminent threats.

This interpretation of international authority could be supplemented by rhetorics that underscored the president's own "inherent" domestic executive powers under Article II of the US Constitution, and members of the Bush administration continually defended the legality and efficacy of both targeted killings and UAV operations. By December 2002 James Risen and David Johnston of the *New York Times* were reporting that President Bush was widening the authority of the CIA to kill terrorists so that they could strengthen their hand in the "hunt" for al-Qaeda.[36] The nation's commander-in-chief and other members of his administration were said to have prepared a list of terrorist leaders whom the CIA was authorized to kill, "if capture is impractical and civilian casualties can be minimized." Some of the names on this "lethal-force" the list, which was supposed to identify the "worst of the worst," included Osama bin Laden and Ayman al-Zawahiri.[37]

While spokespersons for the CIA would not talk about this lethal-force list, it was noted that President Bush had provided written, yet secret, legal authority for the CIA to hunt down and kill some terrorists without having to seek prior approval each and every time the CIA was about to stage one of its operations. Instead of rescinding the old executive orders that banned assassinations, President Bush simply redefined al-Qaeda leaders as "enemy combatants" who became legitimate targets for lethal force.[38]

Bush administrators' recollections of a 2002 Yemen drone strike had a huge impact on the ways that American decision-makers started to think about the extensions of geopolitical battlefields. While the US government did not publicly acknowledge that Americans were responsible for the attack, officials talking to the press let it be known that the CIA had carried out this raid.[39] To demonstrate the bureaucratic efficacy of American planning it was revealed that the president had already issued his presidential finding in late 2001 and that the CIA had used "a pilotless Predator aircraft" to take out Qaed Salim Sinan al-Harethi (aka Abu Ali), who was suspected of having helped plan the bombing of the USS *Cole* in 2000.

Under many interpretations of international law, no country may carry out missions motivated by revenge, but it seems to be more than coincidental that many of those targeted over the years have been terrorist suspects linked to planned attacks on the US mainland, US ships, US embassies, or CIA facilities. The CIA had fired a Hellfire antitank missile at a car in which al-Harethi was riding, and six individuals were killed in the attack. Intelligence officials began arguing that President Bush was granting the CIA broad authority in the global war on terrorism and that the CIA was being authorized to kill terrorists *who were not* necessarily on "the list."[40] The attack on al-Harethi in Yemen, which is the first known use of force against al-Qaeda outside Afghanistan, was viewed as a move "away from the law enforcement-based tactics of arrests and detentions" that the Bush administration had previously talked about in commenting on actions against terrorist suspects *beyond the Afghan theater of operations*.[41] For critics this would be an example of mission creep and the lack of executive self-restraint, but for drone advocates this was evidence of pragmatic decision-making as the drones hovered over more and more territory.

The American strike on al-Harethi in Yemen came just two years after Israel adopted a policy of targeted killings of Palestinians who were alleged to be active members of terrorist organizations who were organizing, promoting, or executing terrorist attacks in Israel or the occupied Palestinian territories. One such helicopter attack killed Hussein Abayat in the West Bank village of Beit Sahour, and another attack on Saleh Shahadeh, the leader of Hamas' military wing, ended in the deaths of fifteen civilians and the wounding of hundreds more. During one mission an Israeli plane had dropped a one-ton bomb on a house in a densely populated area in the Gaza.[42]

Both the American strike in Yemen and the Israeli targeted-killing missions drew the ire of a few human rights organizations and some UN bodies, but there were many conservatives, liberals, and independents who refused to characterize these as unsanctioned killings, murders, or assassinations. For

example, Director of Human Rights Watch Kenneth Roth stated during an interview that the Yemen attack was an attack on an "enemy combatant" and that if al-Harethi was indeed an al-Qaeda operative, then this did not violate the rules of war because arresting him was never really an option.[43] When critics of targeted killings talked of human rights violations, some observers—including a few workers for Amnesty International—suggested that "security" was also a human right that needed to be protected.[44]

If there was ever a time when drone critics needed to organize and create alliances among detractors that would raise consciousness about the problematic nature of UAV usage beyond conventional battlefields, this may have been it. Yet the American nation was still traumatized by 9/11 and most Americans wanted *fewer, not more, restrictions* on operative rules for engagement as their soldiers fought in Iraq and Afghanistan. They were not very impressed by the lawfare that was introduced into the nation's courts by the American Civil Liberties Union (ACLU) and others seeking information from the Bush administration on the nature of the drone programs.

A few organizations, like Amnesty International, did recognize the symbolic importance of the attack on Qaed Salim Sinan al-Harethi, and they did prepare a report on how the US government was problematically sanctioning "extra-judicial executions" in Yemen.[45] In their press release Amnesty International complained about the "deliberate killing of suspects in lieu of arrest," but their arguments about the importance of international human rights contained some very idealistic commentary on the "prohibition against the arbitrary deprivation of life" that they did not believe could be derogated under any circumstances, including a "time of national emergency." This may have played well in front of idealistic NGO audiences, but these types of arguments simply did not resonate with American audiences who believed that the Bush administration was justified in taking out al-Harethi because the executive branch needed to "eradicate the imminent threat posed by terrorist groups like Al Qaeda."[46]

Today many journalists fill our Internet with commentaries on the existence of Obama's secret "disposition matrix," but there was a time when President Bush and his supporters were *openly* defending the existence of their own lists and drone plans. For the next seven years President Bush's 2001 "presidential finding" allowed CIA personnel to write up many sets of classified rulings describing which individuals could be killed by the CIA and how those killings could be treated as "self-defense" countermeasures in the global war against al-Qaeda terrorism.[47] It would be these templates—often drawn up by young members of the Department of Justice or the Department of Defense—that would provide the ideological fragments that Obama administrators would resurrect.

What is interesting here is that an argumentative analysis of some of the materials that were circulating during the Bush years provided readers with an assortment of ambiguous clues that "high-value" detainees were not going to be the only CIA targets in the coming years. Many of these early journalistic essays on CIA drone attacks provided very few details on any particular incident or "collateral damage" following these strikes, and they were often written in rhetorical frames that simply parroted back the descriptive information that would be supplied by American spokespersons. For example, in May 2002 David Rennie, reporting from Washington, DC, for the United Kingdom's *Telegraph*, wrote a brief essay about the how the CIA tried to kill a "fiercely anti-Western Afghan leader." What was noteworthy about this particular targeting mission was the fact that this attack on Gulbuddin Hekmatyar was the first known attempt to kill a hostile warlord *who was not* officially linked to any Taliban or al-Qaeda organization. Hekmatyar survived this attack, and US officials explained that he had been deemed a "terrorist" because of his efforts at overthrowing the interim government of Hamid Karzai and his plotting to kill Americans and coalition troops. The attack on Hekmatyar could then be used by drone apologists as evidence that the Bush administration was willing to argue that the Taliban and other Afghan warlords were not going to be protected by the 1976 order that prevented American assassinations of foreign leaders.[48]

Between 2001 and 2008 many international journalists knew that the CIA was growing and that Langley personnel were building their own drone forces, but rarely did one find a CIA spokesperson willing to confirm or deny the existence of the secretive CIA UAV systems. John Rizzo, who once served as the CIA's acting general counsel, sat down for an eye-opening interview with Tara McKelvey, and during that exchange he talked about how some of the CIA personnel acted during Title 50 intelligence operations.[49] Rizzo explained to McKelvey that during a typical targeted strike supervisors like Rizzo would hover over CIA agency personnel in office buildings located somewhere in Northern Virginia, and these CIA leaders would all be working in a place filled with computers, maps, and desks. In one case the agents and analysts in the room watched images on a screen of a man and his family traveling together down a road that was thousands of miles away, and as soon as the "high-level" terrorist suspect exited the vehicle, an aerial drone strike killed the man. The CIA planners and analysts who witnessed this attack saw the explosion on a massive screen, and Rizzo explained to McKelvey that the drone crews and their superiors had waited for an opportune moment when the target had moved away from his family. "The agency was very punctilious" about this, Rizzo explained, because they tried to "minimize collateral damage, especially among women and children."[50]

Rizzo was, of course, not simply narrating a shocking tale that might be of interest to *Newsweek* readers. He was also using the interview as a strategic vehicle for putting on public display how the CIA was scrupulously following the law of armed conflict or the principles of international humanitarian law. The remarks that he made about hovering UAVs and attempting to avoid killing noncombatants helped document the use of discriminating tactics that showed how knowledgeable CIA personnel were following the laws of distinction, while the use of clinical terms—like the need to "neutralize" the enemy—showed that the CIA was not acting out of vengeance. These public remarks could be used to show that no one had what lawyers call the "specific intent" to violate any domestic laws or international laws. It was a perfect example of the public circulation of American *counterlawfare*.

It is no coincidence that Rizzo—who was also involved in some of the heated debates about the legality of the so-called enhanced interrogation techniques—was also one of the social agents who helped craft the legal rules that would be used to rationalize the CIA's use of drones. "A look at the bureaucracy behind the operations," argued McKelvey, showed that those who were "blown to bits" were part of an operation that was "multilayered and methodical, run by a corps of civil servants who carry out their duties in a professional manner."[51] While McKelvey did not reference the work of Gilles Deleuze and Felix Guattari[52] in her characterization of this as a "killing machine," readers of her article got the textured feeling that she was no fan of targeted killings.

Later on, members of the Obama administration would give interviews that created the impression that it was the president who signed off on some of the most controversial strikes, but a few journalists, leakers, law-review authors, and military personnel have admitted that sometimes the authority to sign off on strikes can be "delegated" to other personnel. This claim was something that journalists had been pointing out for years, a rhetorical fragment that was already resurfacing in many public venues. A review of varied texts that circulated during the Bush administration years reveals that sometimes it might be the CIA's general counsel who reviewed the final names and sanctioned them, and at other times it might be a high-ranking general or a military commander on some battlefield in Afghanistan who "signed-off" on these attacks. One State Department official claimed that he "never saw a list," although he knew that there were "individuals that we were searching for, and we thought, it's better now to neutralize that threat."[53]

In sum, the CIA—an organization that many believed needed to focus exclusive attention on intelligence-gathering tasks and foreign espionage—

became militarized and armed with fleets of weaponized drones, and most of the critics' lamentations about the lack of transparency fell on deaf ears.

The Formation of the JSOC, Martial "Transparency," and the Dark Side of DOD Involvement in Drone Attacks

For almost half a century, congressional leaders and many military personnel have been trained to believe that a mythic line exists between the "exclusive" functions related to "military operations" and the US codes that govern "intelligence activities" and "covert operations." In political, military, and legal parlance, what are called "Title 10" operations refer to those parts of the US Code that created the Office of the Secretary of Defense, and those statutory provisions include guidelines for the statutory delegation of military "authorities." Interpretations of some of these sections helped those who created the US Special Operations Command, and this, in turn, helped legitimate oversees American military involvement in targeted strikes and DOD drone attacks.

Title 50 operations are theoretically different in that those parts of the US Code provide the legal authority for covert, CIA missions. For legal formalists who believe that these divisions help congressional oversight, how one labels a mission influences just how much the public and decision-makers should know about a particular drone operation.

When Osama bin Laden was killed by US Navy SEALs in May 2011, Leon Panetta, who was then the head of the CIA, created a great deal of confusion when he told members of the press that this was a Title 50 mission but was nevertheless led by the head of Joint Special Operations Command, Vice Admiral William McRaven.[54] This created legal ambiguity (perhaps strategic ambiguity) because the Obama administration seemed to be inferring that the raid on Abbottabad had succeeded because it was *both* a Title 50 mission and a Title 10 mission. All the questions regarding funding for the raid, the chain of command responsible for the mission, and the operative rules of engagement that were supposed to be in place during this particular "kill-or-capture" mission spotlighted the blurring of some old divisions.

Was Panetta simply confused in his characterization of the raid, or was he signaling that the Obama administration was no longer interested in maintaining the old bright-line that once existed between military operations and CIA operations?

These statutory labels are matters that involve more than legal semantics or jurisprudential tinkering. For decades, as Andru Wall explains, many people have tried to work hard at maintaining the high level of respect that

American publics have for the military, and some "advocates of military transparency want to ensure the reputation of America's men and women in uniform remains untarnished by association with the shadow world of espionage."[55] Polls showed that the military consistently ranked as one of the most trusted institutions in America,[56] and this faith was needed during a period when the nation relied on an all-volunteer military. A 2009 Gallup poll revealed that more than 80 percent of the American public had a great deal of respect for the US military.[57]

Interestingly enough, it could be argued that when most drone critics lavished their attention on the supposed evils of CIA drone attacks, they were unconsciously *deflecting* attention away from the Department of Defense's own UAV systems and the massive budgets of the American military. By the end of the Bush presidency, more mainstream presses were willing to write about the rising influence of JSOC, but by that time Special Forces units were growing in importance and were operating in some sixty countries.

After 2004 journalists and laypersons heard more and more about the CIA's drone programs, but it took some time before investigators commented on the formation of the JSOC or the amount of money that was being funneled into the military's Special Operations projects. Retired Gen. Stanley McChrystal once headed JSOC, and in 2011 he reminisced about the battlefield contexts that gave rise to this dimension of network-centric warfare: "From its birth in Iraq, both the actual network—and the hard-earned appreciation for that organizational model—increasingly expanded to Afghanistan, especially as our nation's focus turned toward that theatre. . . . As we learned to build an effective network, we also learned that leading that network—a diverse collection of organizations, personalities, and cultures—is a daunting challenge in itself. That struggle remains a vital, untold chapter of the history of a global conflict that is still under way."[58] As I read these words, I cannot help sensing that McChrystal felt a certain amount of pride in having helped develop this counterterrorist network system. As I note in later chapters, this vast bureaucracy continually oversees the strikes conducted by either the JSOC or the CIA, and in many ways it has come to symbolize the muscular prowess of the best of the best.

To sustain this type of support the JSOC had to be characterized as a necessitous, counterterrorist force whose networks were effectively dismantling al-Qaeda and the Taliban's own networks. By the time drone critics realized that the Pentagon's formation of the JSOC created intelligence networks that rivaled the CIA's, they had been put in the unenviable position of having the burden of proving that drone attacks could not be rhetorically configured as both "counterterrorist" and "counterinsurgency" weapons. Drone advocates could point out that they can be treated as counterterror-

ist weapons in that they allegedly destroy the leadership of militant terrorist networks and allow for aggressive warfighting, and this pleased more hawkish Americans. At the same time, the drones could be depicted as "counterinsurgency" weapons because they do not require the use of large-scale conventional forces. This type of claim resonated with "hearts and minds" liberals who wanted to avoid seeing massive foreign interventions. Who, after all, needs to carry out nonproductive "shock and awe" campaigns that involve the breaking down of the doors of Afghan or Iraq families when drones can provide surveillance and targeting capabilities? Why not follow the "snake head" strategy and assume that the killing of leaders reduces the imminent threat that might be posed by militants training overseas?[59] The polysemic nature of these types of arguments meant that many different audiences could find reasons to join the bandwagon and support drone attacks or other lethal strikes.

Gradually, more and more American liberals, conservatives, and independents began to believe in the righteousness of JSOC drone missions. The unmanned aerial vehicles and unmanned systems that were once employed for surveillance became weaponized, and the drones became what Frank Sauer and Niklas Schörnig call the "silver bullet" of neoliberal, democratic warfare.[60]

There are a host of material and symbolic reasons why the JSOC drones might appeal to audiences interested in either counterterrorism or counterinsurgency. First of all, domestic communities back home liked to hear that the drones were relatively inexpensive. To give readers some idea of the cost differentials that may influence some aerial decision-making, note that a single F-22 fighter jet may cost in the neighborhood of $150 million, while a sophisticated Predator or Reaper drone costs about $10.5 million to build.[61]

As I indicated in chapter 1, another reason for the rise of the JSOC has to do with matters of international diplomacy and the perceptual issues related to the DOD and a particular variant of American exceptionalism. Those who believe in the rectitude of the American military forces could argue that they would rather have drones in the hands of the JSOC than in the hands of the CIA, which is tainted by its "dark side" reputation. Ambiguous public feelings about the CIA could help the cause of those who believe that the JSOC followed the Uniform Code of Military Justice (UCMJ) as well as the LOAC. Years later, members of the Obama administration occasionally sent out trial balloons to the mainstream journalists hinting that the Department of Defense might be supervising more CIA missions, but that hasn't happened yet.

To understand why American elites and publics accepted these changes in the ways that the CIA and the DOD carried out their missions, it is im-

portant that readers get a sense of the ways that arguers in drone debates talked and wrote about the use of UAVs over Iraq and Afghanistan. With that in mind, the next sections briefly explain how drone rhetorics fit into debates about the pursuit of al-Qaeda in Iraq and the "hunt" for the Afghan Taliban in Afghanistan and Pakistan.

Operation Iraqi Freedom and the Hesitant Move Away from "Shock and Awe"

The US military's obsession with drones was something that manifested months before the actual invasion of Iraq in March 2003. Four months earlier air force officials were telling reporters about how some of the same missile-fire drones that had killed one of al-Qaeda's senior members in Yemen could be used to attack Iraqi mobile Scud missile launchers, Iraqi air defense radars, and other sensitive targets in and around Baghdad. By October 2002 the US Air Force had already started to patrol the skies over Iraq's southern no-fly zones with Predators that were armed with two Hellfire air-to-ground laser-guided missiles, and some officials estimated that somewhere between seventy and eighty missiles had already been fired by either CIA or military drones in Afghanistan or Iraq.[62]

These types of early reports about the drone usage in Iraq contained hints of the embryonic arguments that would soon be formed as drone apologists talked about the saving of coalition lives. Remember that this was a time when drones were just one of the many weapons that could be used to support ground forces, so any concerns about excessive civilian casualties were usually linked to other concerns—the Iraqis who died at Haditha, the destruction during the leveling of Fallujah, and other problems that were associated with the "shock and awe" that came from the presence of massive conventional forces invading another country.[63]

At first the drones were viewed as auxiliary weapons that aided the conventional troops who were fighting al-Qaeda and the insurgents. General Richard Myers, the chairman of the Joint Chiefs of Staff, commented on how Predators had the advantage of being persistent, where their ability to loiter at more than 15,000 feet above the battlefield allowed them to send live video to Lockheed AC-130 gunships or command posts. One journalist reported that Americans preparing for Iraq knew that the Predator was a slow, "ungainly, propeller-driven craft" that could only fly eighty miles an hour, but its radar, infrared sensors, and color video camera could track vehicles at night and through clouds. The video that it collected could make out people on the ground from more than three miles away, and all of this was done "without putting American pilots at risk."[64]

All of this talk about the presence or absence of risk was key, and as the nation prepared for war, some of its military leaders talked of how armed Predators might be used to help locate Saddam Hussein's mobile biological weapons laboratories or destroy targets in Baghdad that could be too risky for F-16 pilots. Worldwide television audiences and readers of mainstream newspapers read about the legality of "wartime decapitation" and how Saddam Hussein had become a "target of opportunity."[65] Yet there were some members of the CIA, including Bruce Reidel, who believed that the Iraq campaign was a sideshow, a tragic mistake that allowed Osama bin Laden to "create a mystique" that allowed him to operate with relative impunity more than one thousand miles away from Baghdad.[66]

During the first few years of news coverage of the coalition intervention in Iraq, many journalists focused attention on the role that F-16s and traditional aerial forces would play in the dismantling of enemy positions. For example, in March 2003 *Time* magazine ran a story of the Richardson family, where both husband and wife were serving as battalion commanders preparing for war against Saddam Hussein. Laura Richardson was shown marching through the desert near Camp Victory in Kuwait, while her husband, Jim, was photographed sitting in the cockpit of an F-16 fighter jet at Camp Udairi, also in Kuwait. The accompanying caption next to the juxtaposed photos of the Richardsons explained that "while the wife ferries the troops, he provides the protection and firepower." As Michael Griffin explained, this particular picturing of the war on terrorism "encapsulated the dominant theme" of the "massing of troops and weapons and the gathering of an overpowering and irresistible American military force."[67] Later this would be characterized as a part of "shock and awe"—in some ways the very antithesis of the imagery that would be created when US audiences were bombarded with stories of how unmanned aerial vehicles were using much smaller ordnances in surgical strikes.

"Shock and awe" could also be defended as a life-saving maneuver, because in theory the sooner that the Iraqis realized that they were overwhelmed, the sooner the war would be over and the reconstruction of Iraq could begin. The early warfighting strategies that were used by the "coalition of the willing" during the early months of OIF quickly overwhelmed Saddam Hussein's armies. However, in spite of President Bush's famous "mission accomplished" speech announcing the "end" of major combat operations that was delivered on the deck of the USS *Abraham Lincoln* on May 1, 2003,[68] the insurgency was just beginning, and some critics of the war started to talk about quagmires and wars of attrition.

The use of "shock and awe" also meant the breaking down of countless Iraqi doors, and incidents like the Blackwater affair at Nisour Square

that left many wondering about the psychic and social costs of some of these military victories. Critics of the war soon started to claim that tens of thousands—or hundreds of thousands—of Iraqis were dying in violent struggles that may or may not have had something to do with what happened on 9/11.

It is not always easy to pinpoint the exact discursive moment when some American administrators and publics decided to start changing their strategies and move away from these harsh conventional warfighting strategies. The term "counterinsurgency" started to gain currency with the rise of the Iraqi insurgencies and it became the topic of conversation at places like Harvard and Fort Leavenworth. Civilians and soldiers who cared about military honor were seeking ways of leaving "softer" footprints and winning over Iraqi "hearts and minds,"[69] and Lawrence of Arabia's principles about how to work with Arabs in the Middle East offered junior officers a seemingly constructive way of bringing cultural studies into military classrooms. Navy, air force, marine, and army personnel cranked out countless reports on how each of the services could contribute to counterinsurgency efforts, and talk of the drones were a part of these deliberations.

After 2006 it seemed as though more and more air force personnel were beginning to give their assent to the idea that drones could also become a part of this move away from shock and awe. Why, some thought, wouldn't it be possible to incorporate drones into the "asymmetrical" planning of those who were thinking about adopting the "new" counterinsurgency paradigms? Drones were gradually accepted as a key ingredient in this network-centric planning.

Yet many soldiers hated COIN because they believed that these doctrines misplaced key "centers of gravity." For some of these counterinsurgency critics, the adoption of COIN paradigms meant that coalition soldiers would risk their lives unnecessarily at the same time that they spent too much time worrying about protecting hostile populations. Was it even possible that some military commanders would call in more F-16 strikes so that they would not have to risk the lives of their soldiers in complex house-clearing situations?

For many members of the US Air Force who were interested in aggressive warfighting, some of the COIN principles appeared to be idealistic notions that had little to do with actual aerial combat or fighting on the ground. How were American fighters going to eliminate terrorist enemies if they were kept busy learning how to police towns, drink tea with local tribal leaders, rebuild infrastructures, and engage in similar activities that provided photo opportunities for the folks back in Washington? An ideological clash started to develop between military personnel who were ad-

vocating the winning of "hearts and minds" and purveyors of more aggressive "counterterrorist" approaches that focused on annihilating the enemy. During President Bush's second term in office, the milblogs were filling up with commentaries from soldiers who opined that COIN was an ahistorical,[70] or "anti-American," way of thinking about combat.

For these COIN critics who looked around at what was happening during and after the Iraq "surge," the rise of the drones was an important sign that the Bush administration had finally learned its lesson and become more aggressive, and targeted killing took center stage for those convinced that this would save the lives of more men and women in the military.

Learning How to Legitimate the Use of Drones in Afghanistan and Pakistan

Those who lobbied for drone usage over the skies of Central Asia were not shy about expressing their hopes that the UAVs would play a key role in dismantling Taliban or al-Qaeda networks. On the very first night of the Afghan war a Predator missed the chance to attack a convoy that supposedly included Mullah Muhammad Omar, the Taliban leader at that time. The miss was used by the CIA as just one more reason why the CIA needed to be provided with more leeway regarding targeting.[71] Some supporters of the war effort were willing to accept the legality of RPA attacks—so long as they were being used to help the men and women fighting on conventional battlefields.

Although the CIA and the US Air Force had developed the capacity to weaponize remotely piloted aerial vehicles before 2001, a convergence of factors after 9/11 helped galvanize the efforts of the Bush administration, and US administrators finally gave their approval for the launching of armed drones in the Afghan campaign.[72]

Some argue that most journalists first learned about American usage of drones in 2004, when President Bush's administration started using unmanned aerial vehicles in the pursuit of the "big fish" in Taliban or al-Qaeda organizations.[73] Drone-launched missiles were aimed at hitting what were called "high-level" personnel in an effort to get individuals like Osama bin Laden or others who were planning attacks, training terrorists, forming enemy camps, or producing bombs. Years later American readers would hear about how President Bush in 2008 was working with "targeting lists" and expanding the drone wars, but during the early years of the Afghan campaigns drone surveillance was often described as a tool that would help track down those who escaped from places like Tora Bora.

Although the specific legal rationales and texts for both the CIA and

Department of Defense drone programs remain shrouded in secrecy, what we do know is that the American forces were keeping an eye on the militants who moved between the Pashtun tribal areas of northwestern Pakistan and the frontiers of neighboring Afghanistan. Brian Glyn Williams contends that "thousands of Taliban militants" were giving "sanctuary to Al Qaeda agents . . . actively plotting new 9/11s."[74] J. Cofer Black, the head of the CIA's Counterterrorism Center during those years, was one of those decision-makers who thought that airborne platforms could be used to stop some of this plotting, and on at least one occasion CIA agents in Langley thought that they saw bin Laden on a screen image when a Predator drone flew over his compound at Tarnak Farms in Southern Afghanistan.[75]

In many ways it could be argued that as the Afghan conflict dragged on, some decision-makers must have started to believe that the improving precision of drone technologies was going to lead to fewer public relations headaches, fewer Freedom of Information Act (FOIA) requests, fewer lawsuits, and more respect for America's move away from shock and awe strategies. Before his fall from grace Gen. Stanley McChrystal, a former Special Forces operative and one-time commander of the coalition forces in Afghanistan, would remark that the war on terrorism "is all a war of perceptions,"[76] and he would become one of the early backers of what would later be called the "dispositional matrix."

For some seven years President George W. Bush oversaw the air war during Operation Enduring Freedom-Afghanistan and the alliance with NATO's International Security Assistance Force (ISAF). This has always been a fragile alliance, because many of America's allies have different ways of thinking about both counterterrorism and COIN strategies. These allies argued about what constituted appropriate battlefield behavior, how to deal with casualty aversion, what preserved martial honor, and the nature of the particular metrics that should be used to calibrate "acceptable" risks when the occupying forces marched through Afghan villages or bombed terrorist targets.

Just as American military planners, soldiers, and milbloggers were divided over the merit of the "new" counterinsurgency paradigms, contradictory cultural expectations, different wartime experiences, and troubles in places like Kosovo and Rwanda impacted how European members of the ISAF thought about the operative rules of engagement or the applicable LOAC that should be applied during aerial engagements or strikes on enemy villages.

The legal indeterminacy of IHL principles, as well as the presence of differing cultural ways of thinking about terrorism and military humanitarianism, impacted how some of these communities debated the nature and

limits of aerial warfare over Afghanistan. Jack Goldsmith, who once worked for the US Justice Department's Office of Legal Counsel, noted that former secretary of defense Donald Rumsfeld wasn't just worried about al-Qaeda and their use of "asymmetrical legal weapons"—he now had to deal with "our very differently motivated European and South American allies and the human rights industry that supported their universal jurisdiction aspirations."[77] By this, he meant that he was worried that perceptions regarding excessive casualties during American aerial attacks on ground targets ran the risk of putting US military officers in the "docks" of international tribunals.

All of these divided ISAF opinions did not prevent the Bush administration, or the CIA, or the JSOC from continuing to tout the strategic and tactical benefits of America's Way of War and drone warfare. What they needed to find was a way of convincing some skeptical military personnel, or the lawyers who were writing about the law of war, that the leaders at the very top of ISAF chains-of-command were not acting arbitrarily when they signed off on targeting missions. The appearance of commentary on what would be called the "Collateral Damage Mitigation Assessment" (CDM) provided some with those types of assurances.

Dreams of Clean Wars, "Pre-Planned Targeted Strikes," and the Celebration of the Advent of the Collateral Damage Mitigation Assessment

As I noted in chapter 1, many promoters of drone systems and attacks on terrorist networks are bothered by the fact that some drone critics help with "lawfare" or the filing of what they view as frivolous lawsuits. The filing of criminal or civil lawsuits against those involved in the drone wars are considered to be problematic and misguided because drone defenders are convinced that RPA crews and their superiors are patriots who need to be immunized from this politicization of the law (see chapter 6).

Several academics who have studied the rise of the drones during the Bush administration have argued that it was during this period that the American military and the CIA established "protocols" to help them ensure that they were not violating the applicable laws of armed conflict. Gregory McNeal, for example, has focused attention on the preplanning and vetting that supposedly takes place when civilian bureaucrats work with military lawyers in the preparation of self-restraining RPA guidelines. McNeal has been asked to testify in front of congressional committees and he often blogs for conservative websites like *Lawfare*.

As I noted earlier in this book, McNeal likes to establish his credibility by creating the impression that his own work is social scientific and em-

pirical, and he implies that most drone critics' analyses are based on pure speculation or anecdotal information. Just about every page of his famous paper "Kill Lists and Accountability" (2013)[78] is filled with conjectures that simply echo the common tropes, topoi, and narrative positions that are circulated by military publicists, but he dresses all of this up in the garb of social scientific discourse. McNeal once served in the US Department of Justice Counterterrorism program, so he has contacts who provided him with some insightful interviewing material.

To his credit, McNeal does draw from a plethora of sources—government documents, training documents, military doctrines, reports in newspapers, field interviews, and observations—but all of these are used to craft ideological texts that just happen to parrot back many of the taken-for-granteds that circulate in US military circles. His texts are filled with contentious arguments that masquerade as objective analyses of some of the work on "collective damage estimation" that comes from the US military, Washington administrators, or the CIA.

McNeal takes the position that the drone wars are conducted by ethical parties because a vast bureaucracy makes sure that empowered decision-makers have vetted all targeting decisions. Unlike some pundits who magnify the individual agency of someone like President Obama, Gen. David Petraeus, or John Brennan when they write about facets of these targeting processes, McNeal indicated that we need to focus on the "bureaucratic" nature of this process. His work resonates with both conservative and liberal defenders of the Bush and Obama policies because he seems to be saying that all of these layers of vetting help the cause of American citizens who want to hold publics accountable for targeted-killing decisions. In a typical passage that helps readers understand his motivations, McNeal has this to say about the nature of the vetting that brings together military and legal communities:

> America's bureaucrats kill with amazing efficiency. They wield the nation's strengths in technology, surveillance and reconnaissance and leverage those strengths through multiple levels of specialized analysis. Dozens, perhaps hundreds of people make incremental contributions to a well-oiled killing machine, ensuring that by the time a target shows up in the cross-hairs of an operator he can rest assured that the target is worth killing. Of course, with so many people involved in the kill-chain, somewhere along the way mistakes will inevitably happen. But the process point remains—the operator sits at the tip of a long analytical spear, with analysis that is so robust that he and the bureaucrats assisting him can focus most of their attention on pre-

venting incidental harm to nearby civilians and civilian property (so called "collateral damage"). Napoleon once remarked "*c'est la soupe qui fait le soldat*" which translated means "an army marches on its stomach." Today's armies can only fight after a hefty helping of bureaucratic analysis.[79]

Note that this type of commentary invites us to accept the position that drone targeting is always a part of some "robust" process that involves many layers of review *before* the RPA crews guide their Hellfire missiles in the direction of their targets. Here, there is no critical interrogation of how the bureaucrats gained their information, no detailed discussion of how the military or the CIA learned about the behavior of particular individuals, and no acknowledgment that all of this military science might be deployed for purposes of threat inflation.

Moreover, readers of McNeal's work get no real substantive information regarding how targeting planners differentiate between insurgent dissenters fighting in some foreign country and the "militants" who were specifically targeting the US mainland. McNeal seems to assume that all of those involved in the "kill chain" were acting honorably and legally, and he doesn't begin to discuss how the very formation of this multi-layered kill chain may mean that hundreds of social agents are complicit in the violation of international law. For example, if the drone targeting in Pakistan implicates many in the "extraterritorial" violation of IHL principles, then each and every time missiles are fired from any drone into a region like FATA hundreds of American personnel would become culpable parties in violation of IHL or international human rights laws.

