

Individualized and Yet Dehumanized? Targeted Killing via Drones

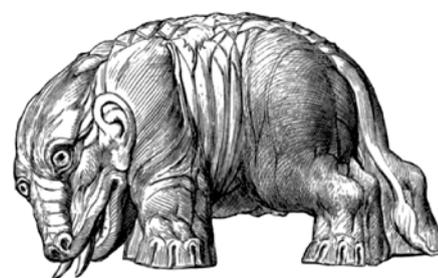
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Abstract:

Within the literature on warfare and drones two observations are currently made. The first is that war is becoming individualized and personalized; the second that warfare is more and more dehumanized. This juxtaposition of individualization and dehumanization within the literature is the departure point of this article. The article engages with the simultaneous individualization and dehumanization of warfare by assessing the relatively new practice of targeted killing via drones, focusing on the US drone programmes. Offering a short overview of current US drone strike practices and a reconstructive analysis of the discourse on targeted killing via drone strikes, the article identifies three themes within the discourse on targeted killing via drones: the language of the target, the language of the body, and the language of dehumanization. Taken together these themes are constitutive of the social construction of individual human beings as dehumanized targeted bodies. The article makes the argument that this social construction allows the conduct of dehumanized warfare against individual human beings. The article therefore provides a theoretical framework, which allows analysing and understanding the practice of the targeted killing via drones from a perspective of International Relations Theory.

Keywords: Bodies, Dehumanization, Drones, IR Theory, Targeted Killing

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1. Introduction [1]

Warfare used to be confined to the regular armed forces of two sovereign nation states fighting with each other and aiming at ensuring certain symmetry (Chamayou 2011, 2; Blum 2014, 52). This is no longer the case as today sovereign states are often at war with non-state armed groups and at times individuals. War has become ‘individualized’ and ‘personalized’, a ‘manhunt’ (Chamayou 2011, 2; Finkelstein 2012a, v; Blum 2014, 52; Blank 2015, 233; Welsh 2015). As a result of this development, warfare has become asymmetrical. Part of this asymmetrical warfare is the rise of unmanned aerial vehicles (UAV), more commonly known as drones. They have been used in a variety of civilian and military operations, conducting both surveillance and lethal operations. The latter ones are often referred to as ‘targeted killing’. [2] Drones and targeted killing are often spoken of and made use of together (Barrinha/da Vinha 2015, 25). Yet it must be noted that not all drones are used in targeted killing operations, and not every targeted killing operations is conducted by drones. This article focusses on targeted killing operations via drones as a relatively new practice. [3]

The two key terms ‘targeted killing’ and ‘drones’ require a definition. While a number of definitions exist for the term targeted killing (Carvin 2012, 543; Goppel 2013, 10–12), the following definition by Nils Melzer is used as a working definition within this article. He defines targeted killing as, “the use of lethal force attributable to a subject of international law with the intent, premeditation and deliberation to kill individually selected persons who are not in the physical custody of those targeting them.” (Melzer 2007, 39) The term drones refers to a wide range of UAVs. And while the military and manufacturers tend to refrain from using the term, it “is most widely used in the media and popular literature by anti-UAV activists.” (Franke 2015, 55) In this article, the terms drones and UAVs are used interchangeably. Drones are to be understood as armed UAVs operated remotely in a military or covert operational context.

The change in warfare and the changing means of warfare pointed out above imply a tension. *Individualized war on the one hand*, where the subjects of those means are no longer replaceable soldiers, who are eligible for killing due to their status as a combatant (Sparrow 2012, 128), but specific individual human beings, ‘manhunted’ (Bush 2004; Chamayou 2011, 2). They are targeted due to their apparent ‘value’ as a target or because they ‘fit’ a certain ‘signature’. Individualized warfare is thus characterized by being aimed at individual human beings with known and unknown identities. *Dehumanized warfare on the other hand*, in which the growing use of remotely controlled drones reduces the need for soldiers in an actual combat situation massively. Drones seem therefore no different to other long-distance weapons such as cruise missiles. The crucial difference between these ‘fire and forget’ weapons and drones is rooted in the fact that a cruise missile is directed against a target that is defined and located beforehand, such as a specific military object. Drones, however, can be deployed into a theatre of war and hovering for a long time, waiting for

[1] This article is based on a draft chapter of my PhD dissertation, entitled “The individual human being in international relations: prosecution, protection, and killing”. The article has profited from valuable comments by Susanne Krasmann, Jutta Weber, Markus Wagner, and Anna Leanda. I also would like to thank the anonymous reviewer who provided many useful suggestions. An earlier version of this article was presented at the 2015 EISA Young Researchers’ Workshop (22 September). I would like to thank the organizers, Fillipe dos Reis and Maj Grasten, Anna Leander, who served as a discussant, as well as the participants in the workshop. Responsibility for any errors in the article is, of course, mine alone.

