

Kerstin Fisk, Jennifer M. Ramos, ed.. *Preventive Force: Drones, Targeted Killing, and the Transformation of Contemporary Warfare*. New York: New York University Press, 2016. 368 pp. \$30.00, paper, ISBN 978-1-4798-5765-4.

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Preventive Force is an edited study of a relatively new and evolving practice of “war”—the employment of drones to kill people and achieve security objectives. The authors and coeditors, Kerstin Fisk and Jennifer M. Ramos, view “preventive force” as a “security strategy defined along a continuum,” designed to “thwart the development of possible future threats from suspected ill-willed actors” (p. 1). Preventive nuclear strikes and wars occupy the high end of the continuum and preventive drone strikes the low end. [1] The focus of the essays in this study is on the utility of the employment of drones to kill terrorists and defeat enemy threats before they can act. Contributors were asked to address “the costs and benefits of employing preventive force, the political causes and consequences of preventive force, and the legal and ethical implications of preventive actions” (p. 341). The authors believe that “the international community is at a turning point in what it deems acceptable regarding the use of lethal force” (p. 2).

After the terrorist attacks on the United States on 9/11, the George W. Bush administration in its 2002 National Security Strategy promulgated a new preemptive-preventive war doctrine, and initiated a program of targeted killings using weaponized Unarmed Aerial Vehicles (UAVs),

drones, and other means.[2] The Barack Obama administration greatly expanded the employment of drones to kill people. Britain, Israel, France, other states, and non-state actors adopted this practice, and are now developing and employing drone technology. The spread of lethal drone technologies is making it easier for states and groups to seek out and kill people they deem enemies with little or no threat to their civilian and military populations and little or no political costs to leaders and governments. This new practice of “war” ignited a national and international debate over the use and misuse of lethal drones. *Preventive Force* is part of that debate. The issues involved are security, political, legal, moral, and ethical.

The purpose of this study is to “extend our knowledge and understanding of the preventive use of force from preventive war to preventive drone strikes” (p. 22). The objectives of the book’s editors are threefold. First, they aim “to clarify the pros and cons of U.S. drone policy by situating drone strikes within a broader preventive force framework” (p. 2). Second, the book’s goal is “to ascertain the long-term impact of the preventive use of force on the stability and security both of states and of the international system” (p. 3). And, third, the editors want “to build upon existing lit-

erature that debates the legality and morality of targeted killing by advancing legal and ethical guidelines for preventive action, including, in particular, a regulatory framework for the use of drones” (p. 341). This volume is the product of a conference on preventive force and drone technology held at Loyola Marymount University in the spring of 2014. Fisk and Ramos are professors of political science at Loyola Marymount University. Ramos is the author of *Changing Norms through Actions: The Evolution of Sovereignty* (2013). They also coauthored an article titled “Actions Speak Louder Than Words: Preventing Self-Defense as a Cascading Norm.”[3]

Preventive Force is divided into three parts: “Understanding Preventive War,” “Perspectives on Preventive Drone Strikes,” and “The Future of Preventive Force.” Each part contains three to four essays from noted scholars with backgrounds in a wide variety of fields, including political science, law, philosophy, human rights, and defense. Part 1 contains essays from Jennifer Taw (“Preventive Force: The Logic of Costs and Benefits”), Miroslav Nincic (“Preventive War and Its Domestic Politics”), and Thomas M. Nichols (“Sovereignty and Preventive War in the Twenty-First Century: A Retrospective on *Eve of Destruction: The Coming Age of Preventive War*”). Part 2 contains essays from Stephan Sonnenberg (“Why Drones Are Different”), David Glazier (“The Drone: It’s in the Way That You Use It”), Daphne Eviatar (“Drones and the Law: Why We Do Not Need a New Legal Framework for Targeted Killing”), and C. Christine Fair (“Studying Drones: The Low Quality Information Environment of Pakistan’s Tribal Areas”). Part 3 contains essays from Avery Plaw and Joao Franco Reis (“The Contemporary Practice of Self-Defense: Evolving toward the Use of Preemptive or Preventive Force?”), John Emery and Daniel R. Brunstetter (“Restricting the Preventive Use of Force: Drones, the Struggle against Non-State Actors, and *Jus ad Vim*”), Ben Jones and John M. Parrish (“Drones and Dirty Hands”), and Dean Chatterjee (“Beyond Preventive Force: Just

Peace as Preventive Non-Intervention”). Ramos and Fisk provide a concluding essay.