Yet for many American lawyers and military personnel who read McNeal's work, this is unthinkable and unreasonable. In Gregory McNeal's detailed narration of the "robust" vetting process, this targeting begins when American and coalition forces put together lists of potential targets that he labels "AUMF targets," "Covert Action targets," and "Ally targets." CIA analysts and other members of kill chains use information gathered from surveillance drones, human intelligence gathers, and other sources to put together potential lists of individuals who are considered to be targetable "based on their status of members of an organized armed group."[80] McNeal tries to convey the sense that the Americans are somehow taking many legal and military precautions when they try to winnow down this list, and "bureaucratic analysis" is then used to sort out who is "worthy" of being added to the kill list. McNeal explains that the goal here is not merely to kill people but rather to kill those people "whose elimination will have the greatest impact on the enemy organization," and he goes on to mention the

factors that he thinks are a part of this "systems-based approach" to targeting: the value of the targets to the military organizations, their ability to be easily replaced, their observable operational role in the organization, or other contributions they might make to the enemy's warfighting efforts.[81] This antiseptic way of talking about targeting makes it seem as though cold and calculating military personnel care nothing about revenge or retribution.

To help make sure that this bureaucratic system works thoroughly and efficiently, the US military or CIA personnel who help gather the names for these kill lists do more than just collect information about the activities of individual militants or the aftermath of enemy attacks—they also use network-based analysis that assumes that there are "nodes" and "links" between individuals and groups who might be working together. For example, McNeal goes into great detail evidencing how planners are following "patterns of life analysis" that may help connect financers to bomb-makers. In other cases the use of these frames might help with the study of the interrelations among groups to determine who might be influencing the entire "enemy system."[82]

Whether he realizes it or not, McNeal, in his description of this bureaucratic process, illustrates just how threats can be magnified and how innocent acts carried on relationally with potential targets can result in growing target lists that few can critique outside of this massive bureaucracy. As McNeal notes in his discussion of the links and nodes that allegedly make up the "enemy's network":

> The analysis charts the "social, economic and political networks that underpin and support clandestine networks" identifying key-decision makers and those who support or influence them indirectly. This may mean that analysts will track logistics and money trails, they may identify key facilitators and non-leadership persons of interests and they will exploit human and signals intelligence. They will feed this information into computer systems that help integrate the knowledge and which generate and cross-references thousands of data points to construct a comprehensive picture of the enemy network. "This analysis has the effect of taking a shadowy foe and revealing his physical infrastructure . . . as a result, the network becomes more visible and vulnerable, thus negating the enemy's asymmetric advantage of denying a target."[83]

This, of course, assumes that what is being rendered "visible" is a real enemy network and not simply an American *projection* of what they expect to find at each and every nodal point.

What McNeal fails to realize is that this vast targeting bureaucracy is in fact a rhetorical production, a self-perpetuating killing machine that will never run out of targets because social agents who put this apparatus together can always claim that someone has spoken with some terrorist or terrorist sympathizer and needs to be put on the potential target list. Anyone who is involved in any local or regional squabble can take advantage of CIA or DOD contacts, and a host of political, social, economic, or legal factors can influence how one becomes a potential target. A great deal has to be filtered out by those who believe that vetting involves selectivity and scientific precision.

This helps explain why there is so much discrepancy between official categorizations of those who die in drone attacks, and why we have disagreements about who can be labeled as "militants" on the basis of their nodal, bureaucratic associations. Regardless of whether some of this is coming from human intelligence or drone surveillance, subjective choices are being made about the characterization of behaviors as specific acts of aggression against US or coalition forces.

McNeal, unlike many of the drone critics, is not bothered by the fact that the drones target more than just "high-value" militants. As he explicitly argues in one *Lawfare* blog contribution, viewing targeting through his bureaucratic, network-centric lens allows us to see how "seemingly low level individuals such as couriers and other 'middle-men' [*sic*] in decentralized networks such as al-Qaeda" are oftentimes "critical to the successful functioning of the enemy organization."[84] Rather than seeing all of this as overinclusive and highly problematic, he considers this to be evidence of bureaucratic efficiency, and he quotes those military publicists who argue that these types of low-level attacks "destabilize" hidden enemy networks.

This supposedly "empirical" talk about networks and nodes, bureaucracies and targeted vetting, does more than simply put on display the efficient nature of this part of the kill chain. It also provides opportunities to trumpet the alleged credentials of the military and the CIA planners while attacking the abilities and motives of those who allegedly do not understand the true nature of decentralized terrorist networks. Note, for example, how McNeal talks about terrorist expertise: "Because terrorist networks rely on secrecy in communication, individuals within those networks may forge strong ties that remain dormant for the purposes of operational security. This means that social ties that appear inactive or weak to a casual observer such as an NGO, human rights worker, journalist, or even a target's family members may in fact be strong ties within the network. Furthermore, because terrorist networks oftentimes rely on social connections between charismatic leaders to function, disrupting those lines of communication can signifi-

cantly impact those networks."[85] What appears at first glance to be merely a descriptive summary of bureaucratic drone vetting can thus be turned into a strategic, vilifying attack on the credentials of those drone critics—the members of NGOs, the human rights workers, the journalists, or target's family members—who just happen to be some of the detractors who can speak to the impact of these attacks. The supposedly accurate, objective, factual, and detached nature of the drone bureaucracies can thus be contrasted with the inaccurate, subjective, false, and impassioned claims of those who allegedly do not understand network-based analysis.

This, I would argue, is just one more reason why supporters of Bush or Obama drone policies enjoy reading McNeal's work. McNeal does understand that "accountability" for "finely grained legal distinctions is bound up in bureaucratic analysis that is not readily susceptible to external review,"[86] but what he does not do is interrogate the motives of those who create this opacity in the first place.

McNeal has produced hundreds of pages in law reviews and has circulated a wealth of materials on legal blogs that develop his claims and put on display how US military practices of collateral damage estimation and mitigation save lives. His work resonates with legal drone apologists and jurists who want to believe that American decision-makers and RPA personnel have done all they can to calibrate the risks involved in planning targeted strikes against militants. He, like many commentators, avoids talking about how many lives would have to be lost before these strikes are deemed excessive and called off.

Make no mistake, McNeal is an incredibly popular writer, and he is considered to be one of the world's leading authorities on the vetting that takes place before American drone strikes. A recent Social Science Research Network search reveals that more than nine thousand visitors have downloaded some of McNeal's work, and he is a popular speaker on the jurisprudential talk circuit that seeks out drone expertise.

Supporters of Bush's drone policies, like McNeal, have therefore created dense webs of signification that have wide appeal. The new targeting rationale that has circulated since at least early 2009 assumes that network-centric warfare and effects-based operations (EBO) provide the military grammars that should guide all air force targeting missions. These rationales are based on the belief that the targeting of certain "nodes" of a battlefield system—often directed by an operational militant leader—can lead to a massive change in that system.[87] As Milan Vego avers, the adoption of EBO ways of thinking about military strategizing was geared toward taking "art out of warfare and substitut[ing] it with a science."[88]

Moreover, proponents of this type of approach believe that the targeting

of key militants will have what milbloggers and others call "multiplier effects," where the taking out of key nodes will have second, third, "nth-order" effects that can be calibrated accurately by military planners who believe they are considering both short and long-term effects.

Conclusion

This chapter has explained to readers some of the major reasons why the discourse that was circulated about drones between 2001 and 2008 resonates with so many American communities. During the early years of George W. Bush's first administration RPA attacks could be rationalized as surveillance tools or armed weapons that would take out high-value detainees who threatened coalition troops on the ground, but by the end of his second administration Bush supporters were talking about the need to unleash both the CIA and the JSOC outside of traditional warzones. As Chesney explained, the legal "architecture" of the times allowed planners to believe that Congress, the executive branch, and the judiciary had reached some consensus regarding the desirability and legality of indefinite detention and the need for great deference when the US military requested support for "flexible" counterterrorist measures.[89]

The allure of protocols like the "Collateral Damage Mitigation Assessment" comes from their ability to make it appear Americans have a military scientific apparatus in their hands that carefully guides their decision-making. Those involved in deploying these rhetorical fragments make it seem as though political "policies" were following in the footsteps of enlightened military research. This, in turn, helps reassure American audiences—especially patriotic lawyers and military personnel—that their nation's civic and military leaders are heroes who know all about the importance of the law of armed conflict.

Critics of this type of reasoning imply that military planners are deluding themselves when they think that they can take the art or politics out of this strategizing, and they argue that overly confident military strategists are using talk of "effects-based operations" as a way of domesticating and containing complaints about civilian casualties during drone attacks. According to Sarah Kreps and John Kaag, "The belief that third and fourth-order effects of a surgical strike can be calculated changes the utility calculus that traditionally has been used to determine compliance with the principle of proportionality. When the killing of a top Taliban commander with a UAV is interpreted as causing wide-ranging yet calculable effects, then the legal moral dangers of such an attack weigh less heavily on strategists and policymakers. This is especially true when strikes are purported to 'limit col-

lateral damage.' . . . In the case of contingent operations and effects-based targeting, not only are the objectives of a military campaign expanded to fit technological capabilities, but the lasting effects of particular operations are likely to be overstated in order to justify surgical strikes."[90] If Kreps and Kaag are on to something, what is going on here is a process of rationalization that begins with a fixed goal—legitimating targeted killing—and ends with a military vetting process that just happens to fit perfectly with that goal. Talk of the legal science of American interpretations of international rules of law goes hand in hand with conversations about the supposed expert calculations that come from military science.

The drones are a part of bureaucratic killing machines. But those killing machines are built and defended by motivated human actors who deploy rhetorical matrices that bring together politics and technology, military planning, and cultural assumptions about honor that complicate our notions of post-heroic ages.

Preserving One's Honor and One's Humanity

*Mediascapes and Pakistani Countervisual Critiques
of the Drone Wars*

For every 10 to 15 people killed, maybe they get one militant. I don't
go to count how many Taliban are killed. I go to count how many
children, women, innocent people are killed.

> Pakistani photographer Noor Behram, July 17, 2011

Al Qaeda seeks to bleed us. . . . Going forward, we will be mindful that
if our nation is threatened, our best offense won't always be deploying
large armies abroad but delivering targeted, surgical pressure to the
groups that threaten us.

> John Brennan, President Obama's counterterrorism advisor, June 2011

In late 2013 Amnesty International (AI) reported that between 2004 and
September 2013, the United States had launched somewhere between 330
and 374 drone strikes that sent missiles into the frontier regions of Pakistan.
The same report estimated that as many as nine hundred civilians died in
those attacks.[1] The authors of the AI report had interviewed dozens of Pakistanis who were living in Waziristan, and these interviewees ultimately concluded that Americans were drastically underestimating the impact that the
UAV strikes were having on Pakistani cultures and communities. As I note
in other chapters of this book, American military personnel are obsessed
with the study of the psychological states of drone crews who spend many
hours in front of their screens, but they spend relatively little time worrying about the psychological states of entire populations who suffer from
what Ian Shaw and Majed Akhter call the "dronification of state violence."[2]

When Amnesty International circulated their 2013 report on drone casualties in Pakistan American authorities and milbloggers either ignored
that text or contested the figures that appeared in that document. However,
what could not be ignored was the fact that many other parts of the world

did pay attention to these types of investigations, and international outrage was growing. During the summer of 2013 some 66 percent of American respondents favored the use of unmanned aerial vehicles to kill suspected members of al-Qaeda and other terrorists,[3] and a few months later a Pew Research Center poll showed that most Americans still supported the deployment of drones.[4] However, in thirty-one of thirty-nine countries that were surveyed by the Pew Research Center, at least half of those surveyed disapproved of the drone attacks, and in Pakistan, the RPA strikes were opposed by almost 70 percent of those polled.[5]

In some cases American commentators agreed on the importance of carrying out counterterrorist strikes or counterinsurgency missions, but they were not always sure that drones were being deployed in strategically effective ways. As James Jay Carafano remarked, President Obama seemed to be using a drone strategy that was "fixed on playing global whack-a-mole with terrorist leaders" in ways that went against the grain of many Western policy-makers' ways of conceptualizing just-war doctrines.[6] Yet in spite of these qualms, most citizens seemed to be convinced that America's post-9/11 inherent rights of self-defense justified the deployment of drones over the skies of Afghanistan or Waziristan.

This, of course, assumes that Americans need to be *in either place*. Interestingly enough, when American publics are asked whether the expenditure of all of this blood and money during the Afghan campaign was worth the effort, a *Washington Post–ABC News* poll in December 2013 showed that 66 percent of those polled felt that the thirteen-year war in Afghanistan was not worth fighting. What began as a campaign with nearly "unanimous support" had dragged on and turned into a disenchanting situation.[7] American citizens were willing to support a low-cost strategic plan that was based on tactical politics of verticality and drone usage, but they did not want to hear any calls for more "boots on the ground."

This chapter shifts gears and asks readers to think about how communities in Central Asia are responding to the drone attacks and other forms of targeted killings. It shows how many communities in this part of the world feel caught in the crosshairs and cross fire of the battles that take place between the Taliban or al-Qaeda and the Americans and their allies. What exacerbates the situation for some of those who live on the "frontier" is the fact that Pakistani governments have at times changed their rhetorics and waged counteroffensives in ways that have also contributed to rising civilian death tolls.[8]

The drone attacks have galvanized the efforts of critics in places like Pakistan, where UAV raids influence the growth of particular political parties

and create headaches for the central government in Islamabad. Many Pakistanis are joining protest movements, filing lawsuits, and participating in the production of visual documentaries. They are taking their own photographs of the drones, and they are becoming social agents who put on display both the short-term and the long-term costs of these American drone strikes.

Access to the Internet has also meant that all parties in these drone disputes can disseminate their own geopolitical arguments. These propaganda wars are filled with disputation about state sovereignty, the protection of civilian populations, the targeting of dissidents or terrorists, and even the blowback that might come when world audiences see pictures of "honored" drone victims. Robert Grenier, who once headed the CIA's counterterrorism center, had this to say about attacking militants during a funeral in 2012: "That brings you to a place where young men, who are typically armed, are in the same area and may hold these militants in a certain form of high regard. If you strike them indiscriminately you are running the risk of creating a terrific amount of popular anger. They have tribes and clans and large families. Now all of the sudden you have a big problem."[9] David Kilcullen, who earned the reputation of being one of the officers who helped develop "counterinsurgency" policies during the Iraq campaign, similarly worried that drone strikes in FATA were leading to a situation where the Pakistani government was losing "control over its own population."[10]

The ushering in of the drone wars has contributed to the circulation of all sorts of dystopic visions. This might be a post-heroic age, fought by those who have forgotten some of the valor that comes from the avoidance of civilian casualties and the humanization of our enemies. Even the names of the most deadly drones—like the Reaper—were intentionally selected by the US Air Force and sent along to the corporations that produced these war machines. The American drones, like the mythic presence of the Grim Reaper, provide human beings with ominous signals that death can appear out of nowhere. All of this imaging—and geopolitical imagining—is a part of what James Der Derian has called "virtuous" and "virtual" war.[11]

Central Asian populations are among the communities who suffer from this talk of death and destruction, and many of their arguments are summarily dismissed by UAV apologists who configure their complaints as Taliban or al-Qaeda propaganda. The militant terrorists, so the story goes, inflate the numbers of civilian casualties in order to fuel anti-American sentiment, and the Pakistani newspapers pour gasoline onto the proverbial fire when they recirculate these inflated casualty figures. Rather than listening to the more moderate Pakistanis who supposedly understand the American necessity for the drone strikes and provide their consent, ignorant Pak-

istanis either take the side of the Taliban or blame their own government for not stopping the American drone strikes.

With this in mind, some of what I present in this chapter could be dismissed as anti-American diatribes that misinterpret US intentions and motivations, but as I noted from the outset I am interested in studying *perceptual* argumentative frames that do not always fit within the dichotomous worlds of those who like to contrast White House "fact sheets" with Pakistani propaganda.

Regardless of whether we view ourselves as modernists or postmodernists, conservatives or liberals, believers in national exceptionalism or national cosmopolitanism, there is no doubt that we should care about Pakistani popular perceptions of the drone wars. Brian Gly Williams—no fan of drone critics—has noted that he believes that critics underestimate the number of Pakistani supporters of drones, although he admits that "few in Pakistan read American studies." Rather, it is "the reports by the Pakistani media that resonate most" with these audiences.[12] One could argue that witnessing all of this death and destruction, or seeing through visual representations some of the impact of these war machines, plays some role as well.

The Pakistanis are constantly having to hear about drone devastation. In 2009, for example, some Pakistanis were reading that for every al-Qaeda and Taliban terrorist killed by the American drones, hundreds of Pakistani were dying. One Pakistani source alleged that over 90 percent of those killed in the deadly missile strikes were innocent civilians.[13] Williams implies that the correct figures were coming from sources like Peter Bergen and Katherine Tiedemann, and he liked that they came up with a much lower victim count that showed that between 2006 to 2009 somewhere between 750 and 1,000 Taliban lives were lost.[14] Oftentimes blind faith in certain institutions impacts how observers assess the veracity of these reports.

Unfortunately, what seems to be happening in some of these disputes about drones over "AfPak" (a euphemism that rationalizes transborder counterterrorism) is that debaters in these statistical conflicts are cherry-picking the data as they forum-shop for their evidence. Consciously or unconsciously, they are aligning themselves with this or that particular web cataloguing of civilian drone deaths in ways that fit their *preconceived* notions regarding the honorable or dishonorable treatment of civilian populations.

Official secrecy, the politicized nature of these strikes, the inaccessible mountainous terrains, and the battles that are fought over journalistic credentials make it difficult to come up with any consensus regarding the "real" authorities or number of either militant or civilian casualties that can be ontologically linked to RPA strikes. A lack of information about cruise missile attacks or F-16 strikes complicates matters, because local residents who

bury the dead only know that bombs landed, and they know little about the source of the munitions or the intentions of those who trigger the attacks.

Talk of honor and morality often takes center stage in these drone debates, and few writers are willing to take into account how Afghan or Pakistani communities must view these UAV attacks. Lieutenant Col. Douglas Pryer, who presented one of the most scathing military commentaries on drone usage in 2013, had this to say about Pakistani perceptions: "One cause of the moral reprobation regarding America's current use of armed drones involves this usage's failure to meet the fundamental standard of reciprocity. . . . When a people are subject to death from the guns of another nation, and they have no means to fight back directly against those warriors who have harmed them, the situation seems fundamentally unfair, unjust, or unreciprocal. . . . It also looks more like summary execution than warfare when an enemy soldier, facing a superior force and imminent death, is given no opportunity to surrender. . . . Sadly, a barbaric medieval evil prone to beheading captured prisoners actually holds a moral advantage over America in those places where America's drone strikes are not coordinated with ground forces who can receive surrenders."[15] These types of moral comparisons would surely infuriate some of Pryer's compatriots who argue elsewhere that terrorist barbarism has nothing to do with vetted American strikes and precision warfare.

During the last few years, a number of interdisciplinary scholars interested in the study of international relations, humanitarian rhetorics, or military interventionism have commented on what Eyal Weizman has called the "politics of verticality,"[16] where various communities fight to control airspaces above them in major regional, national, and international conflicts. Derek Gregory, for example, has pointed out that there is a "history of assuming that air war is, by its very nature, virtuous,"[17] and Mark Neocleous has traced some of the colonial origins of these aerial obsessions.[18]

As I noted in chapter 2, Iraq, South, West, and East Africa, Egypt, Punjab, and Palestine were just some of the places where air power was used to threaten or attack those who created problems for British, Italian, and other colonial powers. Madiha Tahir, a twenty-first-century drone critic and filmmaker, noted during an interview with Pakistanis living in the FATA region: "The British thought you were all savages. Now the Americans think you're all militants."[19]

I begin with an overview of how counterinsurgency and counterterrorism frames have influenced these perceptual wars in Central Asian contexts, and then I comment on the importance of foreign countervisuals. After that I provide three key examples of how Pakistani critics are deploying photographic and film evidence in their critiques of drone warfare.

Counterterrorism, Counterinsurgency, and Perceptions of the Role that Pakistan Plays in the GWOT

Before readers can appreciate the Pakistani critiques of the drone wars, they need to have some understanding of the ways that coalition forces have contextualized Pakistani contributions to the GWOT. Oftentimes writers are willing to admit that Americans need to continue to provide aid to that important country,[20] but they want to make sure that the Pakistanis really are interested in ousting the Taliban. It would be an understatement to say that Americans have incredibly ambivalent feelings about official Pakistani policies toward the Taliban or al-Qaeda, and this was underscored by the fact that the Pakistanis were not told beforehand about the raid on the Abbottabad compound that would kill Osama bin Laden.[21]

President George W. Bush had sanctioned some RPA strikes outside of Iraq and Afghanistan before he left office, but it would be President Obama who would be credited with extending this particular "overseas contingent operation" in Pakistan's direction. In his 2013 analysis of what he called "Obama's Drone War," Trevor McCrisken noted that President Barack Obama had supervised more than three hundred drone strikes in Pakistan, and he surmised that the nation's commander-in-chief considered drone strikes against our nation's enemies to be some of the key counterterrorism weapons in an arsenal that was being used in Afghanistan, Somalia, and Yemen.[22] While this was going on, legal advisers like Harold Koh were joining the chorus of administrators who echoed White House adviser John Brennan's claims in 2011 that "there hasn't been a single collateral death" during the past few months "because of the exceptional proficiency" and "precision capabilities that we've been able to develop."[23] This claim obviously depended on how one defined collateral damage, how one calibrated proficiency, and how one traced the impact of these strikes.

In some cases, drone attacks seem to have been directed against militant targets who were on the lists produced by both American military leaders and their Pakistani counterparts. For example, the attacks on Nek Mohammad in 2004, Baitullah Mehsud in 2009, or Wali ur-Rehman in 2013 may be viewed as targeting strikes against Taliban leaders who threatened regional power structures. Baitullah Mehsud was once considered Pakistan's enemy no. 1, a militant who made attacks inside Pakistan his top priority, and he had been blamed for the assassination of former prime minister Benazir Bhutto. Mehsud was also said to have masterminded scores of suicide raids, including one at the Marriott Hotel in Islamabad that took the lives of more than fifty people.[24] Mehsud would become an example of a protean and mobile signifier in drone narratives, a character who could

be used by Anglo-American drone advocates to show that elite Pakistanis had their own reasons for condoning US targeted killings.

For many critics a key question is whether Americans need to get involved in these types of local insurgent squabbles, which may only be tangentially related to any existential, imminent threats to the US homeland. This, of course, does not mean that American military personnel have any trouble producing what are called "baseball cards" of militant targets in Pakistan who belong or support terrorist organizations. After all, doesn't the very ability to produce a card show that some CIA or DOD intelligence officer really knows their stuff and has a rich understanding of Pakistani culture and terrorist networking? In other words, organizational and national exceptionalism gets entangled in the very labeling of who does, or does not, constitute an imminent threat.

In many cases, it appears that the US government tries to answer questions about the trumping of Pakistani sovereignty rights by using the mantra that if Pakistan is "unwilling" or "unable" to take the appropriate steps against some nonstate groups, then America will have to intervene.[25] This is one very popular American way of providing a legal fig leaf for those who want to see a patina of IHL commentary in the American rationales used to legitimate these drone strikes. It has the added advantage of making drone attacks look like they are helping fulfill America's own responsibility to protect.

Given that many of those Pakistanis living in the FATA carry guns, have tribal gatherings, and deal with the Taliban on a daily basis, how do official advisers in the White House or CIA decision-makers at Langley decide which male villagers are noncombatants and which are militants? Are there informants on the ground paid to collect information that leads a CIA analyst to conclude that their mosaics show certain patterns of activity that suggest terrorist behavior? Do critics who watch affairs in Pakistan complain that such attacks violate the LOAC principle of "distinction" and then hope that these lamentations are heard in Washington, DC? How can detractors of drone attacks respond when lethal force is used against those who join the Taliban, live with the Taliban, or speak with the Taliban during social engagements? Is a militant a Pashtun Pakistani who lives in the Waziristan region and carries around an AK-47, like generations before him, someone who can be configured as a terrorist, even though that person may have no operational connection to al-Qaeda or the Taliban? Can Americans send their "killing machines"[26] against someone who has merely spoken up and *threatened* authorities in Lahore or Islamabad?

While many Americans like to explain that it is relatively easy to identify a terrorist and prevent that person from inflicting damage on the United

States, an incredible amount of ambiguity attends these identifications. As Amos Guiora noted, successful counterterrorism often depends on the confluence of many factors, including intelligence gathering, intelligence analysis, and extraordinary operational capability, and this means operating in a world that is "more gray than white," where uncertainties and dilemmas confront the moral beings who have to make decisions regarding the ethics and legality of drone use.[27]

The existence of these grey areas, however, has prompted drone defenders to argue that they are just one more reason why we need dozens of military personnel involved in the vetting process that will ensure that our human decisions are as discerning as the precision of the drones themselves.[28] In theory, the more "eyes" you have on the "baseball cards" used in the formation of threat matrices, the more clarity you will have and the better you can see through the fog of war. In drone contexts, things supposedly come into focus as figurative black-and-white imagery brings convergence and allows US attackers to separate the "friendlies" from the "bugsplat" (military parlance for dead militants viewed through greenish screens).

As far as some drone apologists are concerned, it is not the "status" of the militants but their patterns of travel *behavior* that go into the mosaics used by the CIA or the JSOC. In these new asymmetrical wars, quaint ideas about sovereignty need to be replaced with realistic assessments of terrorist maneuverability in AfPak.[29] For those who hold these views, the old rules about confined spaces and limited battle spaces were already antiquated before 9/11— idealistic Westphalian-type beliefs that applied only when armies fought pitched battles in conventional wars.[30] Again, normative assumptions—and self-serving commentaries—about honor hover over extensions of limitless battle spaces.

The elastic nature of the phrase "armed conflict" can now be used in anticipatory self-defense narratives circulated by JAGs who argue that we are always at war with the Taliban and al-Qaeda, regardless of where they hide. The opening of these new battle spaces has created visual nightmares for the Pakistanis who stare up at the sky in North Waziristan. Clive Stafford Smith, the director of *Reprieve*, one of the antidrone organizations allied with groups like Code Pink, claims on the organization's website: "An entire region [of Pakistan] is being terrorized by the constant threat of death from the skies. . . . Their way of life is collapsing: kids are too terrified to go to school, adults are afraid to attend weddings, funerals, business meetings or anything that involves gathering in groups."[31] Oftentimes the alleged apathy of Western audiences—who either support or condone drone strikes—is contrasted with the growing rage of Pakistani or Afghan groups who argue that the American RPA attacks are problematic.

From a communicative standpoint, this has meant that the mediascapes—those electronic images, productions, and circulations that were part of *dispositifs* that Arjun Appadurai once described as fluid "global cultural" flows[32]—are also altered, as various fora are filled with dense, argumentative clusters of visual claims and symbolic evidence that debaters use to comment on the consequences of the production of MQ-9 drones or their Hellfire missiles.

This, I contend, has created a situation wherein Pakistani critics of the drone strikes have had to come up with creative ways of forming countervisualities[33] to combat the valorization of the RPA pilots that circulates in Western mainstream media outlets.

Theorizing about the Role that Visualizations Play in Wartime Critiques of Aerial Warfare

As I noted in chapter 2, we are not the first generation that has had to worry about public perceptions when audiences read about civilian casualties and aerial attacks. John Tirman, in *The Death of Others*,[34] noted how over the years, as soldiers fought in Korea, Vietnam, and Iraq, US audiences had no trouble keeping track of their own losses, but amnesias set in once domestic or international critics called attention to wartime conduct that contributed to the loss of foreign lives.

Optimistic critics of the visual, including Susie Linfield (*The Cruel Radiance*),[35] hope that photographic criticism and photojournalism has the evocative power to move us to be more mindful and respectful of human rights.[36] This happens to a certain extent, but its efficacy often depends on the relative power of those who may not have access to mainstream media outlets. Moreover, while some publics do seem to be genuinely concerned about national or international views regarding the circulation of photographs, at other times it appears that American audiences are more worried about potential embarrassment, the punishment of those who *took* the photographs, or the trial of whistleblowers. Edward Snowden, Lynndie England, and Chelsea Manning are just a few of the individuals whose stories tell us volumes about the possibilities and limits of countervisualities.

Individuals or communities who are interested in the constitutive production of countervisualities have to keep in mind the *domesticating power of competing visualities*, those orthodox, popular, and traditional scopic regimes that are treated as the naturalized, "normal" ways of seeing within most cultures. For example, aestheticized pictures of drones coming off the assembly line or of UAVs parked in some mammoth hangers help reinforce the idea that this is indeed a clean war, fought with stunning weaponry.

Visualities are the taken-for-granted collections of historical and memorial artifacts that aid in the formation of our secular and sacred heritages. Aestheticized pictures of drone instrument panels at Creech Air Force Base, for example, offer visual registers that allow people to recognize a particular icon, visual chronology, pictorial geography, or other image associated with RPA systems. United States Air Force brochures and US Marine Corps advertisements are filled with pictures of jets and helicopters that help those who intervene in cases of natural or military disasters.

Patriotic visualities can be linked to known or comfortable visual archives from the past, and American elites and publics expect that certain spectacles will conform to their sense of propriety, decorum, honor, and rectitude. For example, we may all become what Sharon Sliwinski would call the "spectators" of human rights when we see similar artifacts and use certain clichés regarding popular humanitarian interventions.[37] Visualities could therefore be considered some of the inventional resources that exemplify what Lester C. Olson, Cara A. Finnegan, and Diane S. Hope call "visual rhetoric."[38]

Countervisualities comprise those subversive images or constellations of images that may or may not appear in mainstream presses. In some cases purveyors of visualities purposely work to *prevent* the appearance of countervisualities, while in other situations governmental agents feel comfortable showing some countervisualities because these agents believe they can preempt, recontextualize, explain away, or otherwise contain their power. These are the types of images that may violate the patriotic, sentimental, or aesthetic norms of a society, and they may be viewed as atrocious, uncivilized, pornographic, or threatening to the status quo. For example, the infamous video posted on YouTube, referred to by some members of the press as the "urinating Marines" video, has been described as a horrific "document of the information age" that represents a futuristic period when "guns will come with an in-built camera and a button that lets you instantly share the moment of death."[39] These particular thanatopolitical images could come to serve as countervisual images, especially when they are used to suggest that other members of a national security state are engaged in similar, but more systematic, reprehensible behavior.

Most previous visual studies have done a fine job of demystifying the dominant arguments that circulate in the visualities produced by governments or media networks[40] during times of war, but we have relatively few case studies[41] or comparative investigations of the *vernacular rhetorics* created when soldiers or citizens surreptitiously circulate transgressive objects that shine lights on taboo subjects. In other words, studies of countervisuals that are actually deployed—and viewed—are rare commodities. This is

especially the case in twenty-first-century debates about drones, where entire libraries could be filled with logocentric discussions of the purportedly best textual interpretations of key domestic or international laws.

We therefore need to supplement these textual analyses with critical investigations of countervisual critiques of drones. In the next few sections, I explore how some Pakistanis have produced their own countervisuals as they critique American drone policies.

Pakistani Countervisuals and the Drone Critiques of Noor Behram

While there are a number of active citizen photographers and photojournalists who have been lauded for their imaginative pictorial representations of drone attacks, perhaps the most famous visual chronicler of drone attacks is Noor Behram, a Pakistani photographer who visits many drone attack sites. For many Pakistani and British drone critics, he serves as an example of an effective purveyor of international countervisuality. Behram's pictorials can be used to counter the clinical rhetorics circulated by those who assert that disposition matrices are used to vet targeting lists and that America's precision warfare ensures that the vast majority of victims of drone strikes are legitimate "militant" targets.

Given the rhetorical power of patriotic US visualities, Pakistani countervisuals have a difficult time gaining traction in Anglo-American mainstream presses. United States audiences want to believe that their drone pilots and CIA analysts are engaging in a type of vertical warfare that is fair and humane, and they deploy a hermeneutics of suspicion whenever they are presented with photographs that come from Pakistani sources. For example, empowered American military intelligence spokespersons may attack the credentials of journalists who produce some of these countervisuals because coalition forces are convinced that many of these foreign critics are working for the ISI. The Interservices Intelligence Directorate is a controversial body that is often accused of working with the Taliban,[42] and the circulation of drone statistics and images by organizations like the *Bureau of Investigative Journalism* are viewed with a great deal of skepticism because drone apologists believe that these sources are inherently biased.[43]

At the same time that CIA, DOD, and Department of Justice (DOJ) lawyers make arguments about the transcendent importance of state secrets and other exceptions to FOIA used to prevent the public dissemination of drone visual feeds or specific protocols used for targeting, their critics contend that only civilian witnesses or traveling journalists have a real handle on what is going on in Pakistan. The experiential nature of this witnessing, which draws on a ground-level view of what happened during and after specific attacks, is often contrasted with the abstract, legal com-

mentary that comes from speeches or texts produced by President Obama, Harold Koh, or John Brennan.