[2] Other authors and scholars refer to these practices as extrajudicial executions or state assassinations. Christine Gray claims that, “[t]argeted killing’ is generally seen as a neutral term which, unlike ‘assassination’, does not necessarily imply illegality.” (Gray 2013, 78) Contrary to her, I do not believe there is such a thing as a ‘neutral term’. However, for reasons of consistency, I use the term targeting killing exclusively.

[3] While Israel for quite some time and the United Kingdom more recently have been engaged in practices of targeted killing with and without drones, the discussion provided here is based on the US case alone.

targets to appear or looking for targets actively via remote control and video feed. This characteristic of a more active and flexible use is what makes drones a special case and not simply the next step in a long line of weapons aiming to cover growing distances.

Targeted killing via drones thus seems to be dehumanized and individualized at the same time. The article engages with this simultaneous dehumanization and individualization, aiming at understanding how this practice is possible by offering an analysis of the discourse on targeted killing via drones. The analysis conducted in this article demonstrates that those individual human beings, who are targeted, are discursively constructed as dehumanized targeted bodies (Wilcox 2015, 151 offers a similar notion). This explains how a dehumanized warfare directed against individual human beings is possible in the first place. [4] The following elaborates this argument in detail. In order to do so, this article is structured as follows.

Section 2 provides a brief overview of the history, current practice, and some of the legal debates surrounding targeted killing via drones with a focus on the US, setting the stage for sections 3 and 4, which constitute the substantive part of this article. Section 3 offers an analysis of the general drone strike policy within the US as well as an analysis of specific drone strikes and the discourse on these strikes, guided by a classification of three kinds of strikes. Based on this analysis, section 4 identifies three themes in the discourse on targeted killing via drones. A brief conclusion is offered in section 5.

2. Targeted Killing: Development, Current Practices, Legal Issues

This section offers a brief overview of the development and current practices of targeted killing operations by the USA. It also provides a discussion of some of the legal aspects of such operations.

US Targeted Killing Operations

While there is a long history of political assassinations and targeted killings, with the former practice seen today as both morally wrong and legally prohibited (Maxwell 2012, 34; Whetham 2013, 71–73; Sanders 2014, 514; Boyle 2015, 120), it is only since the terrorist attacks of 11 September 2001 that the USA has systematically employed drones in targeted killing operations as a distinct method of counterinsurgency. And despite growing legal, moral, and ethical issues concerning targeted killing, scholars agree that drone strikes and targeted killing operations will stay (Guoira 2013, ix; Franke 2014, 121; Aslam/Rauxloh 2015, 225). At the outset, it must be noted that there are actually two distinct drone programmes run by the USA, one military, commanded by the Joint Special Operations Command (JSOC) and the other clandestine, by the CIA (Williams 2011, 6; Boyle 2015, 118). The JSOC focuses on Afghanistan, Somalia, and Yemen, while the CIA undertakes the operations in Pakistan and some of the Yemen operations

[4] In fact one could even make the point that the individualization of warfare is a condition that allows the specific kind of dehumanized warfare that targeted killing via drones constitutes. This highly relevant observation was made by Leanne Boer at the aforementioned presentation of the article at the EISA Young Researchers' Workshop.

(Blank 2015, 232; Woods 2015, 96). The military and CIA programmes are, however, becoming more and more intertwined (Williams 2011, 7).

The first US drone strike outside a war zone is said to have taken place in Yemen in 2002 (Williams 2011, 3; Brunstetter/Jimenez-Barcadi 2015, 181). With regard to strike numbers and casualties, little insight and even less reliable data is available. While some attempts to provide at least a quantitative overview are rather conservative in their estimation, as for example the *Long War Journal* (Roggio 2015; Roggio/Barry 2015), other estimations like those of the New America Foundation, of certain media outlets, and those provided by a number of academic scholars are much higher, especially with regard to civilian casualties (Goppel 2013, 1; NBC 2013; Sanders 2014, 516; Waddington 2015, 121). Numbers are extremely difficult to put together and there is no single authoritative source for them (see Plaw 2013, 126–153, for a good overview). Given the clandestine nature of the CIA strikes, scholars will most likely never have a total death toll available. The debate about the amount of civilian casualties is often linked with debates about how to define combatants and civilians (Gray 2013, 99; Casey-Maslen 2014, 399; Martin 2015, 164). The following part therefore briefly engages with this debate by providing a primer into the legal issues surrounding the selection and classification of legal targets within International Humanitarian Law (IHL).

