

Remarks by Bishop Richard E Pates to Interfaith Conference on Drone Warfare
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Princeton Theological Seminary

Why is “drone warfare” an urgent moral issue now?

Thank you for your kind introduction and for inviting me to address this Interfaith Conference on Drone Warfare. I am grateful to the Peace Action Education Fund of Coalition for Peace Action for facilitating this event and to Princeton Theological Seminary for hosting it.

I have been asked to speak on the topic of “Why drone warfare is an urgent moral issue now?”

Our program outlines various possible reasons: the technology, the distance, the lack of certainty, the lack of due process, the possibility of collateral damage, the disparity in risk between the target and the operator, and the possible lowering of the bar to use armed force.

And the quick answer for me would be to say, “All of the above.” My longer answer would be to try to bring out the moral dimensions of these reasons.

But let’s face it. Drones are here to stay. This past Christmas, one headline read, “Drones take off as the hot holiday gift.” If you were shopping for a tech toy, there were drones for sale with prices starting at \$38. These less expensive drone toys are in essence upgraded versions of the little planes that kids used to fly by remote control. But as the price goes up, so does a drone’s capability to conduct surveillance, to monitor conditions, to photograph, and to deliver small packages. Amazon wants to do drone delivery!

But this conference is not about those drones with benign functions. It’s about armed drones used in targeted killings and how they are changing the nature of warfare.

So why did the Catholic bishops get interested in the drone issue? The short answer is because human lives are at stake. Our Church, like many other religious traditions, teaches that human beings have a basic dignity that must be respected. In our Catholic tradition, human dignity comes from God, in whose image we are created, not from any human quality or accomplishment. To take a human life is a grave thing. “Thou shalt not kill.” But sometimes protecting human lives, especially the lives of innocent civilians, requires the use of force. For this reason, our Church developed a “just war” tradition that aims to limit the use of force and to circumscribe how deadly force may be employed to protect the common good. But I am getting ahead of myself.

We bishops also got interested in the drone issue because this new technology is one of the “signs of the times” today. The Second Vatican Council taught that “the Church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the Gospel” (*Gaudium et Spes*, no. 4). And so we did.

It was three years ago (May 2012), when I was Chair of the Committee on International Justice and Peace of the U.S. Conference of Catholic Bishops, that we began to look at the issue of armed drones. I’d like to think that we could foresee then what a big issue this would become. Actually our interest in the issue was sparked by an overall concern that the U.S. was responding to crises primarily and almost solely with military means. What’s the old saying? If the only tool you have is a hammer, then every problem seems to be a nail.

In particular, we were looking at U.S. involvement in Afghanistan and in neighboring Pakistan. The bishops believed that U.S. policies were largely being driven by a military perspective, rather than an attempt to understand the underlying causes of the conflict. Even the millions in foreign assistance that we provided in Afghanistan were often administered through the military, as opposed to development agencies that have more expertise. Insufficient attention was paid to other tools, including: diplomacy and development assistance. The root causes (poverty and exclusion) that were exploited by extremists, received scant attention.

As our Committee examined what was happening in Afghanistan and Pakistan, it was hard to ignore the increasing number of drone strikes and the civilians mistakenly killed by drones – members of a wedding party, a grandmother picking vegetables, shoppers at a market. All of this led to rising anti-American sentiment in those countries and to questions as to whether our continued military presence in general, and drone attacks in particular, were counter-productive and actually encouraging the recruitment of more extremists.

Our International Committee examined the conflict in Afghanistan and the use of armed drones from the Catholic tradition of just war -- our moral guidepost for determining when it's acceptable to use armed force. Contrary to popular perception, the just war tradition does not exist to justify war; it exists to protect human life. The nonviolence and just war traditions share some things in common:

1. The goal of both is “to diminish violence in this world.”
2. Both begin with a “strong presumption against the use of force.”

3. Both acknowledge that peace is more than the absence of war; it is built on the foundation of justice.

The criteria for the use of force in the just war tradition include using force only as a last resort, determining whether an attack is imminent, employing force that is discriminate and proportionate to the threat posed, and ascertaining whether there is probability of success. We wrote to the Pontifical Council for Justice and Peace at the Vatican for guidance and invited an ethics professor with a military background to speak to the Committee. After some reflection, we sent a letter in May 2013 to the National Security Advisor calling for more transparency in the Administration's policy of employing drones for targeted killings and raising a series of moral questions that we hoped would help the government develop a more comprehensive, moral and effective policy to resist terrorism.