These types of disagreements impact how various viewers of countervisual images categorize those who die in drone attacks, and many Pakistanis have their own doubts when they hear about precision attacks on "high-value targets," militant functionaries, or those who are "operational" contributors to militant, Taliban, or al-Qaeda planning. What Barbie Zelizer has noted about Afghan visual representations could also be applied to Pakistani contexts: "Images were used in a way that showed less of the war itself and more of the assumptions about the war held by the forces responsible for its prosecution."[44] This also applies to the citizen photographers or professional journalists of Pakistan who try to use their cameras as countervisual weapons in their efforts at public consciousness raising.

To garner the attention of international audiences, some Pakistanis have to dodge drone attacks, disgruntled family members who object to their picture-taking, government officials who support drone attacks, and militants who may see them as CIA spies. The ideological drift of these cultural assumptions creates myriad problems for those critics who wish to recirculate antidrone countervisualities.

Take, for example, the international mediascapes that are presently being constructed when critics around the globe use Noor Behram's photographs. Behram has visited the sites of more than sixty drone strikes, and his work appears in some mainstream newspapers and in many alternative venues. News outlets in Pakistan (*Dawn*, *The Nation*),[45] in the United Kingdom (*The Guardian*, the *Bureau of Investigative Journalism*), in Germany (*Der Spiegel*),[46] and in the United States (*ABC News*,[47] *MSNBC*,[48] *Wired*[49]) have used his photographs as evidentiary markers that purportedly prove that drone strikes have been killing many civilians. Oftentimes critics of US policies like to juxtapose statements made by White House officials or military spokespersons with some of the photos Behram has taken. The word and the image are sutured together to tell many tragic tales.

One of the most popular of Behram's photographs, the image of an eight-year-old boy killed during a drone attack, has gone viral as blog sites, newspapers, and journals use this example of a "vernacular"[50] image in analyses that question the truthfulness of the claim that the CIA drones kill relatively few Pakistani civilians.

While those who appropriate Behram's images admit that they cannot always prove the referential authenticity of these images, they rarely question the *symbolic* value of these icons as representations of truly horrific attacks. "If you want to understand the impact of the 'war on terror' on America's ally, Pakistan," argued Jemima Khan, "look no further than Noor

Behram's photographs, which show" the "collateral damage" that occurs "as a result of US drone strikes in the tribal area."[51]

Behram's images—of bandaged children about to die, survivors with fragments of Hellfire missiles in their hands, destroyed homes, and even a drone overhead—are used as visual markers in scopic regimes deployed to interrogate the claims of US, Pakistani, and NATO officials who swear that talk of high casualty rates is merely Jihadist or Taliban propaganda. Some of those who use these negative icons contend that Behram is one of the few journalists who actually interviews survivors in the wake of drone strikes, and his work is configured as irrefutable, eyewitness testimony.

Some of the most controversial of Behram's photographs were taken after the Dande Darpa Khel attack; an international audience viewed an image of three siblings who survived the attack. Their brother, Syed Wali Shah, died during the attack, and the children were photographed holding rubble from one of the destroyed homes while a small fire can be seen in the background. "The viewer's eye," notes Matt Delmont, "is drawn to the youngest child," who is dressed in a green shirt and is standing between the older siblings.[52] The photograph of the three surviving Shah children thus serves as a condensation of all Pakistani children who have lost loved ones during drone raids. The destruction in the background reminds viewers that "precision" does not necessarily mean the absence of destruction.

Some organizations have incorporated Behram's work into their prepared investigative reports, and a few are then presented to CIA analysts. These texts have been summarily dismissed by senior CIA officials who imply that only the American or the coalition intelligence communities really know what is actually happening over the skies of Pakistan. The impoverished denizens of Pakistan are therefore caught between competing visions of the attacks while they navigate their way through the physical violence that occurs when the Taliban from Afghanistan battle their ISAF and American foes.

Most journalists note that drones started flying over Pakistan in 2004, but almost eight years would pass before President Barack Obama would publicly provide any extensive commentary on the drones during a "virtual town hall" in January 2012. At that time Obama disputed what he called the "perception" that "we're just sending in a whole bunch of strikes willy-nilly," and he wanted to make sure that his YouTube and his Google+ viewers knew that "drones have not caused a huge number of civilian casualties."[53] Charlie Savage of the *New York Times* has explained that part of the reason the president and his advisers don't go into any great detail when they are queried about these assertions is that the foreign governments that have granted permission for CIA or DOD strikes did so on the con-

dition that the diplomatic and military deals made would remain secret.[54] This makes it appear as if the United States wishes it could be more transparent about the RPA attacks but has its hands tied because the Pakistani government asks for the secrecy.

The multivocal nature of official Pakistani responses to drone raids creates even more problems for individuals like Behram who are trying to document the horrors of many different drone strikes. To provide just one example of the difficulties this creates for those who produce countervisualities in the drone wars, note the vacillation that has taken place over the last decade as Pakistani officials sent out contradictory messages regarding their nation's stance on the usage of drones. In April 2012 Pakistani officials in Islamabad presented the United States with a list of demands, including a request that Americans immediately end their CIA drone program in that country,[55] but many analysts believe that this simply means that parliamentarians in Pakistan want more *notice* or more Pakistani *military involvement* in the drone operations. An embarrassing *WikiLeaks'* diplomatic cable that was sent in August 2008 by Anne Patterson, the US ambassador to Pakistan, recounted how Prime Minister Yousaf Raza Gillani told her that some Predator attacks could take place "as long as they get the right people." Moreover, the cable explained that Gillani also said that the Pakistani leaders would go to the National Assembly, protest, and "then ignore it."[56]

This may or not represent the views of most of the people of Pakistan, or of this Central Asian region in general, but it reminds us that matters of perception, photographic realism, invisibility and illumination, and factuality and manipulation are not just abstract topics covered by Walter Benjamin in "The Work of Art in the Age of Mechanical Reproduction."[57] These are issues involving both theory and praxis that influence our interpretations of visual evidence on a weekly or monthly basis as we hear about the latest drone attack in some Pakistani province.

Those who produce countervisuals for usage in these drone debates have to make strategic decisions about how they will use "an image of atrocity" as evidence of violations of humanitarian laws that serve as "civilization's bulwark against barbarism,"[58] and sometimes aesthetics has to take a backseat to the functionalism that attends the projection of the horrors of twenty-first-century air wars. Jemima Khan describes what she saw when she attended an exhibition of dozens of Behram's photographs: "Images of a severed hand, a child with half his head blown off, mangled body parts, demolished homes, a mosque reduced to rubble and the blood-splattered clothes of a woman had aloft by her widower. . . . There is video footage of a lone drone hovering above a village in Minanshah, which resembles a fly on

the camera lens. The background noise is of children playing and a rooster crowing."[59] For those who believe in the rectitude of America's drone pilots and the dozens of personnel who stand behind them, all of this is mere sentimentalism, emotive theatrics that may or may not have been funded by Pakistani intelligence, conservative Islamic clerics, or foreign militants who want to fan the flames of anti-Americanism.

Make no mistake, the recirculation of Behram's photographs is fraught with its own difficulties, as matters of national pride, cultural difference, and religious affiliation affect how one views his images. For an increasing number of Pakistanis who have had enough of the drones that fly overhead, their uniqueness adds to their preciousness, and as more nonprofit organizations use Behram's images, many hope for the time when international pressure will force the end to the UAV attacks. These images may not resonate with American audiences, but perhaps the rest of the world will view them as evidentiary markers of problematic wartime behavior.

Behram is a journalist who does not have a great deal of money, and at various times he has had to borrow someone else's camera as he hurried along to photograph the aftermath of attacks in North or South Waziristan. His images have been characterized as raw and of poor quality, and they do not look like the pictures taken by someone like Sebastião Salgado. Often there are no time stamps on his photos, all of which leads many to question their authenticity or representativeness.

Behram's images are meant to provide a type of forensic evidence of the drone wars, and some of the Pakistani lawyers who have seen a few of his pictures have contemplated suing the corporations that manufacture drone weaponry. This may be one of those times when deployers of countervisualities are trying to take advantage of what Roland Barthes called the "*stadium*" of photographs, where well-understood Pakistani cultural codes allow for obvious cultural meanings of what is displayed.[60] For example, dishonorable men have to send their mechanical weapons to kill civilians because American or Pakistani soldiers fear the martial abilities of FATA warriors.

One key question, of course, is whether Behram's countervisual images operate within a *stadium* that allows for the type of critical reflection that would call into question official US claims about drone strikes. "Is it not the task of the photographer," Walter Benjamin once asked, "to reveal guilt and to point out the guilt in his [*sic*] pictures?"[61] Many Pakistanis who have lost relatives might appreciate Behram's efforts, and they may understand the *stadium* that swirls around these images, but how do international audiences feel about these images? Do cosmopolitan or other international audiences view these pictures as images that capture the behavior of "civilians" or of "militants"?

Interestingly enough the very secrecy that has become a part of dominant Western mediascapes adds to the enlightening, evidentiary power of Behram's countervisual images. As noted in chapter 2, Waziristan has been portrayed as a postmodern heart of darkness, the "last frontier," the headquarters of Islamist terror that one magazine writer argued has "repelled outsiders for centuries."[62] Western media outlets often describe it as a place so inhospitable that it became part of the bedrock that formed the graveyard of empires as British and Soviet armies left in frustration. It is often said that part of the reason so many Pakistani military officers begrudgingly accept the breach of their nation's sovereignty is that they don't want to have *their own soldiers suffer greater casualties* chasing militants over rugged terrain. Hearing about the drones becomes the lesser of two evils.

In spite of the hermeneutics of suspicion that invariably haunts these images, NGOs or activist antidrone communities who need some visual evidence that American drone strikes are dishonorable often treat Behram's pictures as shards of archival memory of atrocity. Questions of verifiability have not prevented the photos' rhetorical appropriation by those convinced they represent undeniable ontological realities. In these visual wars, it is the lens that records the reality of everyday Pakistani life under frontier skies and that becomes the prism we are invited to use as we look beyond the pictures themselves. These particular images do more than simply shock viewers via what Roland Barthes would call the *punctum*; their viewing allows vicarious witnessing of distant suffering. Americans who unleash this carnage may think they have godlike powers, but cosmopolitan critics who view Behram's photographs consider such voices to be clueless.

Noor Behram often uses interviews as vehicles for explaining how drones become parts of repetitious cycles of violence that bequeath to us untold numbers of Islamic militants. During one conversation, he advanced these contentious claims: "There are just pieces of flesh lying around after a strike. You can't find bodies. So the locals pick up the flesh and curse America. They say that America is killing us inside our own country, inside our own homes, and only because we are Muslims. The youth in the area surrounding a strike gets crazed. Hatred builds up inside those who have seen a drone attack. The Americans think it is working, but the damage they're doing is far greater."[63] No wonder that Pakistani lawyers, armed with images like Behram's, ally themselves with organizations like UK's *Reprieve* and that together these groups mount civil and criminal cases on behalf of civilian victims.[64]

More moderate reformers have tried to get the Obama administration to be more candid about the legal memos or specific protocols used in de-

ciding when and where to use drone strikes, but this often depends on executive or congressional views regarding self-constraint. Expensive FOIA requests occasionally provide some needed clues as to drone protocols or the attitudes of crews who fire their Hellfire missiles, but oftentimes the NGOs or professional journalists who try to inform their readerships about the nature and scope of the drone attacks end up having to make guesses about the impact of the strikes. They triangulate information gleaned from sifting through thousands of newspaper reports or military investigative reports that contain assertions made by US or Pakistani intelligence officers.[65]

No doubt, there are a few independent Western journalists—often working for alternative media outlets or liberal newspapers—who do not mind recirculating both Noor Behram's images and his potential messages, but even they have commented on the referential difficulties involved in this situation. Note, for example, how Spencer Ackerman of *Wired* magazine talked about the authentication of Behram's work:

> Before posting Behram's photos we took a number of measures to confirm as best we could what was being shown. We verified Behram's *bona fides* with other news organizations. We sifted through the images, tossing out any pictures that couldn't correlate with previously reported drone attacks. Then we grilled Behram in a series of lengthy *Skype* interviews from Pakistan, translated by Akbar, about the circumstances surrounding each of the images. Still, we weren't at the events depicted. We don't know for sure if the destruction and casualties shown in the photos were caused by CIA drones or Pakistani militants. Even Behram, who drives at great personal risk to the scenes of the strikes, has little choice but to rely on the accounts of alleged eyewitnesses to learn what happened. But we know for sure that these are rare photos from a war zone most Americans never see.[66]

Reporters for the United Kingdom's *Guardian*, who reprinted some of Noor Behram's photographs, admitted that their newspaper was "unable to independently verify the photographs" and that "other anecdotal evidence from Wiziristan" could be interpreted in different ways because some of those interviewed insisted the drones were accurate while "others strongly disagree."[67]

On several occasions Behram's work has been used to produce other visual materials for drone critics; his images were even used in 2013 when John Brennan was trying to win confirmation as the new CIA director. Robert Greenwald, a documentary filmmaker, used some of these photo-

graphs in his *Unmanned: America's Drone Wars*.[68] By March 2013 Grim and Hersh felt comfortable enough to make the claim that although the US government during Brennan's Senate confirmation hearings said they had "no evidence of drone strike collateral killings," Noor Behram's "photographs show otherwise."[69]

These commentaries about Noor Behram's work were circulating during a period when textual commentaries on drones were filled with contradictions, ambiguities, and partialities. Their emotive power can be juxtaposed with the clinical commentaries on the "neutralizing" of the enemy that come from former and current CIA operatives who present as cold, dispassionate, no-nonsense warriors armed with realpolitik attitudes toward those living in Afghanistan or Pakistan.[70] As Delmont explains, "cultural productions like those of Noor Behram" are invented so that critics of the human costs of the drone wars can attend "not only to policy critiques" but also to the images that "work to undermine the visual superiority drones claim."[71]

More than a dozen years into the GWOT the methods and motives of those who "hunt" foreign enemies and the characterization of those who die in lethal drone attacks are still being vociferously debated. While those who believe in the authenticity of Noor Behram's photographs may contend that he is providing irrefutable countervisual evidence that American warriors are downplaying the loss of civilian life in the drone wars, supporters of the UAV attacks note that some Pakistanis dispute these claims and that many Central Asians join Westerners who laud the precision of the drones.

Nationalistic, cosmopolitan, or humanitarian audiences around the world are asked to make difficult choices. They can listen to the official rhetoric produced by the US Department of Defense or to the shrill voices of angered survivors who may themselves be aligned with Taliban or al-Qaeda fighters. This type of binary argumentation allows for few moral grey areas or legal middle grounds.

The traumas of 9/11 still have a profound impact on the ways that most Americans contextualize Behram's photographs, but there are some British video art exhibitions that include his work. For example, a commentator writing about London's Imperial War Museums argued that while some contend that "Behram's pictures of dead children and destroyed homes are exploitative propaganda" all "true war journalists" had their own "agendas" and that the Imperial War Museum needed to put together an "exhibition of Behram's photographs of death and destruction."[72]

If American defenders of the drones were going to use biopolitical rhetorics about how RPA pilots were saving the lives of their "band of brothers" on the ground (see chapter 5), then there was no reason why Behram

and other Pakistanis couldn't respond by producing thanatopolitical countervisuals that horrified international viewers.

Muhammad Danish Qasim and *The Other Side*

At the same time that young Pakistani photographers are being given cameras and camera training, filmmakers are doing their part in these visual wars. During the fall of 2011 several Pakistani students at Iqra University, led by the director Muhammad Danish Qasim, produced a very controversial film about drones that has already started to gain traction in Central Asia. Entitled *The Other Side*, Qasim's twenty-minute film is described on Facebook as providing a voice for "thousands of innocent families" who have been the targets of drone attacks.[73] As Waqas Safder explained in May 2012, the film was organized around the idea that publics needed to be able to see the type of visual material that would help them assess the "social, psychological and economical" effects of the drone attacks on "people from tribal areas of Pakistan."[74]

The Other Side tells the fictive story of Jabir, a young student who has to watch as a drone attack takes out his home and kills his father. As he sees the first blast he starts to rush in the direction of his home, but someone holds him back and shouts: "Stop! There will be another blast!" This is an audio and visual rendition of what critics call the "double tap," when RPA pilots circle around and strike those who help the wounded.

Qasim and his students use the story of Jabir to document some of the reasons why drone strikes end up helping radical militant recruitment campaigns. During the first part of *The Other Side* Jabir appears to be a happy and caring youngster, but the death of his father opens the door for his radicalization. The second part of the film shows him meeting with the Taliban "Commander" of militants, and the fact that they seem to respect him only adds to the ominousity of the situation because viewers get the sense that the militants are taking advantage of Jabir's traumas and his vulnerability. Qasim's film ends with the warning that the drone wars have long-term consequences—what he calls "chain reactions." Those who drop the Hellfire missiles and the militants on the ground all seem to be caught up in escalating cycles of violence that do nothing but bring misery to the Pakistanis on the ground.

Qasim and the other students who produced *The Other Side* are trying to use this visual medium to explain just why so many Pakistanis hate the drone war. As the producers note, the film depicts some of the contradictions that exist in a world where the nation of Pakistan is blamed for "patronizing the terrorists," when in fact the citizens of that country see them-

selves as the "biggest victim" of terrorism.[75] Like many Pakistanis, Qasim's crew understands that the drone wars involve more social agents than the binary figurations in which drone apologists pit coalition forces against militant enemies.

Qasim's film does more than paint a bifurcating picture of evil NATO or American forces firing down on helpless Pakistanis. What he and the other students tried to do with *The Other Side* was explain some of the complex problems faced by victims' families and other survivors in the region who are approached by terrorist groups *after* the drone attacks.[76] The violence of the drone strikes creates multiple anxieties, and once again the Pakistanis have to dodge all sorts of empowered figures. This type of work puts on display the long-lasting psychological and social costs of drone attacks as well as Pakistanis' intersectional victimages.

Qasim's film has garnered the attention of Pakistanis on the World Wide Web, and some who sent in blog commentaries on *The Other Side* argued that it was just the type of medium that might help with consciousness raising. Talat Haque, for example, argued that in the past he found it "easier to convince Westerners and Americans by showing these sort of clips," and he hoped that young filmmakers would start producing other works that would visualize how locally produced terrorists were hurting children attending schools, worshippers going to mosques, and merchants who went to market.[77] The next day Mohammad al Siddiqui praised the film for evidencing the harm done to "our beloved innocent tribals," and he opined that the drones should be stopped.[78] Another commentator argued that there needed to be a strategy for floating this movie in Western circles and that this visual production would let the *goras* (aliens or foreigners) see some of the havoc their governments were wreaking.[79]

This is not to say that Qasim's work was aesthetically pleasing. Much like Noor Behram's photographs, this film serves functional needs, and the film's cartoonish display of the dark and ominous drone can be forgiven as the action turns to Jabir's reactions to the attack that takes his father's life. One anonymous blogger, who identified himself as a Pakistani army soldier, trashed the film as something high school students might produce.[80]

During the spring of 2012 *The Other Side* would receive the Audience Choice Award at the National Film Festival for Talented Youth (NFFTY) in Seattle, Washington, but neither Qasim nor the producer of the film, Atiqullah, were given visas so that they could attend the awards ceremony.

Again, it is still too early to tell if this film will resonate with audiences outside of Pakistan, but it does show that a few windows of opportunity are open for those who try to use countervisualities in film critiques of drone attacks.

Hearing the Voices of the Victims: Madiha Tahir's
Wounds of Waziristan

Other Pakistani countervisualities do seem to have reached Western audiences and are having an impact on consciousness-raising in the West. During the fall of 2013 director Madiha Tahir released her twenty-five-minute documentary *Wounds of Waziristan* to show both American and international audiences how communities in the border regions of Afghanistan and Pakistan felt about the US drone attacks.[81] Tahir understands that keeping track of the numbers of victims is an important venture for many international drone critics, but what bothered her was the fact that very few drone commentators have actually interviewed those who suffer from targeted strikes. Tahir, who spent time in both Pakistan and the United States, wanted to make a film that would put on visual display the social and psychological costs of raids that rip apart Afghan and Pakistani communities and haunt those who have to live with the destruction.

Some of the uncertainty that US military officials celebrate as a factor in dismantling Taliban networks is viewed by many Afghan and Pakistani communities as a source of collective trauma, a lingering sense of dread that comes from the inability to plan or manage one's life. Tahir tried to capture how her interviewees felt about the uncertainty that has come to define lives preoccupied by drone threats: "Whether it is true or not, people feel that with militants there is some degree of control. You can negotiate. There is some cause and effect. But there is no cause and effect with drones. It's an acute kind of trauma that is not limited to the actual attack."[82] This is why so many parts of *Wounds of Waziristan* document how impoverished Afghan and Pakistani communities try to make sense of why this region is targeted in the first place.

Wounds of Waziristan is organized around the theme of "haunting," and in one part of the film Tahir asks viewers how they would feel if bombs rained over a place like New Jersey for some nine years. "Would you be angry," and try to forget? "You would be haunted," she concludes, and she uses that sense of haunting as a framing device for the rest of her film.

At the beginning of *Wounds of Waziristan* Tahir tries to point out some of the hypocrisy of American positions, and she implies that even the attackers are haunted by their misdeeds. Tahir's film shows President Obama uttering these words: "There's a wide gap between US assessment of such casualties and non-government reports. Nevertheless, it is a hard fact that US strikes have resulted in civilian casualties, a risk that exists in every war. And for the families of those civilians, no words or legal construct can justify that loss. For me and those in my chain of command, those deaths will

haunt us as long as we live."[83] A clearly incredulous Tahir then asks whether President Obama really understands what it means to be haunted by loss, and in her documentary she provides viewers with historical context for understanding how the FATA fit within Pakistani and American frames of reference. These linkages, along with commentary about "neat" and "surgical" strikes, underscores the *imprecision* of killings that can be contrasted with real surgery, where doctors can take "out the bad without disturbing the good."[84] For those who believe in or literalize these figurations, Tahir asks, how can anyone in Waziristan truly haunt Obama or other American citizens who don't feel the "presence" of the dead?

Tahir later explained that the "haunting" thematics in *Wounds of Waziristan* helped her accomplish several goals, including the questioning of Obama's apparent instrumental usage of images of distant suffering. Obama may have talked about haunting, Tahir notes, but he still apparently believed that the UAV strikes were necessary in spite of this loss of life. Tahir recontextualized Obama's admissions. She told journalists that she wanted to make sure that politicians were not going to dismiss Obama's words on haunting on this occasion as "empty rhetoric."[85]

The rest of *Wounds of Waziristan* serves a vehicle for witnessing and shows those living in the FATA in northwestern Pakistan talking about their experiences and their feelings in the aftermath of drone attacks. Interestingly enough, Tahir also intersperses her interviews with clips from Americans talking about how many militants have been killed, and one unidentified commentator is heard saying that reports of the deaths of children and innocent civilians were, "in general," complete "rubbish." To refute these claims, Tahir sutures into her documentary commentary from Noor Behram and Shahzad Akbar about photographic images of the dead. By the time viewers finish watching *Wounds of Waziristan*, they are supposed to feel empathy for those innocents who care little about the politics of the Taliban, the Pakistanis in Islamabad, or the decision-makers in Washington, DC, who sign off on the drone strikes.

Many who have watched *Wounds of Waziristan*, or who have talked with Madiha Tahir, realize that they are dealing with a place that has been stigmatized by earlier colonial conquerors as an unruly frontier. "Madiha has captured the nightmarish reality created by a policy of remote killing with high tech," argues Judy Bello, and shows the suffering of a "proud but defenseless people caught in a 'no-man's land' in the crosscurrents of postcolonial political development and integration."[86]

Tahir avers that her film illustrates how the people of Wazirstan are caught in several different geopolitical quagmires and cycles of violence, including those involving the insurgents, the Pakistani military, and the

drones. Her travels to the AfPak region convinced her that the American UAV attacks were symbolically linked to Central Asian geopolitics: "US policymakers claim that people who are organizing attacks against the US military find refuge in Waziristan. But the thing about the United States— and this is not to justify what the insurgents are doing inside Waziristan— is that the United States is an occupier and a 'foreign fighting force' in Waziristan. It's interesting to me how the United States tries to naturalize its own situation in Afghanistan as if it has a God-given right to be there and then lashes out at people who think that what the United States is doing there is pursuing its efforts to occupy Afghanistan."[87] In this politics of verticality, purveyors of countervisuals try to destabilize rhetorics that assume that the drone strikes serve the interests of both American communities overseas and the Pakistanis living outside of the FATA region.

Conclusion

The work of Behram, Qasim, and Tahir helps us understand some of the evocative power of Pakistani countervisuals, as well as some of the constraints faced by those who critique the American drone wars. These works blend together the cognitive and the emotive as they provide us with countervisuals that are meant to critique the dominant visualities circulating in the West.

While many Pakistanis who live under the drones find it unreasonable to question whether these attacks have killed many innocent civilians, Americans respond that militants may have caused these deaths and that the circulation of these photos and films only serves to enflame the passions of those already predisposed toward "anti-Americanism." Behram's photos can show us the horrors of violence in some of these regions, but they cannot speak for themselves, and apologists can always claim that they were taken so that unscrupulous lawyers can wage lawfare against the United States. Qasim's images and Tahir's work help us visualize the horror of the victims, but drone supporters can always respond that they do not tell us how these victims felt about the goals and methods of the Taliban or al-Qaeda. The polysemic and polyvalent nature of these images means that audiences will differ in their responses, depending on the cultural, political, and military framing of these countervisuals.

As noted above, the photographs taken by Noor Behram have been redistributed by NGOs and activist organizations in Pakistan, the United Kingdom, and the United States, and there is some evidence that they have influenced the ways that US officials comment on specific UAV attacks. For example, embarrassed public officials may have modified some of their

drone protocols after the presses got hold of some of the pictures Behram took in the aftermath of the August 23, 2010 attack on Dande Darpa Khel. These countervisuals also provided evidence that some communities suffered from repeated strikes, which provides support for those who wrote about "double" taps and mistaken identities.

Given that so many Americans and their supporters buy into the rhetorics of precision warfare and the need to move away from the old ways of geographically restricting warfare to just a few "hotspots," it would be too utopian and idealistic to believe that Behram, Qasim, or Tahir could change the minds of Americans who are committed to drone warfare. As long as military planners claim that they spent years collecting the data that went into the creation of the disposition matrix or the collateral damage assessment or mitigation schemes (see chapters 3, 6, and 7), they can acknowledge that some civilians were or will be killed and then argue that these deaths were not "excessive." Alternatively, they can argue that these deaths were accidental—incidental collateral damage inflicted in the name of necessity.

Maybe we need, instead, to think of the work of Behram, Qasim, or Tahir as the visual, innovative, path-breaking work that must be done if life is to remain precious, so that more of us will be haunted by the memories of these drone strikes. When a tipping point is reached wherein Americans find it easier to declare victory and that the vast majority of Taliban leaders have been killed, we may see at least a lull temporarily in the drone attacks. This lull will not symbolize a ban on strikes, but it will provide some evidence that countervisuals help with what Wendy Hesford once called the "transnational and transcultural rhetorical acts of witnessing." These types of acts "may open new critical spaces to offset the indifference to violence, national denial, and the averted gaze of governments and countries in the face of violent conflicts and war."[88]

Sadly, the only time that many US decision-makers have openly expressed qualms about drone usage was when Americans were killed in an RPA attack. Months before his death, Anwar al-Aulaqi's father did his best to get his son's name removed from the US drone target lists, and the ACLU and other constitutional rights organizations helped Nasser al-Aulaqi file a lawsuit that sought to enjoin the US military from killing Islamic extremists without trial. All this was to no avail, and American authorities celebrated when al-Aulaqi (or Awlaki) died during a drone strike. It was said that Aulaqi preached in ways that aided the recruitment of terrorists and that his direct participation in other related activities justified the placement of his name on target lists.

Using legal arguments based on separation of powers doctrines, Assistant Attorney Tony West and other members of the Obama administra-

tion responded to these lawsuits by arguing that these types of injunctions improperly inserted the courts into decisions that should be made by the nation's commander-in-chief. Moreover, they argued that the state secrets privilege barred the use of privileged information that might come out in litigation over drone activities or other military missions. This information was so sensitive, government lawyers argued, that no part of these cases could be litigated on their merits without immediately and irreparably risking the disclosure of highly sensitive and classified information.[89] Robert Haddick, writing in the *Small Wars Journal*, contends that the Aulaqi case is the "latest, but certainly not the last," move on the "lawfare" chess "board" as various American lawyers battle their foes.[90]

Many Americans are infuriated when they hear that Behram's photographs are being circulated in these legal battles by Pakistani lawyers, and they try to delegitimate this circulation even as military declarations are configured as expert testimonials. For example, American courts are expected to give great deference to the words of former secretary of defense Robert Gates or Director of National Intelligence James Clapper. These writers can submit declarations that invoke the state secrets privilege, which, in turn, allows federal judges to foreclose litigation that comes from Pakistani lawyers seeking civil redress or criminal prosecution.

In the visual campaigns that will be fought in future battles involving politics of verticality, it likely will be the heroic pictures of drone pilots at Creech Air Force Base (see chapter 5) that will become iconic in the West. I wager that it will be years before the work of Qasim or Tahir will be viewed as visual registers that have anything to do with war crimes, and for some time all of this will be contextualized as Pakistani propaganda. Meanwhile, the people of Waziristan must sleep with packs of drones circling overhead.

In this Kafkaesque world filled with myriad rationales for drone strikes during America's overseas contingency operations, the laws of unintended consequences work in mysterious ways, and the best that radical critics can hope for is that the countervisualities coming out of Pakistan will be redeployed by European powers or cosmopolitan communities who refuse to accept the invisibility of allegedly "precise" and vetted drone attacks.

Hope springs eternal, and there are signs that testimonials from victims may soon complement the work coming from Pakistani filmmakers and photographers. In October 2013, nine-year-old Nabila Rehman and her family traveled from a remote village in North Waziristan to Washington, DC, to tell lawmakers about the death of a sixty-seven-year-old midwife, Momina Bibi, Nabila's paternal grandmother. While legal experts and military strategists are constantly invited to speak before Congress, this marked the first time that Congress heard directly from civilian victims of an al-

leged drone strike. Rafiq ur Rehman, Nabila's father, described his mother as the "string that held our family together." Two children were gathering okra with their grandmother when she was killed on October 24, 2013. "Nobody has ever told me why my mother was targeted that day," Rehman told congressional listeners, but some "media outlets were reporting that the attack was on a car."[91] Rafiq, however, testified that there wasn't any road next to the okra field, and one of the other children who witnessed the attack, Rehman's son, Zubair, explained to lawmakers that he and his grandmother saw the drone before the strike. Zubair explained why he didn't panic or worry: "As I helped my grandmother in the field, I could see and hear the drone hovering overhead, but I didn't worry. Why would I worry? Neither my grandmother nor I were militants. When the drone fired the first time, the whole ground shook and black smoke rose up. The air smelled poisonous. We ran, but several minutes later the drone fired again. People from the village came to our aid and took us to the hospital. We spent the night in great agony at the hospital and the next morning I was operated on. . . . Now I prefer cloudy days when the drones don't fly."[92] The Pakistani government acknowledged and recorded the raid but argued that it was not responsible for the attack and would not provide any compensation to help with the medical treatment of the children.

What was telling was the fact that only five congressional leaders even bothered to show up for this personal testimony,[93] and there is little doubt that the Rehmans' visit, and the attack that killed Momina Bibi, became a small cautionary tale in the much larger ideological battles being waged between drone supporters and critics. An Amnesty International report published just one week before Rafiq, Nabila, and Zubair testified before Congress[94] argued that these types of strikes might constitute war crimes because they caused "disproportionate harm to civilians." Amnesty International also rejected US claims that the drone strikes were justified because of the spread of terrorism, and argued that accepting the "global war doctrine" would mean the endorsement of state practices that undermined "crucial human rights protections that have been painstakingly developed over more than a century of international law-making."[95]

Reprieve, the British rights group, and *Brave New Foundation* helped cover the Rehman family's travel costs, and it is interesting to note that the family lawyer, Shahzad Akbar, was not present at the congressional briefing because he had been denied a visa, for the third time. Akbar is a famous international critic of drones and is constantly accused of engaging in lawfare against the United States.