A few of the questions discussed and analyzed in this work are: What are the legal conditions for the employment of drones to kill people? Who, what entity of government, can legally employ this technology? What authority is necessary to employ drones to kill people? Are drones a structurally disruptive military technology with the power to significantly transform the conduct of war and the conditions under which states employ lethal means? What does International Humanitarian Law (IHL) prescribe in regard to the employment of these weapons? What are the humanitarian costs of the employment of drones against a people? Which groups of people can be targeted? Do drones create more problems and more terrorists than they destroy? Under what conditions is the targeting of unknown individuals via signature strikes justified and legal? What influence does the killing of noncombatants in strikes against terrorists have on communities, governments, and international relations? Can current international laws contain the spread of this technology and regulate its use, the way it contained the spread and use of nuclear, chemical, and biological weapons, or are new regulations and laws necessary? Does the secrecy involved with the employment of lethal drone technology diminish public trust and support? Does it erode legitimacy? These are just a few of the important questions the contributors to this work seek to answer. And, they are not in complete agreement in regard to the answers.

Below are some of the most significant arguments and conclusions advanced in this study. Taw, for example, concludes: “That said, even though preventive action will not be the best option for almost every hypothetical and real-world case offered in this chapter, an exception, in a purely cost-benefit sense, is the U.S. use of drones against terrorist targets. In that circumstance, the strikes represent a relatively low-cost option for

the United States, with a limited chance of retaliation or escalation, and no clear, viable alternatives” (p. 54). Taw identifies the fundamental reasons for employing drones to kill terrorists.

In his essay, Nichols maintains that “the Ukraine crisis [Russia’s use of preventive force] in particular should raise a significant alarm: the complete Russian disregard for any concept of sovereignty in a state whose borders Moscow had once vowed to respect brought the world closer to a major power confrontation than at any time since the worst Cold War days of the early 1980s. This kind of collision of interests among the great powers, stomping about like elephants in a room full of mice, was one of the concerns that led to the writing of *Eve of Destruction*, and I am no more optimistic” (p. 106). Nichols still believes humanity is facing destruction.

Sonneberg argues that “these various incentives to comply with IHL have traditionally resulted in a relatively stable ... equilibrium point wherein most states ... chose voluntarily to abide by the provisions of IHL.... I have argued that the introduction of structurally disruptive drone technology has already disrupted this tenuous equilibrium.... Civilian life at the end of this tit-for-tat race to the bottom promises to be truly nasty and brutish” (pp. 133-134). Sonneberg believes that the availability of drone technologies will cause international norms of behavior to further degenerate.

Glazier concludes: “Nevertheless, the CIA, rather than the military, has conducted many of the subsequent drone strikes. While the legality of this approach has been debated fairly extensively, most commentators have missed the obvious answer—it violates international law” (pp. 161-162). Glazier argues that the current American practice of using an intelligence agency to employ drones violates international law.

Eviatar advances the following argument: “But the liberal use of lethal force to kill thousands of suspected terrorists abroad is extremely dangerous, and it does not square with any ac-

ceptable interpretation of international law.... The United States does not appear to be engaged in a lawful, publicly declared armed conflict with them [terrorist groups in Pakistan and Yemen]” (pp. 171-172). She continues later in her essay: “So long as the United States refuses publicly to comply with widely accepted international human rights law, it will remain an easy target for propagandists who can point to the United States’ past use of torture and now its secret killing campaign to whip up anti-U.S. sentiment for their own political purposes” (p. 189). Eviatar believes that the current American practice of employing drones to kill people ultimately damages the United States, and its credibility and ability to influence other state actors.

Emery and Brunstetter’s “main claim is that drones employed outside the traditional battlefield are a form of limited preventive force aimed at avoiding a larger war, but the legal and moral justifications currently provided by the U.S. government ... are considerably too permissive” (p. 257). They “concur that the laws governing a zone of war should not be imposed wherever terrorists operate, and therefore reject the more permissive laws of armed conflict subscribed to by the Obama administration” (p. 259). Emery and Brunstetter argue that the Obama administration’s expanded use of drones to kill people was too permissive, expanding beyond the legitimate limits of the battlefield.

“As we have seen,” Jones and Parrish conclude, “targeted killing in the context of counterterrorism may represent genuine dirty hands dilemmas. But this possibility in particular instances is insufficient to justify a policy that regularly violates fundamental moral and legal principles. It is hard not to reach the conclusion that dirty hands justifications for the U.S. drone program often serve as post hoc rationalizations for policies of dubious ethical standing” (p. 307). Jones and Parrish find Stephen de Wijze’s argument, delineated in his article “Targeted Killing: A

Dirty Hands Analysis,” which contends that “a policy of [targeted killing] must be adopted only with the greatest reluctance and as rarely as possible,” problematic because it is used to justify actions that cannot always be justified (pp. 284-285).