Let's take a look at some of these moral questions. Is the use of a drone in a targeted killing discriminate and proportionate? Long gone are the days when opponents would have to battle face to face. Missiles and bombs allow for long-range attacks where you can't really see those you're targeting. But technology now has made it possible for an operator, located far away in safety, to have a drone hover over a location, look at what is going on, give the order to fire and see the destruction caused, up close and personal. Supporters of the use of drones argue that they are much more discriminate than the carpet bombing of WWII or even cruise missile strikes of more recent conflicts, and they generally are.

But many questions arise as to the targets and the intelligence behind the selection of those targets. The Administration's policy of "signature" attacks, in which individuals are targeted not because of who they are, but because of their behavior or their associations, is highly problematic. The reported designation of all males of a certain age in areas of Afghanistan and Pakistan as "combatants" is morally indefensible. Catholic teaching says, "The identification of the guilty party must be duly proven, because criminal responsibility is always personal, and therefore cannot be extended to the religions, nations or ethnic groups to which the terrorists belong."¹

While the number killed by drone strikes has declined in the last year, key questions remain. How many were militants? How many were civilians? Given the remote location where most of these drone strikes occur, it is hard to verify. Various organizations who have carefully examined data on drone strikes estimate that of the 2,400 to 3,900 persons killed by U.S. drones in Pakistan alone since 2004, perhaps as many as 959 were civilians, including 204 children.

According to Catholic Social Teaching, "the use of arms must not produce evils and disorders graver than the evil to be eliminated."² So the question is whether the civilian casualties on this scale, "collateral damage" as they are referred to by some, is proportional or discriminate? Would we tolerate such drone casualties in our own nation in targeting terrorist cells? Despite the Administration's claim that all efforts are being taken to ensure the civilians are not harmed, this data and the growing backlash from these drone strikes would seem to indicate otherwise.

¹ *Compendium of the Social Doctrine of the Church*, No. 514.

² *Catechism of the Catholic Church*, No. 2309.

How does the use of drones relate to the imminence of an attack? In all instances, drone strikes are taking place overseas, far from U.S. shores, as these strikes are intended to seek out enemies where they are concealed. Unless the enemy intends to target a U.S. installation overseas, just how imminent is the threat that a drone strike is needed to thwart that operation? To justify these drone strikes, the Administration says “the threat posed by al-Qaida and its associated forces demands a broader concept of imminence in judging when a person continually planning terror attacks presents an imminent threat, making the use of force appropriate.” This definition renders all actions by terrorists (including those loosely defined as such in “signature strikes”) to be “imminent,” thus justifying all drone strikes as a way to protect the security of the United States. Doesn’t this definition risk undermining respect for human rights and the rule of law?

Do such strikes really foster the long-term security of our country if, in fact, their use leads to a state of continual war? There’s something about the detached and asymmetric nature of a drone strike that raises red flags. While using armed drones may feel cleaner than unilaterally invading a sovereign nation, their use makes it that much easier to engage in conflict. There’s minimal risk to the operator when engaging the enemy and that detachment is precisely what makes it so attractive to nations to employ drones in places where air defenses are minimal.

In addition, using drones costs less than putting soldiers on the ground – no need to set up supply chains of shelter, food, fuel; no need to worry about combat training and equipment; no need to worry about interpersonal dynamics, whether between soldiers of different nations or just soldiers within a given unit. Drones eliminate these issues. So it’s no wonder that the U.S. Air Force now trains more pilots to “fly” drones than actual airplanes. This perception that using

drones is easy, cost-effective, and entails little risk to our own soldiers makes it likewise easier for policy makers to become lax in their decisions on waging war. Given the relative low cost and ease of use of military attack drones, might our leaders fall prey to the temptation to use the weapons to excess? Doesn't this risk violating the norm of force being used as a last resort?

As for the just war criteria of probability of success, it's easy to make the case that drones push us farther from peace. Targeted killings sow anger and unrest among the countless people whose lives are upended. With a quick missile strike from a drone here and there, we imagine our country made safer. But the reality is that this policy perpetuates violence, terrorizing communities overseas, and radicalizing people who otherwise wouldn't be hostile toward the United States. Two Harvard law professors in their book *"Laws, Outlaws and Terrorists: Lessons from the War on Terror,"* wrote, "...targeted killings might strengthen the sense of legitimacy of terrorist operations, which are sometimes viewed as the only viable option for the weak to fight against a powerful empire," which in this case is the United States.