Congressman Grayson, among the minority of critics of the wars in Iraq and Afghanistan, told those who heard the testimony of the Rehman family

that "invading the skies is no different from invading on the grounds. We should never accept that children and loved ones are acceptable 'collateral damage.'" He went to ask if there was any other human activity "where 10–30% of the dead are innocent?"[96]

Grayson's query is not the type of question that is going to get answered by many empowered leaders, and it represents a minority view in Congress. This unpopular position can always be dismissed as idealistic and misinformed in contrast to the wealth of supposedly accurate information circulating in CIA or DOD briefs.

If drone critics are going to have any success in their visual battles with drone apologists, they will need more than the work of Behram, Qasim, and Tahir, and the testimony of the Rehmans. Critics will have to find more salient ways of dealing with drone syndromes, and they will have to get the support of at least some American exceptionalists who will have to be convinced that drone attacks have nothing to do with heroism or the perpetration of just wars.

Humanizing Drone Pilots, the Politics of Verticality, and the Public Legitimation of US Drone Policies

> It is essential before unmanned systems become ubiquitous . . . [that] we ensure that, by removing some of the horror, at least keep it at a distance, we do not risk losing our controlling humanity and making war more likely.
>
> <div align="right">UK Ministry of Defence, 2011</div>

> These guys [three-member crews] actually telecommute to the warzone. The band of brothers is built online.
>
> <div align="right">Air Force Col. Hernando Ortega, 2012</div>

For some detractors of American drone programs, the film *Terminator Salvation* provided a prescient and apocalyptic vision of a futuristic world where "harvester terminators," robotic killing machines, systematically hunted down human beings. Produced before Pakistani officials began publicly complaining about the targeted killing of insurgents on the border between Pakistan and Afghanistan, this popular movie appears to have anticipated some of the devastation wrought by the deployment of hundreds of armed drones.[1] The parallels seemed so obvious that Nick Turse and Tom Engelhardt, two indefatigable drone detractors, decided to include the phrase "terminator planet" in their history of UAV warfare.[2]

Debates about whether these drones were "manned" or "unmanned," automated or guided by professional pilots, invariably accompanied commentaries about humanitarian control of this futuristic legal warfare. As one official working at the UK's Defence Ministry recently asked during a conversation about "fighting from barracks" and the ethical character of the "remote warrior," can a person operating drones from thousands of miles away really act morally if there is no "killing of enemies with an element of self-

sacrifice, or at least risk to oneself"?[3] One Royal Air chief marshall told journalist Jane Mayer that the problem with drone strikes was that they were "virtue-less war" that involved neither courage nor heroism.[4]

Although many spokespersons for the DOD and the US Air Force like to act as if almost all members of the air force laud the work of RPA crews, there are indications that many of those who grew up within "Top Gun" cultures of the air force have a difficult time believing that drone pilots are involved in "real" combat.[5] Dan Hampton, a former air force officer, told one reporter, "I guarantee you there is not a fighter pilot around who wants to fly a drone."[6] Swaggering pilots, who once attended the air force's elite Top Gun school for fighter pilots at Nellis Air Force Base, now have to listen to the air force talk about possibly pinning more wings on new UAV pilots than on fighter and bomber pilots. J. D. Wyneken, the director of the American Fighter Aces Association, says that the older generation of fighter pilots views the drone pilots as less than "true" pilots. "In the view of many aces," he opines, "just the idea of a pilotless aircraft is dishonorable."[7]

As I noted in earlier chapters all of this ambivalence about drones and honorable warfare creates complex rhetorical situations for many elite and vernacular defenders of remotely piloted aircraft systems. The United States has invested an incredible amount of financial and symbolic capital in the drones, and it would indeed be embarrassing if recruiters had a difficult time convincing high school students, college graduates, or other potential candidates that they could overcome these stigmas. No wonder that members of the White House and the US Air Force are constantly talking about the sacrifices made by these drone crews during "combat." The public circulation of these types of commentaries is one of the reasons Greg Jaffe claims that the "new earthbound aviators are redefining what it means to be a modern air warrior and forcing an emotional debate within the air force over the very meaning of valor in combat."[8]

Granted, Top Gun mentalities are a key part of America's traditional war machinery, but drone obsessions are built from sturdy, psychic materials. Given the demand for intelligence, surveillance, and reconnaissance in countless overseas contingency operations and the inventive crafting of more enemy targets, drone critics who complain about these crews' lack of bravery may soon be in the minority as the American nation is asked to embrace a developing network-centric warrior culture.

Psychological, cultural, and economic features of a seemingly endless GWOT help fuel the desire for drones, and many RPA defenders will have to keep chipping away at the older Top Gun mentalities.[9] Defenders of drones respond to detractors in a number of ways, including the adoption of

the position that drones and unmanned weapons systems (UWS) are honorable weapons that can prevent the potential loss of aircrew lives. As one US naval officer noted in a representative defense of drone usage, when "a robot dies, you don't have to write a letter to its mother."[10] Moreover, as I note in more detail below, drone defenders sometimes argue that it would *unethical not* to use precise weapons controlled by discerning drone crews who know about the importance of protecting troops and "friendly" civilian personnel on the ground.[11]

Some funding efforts and drone defenses depend on rhetorical strategies that treat the UAVs as parts of "neoliberal economic agendas driven by productivity quotas and profit outcomes" that depend on a "convergence between military and civic practices."[12] For example, as I noted in chapter 2, RPA systems can treated as a part of the "historical" development of US aeronautic practices, a stance that naturalizes this technology and makes it appear inevitable and necessitous.

Keeping track of increased expenditures is another neoliberal way of legitimating and naturalizing the advent of the drones. One could point out that the first armed Predator was sent to Afghanistan just four days after the fateful events of 9/11, and each year the US Air Force spends some $3 billion buying and operating RPAs. By 2010 there was so much demand for drone pilots that the even "non-pilots such as civil engineers and military police" were being trained for the job.[13] One 2011 Department of Defense study predicts that by the middle of the twenty-first century the United States may have a force made up almost entirely of RPAs.[14] These expenditures add to the growing cultural, as well as financial, dependence on drone militarization.

Supporters could also point out that schools and other institutions are adapting to these changing wartime expectations. The US Air Force has trained more than 1,300 drone operators, and although Americans now have four times as many drone pilots as they had in 2008, US recruiters are still working at finding even more personnel who are willing to join the fight against the Taliban or al-Qaeda. Higher pay, the circulation of more respectful rhetorics, press coverage of the trials and tribulations of RPA crews, and greater medical recognition of the fatigue and stress crew members experience all have helped.[15] Now drone crews can view themselves as beleaguered—if misunderstood—warriors who are "much more than glorified videogame players."[16]

The Pentagon may call this "telewarfare,"[17] but detractors are convinced that all of this leads to the "pathologies of the drone."[18] Whether or not these drone pilots and their crews are actually engaged in "battle" or act-

ing "bravely" during drone attacks may be open questions that have divided air force communities and outside observers. While critics of American drone programs constantly characterize these RPA pilots as "joy-stick" operators who fire away at Taliban or al-Qaeda militants from thousands of miles away, their defenders now contend that these pilots need to be treated like deployed pilots who battle over foreign battlefields. Indeed, recent governmental studies emphasize the finding that drone pilots suffer from depression, anxiety, and post-traumatic stress disorder (PTSD).[19] Pilots' physiological states thus become entangled in the politicized biopolitical or thanatopolitical rhetorics of the "drone wars,"[20] because these disorders are supposed to be symptomatic of what happens when engaged warriors spend countless hours coping with both periods of boredom and intense tracking of militant terrorists.

These drone crew activities can be characterized as either the heroic deeds of dedicated warriors or the culpable misdeeds of naïve trainees who are living in a "post-heroic" age.[21] As Peter Asaro has astutely noted, we live during a period when defenders of drones circulate the "heroic myth" of drones, where "rhetorical framing grants the technology itself agency in reducing costs and risks while increasing military capabilities" and the "technology serves to enhance the virtues of the pilots and operators and their ability to wage war ethically."[22] Joseph Pugliese has similarly complained that drones have become an instrument of "civico-militarized" state violence, wherein private companies work alongside American military units as they construct "a vast drone archipelago."[23]

In this chapter I focus on the persuasive use of depictions of the health of drone pilots, and the hagiographic portrayals of the "engaged" nature of the drone crews who carry out RPA targeted killings. I argue that US military leaders, governmental officials, and sympathetic journalists strategically use these portrayals to respond to critics who believe that distance between the pilot and "militant" target contributes to alleged violations of key principles of IHL. In other words, mass-mediated and public commentaries about the RPA crews—that on the surface appear to be merely descriptive, anecdotal, investigatory, or human interest stories about drone crews—are in fact veiled and vernacular ways of legitimizing drone attacks. By highlighting the pilots' heroism and struggles, these depictions of the daily lives of drone crews operate in strategic ways to demonstrate the legality and efficacy of American drone attacks overseas.

There are many published legal discussions that argue that post-9/11 US communities must have leaders with "unitary executive" powers who are willing to use their inherent rights of self-defense to preempt the efforts of

all types of terrorists,[24] but it could also be argued that it is the *cultural and social* commentaries about the drone crews that circulate in public newspapers, magazines, television programs, and Internet blog sites that impact how ordinary citizens think about the ethical or legal nature of drone warfare. The ubiquitous pictures of the interiors of drone "cockpits" in places like Creech Air Force Base are used for a host of purposes, including investigative journalism, as writers comment on the tracking efforts and technological resources of those who work in these "control rooms."[25] These types of displays become part of what Nicholas Mirzoeff has called the hegemonic visual registers that claim exclusive authority to render visible what needs to be seen by decision-makers and their publics.[26]

These drone visuals are fascinating because they help provide American audiences with performative gestures that let them "see" what the mainstream newspapers are talking about when journalists report on the decisions made by US presidents, White House advisers, teams of judge advocates (JAGs), Pentagon officials, or CIA leaders. The visual display of engaged crew members—wearing flight clothing—reinforces the notion that these are fighter pilots "combating" distant foes.

American citizens may not be privy to all the legalese and formalistic jargon that appears in congressional hearings or law reviews, but they nevertheless can be presented with coherent public narratives from communities who write about the traumas RPA crews experience in their workplaces. These types of images help render visible the missions of the drone crews, in the same ways that thermal images make visible the damage wrought by the firing of Hellfire missiles. Anglo-American publics get to see the labor of the ethical warriors they believe are protecting their nation's shores.

These vernacular narratives—often populist in nature—ostensibly appear to be objective, neutral, and health-related accounts of the physical or psychological states of these pilots, but they are also ideological fragments that become part of the "politics of verticality"[27] that I mentioned earlier. Talk of dimensional spaces, distances, places, and heights are used to influence what we can see, and what we cannot see, in the aftermath of drone attacks, and these selective visual registers invite us to take particular positions on the question of whether this activity is legal or legitimate. In the case of the RPA crews, seeing the attacks on militants through "their [the drone crews'] eyes" helps *humanize* their activities, so that American audiences can identify with these crew members and see their actions as ethical, biopolitical acts that counter the pernicious, thanatopolitical deeds of their militant targets.

To explain how all of this talk about the cognitive and affective states of RPA crews is tethered to broader arguments about drone usage, I begin with

a brief discussion of how the politics of verticality influences one's views regarding the laws of war or international humanitarian law.

Understanding what is Legally and Ethically at Stake: The Politics of Verticality and International Humanitarian Law Rhetorics

Conversations about drone crew intimacy or geopolitical distance are not circulating in public, military, or legal cultural vacuums. For example, jurisprudential debates about whether the Americans were justified in viewing themselves as aggrieved parties after 9/11 who were legally at "war" with al-Qaeda and the Taliban raise what are called *jus ad bellum* (Latin for "right to go to war") issues, while those who disagree about *the conduct* of the war argue about whether RPA crews follow the *jus in bello* principles of distinction, proportionality, necessity, and humanity.[28]

In theory, if drone crews indiscriminately fire on civilian noncombatants, participate in targeted attacks that are vengeful, engage in raids that have little military value, or otherwise violate laws that are supposed to govern the conduct of war, then they are violating the IHL rules governing the manner in which we conduct war, and this might make them criminally culpable.

As I noted in earlier chapters drone critics often cite European or other international interpretations of the IHL and argue that US military authorities "misinterpret" these international laws so that Americans can deal with less restrictive targeting of civilians. Drone apologists respond that American decision-makers, lawmakers, and jurists do a fine job of understanding the transglobal nature of the novel militant threats. Neither side disagrees that principles like distinction or proportionality are important—drone advocates and critics simply disagree about the meaning of those terms, how and when they should be applied, and what authorities should be empowered to investigate allegations of *excessive* civilian deaths during targeting raids. In *From Apologia to Utopia: The Structure of International Legal Argument*, Martti Koskenniemi has made the intriguing claim that those who argue over the meaning of IHL often have to vacillate between, on the one hand, positions that accept state apologetics for starting wars or using excessive lethal force and, on the other, utopian interpretations that appear to be trying to outlaw war and to ask for almost zero casualties during wartime.[29]

While some drone critics grant that we are fighting a "war" against al-Qaeda and that the usage of drones simply needs to be regulated—through training, targeting, or geographical parameters—other, more radical critics argue that *all* usage of drones by Americans violates IHL. Yet as a practi-

cal matter those who try to ban the use of drones, or those who argue that drone crews are engaging in inherently illegal activity, are fighting an uphill battle. There is no shortage of US lawyers and legal communities who openly defend the legality of their nation's use of drones. Kenneth Anderson provides us with this typical commentary on why RPA pilots, sensor operators, and mission intelligence coordinators have little to fear from the "lawfare" that might be circulated by international critics: "The US sees its use of drone warfare and targeted killing as both lawful and good policy, and this in large part is because the US sees the situation as an armed conflict and legally constrained. . . . One might disagree—as many do, including some European allies, campaigning groups, and the I.C.R.C. [International Committee of the Red Cross]—with parts of the US interpretation of those rules, particularly who can be targeted and when, but it is a legally defensible, articulated position that adheres to (and develops in the context of new technology) long-held US positions on targeting law."[30] Michael Schmitt, who works at the US Naval War College, contends that banning drone systems "is unsupportable as a matter of law, policy, and operational good sense."[31] Moreover, he explains that the US DOD is "exceptionally sensitive to the human interface issue" and that the idea of having "robot wars is pure science fiction."[32] Professor Heeyong Jang of Yale Law School argues that "drone operators are, in effect, obliged to heighten" their standards of conformity regarding compliance with *jus in bello* principles, and he lauds them for their judicious use of precision-guided munitions and their verification of targets as military objectives.

These variants of the American politics of verticality focus on the supposed vetting taking place by bureaucrats who send down the orders to the RPA crews from the highest decision-making echelons, but it nevertheless illustrates how American legal defenders of these programs recognize that the *perceptual* biopolitics of the drone crews' cognitive, affective, and behavioral conditions is inextricably bound up with theoretical commentaries on what does, or does not, constitute the best interpretations of IHL.

Remotely piloted aircraft crews are often credited with being discriminating warriors, fighters who know how to protect noncombatants. "Distinguishing civilians from speculative intelligence out of haste" is unlikely, argues Jang, because live visual feeds give these RPA crews "a sufficient time for deliberation."[33] The lawyers who promote the drones, like the American publics who read about caring RPA crews, like to circulate tales of hovering drones, guided by sensitive human beings, that meticulously survey the terrain before firing any Hellfire missiles. This image meshes perfectly with US accounts that claim that annual civilian casualties from drone attacks are in the "single digits."[34]

Drone Critics, Talk of Geopolitical Distance, and the Alleged "Playstation" Mentality of RPA Crews

As I mentioned earlier, critics of supposed extraterritorial strikes often argue that military planners should restrict drone usage to the traditional battlefields like Iraq or Afghanistan, but US observers respond that this would mean that Taliban, al-Qaeda, or al-Qaeda affiliates could move across porous borders and regroup in countries like Pakistan, Somalia, Yemen, or Mali in ways that would produce future threats. These types of arguments sometimes conflate *jus ad bellum* and *jus in bello* principles, but they do show how drone technologies impact how we discuss both the right to go to war and the way to conduct ourselves once these armed conflicts begin. Commentaries on the "legal boundaries or limitations" that apply "to the seemingly limitless capabilities of drone warfare" can be rhetorically linked to possible US violation of *jus in bello* principles of proportionality, military necessity, distinction, and humanity.[35]

The politics of verticality deployed by drone detractors often assumes that the secrecy shrouding CIA or JSOC drone planning is used to deflect attention away from the possibility that this war against al-Qaeda should have ended with the death of terrorist figures like Osama bin Laden. These detractors remind listeners that those who have been detained at places like Guantánamo were also called some of the worst of the worst and that some of the same parties who once misclassified hundreds of foreigners are now searching for similar suspects who end up on White House kill lists. These new targets are the high-value terrorists, the low-value jihadists who may be treated as "operational" facilitators, and perhaps even insurgents or dissidents who infuriated American allies.

In some cases drone critics remind us that many of the American corporations that outsource portions of these drone plans and operations have a vested interest in the constant expansion of the number of names on the kill lists. Dana Priest and William Arkin noted how a "cadre of private companies" are involved in the collection of drone surveillance materials,[36] and Joshua Foust has written about how targeting staffers have to meet performance quotas, giving them "a financial incentive to make-life-or-death decisions about possible kill lists just to stay employed."[37] Regardless of the particular "nomenclatural permutations" that are used to rationalize all of this corporate build-up, what we are left with is a situation wherein both nonstate and state actors are invested in dispensing even more state violence in the form of drones.[38]

Organizations like the ACLU use Freedom of Information Act (FOIA) requests to try to get more specific information about these types of invest-

ments, and they ask for access to many governmental materials that might let publics know about the laws and factual evidence used in the formation of so-called disposition matrices. The vast majority of US federal courts have treated this information as classified materials that touch on matters of national security and therefore fall under some of the exceptions to the FOIA.[39] For example, contractors could argue that they are involved in nongovernmental security work that is not covered by FOIA requests.

Given the fact that the Barack Obama administration, most of the US Congress, and the vast majority of members of the US judiciary apparently defer to either CIA or DOD interpretations of "national security" threats and "imminent" dangers, we can readily understand why drone critics have lavished so much attention on the actions of the RPA crews who are ordered to capture or kill countless "militants" in foreign countries. Concentrating on the coldness and the calculated nature of drone piloting becomes a type of proxy fight that allows detractors to try to visually display for American and international publics the inhumanity, and the thanatopolitics, of the drones that circle over places like North Waziristan.

United Nations officials who want to regulate drone usage, members of human rights organizations who count the number of civilians killed by Hellfire missiles, pacifists, and other drone critics all comment on how spatial distance influences the acceptance and legitimacy of drone targeting. Note, for example, how Philip Alston and Hina Shamsi tried to intervene in some of these debates about drone pilots when they wrote this in the UK's *Guardian*: "Equally discomforting is the 'PlayStation mentality' that surrounds drone killings. Young military personnel raised on a diet of video games now kill real people remotely using joysticks. Far removed from the human consequences of their actions, how will this generation of fighters value the right to life? How will commanders and policy-makers keep themselves immune from the deceptively antiseptic nature of drone killings? Will killing be a more attractive option than capture? Will the standards for intelligence gathering to justify a killing slip? Will the number of acceptable 'collateral' civilian deaths increase?"[40] Readers are invited to answer these queries in the affirmative and are supposed to believe that this potential inhumanity, in turn, leads to potential violations of IHL that are meant to protect civilian noncombatants. Moreover, these types of antidrone critiques assume that drone pilots belong to a video "culture" that glorifies or accepts violence against the "Other."[41]

A plethora of essays has been written about the role that videogames play in the rearing, recruitment, or training of RPA pilots,[42] but drone detractors also like to circulate "eyewitness" anecdotal accounts of how crew members who have fallen from grace now seek redemption for their past

transgressions. For example, some of the most popular stories about drone pilot "heartlessness" that now circulate in antidrone circles focus attention on the exploits of Brandon Bryant, a former air force drone operator who received a certificate for participating in missions that involved the killing of more than 1,600 people. Bryant, now in his late twenties, once served as a drone sensor operator at bases in Nevada, New Mexico, and Iraq. Bryant told reporters about a time when he was sitting in a chair at a Nevada air force base, operating a camera, and his team fired two missiles at three men walking down a road halfway around the world in Afghanistan. The missiles hit all three targets, and Bryant remembered seeing the aftermath of this attack—thermal images of a "growing puddle of hot blood"—that led him to admit that he sometimes felt like a "sociopath."[43] During an interview with *NBC News* investigator reporter Richard Engel, Bryant told audiences of the *Today* show that he "lost respect for life" and that sometimes when he thought back on the attacks he could "see every little pixel."[44] Traumatic memories were tethered to moral clarity.

Visibility or invisibility, mental stability and instability, caring or detachment—all become topoi in this particular textual and countervisual politics of verticality. During his interview with *NBC News*, Bryant provided his listeners with contradictory ways of thinking about distance and the psychological state of drone crews. On the one hand, unlike some of the other drone operators who emphatically argued that they were as "engaged" with what was happening on the "ground" as were F-16 fighter pilots, Bryant talked about his physical disconnection from the violence and the adverse impact that distant suffering had on his psyche. "You don't feel the aircraft turn" and "you don't feel the hum of the engine," and he was sure that the humming of the computers was "not the same thing."[45] Yet Bryant, who has been diagnosed with PTSD, argued that while artillery crews don't see the results of their actions "it's really more intimate" for drone crews because "we see everything."[46] After taking part in so many killings, Bryant became convinced that this wasn't "a videogame" or "some sort of fantasy" because this was war and people were dying.[47]

Interestingly enough, Bryant may have wanted to distance himself from those who talked of "playstation" mentalities, but he provided antidrone critics with plenty of rhetorical ammunition when he also argued that he was not always sure that drone attacks were actually killing only the "bad guys." He knew, for example, that many men throughout Afghanistan carried guns and he knew that not all of these gun carriers were Taliban insurgents. Bryant admitted that there were times when he wished he knew more about the identities of the enemy targets and whether they actually posed an imminent threat to anyone.[48]

Bryant may or may not have known it, but critics could use his type of commentary as evidence that RPA crews were violating several IHL principles. His remarks could be interpreted as positive proof that both the crews and their superiors were not doing enough to distinguish between civilians or combatants and that the attacks were disproportionate responses in situations where Afghans posed little demonstrable threat to any coalition soldiers. While Bryant wanted viewers to know that he, his team, and his commanding officers were making a concerted effort to avoid killing civilians, he believed that "innocent people" did die during some of the drone attacks and he found it "heartbreaking" to think about how many people on targeting lists might have been innocent.[49]

What I would call the "Bryant story" thus became a part of much larger biopolitical *dispositifs* crafted by critics who were convinced that RPA pilots and sensor operators were acting in dehumanizing ways because of their inability to understand distant suffering. Laurie Calhoun, for example, argued that for drone crews "the visceral quality of warfare has been altogether removed from the experience of killing. . . . The emotions associated with the activity and risking death have been progressively muted with distance and now eliminated from the act altogether in summary executions effected by RPAs and managed by desktop warriors."[50] Law professor Mary Ellen O' Connell has similarly argued that "operators never see the persons they have killed" and do not actually have real experiences that let them view "the place where the attack occurs."[51] These obviously are permutations of the old ideas regarding distance, heroism, and reciprocity of risk that I wrote about in chapter 2.

While drone detractors could use these types of personal narratives to display for audiences the problematic nature of drone usage, drone defenders have their own ways of writing and talking about the politics of verticality.

Drone Defenses, Intimacy, Operational Stress, and the Humanity of RPA Crews

Most American publics are not familiar with the legalistic definitions of IHL concepts such as distinction or proportionality, but they can nevertheless relate to visual representations that humanize the activities of RPA crews. Gallup polls in 2013 showed that at least 65 percent of the American public supported US usage of drone airstrikes in other countries against suspected terrorists,[52] and drone supporters constantly work at undermining the notion that RPA crews have a "playstation" mentality. For example, one former drone crew member would write in 2010: "I doubted whether B-17 and B-20 pilots and bombardiers of World War II agonized over dropping

bombs over Dresden or Berlin as much as I did over taking out one measly perp in a car."[53] These accounts make it appear as if a technical Revolution in Military Affairs (RMA)[54] was accompanied by an evolutionary and progressive change in martial values and as if today's warriors knew all about the importance of fighting ethically.

An argumentative analysis of the public and legal discourse about RPA pilots shows that drone defenders like to deploy at least three key strategies as they work to legitimate targeted killings: 1) they work on documenting the biopolitical "battle" stress of RPA crews; 2) they highlight the "intimacy" created between drone crews and potential targets, or between RPC crews and their "bands of brothers"; and 3) they defend the awarding of medals to drone crews.

Several researchers now believe that the first widely read journalistic discussion of RPA crew "battle stress" appeared in August 2008, when Scott Lindlaw of the *Associated Press* interviewed members of 163rd Reconnaissance Wing of the Air National Guard units who were operating Predator drones over Iraq. Lindlaw remarked that while those who fired deadly missiles from the "safety" of Southern California were some seven thousand miles away from their targets, he was sure that they were "suffering some of the same psychological stresses as their comrades on the battlefield."[55] Five of the pilots and sensor operators who Lindlaw interviewed indicated that they were not particularly troubled by their missions, but the article went on to explain that the 163d Reconnaissance Wing, as well as other Predator units in Texas, Arizona, and Nevada, were bringing in chaplains, psychologists, and psychiatrists to help ease the mental strains of the job. Colonel Albert Aimar, who was commander of the 163d, provided one of the first responses to critics' complaints about disengagement and distant suffering when he explained how those living in Southern California could nevertheless experience combat stress: "[In a fighter jet] when you come in at 500–600 miles per hour, drop a 500-pound bomb and then fly away, you don't see what happens. . . . [But when a Predator fires a missile] you watch all the way to impact, and I mean it's very vivid, it's right there and personal. So it does stay in people's mind for a long time."[56] Another officer, Col. Chris Chambliss, echoed these remarks, averring that the drone crews who operated out of Creech Air Force Base stuck around to "see the aftermath," which did "personalize the fight." Chambliss also told Lindlaw that the RPA crews have a "pretty good optical picture of the individuals on the ground," because the "images can be pretty graphic, pretty vivid," and this contributed to the fact that "some folks have, in some cases, problems."[57]

For the next seven years similar stories about visuality and virtuality circulated in newspaper accounts, military reports, and medical journals that

often noted that the drone crews were fully aware of the consequences of their actions. One writer noted that the crews "see the results of their actions in close-up action detail through their Full-Motion Video feeds and they are required to remain on station to carry out a Battle Damage Assessment that often involves an inventory of body parts."[58] Reporters for major newspapers, like David Zucchino of the *Los Angeles Times*, wrote about how drone crews were busy monitoring and collecting data for what the military calls "patterns of life" studies, while at other times they were focusing on protecting "US ground troops by watching them 24 hours a day from high above."[59] This reporting provided one of the most explicit commentaries on some of the sources of intelligence that informed the disposition matrices used by CIA personnel (see chapter 6).

Many US Air Force studies now indicate that either PTSD—or types of "operational stress" that *almost rise* to the level of PTSD—are caused by either the conditions at work or by the lack of "decompression" while telecommuting to the war zone. This is because drone crews have little or no time to process what they have been through.[60] One study, by Wayne Chappelle, Amber Salinas, and Lt. Col. Kent McDonald, indicated that at least 4 percent of active duty RPA pilots and sensor operators were at "high risk" of getting PTSD.[61]

In another study, an epidemiologist, Jean Lin Otto, admitted that when she began her research she expected to find that drone pilots would have higher rates of mental health problems because of the "unique" pressures of their jobs.[62] Although at the end of her study she did not find vast differences in the rates of mental health problems, her conclusions supported those who talked about battle stress. Dr. Otto, like others before her, suggested that pilots of remotely piloted aircraft "may stare at the same piece of ground for days," which means that they witness some of the carnage.

Some of the most nuanced and sophisticated drone defenses that appear in medical literatures imply that this stress comes from the difficulties RPA crews may have with compartmentalizing and rationalizing their work. For example, Col. Hernando Ortega gives public talks on what he calls "existential conflict."[63] Instead of portraying US Air Force RPA crews as uncritical creatures who blindly follow the orders of their superiors or as hypermasculine fighters who enjoy the jouissance of battle, Ortega presents them as typical human beings who cannot help thinking about the consequences of their intelligence gathering, reconnaissance, and targeting. Ortega explained that the drone crews sometimes reported feelings of guilt as they asked themselves questions such as, "Did I make the right decision? Was this a friendly fire incident? Was it a good outcome? Was it a bad outcome? Could I have done better?"[64]

When RPA crews see ground troops taking casualties and feel they can do little to help, their "lack of control" becomes configured as "one of the main features of producing stress."[65] This makes it appear as if distance contributes to emotional attachments and cognitive identifications. The ambiguity of warfare during drone strikes is thus reconfigured as a good thing—as evidence not of detachment but of the attackers' humanity.

At the same time that drone defenders documented the battle stress of the RPA crews, they also employed a politics of verticality that emphasized the "intimacy" of situations wherein crew members spent weeks or months tracking particular targets and their families. Megan McCloskey, a writer for *Stars and Stripes*, characterized the daily work of drone crews as involving "close tracking of insurgents," patiently watching enemies "dart in and out of shelters, and "if the opportunity presents itself," occasionally firing "missiles down on their heads."[66] These types of commentaries could be used to convince American publics that drone crews were intimately familiar with the habits of terrorist militants and that the technology that allowed for hovering drones also helped with the alleged minimization of casualties.

Rather than being detached observers who resemble video gamers, RPA pilots are characterized as caring human beings who realize that the intimacy they accrue with their targets has a purpose. One US Air Force officer recalled how much he learned during a multiweek operation in which he surveiled a man suspected of making bombs for terrorists: "We watched him wake up in the morning; we watched him leave for work in his vehicle; we tracked him to where he was building these weapons; we watched him eat lunch; we watched him go home and play soccer in his yard with his family—with his two girls. . . . We watched him live with his wife; we watched him sleep; we watched him get up in the middle of the night, go to the back of his house and build weapons. We [had] been watching him for so long that we . . . [had] that part of the history with our operators, who are having the thought in their head of, 'I don't care what you think of this individual, he does have two daughters; I have seen him with his family.'"[67] However, this discourse is used not to call a halt to drone strikes that might have misidentified targets but to show that the RPA crews realize the consequences of their necessitous actions. What we are not told about are the number of times this officer or other drone crew members have watched suspects who may not have committed overt acts of aggression and yet remain targets who would soon suffer death from above.

Defenders of drones who deploy what might be called a "rhetoric of intimacy" often link these discussions of the families of potential targets with public interest stories about drone crew members' travel to and from work back in the United States. Oftentimes those who wish to underscore the

sacrifices made by drone crews highlight some of the unique challenges posed when these cubicle warriors leave their air-conditioned trailers and travel to their homes. Missy Cummings, for example, an MIT drone developer and former pilot, noted that crews "shoot a missile," kill "a handful of people," and then, when their shift is over, go home.[68]

Given that the secrecy of the drone programs means that drone crews are not supposed to talk about their day jobs with their families over dinner, many of these human operators of RPAs are deemed susceptible to some of the same psychological stresses that infantrymen experience during combat on foreign battlefields.[69] In theory, their stress stays bottled up inside them because they do their duty and they don't talk to their loved ones about their daily drone flights. The crews can't talk to their own families about the surveillance of foreign families, and that secrecy adds to the sense that this is all part of "combat."

Some who focus on the intimate, engaged nature of drone piloting have interviewed air force personnel who have flown *both* fighter jets and Predator or Reaper drones. Colonel Peter Gersten, former commander of the 432nd Air Expeditionary Wing at Creech Air Force Base in Nevada, was once deployed as a fighter pilot to Iraq and Afghanistan, and he tells his own compartmentalization stories. Yes, drone crews are able to drive home from Creech to see their families in places like Las Vegas, but secrecy demands that they do not share the details of their combat missions. Gersten, responding to "a lot of people" who "downplay" the role that drone pilots play in risky terrorist situations, talked this way about his experiences: "You're 8,000 miles away. What's the big deal? But it's not 8,000 miles away. It's 18 inches away. . . . We're closer in a majority of ways than we've ever been as a service. . . . There's no detachment. Those employing the system are very involved at a personal level in combat. You hear the AK-47 going off, the intensity of the voice on the radio calling for help. You're looking at him, 18 inches away from him, trying in your capability to get that person out of trouble."[70] In the same way that artillery crews or snipers try to aid their fellow soldiers, RPA crews are characterized as warriors who do their best during combat.