Legal Issues

The literature on drones and targeted killing largely focusses on two legal frameworks: International Human Rights Law (IHRL) and International Humanitarian Law (IHL). The underlying argument here is that either targeted killing is part of policing actions, in which case actions must be conducted in accordance with IHRL, or it is part of regular warfare, in which case it is governed by IHL (Strüwer 2010, 61). The focus on IHL alone within this article is based on two reasons. First, IHL is the framework the US Administration refers to nearly exclusively in their statements that are analysed in the following section. Second, IHL provides, compared to IHRL, much more detailed legal prescriptions concerning the possible permissibility of targeted killing operations via drones. Outside of IHL, and thus under IHRL provisions, targeted killing is seen as either entirely illegal as argued, for example, by Jody Williams (Williams 2011, 14) or as at least limited to a very few cases, as argued, for example, by Markus Wagner (Wagner 2015, 12–13).

As Anna Leander notes, “writing and commenting on the usage of drones is replete with talk about the extent to which drones challenge and change law.” (2013, 812). How can one conceptualize these challenges and changes legally? The short answer is that it depends on how one evaluates the drone strikes and the nature of the conflicts in which they take place. As Casey-Maslen rightly summarizes, “[D]epending on the case, and one’s appreciation of applicable law, drone strikes may be extrajudicial executions in violation of human rights or lawful acts *in bello*.” (Casey-Maslen 2014,

382f.) In addition, difficulties arise in regard to the question whether the US drone strikes are to be categorized as single incidents or as a series of strikes. In the former case, a case-by-case evaluation would be necessary, in the latter the evaluation would be on all strikes taken together. This, as some scholars have pointed out, makes it extremely difficult to categorize US drone strikes legally (Brooks 2014, 95; Enemark 2014, 370) and some even go so far as to argue that the drone strikes “present not an issue of law breaking, but of law’s brokenness.” (Brooks 2014, 98)

IHL constitutes a body of law concerned with the conduct of war. It aims at making war more humane (Wagner 2014, 1409) and to protect persons who are not involved in the warfare. Who is to be protected, however, has been subject to change (Garbett 2015, 68). The most important legal sources of IHL are the Geneva Conventions, codifying the laws of armed conflicts and constituting the *ius in bello*, i.e. the law during the war. The article’s scope and aim does not allow for a detailed discussion of the legal debate, which is ongoing and discussed in detail in numerous publications (Wagner 2015 provides a brief but excellent overview). I restrict myself here to brief elaboration on the principle of distinction, as this has been identified of the ‘cardinal rule’ of IHL for questions of targeting (Heller forthcoming, 24).

The principle of distinction provides that parties to a conflict must differentiate between civilians and combatants and are only allowed to attack combatants or civilians who directly participate in hostilities (Section 48, Geneva Conventions Additional Protocol I). This requires a clear understanding of combatants and civilians. Combatants are members of armed forces, which directly participate in hostilities. They can be attacked at any time during an armed conflict. Killing a combatant as part of hostilities does not constitute murder, because the combatant might otherwise kill the soldiers of one’s own force (Gross 2006, 329; Meisels 2012, 923). Civilians are defined *ex negativo* as anyone who is not a combatant, and thus cannot be lawfully attacked. IHL thereby ‘produces’ the notion of civilians and combatants (Garbett 2015, 148). However, IHL accepts that in war times civilian casualties may occur for military necessity (Hlavkova 2014, 272).