But the U.S. is not the only one to use armed drones. While the number of countries actually using armed drones is still relatively small, more and more countries have acquired drone technology. I think the count is now up to 87 countries and climbing. Drone manufacturers have made their products available to domestic law enforcement for surveillance. And as missile technology further develops, it wouldn't take much for those 87 countries to weaponize the drones they are acquiring.

It's a new arms race. Israel is the world's leading exporter of drones. Given its use of armed drones in conflicts, most recently in Gaza in summer 2014, those drones can now carry the label of being "combat proven," enhancing their sales appeal. Then too the proliferation of drones adds to the moral dilemma. The number of drones operated by the U.S. government has grown exponentially, from about 60 at the time of 9/11 to over 7,000 today. Doesn't the prospect of widespread deployment of UAVs by other nations and non-state actors put a spotlight on our nation as the primary developer and user of UAV armed and unarmed technology? Shouldn't the U.S. exercise leadership in advancing international norms, standards and restrictions for their use?

For many Americans, the issue of targeted killings by drones is murky, complicated by the need for national security in a post-9/11 world. But the killing by drones in 2011 of Anwar al-Alaki, a Muslim cleric, and his son in Yemen raised troubling questions about the legality of the drone program since the strike took place where the United States is not engaged in a declared conflict and since the two were American citizens. Where was the due process that is normally afforded all those accused in the United States?

All of this makes it difficult to justify targeted killings by drones under Catholic just war teaching. But just war principles only apply to action in war zones, and the United States isn't at war with Pakistan, Yemen or Somalia, making the moral justification for drones even more remote.

This fact should give the American public and our leaders pause, as it suggests our usage of this technology far outstrips the amount of reflection we've done on the subject. The distance many people feel from this issue doesn't reduce the ethical concerns involved, nor does it make the negative impact of drone usage any less severe.

In May 2013, in response to those continued questions, President Obama gave his justification for the drone program in a speech to the National Defense University. He said that the Administration was going to be more transparent and it was going to tighten standards for drone attacks, ultimately scaling back their use. However, the U.S. has continued to use drones to strike at remote targets outside combat zones and the CIA still maintains control over drone operations in key countries, like Pakistan.

Even though drones are here to stay, there's no doubt that there's been a rush to adopt this drone technology without fully considering the consequences. Current research is working to make drones fully automated, to reduce collateral damage and psychological trauma by removing "nuisances" like human error and emotion. Do we really want machines and computers making life and death decisions? These are realities we would have to contend with as we adapt to life with this new technology. Who would be morally culpable for civilian deaths when a machine is making the final decision?

Archbishop Silvano Tomasi, the Vatican's Permanent Observer to the United Nations in Geneva, has raised questions in international forums about the use of armed drones, particularly those that might be considered autonomous weapons systems. He argued that the automation of war risks

dehumanizing conflict. He cited the proliferation of drone technology and its growing use in various conflicts, saying, “The challenges are multiple and related to international humanitarian law, to human rights and to international law.” He urged a UN meeting on Conventional Weapons to have deliberations on armed drones “before they become an additional source of greater destabilization when the international community needs more than ever stability, cooperation and peace.”³ International norms on the use of drones in conflicts are urgently needed.

One last point before I conclude. I said earlier that our Church teaches that peace is more than the absence of war; it is built on the foundation of human rights and justice. Is our nation over investing in drones while underinvesting in human rights and justice? Could we become so enamored with drone technology and its promise of security that we fail to make adequate investments in diplomacy and development, and that we fail to get at the root causes of conflict? Will a reliance on armed drones outside combat zones, and the terror and anger they cause in other nations, undermine respect for due process and human rights?

Pope Francis, in his Apostolic Exhortation *Evangelii Gaudium*, noted the call by many for greater security, but said, “Inequality eventually engenders a violence which recourse to arms cannot and never will be able to resolve. It serves only to offer false hopes to those clamoring for heightened security, even though nowadays we know that weapons and violence, rather than providing solutions, create new and more serious conflicts.” When a new technology develops, society must sometimes rush to catch up to its ethical ramifications. We owe it to ourselves to keep asking the questions on the moral gravity involved in using drones for targeted killings.

³ Statement by Archbishop Silvano Tomasi to Meeting of the States Parties to CCW, Geneva, November 13, 2014

That's why I'm delighted that this conference is taking place. Your deliberations here will serve to heighten awareness of this important topic in the public square and hopefully in the halls of Congress. The use of attack drones in targeted killings should be inseparable from the question of whether it promotes peace and security around the world.