This narrative can be conceptualized as the "band of brothers" argument. It is a rhetorical tactic that answers the lamentations of those who focus on geopolitical distance by underscoring the biological, emotional, and *perceptual attachments* that RPA crews have to the men and women fighting on the ground thousands of miles away. In theory, targeting situations create psychological and physiological responses that are just as strong as the bonds formed when F-16 fighters are called in to provide air support for

beleaguered coalition forces that may be in firefights with al-Qaeda or Taliban foes.

In some cases, these perceptual attachments become part of social networks when drone crews take over the shifts of other crews. United States Maj. Bryan Callahan, who flew F-16s and served as a drone pilot, told *Der Spiegel* that when you are working with drone crews you "drop yourself into a plane that's already airborne and on target on the other side of the world," and then you "tap a guy on the shoulder, get a quick lowdown about what's going on and then continue the flight." The RPA missions, Maj. Callahan noted, are different from the "finite execution" of an F-16 flight, where "you're flying a regular plane," "you exercise your mission, you land and you debrief."[71] The implication here is that network-centric warfare—which brings together Pentagon decision-makers, military commanders, military lawyers, and everyone else involved in the targeting kill chain—has its own unique bonding experiences.

The third strategy defenders of RPA crews use to valorize the efforts of these cyber warriors involves commentary on the importance of handing out medals to those who take out militant Taliban or al-Qaeda leaders. At one time the Department of Defense was considering handing out to drone pilots and other cyber warriors an award called the "Distinguished Warfare Medal," but there were so many complaints from veterans groups and members of Congress that Secretary of Defense Chuck Hagel had to cancel plans for the new medal.[72]

The idea behind the Distinguished Warfare Medal was that the drone crew members should be recognized for their sacrifices. Former secretary of defense Leon Panetta made this announcement on February 13, 2013: "Our military reserves its highest decorations obviously for those who display gallantry and valor in actions when their lives are on the line and we will continue to do so. . . . But we should also have the ability to honor the extraordinary actions that make a true difference in combat operations."[73] If this had passed muster, it would have been the military's first new combat-related medal in nearly seventy years.[74]

Some within the military establishment were perfectly fine with awarding medals that allowed for distinctions between the deeds of drone operations and the actions of combat pilots, but as Lorraine Bayard de Volo noted, the promotion of the Distinguished Warfare Medal appeared to have crossed some cultural line, "generating debate that suggested the central role masculinity plays in heroism and the ways in which unmanned systems challenge that role."[75] A few miffed critics characterized the new medal as the "Nintendo medal," "the Chair-borne Medal," the "Distant Warfare

Medal," or the "Purple Buttocks" medal, alluding to the fact that these warriors were sitting in front of their computers and doing their work from a chair.[76] Some supporters of the drone programs worried that the Distinguished Warfare Medal would downgrade the importance of Purple Hearts and other symbols of valor.

Some, like Maj. David Blair, who defended the handing out of medals to drone pilots were bothered by this lampooning of RPA efforts. In a heated exchange that took place on one milblogging forum before Panetta's announcement, Blair had this to say about why, as a UAV flight commander, he supported these medals: "Institutional incentives seemed to be doing their best to tell them [that they were not troops at war]. . . . If I am putting a guy in the seat with a red button wired to a missile liable to be shot in close proximity to friendlies, I want to use everything in my power as an institution to convince that guy that he is in Afghanistan, rather than New Mexico."[77] As Pugliese explains, "topological relations" thus become a part of the "techno-military literature" that is used to comment on "real" and "live" distances in this "tele-techno necropolitical economy of war."[78] Maintaining the illusion of engagement and combat intensity was considered by David Blair to be something that the DOD or US Air Force could do something about; it was a vital part of the war effort that would help with recruiting and retention. This is a fascinating example of how the mystification of distance was defended as contributing to warfighting efforts. It also openly acknowledged the role that institutional persuasion plays in drone debates.

All of this talk about medals for drone crews, however, infuriated critics who believed that it had nothing to do with reciprocal risk, bravery, or principled combat. Glenn Greenwald, when he found out in July 2012 about the Pentagon's interest in the Distinguished Warfare Medal, made fun of the drone pilots who boasted that they were brave: "Whatever one thinks of the justifiability of drone attacks, it's one of the least 'brave' or courageous modes of warfare ever invented. It's one thing to call it just, but to pretend it's 'brave' is Orwellian in the extreme. Indeed, the whole point of it is to allow large numbers of human beings to be killed without the slightest physical risk to those doing the killing. Killing while sheltering yourself from all risk is the definitional opposite of bravery."[79] While Greenwald didn't doubt that some drone crew members experienced psychological stress from knowing that they were killing other human beings, he would not compare that type of operational stress with the terror routinely experienced by those Muslim populations living in areas targeted by the attacks.[80]

It must be noted here that the US Air Force does hand out medals to some F-16 fighter jet pilots who may have faced no real threat from the

lightly armed insurgents they killed. For example, in 2006 an F-16 pilot was awarded the Distinguished Flying Cross, the same medal awarded to Charles Lindbergh, for releasing a 500-pound bomb that killed Abu Musab Al-Zarqawi, who at that time was considered to be the leader of the al-Qaeda affiliate in Iraq.[81] During this period drone crews received a congratulatory letter, and this disparate treatment perhaps provides evidence to support the position of Christopher Coker and Marco Roscini, who argue that "we are tenaciously holding to the myth of the warrior, as something that we can't let go of."[82] Some psychic and cultural dimensions of the drone syndromes remain in tension with the continued power of Top Gun structures and mentalities.

Conclusion

This chapter provided readers with an overview of some of the key public and legal arguments that have become part of what Stephen Graham, Lucy Hewitt,[83] Eyal Weizman, and other scholars have called the "politics of verticality." By deploying an argumentative analysis that acquaints readers with some of the ways that critics and defenders have utilized biopolitical and thanatopolitical discourses about RPA pilots, it demonstrates how purportedly objective discussions of topics like stress, intimacy, and geopolitical distance are in fact subjective (or intersubjective) ways of commenting on the moral and legal decisions made by drone crew members.

Journalists writing for public audiences in the United States who focus on the humanity of drone pilots and their trials and tribulations as they drive to and from their homes serve to rebut the arguments of skeptics who say that distance prevents RPA crews from obeying the IHL strictures against indiscriminate attacks or disproportionate responses against terrorism during wartime. In other words, talk of "combat" stress helps American audiences understand why their RPA crews are doing everything they can to avoid excessive civilian casualties. In this way, readers who never pick up a law review can still "see" or understand the politicized and patriotic American explanations for why drone attacks don't violate the basic IHL principles of distinction, proportionality, necessity, or humanity.

All of this can be used to deflect attention away from the foreigners who materially suffer from the ravages of drone warfare. Very, very few drone strikes in Yemen or Pakistan have anything to do with defending a "band of brothers" engaged in conventional combat with terrorists or insurgents. Elisabeth Bumiller of the *New York Times*, who interviewed drone pilots, sensor operations, and intelligence analysts at three US bases in July 2012, remarked that "none acknowledged the kind of personal feelings for Af-

ghans that would keep them up awake at night after seeing the bloodshed left by missiles and bombs."[84] Bumiller reported that RPA crews wanted to talk about their own humanity and the need to defend American military personnel on the ground, but they had difficulty showing any regard for the views of those whom they targeted. Note the paucity of examples of drone stress that is textually linked to target killings carried out hundreds of miles away from traditional battlefields.

This selective way of thinking and writing about intimacy and humanity concerns even drone supporters, like Mark Bowden. In his influential essay "The Killing Machines" Bowden tries to understand the point of view of those who can do little to stop the swarming drones: "Consider the emotions of those on the receiving end, left to pick up the body parts of their husbands, fathers, brothers, friends. Where do they direct their anger? When the wrong person is targeted, or an innocent bystander is killed, imagine the sense of impotence and rage. How do those who remain strike back? No army is arrayed against them, no airfield is nearby to be attacked. If they manage to shoot down a drone, what have they done but disable a small machine? No matter how justified a strike seems to us, no matter how carefully weighed and skillfully applied, to those on the receiving end it is profoundly arrogant, the act of an enemy so distant and superior that he is untouchable."[85] Yet understanding that rage did not mean that Bowden was ready to call off the drones, and he still implied that targeting errors were the exception rather than the rule.

The politics of verticality blurs the lines that exist between domestic peace at home and the GWOT overseas. As Roger Stahl has recently argued in his study of the cultural optics of the unmanned war, descriptions of the cockpits of drones and the "pilot's mundane existence" as she or he takes out the "bad guys" rhetorically chips away at audiences' ability to "distin[guish] that separate domestic space from battle space." Stahl contends that this blurring of spaces redefines what it means to go to war, and the fostering of "identification with the drone operator" prevents us from seeing the vantage points of those who suffer from this state violence.[86]

What results are several textured layers of identification, because at the same time that RPA pilots explain in interviews that they have "intimate" knowledge of their militant adversaries, US readers identify with those crews, who they believe are acting in heroic ways. The drone operations thus become a part of America's cultural weaponry as US talk of drone stress answers the critiques of those who accuse Americans of cowardice.

As noted above, in the vast majority of cases, the American journalistic accounts of drone pilot activities craft a sense of intimacy between ground

troops and RPA crews that allows writers to explain why pilots and sensory operators are paid so much money to watch those who may soon be targeted for "manhunts." As David Zucchino observed, there are times when RPA jobs are boring and monotonous, but there are also times when they are "gut-wrenching" because the RPA crews sometimes see ground troops taking casualties or coming under attack. The surveillance aspects of the drone crews' jobs includes confirmation of casualties, and while "physically most of them are on another" continent, "psychologically they're in the middle of combat."[87] It is this biopolitical type of argument that military personnel—and their defenders—who talk to reporters about the words and deeds of drone crews use over and over again.

Foreign observers have an incredibly difficult time believing that drone attacks have anything to do with heroism, and some have the temerity to question the scientific conclusions reached by Anglo-American military investigators who have studied the operational stress or PTSD of RPA crews. Grégoire Chamayou, a French philosopher, is among the most skeptical of these foreign observers, and he interrogates much of the discourse produced by Americans who allege that their RPA crews suffer from combat stress. In *Théorie du drone* and other writings Chamayou points out that even American pilots of conventional strike aircraft ridicule the idea that drone crews are engaged in actual combat or that they suffer any lasting psychological damage from their work. Moreover, he notes that most interviews with drone pilots and sensor operators show that they admit to having few qualms about their missions. Chamayou is one of the few scholars who have publicly declared that the stress of RPA pilots is purposely highlighted to counter the allegations of those who talk about the problematic nature of PlayStation mentality and the metonymic reduction of war to videogaming. Chamayou goes so far as to argue that talk of the vulnerability of the RPA crews is nothing more than an inventional strategy used to apply "a veneer of humanity to an instrument of mechanical murder."[88]

I must admit that I have ambivalent feelings about Chamayou's conclusions, but I am convinced that the talk of drone crews' cognitive and affective states will only grow in importance as the Obama administration and future White House staffs assiduously avoid commenting on the specifics of RPA drone programs. Given the many layers of secrecy that swirl around both DOD and CIA drone programs, there are few reliable estimates of exactly how many attacks have been conducted, who was targeted during these strikes, and who actually suffers from the firing of Hellfire missiles. Conflicting ideological claims about the mental states and stress of the RPA crews helps fill these voids as both drone supporters and critics cobble to-

gether conflicting verticality arguments about precision/lack of precision, distant suffering/engagement, vetting/arbitrariness, and the righteousness of disposition matrices.

We can engage in meaningful public and legal debates only when we understand that all of these commentaries about drones and drone pilots are discourses filled with descriptive—as well *normative*—assumptions about the legality and morality of their use.

6

The Obama Administration's Immunization Rhetorics, the "Dispositional Matrix," and the Biopolitical Expansion of the Drone Wars

> Like a virus, international terrorism respects no boundaries—moving from country to country, exploiting globalized commerce and communication.
>
> Richard Haass, then-Director of policy for the Department of State, October 15, 2001

> Looking back today at the series of attempts after September 11 in the United States to immunize the "homeland" from future attack . . . it isn't hard to imagine we are in the midst of a full-scale autoimmunity crisis whose symptomology Derrida and Esposito diagnose.
>
> Timothy Campbell, 2008

It is no secret that members of the US military, diplomats, and leaders of intelligence communities are inordinately proud of the role drones have played in destroying al-Qaeda and Taliban lives and infrastructures. John Nagl, one of the major figures working at the Center for a New American Security, once told PBS's *Frontline* that the American military had gotten "so good at using electronic means of identifying, tracking, and finding" militants and insurgents that it had created an "industrial strength counterterrorism killing machine."[1] A Department of State official familiar with the details of US planning for lethal operations told Tara McKelvey that RPA attacks helped with the "neutralization" of threats.[2]

This typical commentary on the need to annihilate enemy terrorists is part of the "clean war" logics that Roger Stahl has argued have been circulating since the war in Vietnam, when representations of war, "scrubbed of references to death and human suffering," could be used to legitimate state targeting in many geopolitical settings.[3] Moreover, these arguments—often tethered to dehumanizing talk about the communal cultures or individu-

ated habits of the enemy[4]—are omnipresent, circulating in everything from milblog sites to professional military journals.

As I note below, even the president of the United States, when he tries to justify the deployment of lethal force, uses grammars that invite us to differentiate between the noble use of deadly force by those fighting "just" causes and the inhuman rationales offered up by terrorist enemies.[5] After President Barack Obama took office in 2009 he planned for the drawdown of conventional forces deployed in places like Iraq and Afghanistan, but what puzzled some members of his own party was his escalation of the drone wars (in some cases quadrupling the number of lethal strikes).[6] After members of his administration talked about eventually "ending" these overseas contingency operations,[7] the nation's commander-in-chief implied that the war against al-Qaeda and its affiliates needed to be *geographically expanded*, so that the CIA and the JSOC could respond to new, emerging threats around the world.

This melding of temporal and geographical commentary on America's lethal use of force involved some beautiful rhetorical strategizing that took advantage of many ambiguities. The president's focus on the temporal end of the war provided a *kairotic* moment that might resonate with liberals and doves, while his focus on extraterritorial expansionism might appeal to conservatives or war hawks who interpreted it as affirming that Special Forces and drones would be used anywhere in the world.

This chapter explores how supporters and critics of drone usage have argued about UAVs during the Obama administration years and how certain biopolitical and thanatopolitical discourses are used to immunize and protect both the president and the American public from future accusations of war crimes or other violations of international law. More specifically, this chapter builds on some of the theoretical work of writers like Roberto Esposito, who comments on the importance of *communitas* and *immunitas*.[8] *Communitas* refers to political communities that share risks, enjoy eventful lives, and understand the importance of shouldering egalitarian obligations in a positive sense, while *immunitas* refers to situations wherein a select few empower themselves, believe that they are "immune" to the risks that befall others, and feel "safe from obligations or dangers that concern everyone else."[9] Immunological rhetorics have both biopolitical and thanatopolitical dimensions, and the current infatuation with drones as cleansing forces provides readers with a realpolitik example of what Esposito calls the "immunology paradigm."

Jacques Derrida's ruminations on "autoimmunity" complement Esposito's work, and they, along with other theorists who sense the growing power

of this securitizing discourse, provide fruitful lenses for demystifying some of the contemporary elite and vernacular debates that swirl around today's military humanitarianism.

I wish in this part of the book to focus on the ways that these immunological discourses are used to *dehumanize* the targets of these drone strikes. Surveillance and violence, note Tyler Wall and Torin Monahan, have become part of the politics of drone network-centric warfare, which involves "liminal security-scapes" wherein "drone stares" are used to abstract and dehumanize people who are "marked as Other."[10] In the wake of the campaigns against global terrorism, argues Joseph Pugliese, we have been left with a "terrain of horror littered with the detritus left by the violent operations of the biopolitical state."[11]

These discourses promise to get even more complicated as a new video-capture program—named the "Gorgon Stare," after the Greek mythological character whose gaze could turn victims into stone—increases the number of video feeds used to satisfy the desire for so-called omniscient surveillance.[12] The existence of mission creep and commentary on diffuse, decentralized, and proliferating al-Qaeda networks ensures that these thanatopolitical discourses about annihilating enemies will be circulating for years to come.

Where did all of this biopolitical and thanatopolitical discourse come from?[13] How might critical scholars contextualize these situations and explain why twenty-first-century social agents are willing to take pride in the cleansing power wrought by drones? How should we cope with immunization rhetorics and talk of impunity, when some Pakistanis, like Noor Behram, argue that for every militant killed during a strike, there are many more innocent civilians who lose their lives?[14]

As I argue below, talk about "foreign viruses" and the need to ensure American "immunity" in drone war contexts typically serves to invite US audiences to juxtapose the clean, precise, and legal US usage of targeted killings with the dirty, chaotic, and illegal activities of terrorists whose traceable behavior becomes the literal and figurate "signatures" that bring loss of life. Casualty aversion and management of risk through the annihilation of distant enemies become parts of futuristic chaoplexic warfare.[15]

I argue that while talk of "just wars" and "self-defense" plays well in front of most American publics, more skeptical observers note that this discourse is often framed in legalistic or militaristic ways so that US decision-makers can *avoid liability* when aggrieved parties complain about disproportionate civilian casualties and potential war crimes. After all, we are dealing with a situation where Barack Obama, the 2009 winner of the Nobel Peace Prize

for his "extraordinary efforts" to strengthen international diplomacy, is now defending drone policies that many of the world's denizens view as dishonorable and illegal.

There were no shortage of pundits who recognized that President Obama was having a difficult time legitimating America's drone programs in front of many international audiences. In a *Washington Post* opinion piece, John B. Bellinger III wondered whether the drone strikes were going to "become Obama's Guantánamo," and he explained some of the variance that existed between American and international perceptions of the RPA attacks:

> The US position, under the George W. Bush and Obama administrations, has been that drone strikes against al-Qaeda and Taliban leaders are lawful under US and international law. They are permitted by the September 2001 Authorization to Use Military Force Act, which empowered the president to "all necessary and appropriate force" against nations, organizations or persons who planned, committed or aided the Sept. 11 attacks.
>
> The United States also believes that drone strikes are permitted under international law and the United Nations Charter as actions in self-defense, either with the consent of the country where the strike takes place or because that country is unwilling or unable to act against an imminent threat to the United States. US officials have been understandably reluctant to confirm whether consent has been given by particular countries. . . . But the US legal position may not satisfy the rest of the world. No other government has said publicly that it agrees with the US policy or legal rationale for drones. European allies, who vigorously criticized the Bush administration for asserting the unilateral right to use force against terrorists in countries outside Afghanistan, have neither supported nor criticized reported US drone strikes in Pakistan, Yemen and Somalia. Instead, they have largely looked the other way, as they did with the killing of Osama bin Laden.[16]

Those who did not look the other way were openly skeptical when they heard US rationales for transglobal lethal strikes against suspected terrorists who were operating outside of conventional war zones.

President Obama, in some of his speeches, has admitted that some "non-state NGOs" have complained about America's drone usage, but he assiduously avoids the fact that many members of the United Nations and leaders of nation-states around the world also complain about the drones that hover over frontiers in Afghanistan, Pakistan, and Yemen. Defenders of the drone attacks often respond to this type of criticism by arguing that

other nations do not face the same imminent threats or that foreigners do not know about the countless debates that take place *within* military and CIA chains-of-command during the "preplanning" stages of drone attacks.

Many of the journalists and pundits who have written about Obama's ready adoption of drone tactics also note that some believe that the US military's use of the Collateral Damage Mitigation (CDM) assessment (see chapter 2) and the presidential establishment of a "high threshold" for lethal force ensure that decision-makers engage in jurisprudential acts of self-restraint. For more than a few legal observers, this preplanning and vetting provides demonstrable proof that their commander-in-chief respects "the inherent dignity of every human life."[17]

All of this provides publics with reassuring narratives that underscore how President Obama uses his law degree to make sure that his administration respects the "rule of law." For example, journalists for the *New York Times* have reported that every Tuesday at the White House President Obama and his advisers do their best to discriminate between those who deserve to be targeted and the civilians who are sadly caught up in the maelstrom of warfare.[18] We're "not going to end up in 10 years in a world of everybody holding hands and saying 'we love America,'" remarked one administration official, but "we can't possibly kill everyone who wants to harm us."[19] This positions Americans as pragmatic realists who will avoid the extremes of doing nothing about terrorism, on the one hand, and trying to kill all of terrorists, on the other.

Readers are often assured that the president and John Brennan, a key adviser, are familiar with just-war theories and the specifics of the law of armed conflict as they agonize over drone targeting. Defenders of either the DOD UAV programs or the CIA drone projects have worked hard to convince viewers and listeners that John Rizzo was on target when he described the importance of having "clean" neutralization of the enemy.[20] This reference to cleanliness had to do with everything from the type of munitions carried by the drones to the "positive identification" of some intended targets, and this care could always be contrasted with the messy, and conventional, loss of life that might attend droneless warfighting.

Many of Obama's critics, however, will point out that the "positive identification" administrators mention is needed only for "personal strikes," and not for "signature strikes," and that there are many times when the nation's commander-in-chief has delegated authority so that others—including military commanders in Afghanistan—can sign off on drone attacks. Detractors get the sense that some White House administrators like creating the impression that the president or some member of the Joint Chiefs of Staff has to give his or her warranted assent to each of the hundreds of

drone strikes that have been unleashed since 2001. The broad statements that appear in White House public addresses, or the fragments that appear in journalistic essays, paper over the fact that on many occasions the president *is not* the sole "authorizing authority" on targeting missions.

From a legal or a military vantage point, the DOD drone policies were supposed to be more transparent than the CIA UAV protocols because the military programs were publicly acknowledged and supervised by congressional leaders. Moreover, some of the drone rhetorics that were used to emphasize the legality of these strikes reminded audiences that the DOD personnel were governed by the Uniform Code of Military Justice, and that the DOD was supervising fighting in the traditional "war zones" in Afghanistan and Iraq. The covert CIA programs had different mandates, and their drone systems were designed for the collection of surveillance and the targeting of terrorist suspects *all around* the globe.[21] When Obama ratified the Bush administration's decision to "join" these two forces in the drone wars, he gained the flexibility to choose how he wanted to categorize each mission—an interpretative power that provided the United States with one more opportunity for immunization.

To develop my points regarding the biopolitical nature of America's Way of War during the Obama administration years, I begin with a brief theoretical overview of how some interdisciplinary scholars have written about immunities during wartime, and then I explain how some of this drone discourse is used to dehumanize the enemy. After that, I illustrate how members of the Obama administration and other defenders of US targeting programs deploy permutations of biopolitical or thanatopolitical arguments as they portray drones as medicalized weapons that rid the world of terrorist pathologies.

Theorizing about the Immunization of Populations during Wartime

As Jacques Derrida pointed out before his death, state use of discourses of self-protection and self-destruction, or remedies and poisons, has been around a long time, illustrated by the ancients' usage of the term "*pharmakon*" as an "old name" for "autoimmunitary logic."[22] Roberto Esposito remarked that it is no coincidence that a host of interdisciplinary scholars (including Michel Foucault, Judith Butler, Toni Negri, Donna Haraway, and Giorgio Agamben), working together or independently, started to write during this period about the nexus that exists between rhetorics of war, violence, and immunities.[23]

Even before scholars started to write about immunology in relation to

terrorism overseas, some writers had commented on the role that metaphors of immunology or pathology have played in studies of cultural biopolitics.[24] Susan Sontag, for example, in her *Illness as Metaphor*, reflected on how tuberculosis and cancer were both "spectacularly and similarly encumbered by the trappings of metaphor" that allowed patients to be stigmatized because of the circulation of misinformation about diseases.[25] Donna Haraway wrote about how "an immune system discourse" was circulating in postmodern circles during the late 1980s,[26] and Jacques Derrida, in a series of interviews, commented on the appearance of repetitive "autoimmunity" aggression after September 11, 2001.[27]

These types of analyses have set the stage for argumentative studies of the phenomenological features of immunological thinking that sadly taps into societies' contemporary wartime praxis, whereby nations are willing to spend billions of dollars on mechanized warfare that helps immunize Western populations. In *Bios: Politics and Philosophy* Esposito ruminates on how select European states employed an "exasperating immunitary conception of biopolitics that became a form of paroxysmic thanatopolitics, that is, a politics of death."[28] Writing just weeks after 9/11, Derrida similarly opined that one could find logics of autoimmunology at work in the "inevitable perversion of technoscientific advances," wherein commentaries about "weapons of mass destruction" were tethered to all sorts of ways of coping with "terrorism."[29] He went into great detail about how the terrorists who took down the Twin Towers deployed America's own infrastructures against itself, in the process traumatizing those who prepared for much worse.

The advent of the GWOT has attracted the theoretical attention of other researchers who highlight the role that these types of biopolitical and thanatopolitical immunology frameworks play in influencing twenty-first-century debates about the righteousness of deploying drones. Joseph Pugliese, for example, has noted that during times of great uncertainty, a "series of instrumental mediations" are used in the crafting of Orientalist neologisms like "AfPak" that invent enemies in ways that require the services of the "biological human" who "becomes coextensive with the drone that she or he pilots."[30] One Predator drone operator, working in Nevada, remarked: "It's antiseptic. It's not as potent an emotion as being on the battlefield. . . . It can get a little bloodthirsty. But it's fucking cool."[31]

As I noted in chapter 4, drone crew members are among those who have already accepted the paradigmatic idea that their mission involves the protection of folks in the homeland when they target those they may not know, and they trust their superiors to hand them lists that have identified those believed to have financed, supported, lived with, or encouraged terrorists. Disputation regarding who has the right the live—and who should be "dis-

posed"[32] of—are at the center of contentious targeting disputes, and, as noted above, the secrecy that surrounds drone targeting has not stopped speculation regarding the exact numbers of "militants" or "insurgents" killed in these lethal attacks.[33]

The theorizing of Derrida and Esposito on autoimmunology and immunology also invites readers to consider how immunization rhetorics can be used in biopolitical commentaries about the US *communitas* that needs protecting. In the name of protecting loved ones, decentralized, network-centric lethal warfare is naturalized as a state of exception that has become a normalized future wherein populations should get used to permanent policing and management.[34]

United States communities value the possibility that they, and their loved ones, can be immunized from a host of external and internal threats. As Esposito noted, paradigmatic ways of thinking about immunity and immunization require us to think about both the "juridical" lexicons and safeguards that make "one untouchable with respect" to law and the idea that biomedical immunizations keep people "safe from the risks to which [they are] exposed."[35]

What Esposito's work helps us see are the different permutations of immunological arguments that appear in both elite and public conversations about drones. Esposito is not simply arguing that medical metaphors, or talk of immunity, influence the way a person contextualizes a single mass-mediated situation—he is arguing that *immunitas* is the shadowy other of *communitas* and that together these antinomies offer paradigmatic ways of thinking about our twenty-first-century identities, norms, and geopolitical realities. This parallels the way that Giorgio Agamben defends the argument that camps are now the archetypal ways of thinking of today's spaces and places in a world filled with "states of exception."[36]

Esposito seeks to shift our gaze toward our own willingness, in an age of insecurity, to go to violent extremes in order to immunize entire populations. Our societies are so worried about contagion that an immunological paradigmatic template becomes an ideological *dispositif* that explains entire "lines of force that traverse our age" (*tempo*).[37]

The existence of *immunitas* points to a society's biopolitical threats, while *communitas* brings together those who have conversed about what to do—from policy standpoints—about those threats. Esposito argues that the "immunitary *dispositif*" that demands exemption and protection was something "originally concerned" with "medical and juridical fields."[38] After several traumatizing situations—including debates about AIDS and the supposed "infectious diseases" that came from the influx of immigrants—these immunitary ways of thinking about social issues spread to all sectors of our

lives, until they became what Esposito calls the "coagulating point" wherein talk of immunities and autoimmunities demanded prophylactic and hygienic measures.[39] Lawyers and other elites thus have the responsibility to come up the biopolitical measures for protecting populations from medicalized threats.

Esposito's *Bios: Politics and Philosophy* unpacks the power dynamics of the biopolitical and thanatopolitical rhetorics crafted during the rise of the Nazi regime. To understand how the Nazis were able to "push the homicidal temptations of biopolitics to their full realization,"[40] he explores how they used categories of immunization in judicial and medical spheres to rationalize the death of Jews as remedies for Nazi Germany's illnesses. What was especially horrifying for Esposito were the ways the Nazis were able to treat the nomos of law in biological ways, even as they touted emergency laws regulating lives as public health measures that configured the Schmittian "state of exception" as the norm.[41] In this sense, argues Timothy Campbell, Esposito was folding Agamben's ideas about the state of exception into what he believed to be the "more global reading of modern immunity *dispositifs*."[42]

The advent of the GWOT meant that those who worried about immunity from terrorism had to find biopolitical rhetorics that could adapt to changing situations. For example, those who want to cleanse the world of terrorism argue that "hunting" the individual or networked enemy requires putting aside the old, restrictive notions of fighting on a few "geo-centered" fronts so that we can move toward newer "target-centered" conflicts that are "attached to the body as prey." Derek Gregory considers this "immunitary logic" biopolitical because it involves "speech-acts" that are performative in that they save American lives by going after patterns of pathogenic life.[43]

Networked Terrorists as Pathogens and the Mass-Mediated Crafting of the Need for Immunities

Before we can consider the immunizing military and legal tactics that Obama administrators use in their defenses of drones and targeted killings, we need to get some sense of the dehumanizing rhetorics used in mass-mediated constructions of the "targets" of these strikes. How, for example, should readers think about the grammars and explicit or implicit arguments used to configure members of terrorist networks as pathogens?

Military officers' or drone operators' targeting of foreigners who followed certain "patterns of life" is not the first time Americans have used permissive interpretations of the rules of engagement or the laws of armed conflict when they encountered enemy foes. Chapter 2 provides myriad colo-

nial and modernist examples of the vilification of enemies. In his memoir, *My American Journey*, Colin Powell, who served as a US Army captain in 1962 and 1963, and later as a major in 1968 and 1969, recalls, "We used in the field [a phrase] MAM, for military-age male. If a helo spotted a peasant in black pajamas who looked remotely suspicious, a possible MAM, the pilot would circle and fire in front of him [*sic*]. If he moved, his movement was judged evidence of hostile intent, and the next burst was not in front but at him. Brutal? Maybe so."[44] There are several reasons why this passage is noteworthy. First, note how the phrase "military-age male" can be used to *presume* that *most* of those on the ground in particular geographic locales are acting in dangerous ways. Second, Powell's fragment spotlights some of the lexicons used by earlier generations of warriors who were also seeking to legitimate the taking of life of MAM from the air. This served as an earlier form of legal immunization because soldiers could argue that if they had evidence of "hostile intent," then they had to be brutal in order to protect themselves or their loved ones. Thanatopolitics merged with biopolitics as Vietnam combatants justified their elastic ways of calculating the enemy dead. While military historians still debate about how pervasive this type of thinking was in Vietnam, there is little question that these ideological formations circulated in some circles and became the genealogical shards of memories for future warriors.

The term "military-age male" is still routinely used in counterinsurgency operations in places like Afghanistan that are fought to win "hearts and minds," and oftentimes presumptions are still made about the associative guilt of certain individuals. For example, in some "unsecured" places in Afghanistan, many "fighting age" males between the ages of fifteen and seventy have to have their fingerprints taken and their eyes scanned.[45] Even the corpses of Taliban fighters are scanned for information that is then compared to materials in biometric databases.[46] Foreign civilians caught up in the fog of war are supposed to accept some of the very activities that, as invasions of personal privacy, would never be condoned in the West.

These biopolitical arguments may have been formulated to serve the needs of other historical communities, but that has not prevented their reappearance and recycling by younger generations fighting their own (post)colonial battles. As one journalist noted, there is a familiar logic to President Obama's adoption of methodologies for signature strikes against unidentified individuals: "[The US] counts all military-age males in a strike zone as combatants, according to several administration officials, unless there is explicit intelligence posthumously proving them innocent. Counterterrorism officials insist this approach is one of simple logic: people in an area of

known terrorist activity, or found with a top al-Qaeda operative, are probably up to no good."[47] Authors of White House briefing papers would later deny that they considered *all* males in strike zones to be combatants, but planners nevertheless assume that *most or many* of the males in those targeted areas may be enemies. In theory, regardless of whether Central Asian villagers say that some of the dead are innocent victims or some NGO or activist group collects statistics about civilians based on foreign interviews, the majority of those who die in drone strikes are not angels.

