

# Drones, Foreign Policy, and Christian Ethics



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The use of unmanned aerial assault vehicles, or drones, to target enemy forces involves no shortage of legal and ethical questions. Their use represents a cold, calculated, and often disconnected act of taking the life of an enemy. There seems to be something different about the use of drones. Americans, and American Christians, are uneasy with an individual pilot controlling an unmanned vehicle from a remote location and attacking an enemy combatant abroad. Fortunately, the wisdom found in the Christian just war tradition speaks to these concerns. The ethical considerations of going to war and using deadly force against an enemy do not change simply because the technological platform affords an additional degree of separation.

The early church fathers, Augustine, Aquinas, and Ambrose, among others, began the ethical and theological inquiry into war. Though there is some inescapable overlap, two areas of just war exist. The first is *jus ad bellum*, relating to the decision to go to war and *jus in bello*, which guides practices in war. However, once hostilities begin, there is no point at which belligerents cross a sort of legal or ethical Rubicon whereby they must no longer consider *jus ad bellum*.

The *jus ad bellum* analysis seeks to understand when it is morally just to go to war, or participate in war. Typically, this comes down to three basic ethical considerations: just cause, proper authority, and right intention. Fighting terrorism is a just cause. First, Al Qaeda as an actor has declared open war on the United States and its civilians, and has systematically attacked the our country for decades. Second, the goals of terrorism are generally to attack both civilian and military targets in order to undermine social order. Terrorism is wanton destruction of life, indiscriminate and unrestrained.

The question of proper authority requires a two-part analysis of both the Constitution and, less importantly, international law that the U.S. seeks to abide by. The U.S. has legal authority, based upon our own Constitution, to engage in drone strikes against foreign terrorist targets. The Constitution provides some insight as to when the use of force may be used abroad. Article I, section 8, clause 11 contains the

war powers clause granting Congress the power to declare war. Congress has done just that when it comes to terrorism. The Authorization for Use of Military Force for the September 11 attackers and their allies serves as the legal basis for U.S. action against terrorist groups abroad. This formal congressional act authorizes the President to direct attacks against Al Qaeda and its allies. Though it may be time to revisit the language of the AUMF, its legal authority is generally accepted as satisfying the congressional declaration of war clause.

Moreover, the international legal framework allows for the United States to defend itself against terrorist groups abroad. Internationally, the use of war and armed conflict is generally prohibited by the United Nations Charter. Signatories of the UN Treaty, of which the U.S. is one, agree to bind themselves to the document. Article 51 of the Charter prohibits the use of force but allows for the use of force by a state for the purposes of individual or collective self-defense. Some question whether or not this right extends only to massive armed aggression. They would claim that it does not apply to defense against non-state actors like terrorist groups. This standard is wrong because it would require a state under prolonged, but low intensity, attack to do nothing in defense of its citizens, borders, or property. The only logical interpretation of Article 51 must allow for states to defend themselves against various forms of attack, including terrorist groups and other non-state actors. Combined, the domestic and international legal analysis concludes that the war on terrorism meets the right authority principle.

Finally, the requirement of right intent warrants serious consideration. J. Dayrl Charles suggests that “unjust war is best illustrated by what does not constitute right intention.” Pride, blood thirst, unnecessary territorial expansion, and national aggrandizement are all examples of unjust war. Right intent would not focus on killing the enemy, but on stopping the enemy from doing harm. Here, it is easy to become cynical of the President’s increased use of drones and targeted killings. Some critics suggest that the increased use is merely a way to avoid the difficult questions surrounding detention, interrogation, and legal trials. However, we should not so quickly assume malintent among our military leaders. It is just as possible that the increased use of targeted killings is a more effective and decisive way to win the battle at hand.

The question of intent also demands an intentional effort to recognize the humanity of those at the other end of the drone. It is tempting to justify each strike as seeking some moral end without ever considering the human cost of war. The ability of technology and remote control of the machines of war entice those engaged in war to not consider the ethics of taking a life. The right intent principle is most difficult to determine, and has no clear answer as it relates to the increased use of drones for targeted killings. Thus, the intent of the increased use must continually be evaluated.