Chatterjee advances an assessment of a new, evolving norm. “My just-peace approach is part of the evolving global norm of justice, contextualized in the broader discourse of the normative and institutional challenges of globalization, with a focus on human development and wellbeing. I claim that it is high time that we shift our discourse from finding security in resorting to a just war to building security via a just peace” (pp. 315).

Finally, Ramos and Fisk write that “under the circumstances, it appears that until international law is more settled, states will continue to interpret legal questions as they see fit” (p. 343). This was an assessment made by Franklin D. Roosevelt and Winston Churchill in the Atlantic Charter, their vision for the post-World War II world, and argument for the United Nations.

We can only scratch the surface here. These are not trivial matters, and the United States has played an enormous part in establishing the evolving new norm. The precedent set by the United States has long-term, international and national consequences. The simple fact is that drones save lives and reduce casualties by *not* putting soldiers, sailors, and marines in direct combat. From a military perspective this is hard to argue with.

My assessment is that the “genie is out the bottle” and cannot be put back in. Drone technology, unlike nuclear, chemical, and biological weapons, is relatively inexpensive. The expensive infrastructure required to produce weapons of mass destruction are not required to produce lethal drones. This means states and groups with meager resources and limited technical know-how can acquire lethal drones. The miniaturization and innovation of new, more capable drones

cannot be checked. The weapon system is “seductive” because the immediate costs for employing drones are negligible. In fact, it is hard to see any significant public or political costs for governments and groups employing these systems, particularly when they are employed secretly. Non-state actors are acquiring this technology, and such groups as Al Qaeda, ISIS, Hamas, and Hezbollah have no legal, ethical, or moral qualms about employing drones to kill people. In the ongoing battle for Mosul, ISIS has successfully employed lethal drones against Iraqi forces equipped with American technology. And the United States has already established the international norm for killing people considered “enemy combatants” without publically demonstrating their legal status as combatants or the condition of war. The United States has done this with questionable regard to civilian noncombatants killed in these attacks. Finally, the United Nations has proven ineffective in regulating the spread and advancement of this technology. The genie is out.

This is an excellent study. I will add it to my recommended reading list for my graduate students. Two additional chapters, however, would have added to the usefulness of this work. First, a chapter that traced the development of drone technology back to the vision of airpower as the decisive instrument for the conduct of war. This vision of decisive war from the air is not new. It goes back to World War I; to the writings of Giulio Douhet, William Mitchell, and others; to the British and American Strategic Bombing Campaigns in World War II; to the creations of Strategic Air Command; to the doctrine of massive retaliation during the Cold War; to the development of precision weapons during the Vietnam War; and to the so-called Revolution in Military Affairs in the wake of the first Persian Gulf War. A brief history of development and evolution of airpower technology and doctrine would provide context that could enhance understanding. Second, a chapter that examined the evolution of this technology would have been helpful. Drones are

flown by pilots located on the ground. The navy and air force have developed systems that are flown by computers, systems that can take off and land on an aircraft carrier, fly to targets, release weapons, engage or avoid intercepts, evade enemy radar, and employ multiple systems to destroy targets. Artificial intelligence is the future of airpower. While prediction is a tricky business and typically not useful, these developments are already well underway. The political, legal, moral, and ethical implications for the employment of these new airpower technologies are something humanity will continue to wrestle with. Still, they will be built and they will be used.

Notes

[1]. The United States has never carried out preventive nuclear strikes. In fact, no state has employed this strategy. In the early days of the “Cold War,” when the United States had a monopoly on nuclear weapons, some military leaders and theorists advocated preventive war to preclude other states, particularly the Soviet Union, from acquiring these weapons. However, this strategy was never put into practice.

[2]. Bush, in part, stated: “as a matter of common senses and self-defense, America will act against such emerging threats before any fully formed.” Quoted in Adrian R. Lewis, *The American Culture of War: A History of U.S. Military Force from World War II to Operation Enduring Freedom*, 2nd ed. (New York: Routledge, 2012), 391.

[3]. Kerstin Fisk and Jennifer M. Ramos, “Actions Speak Louder Than Words: Preventing Self-Defense as a Cascading Norm,” *International Studies Perspectives* 15, no. 2 (2014): 163-185.

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