This vilification of the enemy is often tethered to American arguments that assume that well-intentioned military personnel have the power of discernment and can tell the difference between threatening enemies and noncombatant populations. What helps them do so? Does this discriminating power come from the "military science" taught in Anglo-American military institutions, or does it derive from some internal moral compass that comes with living in American culture? US Air Force officers and planners were so proud of the "airmen's view" and the detection abilities of those at the US Central Command's combined air and space operations center (CAOC) that Anna Mulrine could write an essay entitled "Warheads on Foreheads" for *Air Force Magazine*.[48] The article created the impression that the arrival of the Predator and Reaper drones spelled the certain defeat of enemies who fought the coalition in counterinsurgency battles. The Americans would win, Mulrine reasoned, because the drones provide "a true asymmetric [weapon] that the enemy cannot defeat. There's nothing they can do to defeat the fact that we're watching them 24 hours a day, seven days a week."[49] Did any other nation in the world have this capability?

This exceptionalist talk dehumanizes both the militants and the civilians who die in drone strikes around the world. Joseph Pugliese recently presented one of the most eloquent explanations of the various ideological vectors that constitute these protean and strategic rhetorics: "The military term 'pattern of life' is inscribed with two intertwining systems of scientific conceptuality: algorithmic and biological. The human subject detected by a drone's surveillance camera is, in the first scientific schema, transmuted algorithmically into a patterned sequence of numerals, the digital code of ones and zeros. Converted into digital data coded as a 'pattern of life,' the targeted human subject is reduced to an anonymous simulacrum that flickers across the screen and that can be effectively liquidated into a 'pattern of life' with the swivel of a joystick. Viewed through the scientific gaze of clinical biology, the 'pattern of life' connects the drone's scanning technologies to the discourse of an instrumentalist science, its constitutive gaze of objectifying detachment and its production of exterminatory violence."[50] Support-

ers of drones are willing to admit that in a few, isolated cases mistakes are made using these patterns of life, but the vast majority of drone defenders believe in the scientism undergirding all of this artifice.

Concerned citizens who might occasionally worry about the possibility of misidentification are assured that a host of independent social actors are working on multiple levels to vet the target before the trigger is pulled. Viewers of YouTube can see how pilots, active-duty sensory operators, and mission intelligence coordinators all work with JAGs and others who may be stationed at CAOC.[51]

Although no one knows for sure just how many individuals are watching the screens before any major drone strike, there is anecdotal evidence that in some cases hundreds of viewers on several continents simultaneously follow the video feeds used to relay close-up footage of would-be targets.

Take, for example, the August 5, 2009, attack that the CIA in Langley, Virginia, supervised as they prepared to assassinate one of the most wanted terrorists in Pakistan, Baitullah Mehsud, the alleged leader of the Taliban. Mehsud, who suffered from both diabetes and kidney disease, was seen reclining on the rooftop of his father-in-law's house in South Waziristan. The CIA launched two Hellfire missiles from a Predator, and within seconds twelve people had died—Mehsud, his wife, his father-in-law, his mother-in law, a lieutenant, and seven bodyguards.[52] Authorities on several different continents treated this as an example of the discriminating power of precision targeting, a legal and legitimate "targeted killing" that had nothing to do with political murder.

Sometimes American audiences are lucky enough to see the word and image used together in drone defenses, especially in situations where their commander-in-chief can use his office as a soapbox for discussing his position on certain military or diplomatic topics. On President Obama's third day in office the CIA conducted two strikes in Pakistan, one that killed four Arabs affiliated with al-Qaeda and another that targeted the wrong house, killing the residents of a progovernmental tribal leader. In spite of the fact that the blast killed several children, Jane Mayer has noted that there was no official acknowledgment of either strike.[53] In May 2009, then-CIA director Leon Panetta remarked, "Very frankly, it's the only game in town in terms of confronting or trying to disrupt the Al Qaeda leadership."[54]

Most drone defenders—even critics of many of Obama's other policies—view the UAV attacks as a legitimate use of technological weapons to exterminate enemies. Kenneth Anderson, a visiting fellow on the National Security and Law Task Force at the Hoover Institution and a professor at American University's Washington College of Law, contends that the "aggressive expansion of the Predator targeting killing program is the Obama

administration's one unambiguous innovation in the war against terrorism."[55] Anderson's position is that the US drone campaign is both effective and legal and that the lawyers who work for the Obama administration need to openly, and aggressively, defend the program against its critics.

In February 2013 American audiences across the country got a small hint of what aggressive defense of these policies might look like when *NBC* got hold of a sixteen-page confidential Justice Department white paper that contained expansive definitions of "self-defense" and "imminent" attack.[56]

In many of these accounts produced by White House administrators, spokespersons for the Department of Defense, or supporters of the drone programs, the "few" civilians killed during drone strikes are viewed as the collateral damage of "incidents" of twenty-first-century warfare. For example, more than twenty-three civilians died in February 2010 when an airstrike was launched in the Oruzgan province during a US Special Forces Operation. After many pairs of eyes located on several different continents spent hours tracking a vehicle convoy (two SUVs and pickup truck) that was carrying some thirty civilians, a helicopter airstrike was authorized.[57] In many ways, this tragic event would provide one of the clearest examples of how perspectival prejudices and faulty intelligence could lead to the loss of innocent civilian lives.

In an essay entitled "Combat by Camera," David Cloud of the *New York Times* provided readers with a running account of what happened in Oruzgan. Cloud goes into great detail about how a Predator team and leaders of a Special Operations unit had difficulty distinguishing friend from foe. His tale includes commentary on how a few drone crew members and military personnel on the ground overrode the concerns of other military viewers who warned them that children or adolescents might be in some of those vehicles. Cloud's investigative journalism is based on the analysis of thousands of official pages on the Oruzgan incident, and it shows how at various points in time Orientalist ways of viewing those on the ground impacted the characterization of what constituted a biopolitical threat.

In Cloud's version of what happened that day, the three vehicles were packed with Afghan civilians from the villages in the Kijran district. Although the villagers were on different errands, they were traveling together in case a vehicle broke down. That morning, an air force pilot sitting in a control room at Creech Air Force Base in Nevada—some seven thousand miles away—was watching what he believed to be eighteen "pax" [passengers] dismount so that they could pray. The air force pilot and his camera operator were in touch with the unit on the ground, and when the camera operator indicated that he thought they were Taliban, the crew's intelligence coordinator joined in and said, "They're going to do something ne-

farious."[58] When several of the vehicles' drivers flashed their headlights to help with the organization of the convoy before it moved forward, the crew of an AC-130 attack plane interpreted the flashes as evidence something suspicious was going on.

Back at Creech Air Force Base, both the Predator's mission intelligence coordinator and what was called a "safety observer" were watching these events.[59] Thousands of miles away, in Okaloosa, Florida, enlisted personnel trained in video analysis—known as "screeners"—provided another set of eyes as they sat in front of high-definition televisions watching some of the feeds coming from drones flying over Afghanistan.

In these types of complex situations it is the ground force commander who has the authority to order an airstrike, and in theory he or she is supposed to begin this process by making a positive "identification" that the adversary is carrying weapons and is posing an "imminent threat" to those on the ground. In this case, the Predator crew and the screeners spent more than four and a half hours looking for the type of visual evidence that the ground force commander needed. One of the army officers whom investigators would interview later explained that he wondered why you had some "20 military age males at 5 A.M. collecting each other."[60] At various points in time some of these viewers thought that they saw a rifle in one of the vehicles, and when the camera operator saw many people jammed into the flat bed of the pickup he told his Predator pilot: "That truck would make a beautiful target." Several minutes later, when one of the screeners claimed that they had spotted one or more kids in the group, an obviously agitated pilot wondered—"why didn't he say 'possible' child?" . . . . Why are they so quick to call kids but not to call" a rifle?

In this situation, biopolitical and thanatopolitical considerations, as well as Anglo-American cultural frames, may have influenced how these "man-hunters" felt about their suspected enemies and those around them. At the same time, the adrenalin of battle and the aesthetics of network-centric combat apparently impacted some of the moral and military judgments that had to be made that day.

During the tragic Oruzgan incident the Special Operations unit on the ground explained to the other American viewers that they needed more for "positive" ID, so they asked that the drone crew and the screeners keep tracking the vehicles so that "they could take out the whole lot of them."[61] Why, after all, would you allow your enemies to escape and fight again?

Assumptions about age and gender appeared to factor into the final decision about whether to fire drone missiles, and in this case by about 7 A.M. some of the screeners were calling in and saying that they were seeing twenty-one MAMs [military-age males], no females, and two possible children.

When the team on the ground asked whether the screeners were seeing "teenagers or toddlers," the pilot and the camera operators responded that they were watching "adolescents or teens." Note the ambiguity here—are these adolescents going to be configured as civilians or enemies?

Forty minutes later the team on the ground had radioed everyone listening in that their captain had concluded that they had "positive identification" based on the "weapons we've identified and the demographics of the individuals plus the ICOM [intercepting communication that a Taliban leader was in the area]."[62] By this time two Kiowa helicopters were poised to join the attack, and a little before 9 A.M., when three vehicles in the convoy reached an open and treeless stretch of road, the air strike was called in. Several of the vehicles burst into flames, and when a few survivors tried to surrender some of those viewing the devastation realized that something had gone wrong. Women and children suddenly appeared on the Americans' viewing screens.

That evening Gen. McChrystal visited the presidential palace in Kabul to apologize to President Hamid Karzai, and two days later McChrystal went on Afghan television and promised a full investigation.[63] Six US officers would eventually be punished, and the report on the Oruzgan incident concluded that both the drone crew and the American ground commanders in Afghanistan had misidentified civilians as insurgents.[64] This incident, however, did not lead to the end of this phase of the drone wars. Rather, it is usually configured as a cautionary tale of what was *happening before* the development of more precise technologies.

In his analysis of the incident Derek Gregory explained that one of the major contributing factors to this fiasco was not the distance involved but rather the Predator crew's *identification* with the Special Forces team on the ground—the intimacy of the time-space compression from Nevada to Oruzgan that turned civilians into combatants. The desire to be a part of the fight and the motivation to help those on the ground colored the perceptions of those who thought they saw rifles, praying Taliban, "middle-aged males," and "adolescents." For Gregory, all of this "seeing" was believing, some "techno-culturally mediated" scopic regime that configured a tragic and illusory battle space.[65]

This would be one of the few times when coalition members could empirically track the aftermath of a drone strike, and what could have been a public relations disaster was contained by the circulation of an official military report whose findings would eventually be declassified.

How do those who support President Obama's drone decisions parry the critical thrusts that come from international critics who are sure that the UAVs indiscriminately dispense summary judgment? In the next sev-

eral sections, I show how a combination of fighting faiths—in the disposition matrix, in the legality of the white paper, and in Obama public addresses—can serve to magnify terrorist threats. I contend that these elite texts also serve to immunize those who are trying to take out these "cancerous" threats.

Immunizing America through the Formation of the Disposition Matrices

Mainstream media outlets didn't pay much attention to commentary on disposition matrices before 2011, but it could be argued that the immunological origins of these logics can be traced back to early 2008, when former president George W. Bush decided to begin using signature strikes. As Eric Schmitt and David Sanger explain, rapid technological developments of UAV warfare, along with America's "quiet understanding" with Pakistan's leadership, led to the circulation in the US executive branch of more permissive operational rules for the launching of armed Predator surveillance aircraft from a secret base in Pakistan.[66] This is how Schmitt and Sanger, in February 2008, first described the phenomenon that later would be called the "disposition matrix":

> In the weeks before Monday's election, a series of meetings among President Bush's national security advisers resulted in a significant relaxation of the rules under which American forces could aim attacks at suspected al-Qaeda and Taliban fighters in the tribal areas near Pakistan's border with Afghanistan. The change, described by senior American and Pakistani officials who would not speak for attribution because of the classified nature of the program, allows American military commanders greater leeway to choose from what one official who took part in the debate called "a Chinese menu" of strike options. Instead of having to confirm the identity of a suspected militant leader before attacking, this shift allowed American operators to strike convoys of vehicles that bear the characteristics of al-Qaeda or Taliban leaders on the run, for instance, so long as the risk of civilian casualties is judged to be low.[67]

The coalition members, of course, were the ones who claimed to have the databases that would help them find those characteristics.

This elitist talk of having the ability to keep track of the typical behavior of militants, terrorists, or al-Qaeda affiliates recalls Edward Said's lamentations about the Orientalism founding evidence in nineteenth-century British diplomatic talk of supposed "expertise" on the Middle East,[68] but be-

lievers in the rectitude of America's drone policies are convinced that the Obama administration has the grids, matrices, and mosaics necessary to make those assessments.

Skeptics like John Hudson have responded to these types of claims by arguing that the semantics of the disposition matrix create a situation wherein targeted-killing decisions are further distanced from publics that are not invited to study how to eradicate the "root causes of terrorism" and the radicalization of Muslims.[69] By focusing on the individuated behavior of single human beings who act like terrorists, coalition forces do not have to grapple with the more structural, long-term, diplomatic, or economic dimensions of these issues.

While members of the National Counterterrorism Center (NCTC) are generally credited with the initial conceptualization of the idea of the disposition matrix, it is in fact a *dispositif* that has many authors and interpreters who cocreate the ideologies that justify extensive drone killing chains. The disposition matrix is an example of what Elaine Graham calls "ontological hygiene,"[70] a phenomenological event that links White House advisers, DOD lawyers, and drone crews. Based on elite assessment of the surveillance compiled from human intelligence on the ground and drones in the air, analysts and others located at the CIA's Counterterrorism Center select individuals that are put on the board for possible "neutralization."[71]

In the same way that immunologists study "patterns of pathogenesis" so that they can discriminate between "pathogenic and nonpathogenic microbes" in our bodies' immune systems,[72] American intelligence officers and planners watch for al-Qaeda motorcades, strange cellphone patterns, and activity at the entrances of well-known terrorist "safe-houses." Unlike the "personality strikes" that require knowledge of an individual's genealogical history and positive identification before a strike, those who develop disposition matrices observe, catalogue, and register information that leads to the targeting of a militant's "life world."[73] More than 120 individuals stand behind each drone pilot "mission," and all of them are invited to share in these thanatopolitical visions that fit Michel Foucault's description of concerns about populations and states that decide who lives and who dies.[74]

By the summer of 2012 Derek Gregory could tell Internet viewers who visited his website, *Geographical Imaginaries*, that "signature strikes are frequently triggered not on the fly—a sudden response to an imminent threat— but by a sustained 'pattern of life' that arouses the suspicion of distant observers and operations."[75] This pattern of life was an artistic creation, a mosaic composed of many cultural, legal, and military fragments, but it was paraded in countless military and legal outlets as the latest in objective military science.

From a military standpoint, the elimination of key al-Qaeda or Taliban

leaders had to do with the beginning, and not the end, of the GWOT. The disposition matrix was developed by the NCTC under Michael Leiter after White House officials started hearing from a former counterterrorism official that "we had a disposition problem." Joking aside, high-ranking civilians were asking the military about the efficacy of the "wack-a-mole" policies. Could those who wanted to "take the fight to the enemy" be right when they complained about the failures of the COIN policies that were not changing the "hearts and minds" of intransigent enemies? Maybe drones, and not local diplomacy, were the only measures that could stop the spread of terrorism.

According to many counterterrorist strategists, American forces needed set aside their petty interagency squabbles and share the intelligence information that was streaming in from human intelligence sources as well as surveillance drones. The disposition matrix thus became the massive configuration that symbolically represented how the CIA and the JSOC were going to organize their thanatopolitical ventures: "The data base is meant to map out contingencies, creating an operational menu that spells out each agency's role in case a suspect surfaces in an unexpected spot. 'If he's in Saudi Arabia, pick up with the Saudis,' the former official said. 'If traveling overseas to al-Shabaab [in Somalia] we can pick him up by ship. If in Yemen, kill or have the Yemenis pick him up.'"[76] This mythic, massive database—filled with names and the available resources to "eradicate" militants—now "combines all of the overlapping kill lists used by the various drone programs run by the Pentagon, CIA and the US Joint Special Operations Command."[77]

Military planners love the appearance of order, and the notion of the matrix helps explain what elites can do to contain chaoplexic warfare. Supporters of RPAs could now see the benefits that would come when the CIA and DOD shared resources and personnel as they conducted future "manhunts." The intelligence communities and military organizations could now share credit for taking out the "bad guys."

The technical proficiency of the drones provided the material immunization of America, but how did one go about protecting the planners and operators from legal prosecution for potential violations of international law?

The "Leaked" White Paper and the Legal Immunization of America's Drone Warriors

Many judge advocates undoubtedly are aware that the former secretary of defense Donald Rumsfeld had to deal with several lawsuits filed by those who accuse him of international crimes for his role in the alleged torture of detainees at Abu Ghraib and Guantánamo. Because the United States is

not a member of the International Criminal Court, and because the United States has failed to prosecute anyone high up on the chain of command for these alleged abuses, critics of these policies who seek legal redress have to file lawsuits in countries whose laws allow for the potential prosecution of serious international crimes, regardless of where they occurred or the nationality of the perpetrators or victims.[78] Parties in Spain and Germany, for example, have already sued Rumsfeld, and several Pakistani courts have been presented with claims from alleged victims of drone strikes who are trying to sue either Pakistani or US authorities.

Realpolitik considerations militate against the possibility that someone like Obama, Leon Panetta, or John Brennan will see jail time anytime soon for their involvement in drone programs, but this has not prevented officials from selectively leaking information or publicly defending RPA policies. In February 2013, for example, *NBC News* "leaked" a secret, sixteen-page Department of Justice white paper that provided readers with hints of how the Obama administration was going to justify the use of lethal force against *a US citizen* who might be a senior operative leader in al-Qaeda or an "associated force." By constantly referring to the events of 9/11 and the congressional passage of the Authorization for Use of Military Force Against Terrorists (AUMF), those who produce texts like these can continue to assert that drones are being used only defensively in ways that justify "extraterritorial" warfare.[79]

Further analysis reveals how the DOJ white paper appeared to be performing several protective functions for administrators—it contained arguments that shielded all members of the White House, the Department of Defense, the Department of Justice, or any other Americans involved in a US operational chain that used lethal force in another country against "a US citizen" who might be a senior leader operating in al-Qaeda networks. At the same time, the DOJ white paper specified what parties *would not* be protected by their citizenship. On the third page of the paper, the authors make it clear that the Department of Justice "does not believe that US citizenship would immunize" a senior al-Qaeda operative or member of "associated forces" against lethal force.[80]

I contend that this white paper, written some five weeks after the placement of Anwar al-Awlaki's name on targeting lists, is meant to provide legal immunity from prosecution for those who might be accused of violating American or foreign laws related to "assassinations" or war crimes. In a host of ways, the white paper can be viewed as a composite text that organized many of the arguments about Anwar al-Awlaki that had been circulating for more than a year.

Before the leaking of the drone white paper, numerous authors config-

ured al-Awlaki as an American and Yemeni imam, someone who started out as a mere propagandist. As the story goes, at some point in his life Anwar al-Awlaki turned into a threatening recruiter and motivator for terrorists when he became an "operational" leader for al-Qaeda. The Saudi news station *Al Arabiya* described him as the "bin Laden of the Internet,"[81] and al-Awlaki allegedly encouraged Umar Farouk Abdulmutallab to undertake the attempted bombing of Northwest Airlines Flight 253. Al-Awlaki was also accused of providing at least "spiritual support" to Nidal Malik Hasan, the Fort Hood shooter, and others who planned attacks on Americans and Europeans. This type of attributive commentary provides us with more examples of the type of preventive war thinking that goes into "pattern of life" matrices.

As Jacques Derrida has explained in one of his key critiques of terrorist discourses, sometimes combatting terrorists involves "semantic, lexical, and rhetorical" dexterity. He elaborates by noting that nation-states no longer need to deploy empowering *dispositifs* that followed the older "colonial or imperial model of occupying a territory."[82] Instead, states that want to control populations could now craft and circulate autoimmunizing logics, formations of "anti-terrorism" grammars that imply that terrorism could be fought in a nice clean war.[83]

The Department of Justice's white paper provides a legal exemplar of this so-called cleanliness when it implies that White House decision-makers—or those who have the authority to authorize drone strikes against American citizens working with al-Qaeda—cannot be configured as criminals in this "non-international armed conflict." The beginning of the war, after all, came when terrorists declared war on us, making this an armed conflict. This answers the queries of those who complain about *jus ad bellum* violations.

At the same time, it is presumed that Americans are honorable warriors who wage wars according to the law of armed conflict. The author of the white paper anticipates, and answers, those who worry about *jus in bello* violations by arguing that those who carry out drone strikes, or other lethal operations, against al-Qaeda will be viewed as having complied with the "four fundamental law-of-war principles" that govern the use of force: necessity, distinction, proportionality, and humanity.[84]

By reciting the principles, the author of the white paper provided so-called evidence that the attacks on American terrorists like al-Awlaki complied with either IHL or LOAC. If nothing else, the white paper put on display the beliefs of White House administrators who argued that they were acting legally. This stance would help them in court if lawyers started quibbling over the presence or absence of "specific intent."

Like many American exceptionalist texts the white paper does not privilege UN interpretations of the IHL or foreign court commentaries that

have been critical of assassinations. Instead, it brings together threads of arguments in American tapestries that just happen to fit with aggressive, counterterrorism policy-making. For example, the DOJ white paper cites a US Air Force text on targeting doctrines[85] because it can be used to show that American decision-makers are familiar with the need to avoid *excessive* civilian casualties.

If the secret Obama memos for CIA drone strikes—ones that have not been leaked—use similar logics, then there will be little chance that a drone pilot, military authorizing authority, or commander-in-chief will have to appear before an international tribunal.

Immunizing the Obama Administrators through Speeches that Highlight Biopolitical Defenses of Drone Strikes

In many ways, growing public and elite acceptance of precision warfare emboldened some Obama administrators to make incredible statements about drone accuracy. For example, while answering questions from students and academics at the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University in Washington in June 2011, John Brennan made the contentious assertion that in the previous year there hadn't "been a single collateral death because of the exceptional proficiency, precision of the capabilities that we've been able to develop."[86] This was picked up by journalists, who interpreted this to mean that with the passage of time, drones would become more precise and that there would be fewer and fewer reports of civilian casualties in Afghanistan, Pakistan, and Yemen. This was not to be.

John Brennan's claims served as lightning rods for international controversy, and the confidence Brennan displayed as he made his categorical statement about drone casualties made many realize that he was using his speech as a vehicle to tell the world what the American people thought about CIA sources and detractors' claims. What needs to noted here is that Brennan's selective punctuation of time—the year before his presentation—bracketed out the Oruzgan incident, and it argumentatively became the presumptive position that critics now tried to attack.

Both the nation's commander-in-chief and his top advisers avoided talking about the specific elements that went into their infamous disposition matrix, but they did not hesitate to openly argue that critics were underestimating the nature of terrorist threats. During the first weeks of 2012 President Obama defended the escalating usage of drones on several occasions, and he took advantage of the visual turn when he appeared on an online program in an effort to "make the people understand" why he and his advisors had made their decisions. "Actually, drones have not caused a huge number of civilian casualties," he told viewers and listeners and asserted that

"for the most part they have been very precise precision strikes against al-Qaeda and their affiliates."[87] Moreover, he made it seem as though the CIA and the military were going after just a few of the enemy, and he elaborated by noting that his program involved "a targeted," focused effort toward people on a list of "active terrorists."[88] This papered over the fact that American military leaders and intelligence-gatherers were constantly adding to their list of "associates" or "affiliates" who could be linked to the active terrorists Obama referenced.

Obama's early 2012 address did not provide his listeners with any information regarding *how* the government was tallying the victims of these strikes, and he did not let his audiences know that some individuals on these targeting lists ended up there because of their cell phone habits or social engagements with Taliban or al-Qaeda leaders. It became much more politically advantageous to talk generally and abstractly about networks and attacks.

In April 2012 John Brennan showed that he was a rhetorical force to be reckoned with when he built on his earlier analyses and presented the first open acknowledgment by the Obama administration that the CIA was involved in the covert use of drones.[89] After Brennan's presentation, Jon Harper of the paper *Asahi Shimbun* asked Brennan a pointed question about the criteria for signature strikes, but Brennan dodged the question and noted instead that his presentation was on "targeted strikes against individuals" and not the other strikes that were "frequently reported in the press."[90] In other words, Brennan was focusing on "personal strikes" and not "signature strikes," and he was referencing only a few of the less controversial strikes.

Brennan's speech at the Woodrow Wilson International Center for Scholars was a work of art. In it, he made it appear as if few Americans should question whether the drone strikes were legal, ethical, wise, or vetted. It was a triumphant address filled with medical metaphors that surely would have infuriated Susan Sontag had she heard the presentation.[91] Brennan graphically depicted terrorists as "cancers" that were metastasizing to the point where places such as Pakistan, Afghanistan, Yemen, and maybe Nigeria and Mali needed to suffer "surgical strikes" to help with the curing of al-Qaeda ills. This mixture of medical and military terminology made it appear as if America's worries were also the worries of their allies, and his commentaries advanced the claim that immediate and necessitous martial action needed to be taken in many places around the globe in order to save healthy democratic communities. He received warm applause when he talked about how the enemy was being hunted down.[92]

In his framing of current affairs, Brennan echoed the remarks that were circulating in military ethics journals when he averred that *not* using drones

would be un-American. In one portion of his public address Brennan remarked, "[The] American people expect us to use advanced technologies" to "prevent attacks on US forces and to remove terrorists from the battlefield."[93] This logic added technological rationales to the legal and martial justifications that appeared in other parts of his presentation.

In this address Brennan admitted that what was now capturing the attention of many critics was the usage of drones "beyond hot battlefields like Afghanistan," and he used this concern as an opportunity to talk about other affiliates, other terrorists, and the expansion of the war away from "hot" battlefields. He saw no reason why sending drones across geographical boundaries should pose any problem for those who considered the UAV attacks to be ethical because doing so conformed to the international laws regarding the principles of necessity, distinction, proportionality, and humanity. As far as he was concerned, geographic locale and the mobility of the terrorists meant that these principles traveled along as well. Like other administrators, Brennan constantly asserted that America was fighting a just war and that the United States was conducting itself in ways that were above reproach.

Extending the arguments advanced by contributors to a plethora of military science journals or milblogs, Brennan asserted that those who guided remotely piloted aircraft could precisely target military objectives while minimizing collateral damage, and he was sure that these same weapons allowed American fighters to "distinguish more effectively between an al-Qaida terrorist and innocent civilians." Moreover, he even claimed that in comparison to "other options," pilots of drones would have "clearer pictures of the target and its surroundings," which meant that innocent civilians *would be saved* through the "surgical precision" of strikes, which would eliminate only the cancerous "tumor called an al-Qaeda terrorist" while limiting the damage to surrounding "tissue."[94]

Again, Brennan's blending of biopolitical and thanatopolitical discourse reflected and refracted the countless immunization rhetorics circulating in other fora. He was advancing the idea that everyone involved in these strikes was a professional. After all, couldn't immediate audiences or other listeners surmise that those involved in drone targeting were acting like surgeons conducting necessitous medical operations?

In many ways, although Brennan tried to make it appear as if he was establishing "new" guidelines for future drone usage, his speech was actually a pastiche of the old claims and arguments that coalition military experts had been using for more than a dozen years. In other words, he was simply providing legal cover for the practices of those who wanted to conduct business as usual as they engaged in transglobal targeted killings.

This vivid imagery sutured together medical metaphors with martial jus-

tifications so that drones, operated by heroic pilots simply performing their duty, would appear both clean and efficacious. What Brennan failed to address were all the questions critics had about the *sources* of intelligence that were used to paint individuals as "al-Qaeda terrorists," the criteria that were being used in the matrices, and whether there were any chances that one might get second opinions on this decision-making *outside* of American military chains of command. As noted above, when Obama administrators talked about the law of armed conflict or applicable rules of engagement, they made sure that they focused on *American* interpretations of general international law edicts.

Brennan, perhaps sensing that this talk of saving American lives might be interpreted as exceptionalist, tried to counter some of the drone criticism by arguing that the United States and its "foreign partners" needed to address the "mistaken belief" that these strikes were used casually and in ways that showed that the coalition was "unwilling to expose US forces to the dangers faced every day by people in those regions." Furthermore, he implied that the Obama administration went to great lengths to avoid the loss of innocent life.[95]

All in all, this was beautiful oratory, a virtuoso performance filled with vivid symbolism that resonated with the average American listener who knew little of the intricacies of legal or military debates about international human rights law, the counter evidence from Pakistani sources, or the intelligence issues on the ground that were an inherent part of drone "kill chains." Brennan, after all, did not have to define what he considered to be an acceptable loss of foreign lives.

Brennan's speech came across as a pragmatic, thoughtful, and thoroughly American way of explaining to various international audiences how the United States felt about the usage of drones. Vicki Divoll, a former CIA lawyer who now teaches at the US Naval Academy in Annapolis, used a very different approach when she bluntly argued, "People are a lot more comfortable with a Predator strike that kills many people than with a throat-slitting that kills one."[96] In other words, casualty-averse societies who worry about the potential legal liability of their loved ones might have trouble condoning the acts of CIA field agents who are physically engaging in assassination attempts, but when mechanical objects are used to accomplish the same ends, fewer objections are raised.

One of the most popular speeches on the topic of drones was presented by President Barack Obama when he visited Fort McNair, in Washington, DC, in May 2013.[97] Obama's audience at the National Defense University (NDU) that day learned that drones were a part of a broader strategy that involved the narrow targeting of those who "want to kill us," and the

president assured his listeners that this was "choosing the course of action" that was "least likely to result in the loss of innocent life." Obama then juxtaposed the use of this type of lethal force with "the history of putting American troops in distant lands among hostile populations," and he recalled that in "Vietnam, hundreds of thousands of civilians died in a war where the boundaries of battle were blurred."[98] Notice that his Vietnam references made no mention of the fact that MAM targets in both situations were in danger.

At one point in his NDU address President Obama explicitly employed a variant of the biological or immunizing metaphors when he admitted that he and his administration may have gone too far in viewing "drone strikes as a cure-all for terrorism," and he vowed that in the future there would be more oversight of the RPA programs.[99] At the same time, Obama implied that planned drone strikes and preplanning activities were *clarifying* blurry lines, and that his administration had a coherent drone program aimed at protecting the nation's men and women. He also mentioned the heroic efforts of US fighting forces in Iraq and Afghanistan.

During this May 2013 address Obama tried to answer the complaints of those who believed that his policies were contributing to perpetual warfare. The nation's commander-in-chief admitted that while the nation should not be involved in perpetual wars and that no military could destroy all evil in the world, Americans nevertheless had to "dismantle networks that pose[d] a direct danger to us."[100] Like Brennan, the president spoke in generalities and did not go into any detail about how one decides whether they are in the presence of this "direct danger."

Interestingly enough, at the same time that Obama argued that terrorist wars had *temporal limits*, he justified the *expanding geopolitical scope* of these conflicts. A key section of the speech hinted at what the nation's commander-in-chief meant when he talked about myriad sources of direct danger:

> Unrest in the Arab world has also allowed extremists to gain a foothold in countries like Libya and Syria. But here, too, there are differences from 9/11. In some cases, we continue to confront state-sponsored networks like Hezbollah that engage in acts of terror to achieve political goals. Other of these groups are simply collections of local militias or extremists interested in seizing territory. And while we are vigilant for signs that these groups may pose a transnational threat, most are focused on operating in the countries and regions where they are based. And that means we'll face more localized threats like what we saw in Benghazi, or the BP oil facility in Algeria, in which lo-

cal operatives—perhaps in loose affiliation with regional networks—launch periodic attacks against Western diplomats, companies, and other soft targets, or resort to kidnapping and other criminal enterprises to fund their operations.[101]

Note how Obama talks about spreading terrorist threats without using the cancer metaphors that appear in other administration addresses. He is using geopolitical, spatial analyses in this commentary, and he provides typical examples of spaces and places that require intervention to justify flexible ways of thinking about future overseas contingency operations. He is willing to comment on a number of places that might require intervention and to reference an assortment of actions that might trigger counterterrorist responses, but he offers no discussion of the role the United States might have played in creating this unrest. At the same time, this was not an address that highlighted how the United Nations or other organizations might be involved in controlling extremists; its primary focus was on alleged US interests, American worries, and unilateral anticipatory responses.