Jus in bello doctrine, concerning actions in war, can be distilled to three core principles: distinction, proportionality, and necessity. The distinction principle, which has been codified in various treaties and domestic laws, requires those who use force to distinguish between civilian and military targets. Civilians may not be the object of attack. In the context of targeted killing and the use of drones, pilots and commanders are required to make decisions as to who is a valid target. This is complicated in counterterrorism conflicts because of the ability of terrorist groups to act and look like civilians. Nevertheless, terrorist enemy combatants are fair targets both ethically and under the law of war because of their actions.

The necessity principle restricts the use of force to only those actions not prohibited by law which are required for the defeat of an enemy as soon as possible. It is a question of whether or not a particular action is necessary for the successful completion of the military goal. Targeted killings quickly disrupt leadership groups and training facilities. Each targeted killing or bombing campaign should be limited by the question of whether or not it is needed to complete the objective. The use of targeted killings and drone strikes have primarily focused on individuals or small groups, not villages or large compounds. This implies that the military is making efforts to limit the scope of their attacks.

Finally, jus in bello requires the use of force to be proportional. It does not prohibit the complete avoidance of civilian casualties, nor does the law require such a high standard. It is a requirement that requires actors to follow methods and tactics that avoid civilian casualties as much as possible compared to the scope of the military objective. In 2011, the United Nations reported that less than 5 percent of casualties reported with drone strikes were civilians. Again, this implies that the military is being cautious to not harm civilians. Moreover, the technological advantages of drones allow for more precision that was previously available to military commanders. Drones are, by their very nature, much more limited uses of force than a traditional aerial assault.

There is an ethical obligation to confront evil. Christians living in a democracy play are placed in a particularly difficult moral dilemma. Christians cannot choose to stand on the sidelines and make no decisions concerning the more materialistic aspects of government.

It is crucial for Christians of all stripes to reject the temptation of pacifism. Though alluring, it is merely a mirage. Guenter Lewy, historian and former member of the Jewish Brigade in Germany, argues that those who seek to avoid war may choose to “avoid the moral dilemmas posted by the world of statesmanship and statecraft . . . but they have no right to sacrifice others for this end.” In an essay titled “Learning in Wartime,” C.S. Lewis asserted his rejection of pacifism because of the numerous ethical impediments:

If I tried to become [a pacifist] I should find a very doubtful factual basis, an obscure train of reasoning, a weight of authority both human and Divine against me, and strong grounds for suspecting that my wishes had directed my decision...It may be, after all, that Pacifism is right. But it seems to me very long odds, longer odds that I would care to take with the voice of almost all humanity against me.

The Christian just war tradition rejects the quixotic idealism of the world and embraces the realism of man's fallen nature. Blind pacifism is not an option.

A discussion of war and faith is incomplete without an analysis of the command to love thy neighbor. It is seemingly impossible to follow Christ's command to love thy neighbor and also be willing to ethically justify going to war against a neighbor. Yet, though it may be better to turn your other cheek, it is an abdication of duty and love to turn your neighbor's cheek for them. At times, loving thy neighbor may require reluctantly taking up arms in the effort to achieve a greater social good like peace or justice. Thus, despite the tension, just war can be an act of charity or love of neighbor if aimed at eliminating wanton murder, genocide, nationalism, or other evils. This is not to fall into a trap of moral or theological legalism, which would be a mistake. Neither do good neighbors sit idly by, watching their neighbors suffer. It is a tension, to be sure, but a tension that must be maintained. To take part in violence without properly weighing its morality is as wrong as being the idle neighbor in the face of suffering.

The just war theory empowers Christians with necessary tools to love their neighbors and seek justice. The ethical considerations do not change simply because technology advances. Instead, the application of long-standing ethical principles can be readily applied to the use of drones. Though it is important to not lose the human context of actions resulting from the stroke of a keyboard instead of the stroke of a sword, the principles remain the same. Christians living in free societies must engage in the hard work of weighing the morality of conflict as it arises. There is no abdication of the responsibility to engage in the operations of the state.

*The view expressed in this commentary belongs solely to the author and is not necessarily the view of the ERLC.*

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