In another section of his NDU speech President Obama talked about the immense risks associated with raids like the one that killed Osama bin Laden in Abbottabad, and the president used this example to explain why the United States had to use lethal, targeted action against al-Qaeda and associated forces. He noted how drone usage was both efficacious and just and alluded to some of the commentary coming from the enemy to prove that UAV attacks were helping dismantle al-Qaeda networks:

> To begin with, our actions are effective. Don't take my word for it. In the intelligence gathered at bin Laden's compound, we found that he wrote, "We could lose the reserves to enemy's air strikes. We cannot fight air strikes with explosives." Other communications from al Qaeda operatives confirm this as well. Dozens of highly skilled al Qaeda commanders, trainers, bomb makers and operatives have been taken off the battlefield. Plots have been disrupted that would have targeted international aviation, US transit systems, European cities and our troops in Afghanistan. Simply put, these strikes have saved lives. Moreover, America's actions are legal. We were attacked on 9/11. Within a week, Congress overwhelmingly authorized the use of force. Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces. We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first. So this is a just war—a war waged proportionally, in last resort, and in self-defense.[102]

Much like Brennan's address, Obama's address contained little detailed discussion of the meaning of "just" or "proportionally," but the president reassured his listeners that beyond the Afghan theater of combat, Americans targeted only al-Qaeda and its associated forces. Even then, he opined, the use of drones was "heavily constrained," and the American military always preferred to capture individual terrorists, when possible, so that they could be detained, interrogated, and prosecuted.

In one of the most controversial parts of this address Obama asserted that Americans did not strike wherever they chose, and he claimed that the Americans' actions were bound by consultations with partners and respect for state sovereignty.[103] The president, however, did not provide any examples of where Americans had *called off drones strikes* because of United Nations or international pressure, and there was no indication that he was willing to acknowledge that many populations around the world were also questioning the efficacy and legality of the drone strikes.

In another key section of the address the president talked about how America could not stand by as terrorist networks invited more civilian casualties in places like Sana'a, Kabul, and Mogadishu. He argued that when foreign governments "cannot or will not effectively stop terrorism in their territory," the "primary alternative to targeting lethal action" would be the use of "conventional military options." The president offered very little evidence of this lack of will or ability and provided no commentary on the importance of negotiations with the Taliban or the need for international diplomacy. Instead, the president sutures together a host of traditional drone defensives in circulation for years as he comments on the wisdom of surgical strikes:

> Conventional airpower or missiles are far less precise than drones, and are likely to cause more civilian casualties and more local outrage. And invasions of these territories lead us to be viewed as occupying armies, unleash a torrent of unintended consequences, are difficult to contain, result in large numbers of civilian casualties and ultimately empower those who thrive on violent conflict. So it is false to assert that putting boots on the ground is less likely to result in civilian deaths or less likely to create enemies in the Muslim world. The results would be more US deaths, more Black Hawks down, more confrontations with local populations, and an inevitable mission creep in support of such raids that could easily escalate into new wars.[104]

The reference to the Black Hawk helicopters reminds listeners of Mogadishu, and the commentary on confrontations with local populations in-

dicates the lingering influence of counterinsurgency rhetorics. Yet at the same time, like the Israelis before him who had to justify their own surgical strikes, the president remarked that Americans were targeting the terrorists and not the "people they hide among."[105] Again, this focus on the social agency of the enemy makes it appear as if they are the ones who are violating the LOAC.

Although many members of the federal judiciary were willing to grant deference to some of President Obama's powers as commander-in-chief, at times they seemed to support the positions of the ACLU or other organizations that were calling for greater "transparency." In June 2014 the Second Circuit Court of Appeals demanded the release of a "drone memo" coauthored by David Barron and Marty Lederman in 2010. Barron was President Obama's candidate for an appointment to the First District Circuit Court, and when US congressional leaders indicated that they would fight the appointment if the White House did not release the drone memo, the Obama administration reluctantly released a redacted copy of Barron and Lederman's forty-one-page memo.[106]

The memo had been written before the death of Anwar al-Awlaki, and Barron and Lederman argued that if readers were to incorporate the "public authority justification" in some key circumstances, then this section of the US Code would not bar all targeted killings. The authors, who underscored the precedential value of American domestic law and Israeli interpretations of self-defense rights, invited readers of the memo to apply "public authority" justifications in situations that barred only "unlawful killings."[107] This invitation led readers to believe that the Department of Justice could simply take language that appeared in less-restrictive law enforcement emergency regulations or cases and apply it in situations that obviated the need for "judicial due process."

The Barron and Lederman memo contained pages of redacted information that explained just why a citizen like Anwar al-Awlaki might pose a "continued and imminent" threat to the United States, and the authors of this drone memo created the impression that some of the highest members of the intelligence community were the ones making the decisions regarding the feasibility of capturing suspected terrorists. As Alice Ross insightfully observes, these are immense executive powers because they provide the US government and its representatives with the power to perform acts during times of emergency that would be banned for ordinary citizens. For example, public authorization justifications had been used in the past to explain why government officials might be able to speed, take private property, or kill.[108]

On September 30, 2011, Anwar al-Awlaki, along with US citizen Samir

Khan, the editor of AQAP's *Inspire* Magazine, Abu Muhsen al Maribi, and Salem al Marwani, died in an RPA attack. According to the *Washington Post*, the "choreography of the strike, which involved four drones, was intricate," in that two "Predators pointed lasers at Awlaki's vehicle" while a "third circled to make sure that no civilians wandered into the crosshairs."[109] In theory, this precise attack hurt al-Qaeda's network-centric capabilities and the Americans put on full display their adherence to the law of armed conflict. The long-awaited release of the drone memo allowed both American and international audiences to see some of the legal, but not empirical, evidence that was being used to rationalize the immunization of those who targeted American citizens.

Conclusion

While many members of the Obama administration talk about the need to end the so-called perpetual war, their usage of various thanatopolitical commentaries belies these claims. How can you stop medical operations when terrorists are described as cancerous growths that are spreading and require extermination? In all of this doublespeak, talk of constraining the drone strikes transpires in ways that actually enable more and more extraterritorial attacks. In the same ways the RPA pilots transfer risks onto their targets, the decision-makers in the White House work at immunizing themselves from potential prosecutions for war crimes. After all, they can either claim that there are few civilian casualties or they can blame some of the incidental collateral damage on the terrorists who allegedly hide among foreign civilian populations. Even in situations where they might have misinterpreted some international statutes, treaties, or other jurisprudential texts, they could argue that their president's NDU address put on display their "good faith" belief that American drone wars were necessitous, defensive measures that rid the world of cancerous terrorist growths.

In the same way that the killing of Osama bin Laden did not bring an end to the usage of targeted killings by American Special Forces, the assumed success of the drone program is taken as positive proof that the days of worrying about massive casualties suffered in conventional wars of attrition are over.

However, US officials have made it clear that in spite of Obama administrators' claims that the nation can foresee an end to this "perpetual war,"[110] many are convinced that it will be a *decade or two* before decision-makers will feel that they have stopped the supposed metastasizing spread of transglobal terrorism. This means that those who have the temerity to critique the American or NATO drone systems will have a difficult time trying to

regulate RPAs or ban drones, especially when American elites and publics believe that the UAVs are helping control the spread of Jihadism.

With the passage of years, more and more commentators are willing to use some of the idioms that blend technical and biopolitical metaphors as they explain just why these types of terrorist threats are still growing. Note, for example, John Bolton's conservative critique of how President Obama had no real strategy in the GWOT: "Most importantly, we tried the criminal-law paradigm against terrorism's metastasizing threat in the 1990s, and it failed horribly, costing America dearly on Sept. 11, 2001. It is failing today as Benghazi, the Boston Marathon bombing, and cold-blooded murders in London and Paris show. Nonetheless, resurrecting the law-enforcement approach is the flip side of Obama's failure to comprehend the essence of the terrorist threat itself. Obama's policy therefore both fails to recognize the dangers we face, and marshals the wrong (and utterly inadequate) resources to deal with it. You don't need an oracle to predict what's coming."[111] Given Obama's appropriation of his predecessor's wartime framing of terrorist threats one might wonder about Bolton's characterization of current policies as "criminal-law" policies, but there is little question that his remarks about "metastasizing" threats reflect some of the argumentative tropes used by diverse American communities who do not mind using these biopolitical idioms. For example, editorialists for the *Washington Post*, who were more sympathetic in their evaluation of President Obama's efforts at closing Guantánamo, and those who understood his escalating use of drones in places beyond the battlefields of Afghanistan and Pakistan, warned readers that the nation's commander-in-chief needed to reassess his hopes with regard to fighting "the bad guys as antiseptically as possible."[112]

Talk of antiseptic drones is controversial enough, but what happens when defense lawyers presume that Pentagon planners and drone operators are working in biopolitical worlds wherein scientific algorithms and materials provide them with accurate "data and risk probabilities" that are then used to "manage or eliminate network nodes considered to exceed" acceptable risk thresholds?[113]

The assurances available in texts like the white paper operate as examples of what Esposito has called the forensic immunological protections, that is, the forms of legal or forensic exception [*esenzione*] that resonate with American audiences who refuse to believe that the DOD or the CIA are involved in any illegal assassinations.[114] What the unnamed authors of the white paper do not tell us is that United Nations and other international critics have competing interpretations of international humanitarian laws and that American exceptionalist views regarding drone warfare do not resonate with many cosmopolitan communities.

Those who support President Obama's legal sleight of hand help with the forensic immunization of members of America's executive branch, and they treat any uncertainty or unpredictability as factors that should not stand in the way of America's drone wars. "Drones may perform predominantly in the discursive register of automated precision and positive identification of known threats," note Wall and Monahan, "but in practice these surveillance systems and their agents actively interpret ambiguous information that continually defies exact matches or clear responses."[115] By harping on the fact that drones kill those they are supposed to kill, drone proponents hide the fact that emotional, cultural, partial, and contingent decisions are also being made about the lifestyles of those targeted, their friends, their family members, and their neighbors. For supporters of the drones, it is comforting to know that President Obama and his advisers care enough to control any potential abuses by using a communal "disposition matrix" that helps America's network-centric planners "dispose" only of those who need killing. Audiences are supposed to take comfort in the fact that they can trust their leaders and the military subalterns who have in their possession an "extensive apparatus" that brings together a "convergence" of CIA and JSOC know-how.[116]

From an argumentative vantage point, the talk about the orderly disposition matrix and the representative white paper itself infuses these documents with symbolic meanings. They appear as responsive media "events"[117] that answer drone critiques, and they immunize Americans in different, but complementary, ways. While the disposition matrix assures audiences that their leaders have in their possession dispassionate, discerning, and accurate calculations that discriminate between friend and foe,[118] the white paper protects those sons and daughters, grandsons and granddaughters, who might be accused by members of the international community of having committed war crimes. Pathogenetic threats might be everywhere, but US populations can take solace in the fact that their leaders and military defenders are stoic warriors who appreciate a dose of realistic governmentalities.

By extending the work of Derrida, Esposito, and other scholars who are interested in exploring the persuasive power of immunology *dispositifs*, this chapter has demonstrated how the supposed military science involved in the formation of disposition matrices[119] employs artistic, cultural artifacts that stitch together argumentative assumptions that reflect and refract preexisting American exceptionalist ways of thinking about US democracy, radical terrorism, and the means that should be used in what Derek Gregory calls "the everywhere war."[120] This chapter also provides further support for Colleen Bell's claims that the counterterrorist usage of many of

these medicalization metaphors often makes it appear as if foreign populations need future military interventionism: "Though any allegory will appear simplistic compared to the reality it tries to represent or capture, this one conducts a remarkably political operation. The physician's role may be in the trenches, but it is nevertheless therapeutic. Counterinsurgents are qualified experts who undertake their work with moral certainty that the campaign serves a just end. Correspondingly, brutal and indiscriminate violence against civilians only amounts to an isolated infraction that cannot detract from the positive nature of the campaign. The positioning of the insurgency as a form of illness, especially an infectious disease, positions it as an alien force that invades the social body. . . . Supporting, or acquiescing to, the insurgency is figured as a consequence of being sick. Health, therefore, stands for correct desires."[121] Sadly, those who try to immunize themselves from blame or legal culpability are some of the same social agents who pathologize their enemies.

Futuristic Drone Fantasies, the Responsibility to Protect (R2P), and Drone Proliferation

Today, we lack metrics to know if we are winning or losing the global war on terror. Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?

> Former Secretary of Defense Donald Rumsfeld,
> memo on "war on terror," October 2003

We are killing these sons of bitches faster than they can grow them now.
> Former chief of the CIA's Counterterrorism Center (CTC), 2011

I have tried to show throughout this book that the promotion and legitimation of drones has involved the crafting, circulation, and appropriation of many constitutive rhetorical arguments. Some writers might want to talk about the rise of the drones and the inordinate influence of an adviser like John Brennan, but the persuasive nature of all of this discourse reminds us that many men and women crafted these epistemes. It would not be wise to credit any single orator, or even a small phalanx of White House advisers, with the production of the drone syndrome, because doing so would create the impression that the removal of a few civil servants would end this fetishization. Rhetorical influence does not operate that way, and there are few indications that populations in other democratic states are willing to do more than shake their heads and complain about the lack of US drone "transparency." Instead of trying to dissect America's drone arguments, many nation-states that are interested in acquiring their own UAV platforms are poised to appropriate this discourse as they battle their own local dissidents or regional "terrorists."

   As I have pointed out, there a number of reasons why I believe the majority of Anglo-American audiences support drone usage: we are a casualty-averse society, we take pride in our technological prowess, we believe in the "exceptional" nature of American warriors, leaders, and laws, and most US

citizens are firmly convinced that the CIA and DOD do everything they can to mitigate civilian casualties. In this age filled with talk of "post-human" robots and precision guidance,[1] the GWOT against al-Qaeda and the Taliban is still viewed through militaristic prisms that highlight the importance of fighting lengthy "just wars."

We abhor the thought of having hundreds of thousands of our sons and daughters risking their lives overseas in hybrid wars, but we don't mind thinking about a twenty-first century filled with massive governmental surveillance and data mining, mobile Special Operations Forces, proxy wars led by regional allies, or lethal drone strikes. Insecure populations—even those who live in material comfort thousands of miles away from war-torn nations—have no shortage of rationalizations that can explain away UAV problems.

At the same time the previous chapters have also put on display the countless stories of American exceptionalism and martial honor that are linked to the immunization of the nation, and drone supporters can answer Rumsfeld's question in the epigraph—are we killing more terrorists than radical clerics are recruiting—in the affirmative. Most Americans sincerely believe that the drone wars are decapitating the leadership of al-Qaeda and the Taliban and that intelligence communities and military officers can keep the rest of these cancerous "associate" or "affiliate" terrorists at bay.

Yet there are those who still wonder whether drone advocates are spending too much time arguing about short-term, impressionistic gains while ignoring the long-term costs of this particular politics of verticality. In a fascinating discussion on the moral hazard of drones, John Kaag and Sarah Kreps use the allegorical story about the ring of Gyges to frame a conversation about how we all might want to think about vulnerability, visibility, power, and the use of lethal force.[2] I would like to extend their analysis so that readers can see how many of these same issues will confront other nations as their own denizens debate the future adoption of drone technologies. As Kaag and Kreps point out, myriad ethical dilemmas appear on our political horizons when mighty powers are not restrained and when emboldened decision-makers believe that they can act unilaterally while wearing their metaphorical cloaks of invisibility.

A few ancient storytellers have left us fragmentary versions of the tale of Gyges, including Plato in his *Republic*.[3] We are usually told that Gyges was an impoverished Middle Easterner who nevertheless lived a relatively happy life before he found a magic ring in a cave. The ring had the power to render its wearer invisible, and the power of the ring ensured that over time Gyges became more and more disenchanted as he learned about the wealth of others. Eventually Gypes seduces the queen of his land and one evening sneaks by the place guards and kills the king. Although this tale

might bother us for a variety of reasons, Kaag and Kreps explain that for Gyges, everything worked out in the end because he was able to marry the queen and become the next ruler of his kingdom.[4]

Kaag and Kreps use the story of Gyges to refute the specific arguments of a *New York Times* journalist who was trying to make a moral case supporting drone usage by comparing UAVs to the much more horrific bombings of Dresden. Along the way they ask us to reflect on what the story of Gyges has to tell us about America's secretive use of targeted strikes. They argue that there are several reasons why we might be appalled by the tale of Gyges and his ring: the story appears to be using utilitarian or materialist measures as a way of framing normative discussions of ethical behavior, and the invisibility of the ring "obscures" Gyges' moral culpability. Who, after all, is going to be able to blame someone they cannot see, and this cloak of invisibility impacts our assessments of who may, or may not, be brought to justice.

Others might be bothered by the fact that Gyges profits from his wrongdoing or that he carried out regicide under the cover of darkness. Kaag and Kreps are willing to admit that the myth of Gyges could be a story about tactics of the weak, a terrorist tale, but they insist that it is "really a story about modern *counterterrorism*, not terrorism."[5]

Have Kaag and Kreps provided us with a fair way of framing moral drone dilemmas? These authors realize they are making some provocative claims, so they elaborate on why they believe this is an apt comparison:

> We believe a stronger comparison can be made between the myth and the moral dangers of employing precision-guided munitions and drone technologies to target suspected terrorists. What is distinctive about the tale of Gyges is the ease with which he can commit murder and get away scot-free. The technological advantage provided by the ring ends up serving as the justification of its use. Terrorists, whatever the moral value of their deeds, may be found and punished; as humans they are subject to retribution, whether it be corporal or legal. They may lose or sacrifice their lives. They may, in fact, be killed in the middle of the night by a drone. Because remote-controlled machines cannot suffer these consequences, and the humans who operate them do so at a great distance, the myth of Gyges is more a parable of modern counterterrorism than it is about terrorism.[6]

The Kaag and Kreps way of thinking about the politics of verticality admonishes us to remember that might does not equal right and that invisibility and impunity sometimes walk hand in hand.

Given the pervasive nature of American exceptionalism and US audi-

ences' support of all sorts of targeted-killing missions, I wonder about the public resonance of the Kaag and Kreps' interpretation of the ring of Gyges. Moreover, as I note below, I wonder what will happen to the drone grammars that Americans employ when the mythic ring is placed on other fingers, when other nations begin arming themselves with all sorts of surveillance and weaponized drones.

During the rest of the twenty-first century, will other nations also become infatuated with drones as a way of shifting burdens and risks, so that all sorts of "terrorists" will end up having to look up at the skies as they march against democratic or totalitarian foreign governments, join protest movements, or arm themselves against those who seek to "cleanse" their lands of the "Other?" Will the elastic nature of America's interpretations of the law of armed conflict provide other opportunities for international groups searching for strategically ambiguous drone apologies? Alternatively, will most nations voluntarily decide that we need to adopt more cosmopolitan ways of thinking about drones, wherein UN restrictions or new cyberspace treaties will be viewed as the rhetorical vehicles that provide multilateral guidelines for those interested in regulating battle spaces?

These types of perspectival queries bother many Americans because they are framed in ways that *do not privilege* the concerns of US citizens who still believe in American innocence and who still argue that all types of terrorist activities around the globe can be directly linked to 9/11 or the spread of Talibanism or bin Ladenism. It is no coincidence that the exponential interest in hunting down al-Qaeda or Taliban "associates," "affiliates," or "material" supporters has happened at the same time that American publics have supported the massive infusion of funds that have helped with UAV research and development and the military deployment of drones. If Bruno Latour and the science and technology studies folks have taught us anything, it is that technologies and their adoption are inextricably tied to social, political, and social values and that there are clear reasons why drones are viewed as "American" inventions.[7]

The alluring power of the drone syndrome makes it difficult for many arguers to take seriously the positions of those who do not accept militaristic ways of framing terrorist threats. Alan Dowd's suggestion that "drone detractors need to acknowledge" what UAVs "bring to the table," while drone "advocates need to acknowledge the negative implications of drone warfare"[8] seems a fair way of assessing the relative strengths of these positions, but what Dowd fails to do is acknowledge that there are disparate *power relationships* that exist between those who can stay relatively invisible and those who in places like North Waziristan are daily traumatized by these weapons.

As things stand, there seems to be a general consensus among drone advocates and UAV critics that an accurate tally of civilian deaths is of paramount importance and that there may indeed be some military or legal line that should not be crossed if international communities eventually learn exactly how many civilians have died in places like Iraq, Afghanistan, Pakistan, Yemen, or Somalia during targeted strikes. If we could reach some agreement on the numbers of civilians who have been lost, then we might be able to do a better job of arguing about what constitutes *acceptable or excessive* collateral damage in these attacks. For example, would critics be satisfied if they learned that only one out of ten victims of these attacks were civilians? Would drone advocates change their tune if nine out of ten of those killed were civilians? Or is all this debate about numbers superfluous, in that drone critics and drone apologists would stand by their positions, regardless of the characterization of those who die in these raids?

Another topic that raises a host of epistemic, ontological, and axiological questions is whether the presence of drones is helping end the carnage or instead serving as an enabling device for those who no longer believe that we can negotiate with either al-Qaeda or the Taliban. This question is not easy to answer because it involves many variables and directionalities that are influenced by our own beliefs and values. Participants in these debates can sometimes agree that terrorism is "spreading" but have very different ways of arguing over causation and directionality.

By now, readers are equipped to argue, based on select evidence, claims, and warrants, how they themselves might defend or reject the usage of unrestricted drone warfare. If readers want to defend American drone usage, they now know that they can use statistics hosted on websites like *The Long War Journal* to show that very few civilians die during strikes. This website, developed by Bill Roggio and Alexander Mayer, who collect their data from the Pakistani press as well as the reporting that comes from their own journal, contains, for example, a chart that shows that during 2012 drone strikes inside Pakistan killed 405 Taliban or al-Qaeda militants and only 30 civilians.[9]

If I were a drone advocate, I would then argue that Pakistan's own news sources hint at the relative precision of UAVs, and I would go on to emphasize the righteousness of the American cause. I could quote Obama or one of his advisers as they talked or wrote about the principles of distinction, humanity, and proportionality, and then I would link those remarks to comments from RPA pilots that demonstrate their sense of "intimacy" and engagement.

Readers by now would also have little trouble putting together an argumentative brief that focused on the ethical or legal problems with drones. If

I wanted to attack the legitimacy of drones, I would begin by going to the *Bureau of Investigative Journalism* in London, or I would cite the Pakistani sources like Noor Behram that argue that the vast majority of those who die during drone strikes are innocent civilians. I would then argue that the Americans are ignoring international interpretations of IHL at the same time that they lampoon foreign attempts at lawfare.

I have explained how these opposing drone narratives might be crafted because I believe that it helps readers see the artifice and strategizing that is coming *from all* directions. This is not a situation where one side has all the empirical evidence and the other side is just being rhetorical and emotive. Given the volatile nature of these debates it is sometimes important for us to step back and think about how US citizens will feel when other nations use our weapons—and our own rhetorics—in other geopolitical or biopolitical contexts. Perhaps when we think about our own vulnerability, hubris might give way to balanced insight as we must contemplate placing ourselves at risk—technologically, legally, or morally. As unthinkable as this seems at the moment, there might come a time when Americans will have to use the weapons of the weak, when we will have to put ourselves in the shoes of the Pakistani populations who are traumatized daily by the swarming drones overhead.

In this chapter I also want to speculate about how some select American drone fantasies may be altered to respond to changing geopolitical realities. I begin this commentary on evolving, futurist arguments with an analysis of a revised Obama Doctrine, and then I turn to the growing domestic and international critiques of that doctrine. I explain how talk about the "Responsibility to Protect" (R2P) may force Americans to turn to multilateral rationales for drone usage as they begin to cope with UAV proliferation.

The Obama Doctrine and the Twenty-First-Century Politics of Verticality

By 2012, many journalists and scholars felt comfortable talking about the "the Obama Doctrine" as they discussed the geopolitical expansion of the drone wars.[10] Obama could be credited with winding down the Iraq and Afghan campaigns, and he could celebrate the "gutsy" calls he made when Navy SEAL Team Six killed Osama bin Laden. All of this was a part of counterinsurgency and counterterrorist policy-making that risked blowback but triumphed in the end.[11]

Drones, it was now argued, would cut down on the odds of having more Hadithas or Abu Ghraibs. As David Sanger noted in his book *Confront and Conceal*, the "Obama Doctrine . . . asserts [that] adversaries can be effec-

tively confronted through indirect methods—without boots on the ground, without breaking the Treasury, without repeating the mistakes of mission creep."[12] When members of America's executive branch, judicial system, and congressional community heard these types of arguments, they reached some sort of fragile consensus regarding the "legal architecture" that would be used in jurisprudential discussions of detention policies, the need for military commissions, the regulation of enhanced interrogation techniques, and the application of the LOAC.[13] Yes, some members of Obama's own party complained about the similarities between the Obama Doctrine and the precedents set by his predecessor, but few openly questioned the *militarized pursuit* of al-Qaeda or Taliban leadership.

Yet over time the Obama Doctrine seemed to drift and change as Americans accepted some forms of mission creep. After all, if the Pakistanis were going to have ambivalent feelings about hunting down the Taliban, and if their leaders were going to wink and nod when American missiles landed in North Waziristan, didn't this show that realpolitik policies meshed well with American rhetorics that extended the battle zones? The discourse produced by Jeh Johnson, Harold Koh, John Brennan, and other members of the Obama administration might appear in the guise of restraint and respect for IHL, but as I argued in chapter 6 this was an enabling discourse that worked to immunize these arguers against accusations of war crimes.

By 2013 writers were arguing that the GWOT had cost somewhere between two and three trillion dollars, and even though some of Obama's supporters might have expressed qualms about the move toward the "perpetual war," the popularity of the American military and the respect for the intelligence services helped domesticate some of these complaints. Didn't it make political sense to have a doctrine that relied on "Special Operation Forces, CIA paramilitary forces, drones operated by both, proxy forces, and quiet partnerships with foreign security" services?[14] The mainstream presses called this "leading from behind."

As long as Americans were convinced that the Obama Doctrine meant that the drones were going to be used against "high-value" al-Qaeda or Taliban leaders, there was a remarkable amount of agreement as communities rallied around their military and civilian leaders. But as Robert Chesney has pointed out, there are times when extensions or permutations of the Obama Doctrine tried to justify actions that were more controversial—the move to attack militants who were not part of the "core" of al-Qaeda networks, for example, or the selection of targets who bothered the Pakistani government but had little interest in striking at the American mainland. Ben Emmerson, the UN special rapporteur on counterterrorism and human rights, would argue in 2013 that America's position on drones and their

use in a global war "against a stateless enemy, without geographic boundaries to the theatre of conflict, and without limit of time," was "heavily disputed by most states, and the majority of international lawyers outside the United States of America."[15] This leads to a situation wherein Obama and future presidents may "unquestionably face increased legal friction, casting doubt over the legality of the US government's use of detention and legal force in an array of settings."[16]

In these future drone debates, arguers will still be able to pick and choose their facts to boast about "taking out" high-value detainees, to hide the fact that low-level targets may be involved only in internal struggles in foreign lands, and to complain about drone critics who use images and casualty figures that come from Pakistani lawyers and others who may be seeking monetary compensation.[17] Yet now they will also be hearing about how Pashtun villagers might be militants, "associates," or Taliban supporters, and this is exactly the type of position that divides the ranks of those who want to support America's "right" to self-defense.

Many military authors attending postgraduate military schools will continue to write about the importance of the Obama Doctrine, and we will still see symptomatic signs that America's drone syndrome is alive and well, but it may manifest itself in different ways. To be persuasive, drone supporters in the coming decades will have to move away from the mere recital of events like 9/11 so that American audiences can see *new existential threats*, especially in places like Mali, Somalia, Indonesia, the Philippines, or Yemen. As Jon Mitchell has recently argued, America's "new battleground" might be the "African pivot," where the Pentagon is working hard to contain and combat the supposed spread of terrorism in Africa. Many of today's drone lexicons are filled with talk of how America is still threatened by al-Shabab, Boko Haram, and Al-Qaeda in the Islamic Maghreb (AQIM).[18]

Yet the certainty that seemed to unite those who supported the first drafts of the Obama Doctrine—those who wanted to go after bin Laden and his minions, or those who saw wisdom in pursuing identifiable Taliban leaders—will give way to more uncertainty as wartime planners talk and write about pursuing hundreds or thousands of unnamed terrorist aiders and abettors. Chesney explains that during the second post-9/11 decade, publics were being asked to accept policies that involved "low-visibility or even deniable means" to capture, disrupt, or kill terrorism-related targets.[19] This is a long way from the early drone conversations that highlighted how manned and unmanned drones were going to help track down a relatively "identifiable enemy in the form of the original Al-Qaeda organization."[20]

President Barack Obama once argued that Americans "still believe that enduring security and lasting peace do not require perpetual war," but as

Jeremy Scahill has recently pointed out, despite this "rhetoric from the president on the Capital steps," there is abundant evidence that he has continued to "preside over a country that is in a state of perpetual war."[21]

Obama, however, could never have helped build up the growing corporate, military, and political bureaucracies that focus on drone warfare without the support of American publics who accept militarist framings of international terrorism. With the passage of years our libraries and our Internet will be flooded with studies of the "Arab mind,"[22] with Islamic radicalization, with the suicidal nature of terrorism, with the need for strategic communication that will counter the spread of Jihadist propaganda, and with the empirical nature of military or CIA intelligence that somehow helps researchers know when a local dissent in another part of the world becomes an "imminent" threat to America.

An argumentative study of these future dynamics reveals that these temporal and geographic considerations are not separate but interrelated matters, and as long as elites and publics continue to use dehumanizing cancer metaphors that ask us to worry about "metastasizing" militant cells in networks, then twenty-first-century audiences will be asked to surgically remove a host of pathogenic foes on many continents.[23]

Military experts love to write about the importance of "strategic communication" in fighting lawfare and warfare in counterterrorist and counterinsurgency situations, and some defenders of the Obama Doctrine have done a masterful job of articulating for publics just why dismantling the core of al-Qaeda is not enough to end the GWOT. Scott Shane, for example, writing for the *New York Times* in 2012, explained why the White House was asking the military for a revised "Drone Rule Book": "[F]or at least 2 years in Pakistan, partly because of the C.I.A.'s success in decimating al-Qaeda's top ranks, most strikes have been directed at militants whose main battle is with the Pakistani authorities or who fight with the Taliban against American troops in Afghanistan. In Yemen, some strikes apparently launched by the United States killed militants who were preparing to attack Yemeni military forces."[24] Shane writes as though attacking new foes is a natural military move after taking out al-Qaeda's top ranks, and there is little discussion of how some of this may be targeting local dissenters with little interest in attacking the American homeland. Yet this type of discourse, which assumes that we should also pursue enemies who threaten our "allies," makes it look as if a benevolent United States is biopolitically protecting most of the world's denizens.

There is already evidence that both the theory and praxis of the expanding global reach of drones has resonated with many decision-makers, lawyers, and military personnel. Obama and some of his administrators may

claim that they are trying to contain "mission creep," but their actions speak louder than their words as they add more names to "kill/capture" lists or talk about the need for drone attacks in places like Libya, Somalia, Pakistan, or Syria.

Every year we hear about new "suspects" who have to dodge CIA or JSOC forces that seek to capture or kill them. For example, the military went after individuals like Ahmed Warsaw,[25] a Somali man, who allegedly tried to establish links between Harakat al-Shabaab al-Mujahideen (The Movement of the Mujahideen Youth) or al-Shabaab.[26] Warsaw would be placed on a "kill/capture" list kept by the Joint Special Operations Command, ultimately captured, and then moved from a military brig so that he could stand trial in civilian court in New York City. Network-centric warfare is assumed to be taking place on almost every continent as Americans pursue those who might be supporting terrorism at local, regional, national, and international levels.

Obviously this talk about an expansive global war on terrorism was pervasive in the immediate aftermath of 9/11. President George W. Bush, in a September 20, 2001 address before a joint session of Congress explained: "Our war on terror begins with Al-Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, or defeated."[27] Idealists and realists alike would later view this as hyperbole, a post-9/11 statement that politically had to be made to a traumatized nation that wanted to punish transgressors. As Chesney notes, this "broadening rhetoric" brought "pushback," and many thought that the fight against terrorism "properly encompassed just Al-Qaeda and the Afghan Taliban."[28] This pushback, however, has done little to stop the drone wars.

Has the development and deployment of drones by other nations changed these rhetorical situations? Now that we have pulled the American troops out of Iraq, and now that we are scaling back our conventional forces in Afghanistan, the hubris associated with the bin Laden raid and our faith in Special Forces may mean that we have reached a point where our tactics based on the revised Obama Doctrine mysteriously reprise the expansive war that President George Bush talked about back in September 2011. The past has become prologue.

Ocular rhetorics take many forms, and "clarity" can appear in many guises. Technical, mechanical clarity was symbolically linked to political and cultural claims made about visible "patterns of life." Technological prowess marched hand in hand with political discernment, and as the American nation moved into the second post-9/11 decade confidence grew that we could pursue the pirates, local outlaws, and regional affiliates who either were working with al-Qaeda or might be training with them in the com-

ing years. Whether this constitutes threat inflation or a growing knowledge about existential dangers is a matter that will divide future debaters of the desirability, morality, and legality of transglobal drone usage.

These geopolitical, and biopolitical, changes in centers of gravity can be rationalized as less costly ventures that will save both American lives and citizens' pocketbooks. Altering mediascapes and battlescapes mean that we will be invited to "see" why US audiences need to rethink the Taliban, al-Qaeda, the identities of enemies, and the value of having "mobile" hunting units that can carry out targeted strikes around the world.

This modified, expansionist interpretation of the Obama Doctrine will persuade some Americans that they need to fund drone bases all around the world, but in this next section I argue that in the coming decades drone apologists will also be taking advantage of another generic cluster of arguments—of the multilateral or cosmopolitan type—that help UAV defenders move away from some of Obama's unilateral executive arguments.

Future Overseas Contingency Operations, and America's Appropriation of the International Relations' Rhetoric on the "Responsibility to Protect"

Since at least 2001 various NGOs, UN representatives, and legal theorists have been writing about the ideograph "responsibility to protect" (R2P), and I predict that the discourse surrounding this term will be used to valorize the efforts of new heroes who will be credited with preventing future atrocities and genocides. The worldwide debates that many nations have had about what happened in places like Rwanda, Kosovo, Cambodia, and Darfur have influenced the trajectory of rhetorics of interventionist successes *and* failures. For example, NATO bombings and the lessons learned about UN failures in Srebrenica set the stage for diplomats to argue that international intervention in Kosovo prevented recurring genocides. During the spring and summer of 2004 those who recalled that we had failed to call "genocide" by its proper name during the Rwandan massacres worked tirelessly to make sure that at least some key decision-makers complained to Khartoum about the "genocide" in Darfur.[29]

By the second decade of the twenty-first century, many participants in these debates about humanitarian aid or military intervention were arguing that a "responsibility to protect" trumped the traditional "sovereignty" protections that have allowed nation-states to handle their own internal affairs. In 2011, Monica Serrano, writing about recent affairs in Libya and Côte d'Ivoire, was applauding the way that the United Nations had adopted a number of resolutions that either implicitly or explicitly recognized the

"responsibility to protect." Serrano was convinced that the "politics of R2P argumentation and persuasion" were now "being played out for various audiences."[30] In one key segment of her analysis, she opined:

> Whether or not one agrees with the sequence of policy decisions adopted in relation to both Côte d'Ivoire and Libya, and in particular with the decision to resort to military force, there is little doubt that the Council's actions were a function of the risk of mass atrocities. The readiness to act in both Côte d'Ivoire and Libya clearly contrasts with the fatal paralysis that took hold of the U.N. during the Rwandan genocide and the painful dithering of both the U.N. and regional actors over the sequence of tragedies in the Balkans. Nowhere has this shift been more clear [*sic*] than in the swift and solid unanimity accompanying the adoption of resolution 1970 on Libya. The brutal actions and vicious rhetoric of the Gaddafi regime—as well as the remorseless use of mortars, rocket-propelled grenades and heavy weapons against civilians and women by the forces associated with Mr. Laurent Gbagbo in Côte d'Ivoire—left the international community of states with little choice and compelled it to act.[31]

Serrano clearly admired the initiative of those international actors who would not stand by and witness the distant suffering caused by oppressive leaders like Gaddafi, and she commented on the use of drones and other "manned aircraft" that helped facilitate democratic change through "tight," "sharply defined," and "property authorized military intervention" that reduced, neutralized, and eventually removed the "threat to civilian populations."[32] In the Libyan situation, longtime supporters of the concept of R2P argued that the United Nations had targeted Libya with "pin-point" accuracy.[33]

I speculate that in future drone wars those who hurl Hellfire missiles at their enemies will spend less time talking about the merits of "unilateral" American decision-making and more time arguing that RPA crews are carrying out the will of the Unted Nations, NATO, the African Union, or some other regional or multilateral organization. We will start to hear more about how civil wars and regional squabbles are caused by al-Qaeda "affiliates," and new permutations of "patterns of life" argumentative templates will circulate as we hear about the targeting of warlords like Joseph Kony.

Even as I write these words, the United Nations—an organization containing many rapporteurs who have complained about the legal and ethical dimensions of targeted killings—has granted the Department of Peacekeeping Operations permission use surveillance drones for one of the peace-

keeping missions in the Democratic Republic of Congo.[34] Now we can see why some of these rapporteurs were talking about the regulation of drones and not the banning of UAVs, and it may not be long before we hear about militarized UN drones.

I am not the first scholar to notice the entangled nature of some of these rhetorics. Rosa Brooks commented in 2012 on the nexus that existed between these two genres:

> Consider drone strikes and other cross-border uses of force outside of "hot" battlefields. Since 2011, the United States has repeatedly used force inside the borders of sovereign states with which it is not at war, at times without the consent of the affected state. In October 2008, for instance, US troops in Iraq crossed the Syrian border and attacked targets inside Syria.[35] The United States has also attacked targets inside Pakistan, Yemen, and Somalia. In some cases, the affected states have consented to the United States' use of force. In other cases, their consent is, at best, questionable. While the United States has been reluctant to offer much detail or legal justification for these actions, the logic relied upon appears structurally identical to that embraced by proponents of the responsibility to protect: sovereignty implies responsibilities as well as rights; states must refrain from internal acts that threaten the citizens or basic security of other states, and must prevent non-state entities from engaging in such acts inside their borders. If a state fails to fulfill this responsibility—for instance, by harboring terrorists—other states are entitled to use force within its borders if doing so is necessary to protect themselves or uphold global security. As President Obama's chief counterterrorism advisor John Brennan stated in a 2011 speech, "[The United States] reserve[s] the right to take unilateral action if or when other governments are unwilling or unable to take the necessary actions themselves."[36]

This implies that Americans are working hard at preserving the rights of other nations—as long as those rights are used in ways that help secure *US security* interests.

If I am right, future generations of Americans are going to be asked to use their drone technologies in more bilateral and multilateral situations that take advantage of the polysemic nature of the phrase "overseas contingency operations." How many Americans, after all, are going to complain about the use of surveillance or militarized drones in the pursuit of someone like Joseph Kony or Omar Al-Bashir? The generic arguments and templates that have swirled around terrorism for more than a dozen years

will now be symbolically linked to the *prevention* of other regional violence, administrative massacres, and genocides.

The phrase "overseas contingency operations" will no longer be interpreted in narrow ways that focus on the "neutralization" of al-Qaeda or Taliban targets but in a much broader sense involving a host of anticipatory or defensive scenarios that will include genocidal worries as well as terrorist threats that concern our allies. Americans will be admonished to remember that they have a responsibility to protect the civilian populations of their allies, and the Libyan example will be used as a precedent for these types of hybrid interventions.

Ironically, during the fall of 2009 the Obama administration tried to encourage elite decision-makers to stop using the phrase "Global War on Terror"[37] because it seemed to be referencing a war without end against all forms of terrorism, but now that the president has joined other Americans in their obsession with drone usage his tune has changed. The desire to fight "America's Way of War" *our way* has remained, but lawyers, civilian decision-makers, and publics have made some semantic shifts. Sarah Kreps and John Kaag have done an excellent job explaining how these particular lexical changes—which may not reflect military realities or political motivations—do little to alter the ways American publics or White House officials actually think about future targeting and warfighting. As they noted in 2012:

> In some ways OCO [overseas contingency operation] is no less ambitious or ambiguous that GWOT. Indeed, the opposite might be the case. Contingency can refer to a thing that happened by chance or to an occurrence that may happen, but which is not certain to happen. These two related definitions shed light on the meaning of OCO. It connotes military operations that aim at potential threats to national security, but that have not been actualized. In practice, this means targeting non-state actors, small groups, and individuals who are planning attacks on the United States. The moral and legal difficulties of targeting "contingency" are very similar to those experienced in targeting "evil." Evil is ubiquitous and can hide anywhere; contingency targets have these characteristics as well.[38]

In other words, "contingency" will no longer be defined in ways that limit what used to be called the GWOT. Instead, "overseas contingency operations" may mean that cruise missiles, drones, and Special Forces will be key parts of the "everywhere war."[39] The indeterminacy of international human laws, military sciences, and even talk of R2P will be used in the coming decades to rationalize America's continued involvement in policing the globe.

These types of argumentative changes will present even more challenges to drone critics who are already frustrated by the hegemonic power of the patriotic or populist defenses deployed by drone apologists wielding unitary executive theories. Now some of these same UAV critics—who are used to parsing the words of single social agents like former president Bush, President Obama, or an adviser like John Brennan—will be inundated with complex R2P discourses that make it appear as if drone strikes are *both military and humanitarian activities*.

In the next section, I provide examples of where Americans are building the drone bases that will support these future military and humanitarian efforts.

The Politics of Verticality in Places like Somalia and Yemen

Given the blowback that is taking place in Waziristan, and the fact that many military planners believe they have "decapitated" most of al-Qaeda's major leaders, doesn't it make sense that pulling out the troops from Afghanistan will mean only a major shift in what Clausewitz has called a "center" of gravity?[40]

As noted earlier, after all the conventional warfighting in Afghanistan, all the night raids and targeted killings in Central Asia, US military planners started to turn their attention to other, decentralized potential threats that seemed to be surfacing in places like the Arabian Peninsula or the African continent. Al-Qaeda in the Arabian Peninsula (AQAP) was considered an organization whose primary interest was attacking the United States and her allies, while an organization like al-Shabaab in Somalia had leaders who were divided on the question of whether they needed to focus on local regime change or go after larger American targets.

Many drone critics are convinced that moving this center of gravity has done little more than aid the cause of al-Qaeda recruiters. For example, one former CIA official, Robert Grenier, has argued that the increased deployment of signature drone strikes in Yemen creates a "larger terrorist safe haven in Yemen."[41] Michael Zenko blamed John Brennan for helping pass White House policies that increased the membership of AQAP from a few hundred in 2010 to a "few thousand" just a few years later.[42] Rumsfeld's question back in the Bush administration kept popping up in all of this discourse—were drone attacks reducing, or swelling, the ranks of the enemy?

Drone supporters contend that the answers are obvious, that al-Qaeda is losing, and that the movement of survivors to other regions is the reason for shifting the centers of gravity. Potential terrorist activity in the Gulf of Aden region has attracted more attention as US military leaders formulated their plans for dealing with AQAP or al-Shabaab. Michael Leiter, the di-

rector of the National Counterterrorism Center, testified before Congress that "al Qaeda in the Arabian Peninsula" was "probably the most significant risk to the American homeland."[43]

As I noted in earlier chapters, Yemen was the site of one of the earliest publicly disclosed drone attacks, and during the last several years Americans have been reading almost weekly newspaper reports about the "decapitation" of the last militant leader hiding in the hills or deserts of Yemen.[44] This is a country that is supposed to be a haven for al-Qaeda's most active affiliates, and writing about the legitimacy of drone attacks in Yemen has become a preoccupation of many air force, marine, and naval officers.[45] Note, for example, how this author wrote about threats in this region: "AQAP poses a significant threat to Yemeni internal security and US interests. Therefore, the US must continue to actively pursue and destroy key AQAP terrorists as the US establishes its new strategy and policies and works to implement them. AQAP is under stress after the killing of Anwar al-Awlaki and several other high profile terrorist operatives. However, AQAP's leadership, Emir Nasir al-Wuhayshi and Deputy Zaid al-Samari, remain intact. In partnership with Yemen's elite special operations forces, US Counterterrorism (CT) forces must continue to pressure AQAP leadership and key operational planners in order to spoil potential attacks against the US homeland or interests abroad."[46] "Interests abroad" becomes a protean term and a mobile signifier, capable of including just about any local squabble that military analysts can creatively link to the American mainland.

The escalating use of drones in Yemen, and the fact that most Americans see nothing wrong with attacking al-Qaeda affiliate members in that region—who are sometimes characterized as "low-level" targets or "low-hanging fruit"—speaks volumes about the geopolitical nature of sanctioned state violence far away from the "hot" battlefields of Afghanistan or Iraq. Just months after the 9/11 attacks Yemen's president sighted a $400 million deal that helped finance a "counterterrorist" camp run by the CIA, US Marines, and Special Forces units, and US ships in the region can help provide support cruise missile strikes and naval bombardments. An entire drone fleet can be launched from Camp Lemonnier in nearby Djibouti, and all of this takes place with at least tacit support from the Yemeni military.[47]

In some cases RPA crews surveil the same Yemeni villages for years and then attack the same buildings over and over again. For example, on October 14, 2011, a drone strike killed six alleged al-Qaeda militants and Abdulrahman al-Awlaki, the son of US-born cleric Anwar al-Awlaki, and on February 3, 2013, a US drone strike killed more suspected militants in Azan, in the Yemeni province of Shabwa.

Yemen is a nation torn by civil strife in the aftermath of the Arab Spring, and its ethnic populations are trying to decide how to cope with the tran-

sitional traumas that came when their president of thirty-three years, Ali Abdullah Saleh, was forced to leave his office after a populist uprising.[48] The central government, supported by American and European powers, tries to stop some of the protests that have taken place in towns like Sana'a in the Abyan province, and AQAP propagandists use the drones as evidence that Yemen is suffering from neocolonialism. Farea al-Muslimi, a freelance journalist from Wessab, explained to a US Senate judiciary committee how some of these RPA missions were impacting Yemeni societies:

> The drone strikes are the face of America to many Yemenis. If America is providing economic, social and humanitarian assistance to Yemen, the vast majority of the Yemeni people know nothing about it. Everyone in Yemen, however, knows about America and its drones. Again, this allows AQAP to convince more individuals that America is at war with Yemen. Drone strikes also distract Yemenis from AQAP, which is the real enemy. They focus all the attention on the sky to the neglect of everything else. Because of drone strikes, ordinary Yeminis who are not affiliated with AQAP live in fear of being targeted. This fear permeates our country and it is shared by the youngest and oldest Yeminis. A middle age man from Rada'a, in central Yemen, said in an interview recently: "In the past, mothers used to tell their kids to go to bed or I will call your father. Now, they say, 'Go to bed or I will call the planes.'"[49]

In this politics of verticality, the use of drones has become a part of the vernacular culture in Yemen.

Drone critics try to point out that in Yemen, al-Qaeda affiliates compensate some of the families of drone victims for their losses, thus becoming the local heroes who fight off foreign foes. The affiliates have their own ideological campaigns geared toward arguing that the central government in Sana'a doesn't value the lives of the Yemeni living in rural areas. Moreover, in the aftermath of many targeted killings wherein civilians have lost their lives, Yemeni's official news agency occasionally makes the mistake of trying to contextualize these losses as mere "accidents," which enrages Yemeni populations.

For example, during September 2012 an airstrike of some kind—a drone or plane attack—was trying to take out Abdulraouf al-Dahab. This was the seventh strike in the al-Bayda region since January of that year, and at least four witnesses told human rights investigators that this "accidental" strike killed twelve civilians. When the Yemeni authorities refused to follow up on international media reports on the incident, relatives of the victims threatened to bring the charred bodies to the new president. Letta Tayler, who

listened to the pleas of local villagers demanding justice, contends that "allies such as Yemen have no qualms" about following the lead of Washington or Pentagon officials who refuse to confirm or deny any role in these types of strikes, and this leaves "no one accountable when attacks kill the wrong people."[50]

In the politics of verticality, Yemen has become part of a geographical imagination, a type of experimental testing ground for expansionist ways of thinking about the Obama Doctrine.[51] Here is a region where military planners can write about cooperative state officials[52] and deliberate about the extensive authority of the CIA and the US Special Operations Command.[53]

Conversations about the need to intervene in Somalia serve similar rhetorical ends. During the fall of 2013 many Western audiences learned about the terrorist attack on Kenya's Westgate Shopping Mall, where sixty-seven people lost their lives, and for many drone supporters this proved that the African Union and the rest of Africa needed the support of American interventionists. Somalia is the home of the al-Shabab fighters, now considered to be among the major troublemakers in places like Mogadishu. In October 2013, Hamza Mohamed, a reporter for *Al Jazeera*, noted that drones killed several people in Somalia who were considered to be senior members of the al-Shabab armed group.[54] One eyewitness claimed that the attack took place near the town of Jilib, the most populous town in Somalia's Middle Juba region, and he described this series of events: "It was after afternoon prayers between 1:30 PM and 2 PM when I heard a loud bang. Just one big bang. I came to the scene shortly after. I saw two bodies. Then al-Shabab fighters came to the scene and took the bodies from the Suzuki vehicle. It was a drone strike."[55] The drones are considered to be evidence that the CIA is intervening in Somalia's internal squabbles.

Drone critics have tried to use the examples of Yemen and Somalia as evidence of the problematic nature of CIA drone attacks. They have tried to deploy their own lawfare in order to get more information from those who will neither confirm nor deny what is happening. As I argue below, Congress and the executive branch are not the only branches of the American government that have helped maintain the secrecy of the "shadow" drone wars.

Preserving the American Cloak of Invisibility: Judicial Deference and the Influential Power of National Security Rhetorics

Many judges grant an incredible amount of deference to the American military and intelligence communities during wartime, and this deference has infuriated drone detractors. The critics may want to comment on civilian

deaths in Yemen or Somalia, but few jurists have the temerity to question how the CIA uses exceptions to the Freedom of Information Act to avoid having to confirm or deny that it has drones flying over these regions.

In early January 2013, Judge Colleen McMahon of the US District Court for the Southern District of New York faced an incredible legal conundrum. Several years earlier, President Obama had publicly acknowledged, through social media and at a Joint Chiefs of Staff ceremony, that a CIA drone strike had killed US citizens Anwar al-Awlaki and Samir Khan in Yemen. The nation's commander-in-chief praised the activities of the intelligence community, declaring that the strikes were "another significant milestone in the broader effort to defeat al-Qaeda and its affiliates."[56] In October 2011, Defense Secretary Leon Panetta, who had moved from his previous job as CIA director, spoke to some US and NATO troops in Italy about the weaponry that he had at his disposal. "Having moved from the CIA to the Pentagon, obviously I have a hell of a lot more weapons available to me in this job than I had at the CIA, although the Predators aren't all bad."[57] The CIA, after all, had a nice budget and was growing, but this was dwarfed by the amount of money spent on the DOD Reapers and the other martial tools that American military personnel had at their disposal.

Some organizations filed FOIA requests, arguing that these types of disclosures showed that government officials were not all that interested in maintaining drone secrets and that the public had the right to know about targeting procedures to help make governmental officials accountable for their acts. Yet in spite of these open pronouncements, when the ACLU and the *New York Times* filed FOIA requests seeking the legal rationales for these strikes, Judge McMahon turned them down. Like many other jurists, she believed that districts courts lacked the jurisdiction to second-guess the "political" decisions made by administrators who argued that national security demanded that these rationales stay secret. Judge McMahon, perhaps realizing that all of this talk of secrecy belied the notion that the Obama presidency was a transparent entity, had this to say about the executive branch's wordsmithing:

> This court is constrained by law, and under the law, I can only conclude that the government has not violated FOIA by refusing to turn over the documents sought in the FOIA requests, and so cannot be compelled by this court of law to explain in detail the reasons why its actions do not violate the Constitution and laws of the United States. The Alice-in-Wonderland nature of this pronouncement is not lost on me. . . . I find myself stuck in a paradoxical situation in which I cannot solve a problem because of the contradictory constraints and

rules—a veritable catch-22. I can find no way around the thicket of
laws and precedents that effectively allow the Executive Branch of
our government to proclaim as perfectly lawful certain actions that
seem on their face incompatible with our Constitution and laws, while
keeping the reasons for their conclusions a secret.[58]

This case had involved requests for information about the targeting of *American* citizens, and many observers realized that if courts were going to bar
these FOIA requests, it would be even more difficult for critics to use lawfare to get information about attacks on *foreign* militant targets and civilians caught in the cross fire of a war that seems interminable.

Judge McMahon may have viewed her dilemmas as "legal" problems,
caused by constitutionalists' adherence to such formalistic ideas as the political question doctrine, the separation of powers, secrecy principles, or the
inherent rights of empowered chief executives during times of war, but as
I noted in chapter 1 these Kafkaesque ways of talking and writing about
drones are much more complex.

Some Americans, who have witnessed a decade of drone wars, have had
enough. Kurt Volker, a former US ambassador to NATO, recently observed
in a *Washington Post* editorial: "What do we want to be as a nation. A country with a permanent kill list? A country where people go to the office,
launch a few kill shots and get home in time for dinner? A country that
instructs workers in high-tech operations centers to kill human beings on
the far side of the planet because some government agency determined that
those individuals are terrorists? There is a 'Brave New World' grotesqueness to this posture that should concern all Americans."[59] Volker was commenting not just on loss of foreign lives in places like Pakistan or Afghanistan but also on the loss of a national moral compass. This would entail a
potential loss of American prestige as more nations began viewing the attacks as acts of vengeance and retribution that have little to do with plausible, future imminent threats. Some go so far as to wonder whether Americans condone drone strikes so that they don't have to deal with the costs
and pressures that follow in the wake of enemy detention and surrender.

Others have suggested that if drones are here to stay, then we need to
deweaponize them and use them for surveillance purposes only. Those who
advance this position opine that we could "replace the current deeply flawed,
cookie-cutter solution to how to attack terrorists in noncombat zones with
solutions" that are tailored to deal with the present, anti-Americanism that
circulates throughout Pakistan. Why not try a "policy of containment," argues one observer, that would beef up US troop presence and cargo scanners at the Afghanistan borders with Pakistan so that the "soft" weapons of

diplomacy, money, and "moral influence" could do their work?[60] This type of approach would not call for the total ban of drones or UAV technologies but would invite us to think of less destructive ways to combat the persuasive power of terrorist ideologies.

Some critics are convinced that encouraging respect for the foundational principles of international humanitarian law is the answer, but the difficulty here is that creative American military lawyers, jurists, and law review authors can always argue that RPA crews and their superiors *are already scrupulously* following the law of armed conflict.[61] Law professor Kenneth Anderson, for example, admitted that the American search for "a means of combat other than counterinsurgency" near the end of the Bush years led them to the study of effective Israeli drone usage in their war against Palestinian terrorists. For Anderson, drone "warfare is an honorable attempt to seek out terrorists," and he accused "delegitimators" of trying to paint pictures of ugly Americans led astray by imperial presidents. Anderson tried to rectify the situation by pointing out that the CIA had the type of human intelligence that let them identify targets independent of information "fed" by Pakistan's intelligence services, and he lambasted those who were trying to set a "bar of perfection" of "zero civilian collateral damage" that would hinder any attempt to use military solutions. While ignoring his own threat inflation, he accused the "delegitimators" of defining "terrorist deviancy down, while US and Western security behaviors are always defined up."[62]

To be fair it could be argued that Anderson is accurately describing some of the rhetorical practices of those who treat drones as morally repugnant weapons, but in doing so he tries to hide the rhetorical aspects of his own pontificating. He and other drone apologists often craft texts that combine the critiques of detractors with analyses that assume both the scientific nature of America's "rule of law" interpretations of LOAC and the empirical nature of the military science that goes into preplanning for targeting.

As long as jurists and lawyers accept the Obama administration's position that due process need not be "judicial process" and that the CIA need not reveal its involvement in UAV strikes, Pakistanis and other critics will have a difficult time filing lawsuits that assume that the CIA carried out destructive attacks. All types of legal formalist weapons can be used by the CIA to counter Pakistani lawfare, including the incredible claim that victims cannot demonstrate that the CIA had anything to do with the targeted killings. The CIA will continue to decline to affirm or deny the existence of their drone programs, or they will refuse to comment on the existence of any protocols or materials ("playbooks") that spell out those protocols.

Due process, if it exists, is theoretically found in the vetting processes used by the executive branch, where the commander-in-chief uses his in-

herent and delegated powers to ensure that Americans do everything they can to minimize collateral damage during targeted attacks.

This may resonate with Americans who trust the US military and the nation's commander-in-chief, but what happens when others seek out the invisible powers of the omnipotent drones? What happens to the arguments that are used to defend expansive interpretations of the Obama Doctrine when other nations develop, and then deploy, their own drone networks?

Drone Proliferation

One of the other material factors that will influence the future trajectory of drone discourses is the proliferation of drone technologies. Michael Boyle worries that in this century we will witness a "new arms race for drones" and that their promiscuous use will add to the headaches we already have with today's drone operations.[63] As Shashank Joshi and Aaron Stein noted in October 2013, there are "emerging drone nations" who have a vested interest in making sure that the United States does not have a monopoly on the use of UAVs, cruise missiles, or Special Forces. Right now it appears that Israel is one of the primary exporters of drone technologies; it already exports the larger types of drones to about a dozen other countries. Some of Israel's customers include South Korea, Singapore, and India.[64]

While it might be true that the United States will stay in the lead for the foreseeable future because of its "decades of experience in aerospace, its global network of military bases and its unprecedented capacity for military telecommunications," at least thirty other nations are using more than fifty types of drones for surveillance or strike purposes.[65] Joshi and Stein do an excellent job of explaining that while these countries seek to emulate American practices, they also have crafted their own "strategic texts" as they participate in their own "national debates," using American experiences in Afghanistan "as key points of reference."[66]

What makes this drone proliferation especially dangerous is the fact that many emerging drone nations can tether UAV discourse to local disputation and interests, where drones are configured as part of the solution to a host of regional problems. For example, think of Israelis fighting Hezbollah in Lebanon, the Turkish government trying to pursue Kurdistan Workers' Party (PKK) insurgents in Iraq, or India helping with the Jihadists who might be living in the Punjab. It has recently been reported that at one time China was considering using a drone to kill someone they eventually decided to capture, a Myanmar drug lord who was suspected of having murdered more than a dozen Chinese sailors.[67]

Imagine a situation where the United States is asked to help with the

development of other nations' drone programs or finds that its Predators, Reapers, or Global Hawks end up in the arsenals of other nations. For example, in 2011 Turkish military personnel asked that an American drone survey and track a group of men moving on a known smuggling route near the Kurdish town of Uludere. After the men were spotted crossing the border, the Turks called off the American Predator and then had the Turkish drone (Heron) pick up the surveillance for the Turkish Air Force. The Turkish Air Force then bombed what they believed to be a group of smugglers, who were in fact about thirty-four Kurdish citizens trying to put food on their families' tables by smuggling Iraqi gasoline into Turkey.[68]

How will the American commentaries on national rights of "defense" or talk of imminent threats or limitless battlefields translate in situations where other nations' appropriate US drone grammars for deployment in a host of other contexts?

International communities have usually taken a permissive approach to the unfolding of small-scale conflicts within national boundaries, but this may change when we enter grey zones wherein drone rhetorics are deployed by armed forces from several different governmental chains-of-command. Granted, the issue of how to cope with technologies from one state serving some role in the foreign operations of "a partner government" has come up before, with different weapons platforms, but what worries many observers is the fact that the "perceived character" of drones, with their allegedly unobtrusive and low risk nature,[69] provides unique enticements for those who want quick military fixes.

Yet for some who argue about RPA systems, Americans will continue to hold a mysterious monopoly on both this technology and the logics that undergird it for some years to come. David Remnick, an editor for *The New Yorker*, thinks that he has seen all of this before: "We are in the same position now, with drones, that we were with nuclear weapons in 1945. For the moment, we are the only ones with this technology that is going to change the morality, psychology, and strategic thinking of warfare for years to come."[70] This is wishful thinking, because we are not the only ones who have this drone technology, and we are not the only ones who can quote the legal rationales that come from Israeli or American courts that allow for "select" targeted killing.

Conclusion

In the future, if drone critics are going to have any success in changing the "hearts and minds" of American publics they will need to be strategic in how they counter the securitization epistemes that have been circulating

since 9/11. Given the growing influence of R2P discourses and the material realities of drone proliferation, they will have to put on display the "anti-heroic" nature of some of the targeted-killing defenses that seem to place the risk of warfare on the shoulders of civilians and not on the RPA crews who carry out the orders of their superiors. These critics, like those who write about the ring of Gyges, will have to show that many international communities suffer if there are no treaties or informal rules in place to protect sovereign skies from CIA or JSOC UAVs.

In this early part of the twenty-first century, it is evident that drone supporters believe they are occupying the high moral ground as they congratulate those who authorize UAV attacks instead of building-up conventional warfighting forces. "Supporters of drones," noted Peter Osborne of the UK's *Daily Telegraph*, "make up practically the entire respectable political establishment in Britain and the US," and they argue that drones are indispensable in the fight against al-Qaeda.[71] By highlighting the recycling of old, antiheroic complaints about spears, slingshots, catapults, and bombers (chapter 2), and focusing on the "intimacy" of drone pilots (chapter 4) or the need for immunity for CIA, Department of Defense, and White House officials (chapter 6), supporters of RPA missions and other forms of targeted killing have successfully naturalized and essentialized drone warfare. It has gotten to the point where we are surprised when a week goes by that *we don't hear* about the latest successful strike in Pakistan, Yemen, or Somalia.

Will drone proliferation make it easier or harder for drone supporters to convince foreign states and populations that they too need to re-think the ways we write and talk about IHL restrictions or the efficacy of drones? Drone apologists may have difficulty persuading cosmopolitan, international publics who have seen the photos of drone victims that America's UAVs are flown with precision, but these drone advocates have a consummate understanding of the politics of verticality, wherein a surfeit of rational and irrational arguments resonate with patriotic Americans who want to believe in the rectitude of their troops and their leaders. As Michael McGee once noted, ideological influence does not flow through "hooded puppeteers twisting and turning the masses at will,"[72] and American public support for all "our troops" has spilled over into support for our aerial cyber warriors as well.

Perhaps Judith Butler can offer drone critics another productive way of countering the hegemonic power of Anglo-American technological and immunological discourses when she writes about the need to account for both the "precariousness" and the "precarity" of life.[73] Butler explains that "precariousness" refers to all of our bodies' individual vulnerabilities, while "precarity" involves the special vulnerability of the poor, the disenfranchised,

and the endangered who suffer from risks that are "distributed unequally."[74] If soldiers are taught to believe that they are protecting innocent civilians and their right to life, then UAV critics could adopt permutations of Butler's arguments about precarity in order to incessantly illustrate the preciousness of all of our lives.

The importance of these types of critiques lies in their attempts to invert and interrogate the supposed benefits that attend the invulnerability that comes from cloaks of invisibility and the triggering of weapons from a distance. Critics would try to prove in future debates that all of this talk of invulnerability is a "posthuman" idea, a mechanistic way of accessing ordnance impacts that tells us little about the long-lasting psychological and cultural impacts of having drones circulate over places like Waziristan. As Janell Watson notes, these observers would disavow the claims about "vulnerability" that initiated the violence that created "political inequalities."[75] All of this is of vital importance, because as Butler explains, the US population tries to "immunize itself against the thought of its own precariousness" by asserting "its own righteous destructiveness."[76] Talk of "metastasizing" threats associated with terrorism has to be deconstructed and demystified.

At the same time, drone critics need to join with GWOT supporters who are demanding more transparency and accountability from the Obama administration. The growing importance of multinational rationales for drone usage will make it easier to circulate these types of calls, but pundits who ask for this information must make it clear that they are asking the CIA to do more than simply affirm or deny the existence of their UAV systems.

To be successful in these heated debates about the bad motives of purveyors of various casualty lists or "methodologies," it will be important for these temporary allies to press hard to get information about *all of the parts* of what some call the "kill chain" or the "next-generation capture/kill list."[77] Only then can we have a meaningful debate that does not rely on the biopolitical and thanatopolitical viewpoints of a few select NGOs or web bloggers who fill in informational vacuums with so many assertions and anecdotes.

One thing is for sure: it is utopian to believe that drone bans are going to work, or that proliferation isn't going to lead to argumentative situations wherein nations go after that metaphorical ring of Gyges. As Peter Osborne noted in May 2012, "we need a serious public debate on drones,"[78] and this conversation has to take place in ways that involve both national and international critiques of martial honor, lawfare, and warfare.

Notes

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Chapter 3

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Chapter 4

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Chapter 5

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Chapter 6

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