Civilians, however, can be attacked “for such time as they take a direct part in hostilities” (Section 51(3), Geneva Conventions Additional Protocol I). This formula has been subject to lengthy debates and there are different understandings on the meaning of direct participation as well as the temporal dimension referred to in the phrase ‘for such time’ (Melzer 2007, 419–450; Schmitt 2013, 103f.; Sanders 2014, 523). While the distinction between civilians and combatants remains rather unproblematic in regular symmetric warfare, it is difficult to uphold it in asymmetric warfare (Pacho/Bodnar 2012, 195; Sanders 2014, 521). To conclude this brief discussion of IHL, it can be noted that while it might be possible to create a legal framework under IHL to assess the legality of each and every single strike (Strüwer 2010, 225; Goppel 2013, 109), a general assessment remains difficult. Hence the article turns to the empirical analysis of practices of targeted killing via drones, which will, however, be supplemented by references to the legal debates in order to allow the reader to undertake a

legal assessment of what is described in the following.

3. Analysing practices of targeted killing via drones

This section begins with an analysis of the general discourse within the USA on targeted killing via drones. The section turns then to the analysis of discourse on three specific strike types identified in the literature: direct strikes, signature strikes and follow-up strikes. The selection of discourses and documents analysed is based on secondary literature as well as on the position of those documents within the discourse. Here two criteria, that of foundational texts, referred to as ‘monuments’ in discourse analysis (Neumann 2008, 67) and the criteria of intertextuality (Hansen 2006, 82–87) constitute the bases for the selection of documents. The discourse will be analysed by applying an interpretivist methodology (Della Porta/Keating 2008, 23, 32). Such a methodology and the research guided by it, “aims at understanding events by discovering the meanings human beings attribute to their behaviour and the external world.” (Della Porta/Keating 2008, 26) Interpretative research is also more open towards the material studied, in other words, the data is supposed to ‘speak for itself’ (Blatter/Janning/Wagemann 2007, 4). As a specific method, positioning analysis is applied (Hollway 1984; Harré/van Langenhove 1999; van Langenhove/Harré 1999; Kruse 2014, 511). As Gabriele Lucius-Hoene and Arnulf Deppermann explain, “[P]ositioning can be described as one of the most basic forms to construct and negotiate identities in social interactions.” (Lucius-Hoene/Deppermann 2014, 196, my translation) Therefore an analysis of how those targeted by drones are positioned within the discourse reveals how they are socially constructed.

The Discourse on Drone Strikes

As demonstrated in section two, the use of drones for targeted killing operations is a relatively new practice. There exists, however, some history in the US concerning assassinations of political leaders (President of the United States 1981; Reinold 2014, 175). A monument text for this debate is Executive Order 12333 (4 December 1981), which is concerned with ‘United States intelligence activities’, prohibiting assassinations by declaring that, “[N]o person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.” (President of the United States 1981) However, right from its declaration, it was limited in a memorandum of law, written by W. Hays Parks from the Office of the Judge Advocate General of the Army in December 1989 (Parks 1989). In the memorandum, the following clarification was made:

“[A]cting consistent with the Charter of the United Nations, a decision by the President to employ clandestine, low visibility or overt military force would not constitute assassination if U.S. military forces were employed against the combatant forces of another nation, a guerrilla force, or a

terrorist or other organization whose actions pose a threat to the security of the United States.” (Parks 1989)

The statements we can find today in the discourse on targeted killing via drones are reminiscent of this memorandum as the following demonstrates. A first speech by a US Government official outlining the practice of targeted killing was delivered by Harold Koh, at the time Legal Adviser at the US Department of State (Koh 2010). Two years later, John Brennan, then Assistant to the President for Homeland Security and Counterterrorism, gave a speech 30 April 2012 at the Woodrow Wilson Center (Brennan 2012). In the remarks given Brennan outlined publicly that the US was indeed conducting strikes against individual human beings via drones intending to kill them. He said,

“[Y]es, in full accordance with the law, and in order to prevent terrorist attacks on the United States and to save American lives, the United States Government conducts targeted strikes against specific al-Qaida terrorists, sometimes using remotely piloted aircraft, often referred to publicly as drones.” (Brennan 2012)

He described the strikes as both legal and ethical, in conformity with IHL principles, and as a strategically ‘wise choice’ (Brennan 2012). While Brennan refers mainly to legal aspects, there is a shift in the speech to policy issues (Gray 2013, 96), as the following passage reveals.

“Of course, the law only establishes the outer limits of the authority in which counterterrorism professionals can operate. Even if we determine that it is lawful to pursue the terrorist in question with lethal force, it doesn’t necessarily mean we should. There are, after all, literally thousands of individuals who are part of al-Qa’ida, the Taliban, or associated forces – thousands. Even if it were possible, going after every single one of these individuals with lethal force would neither be wise nor an effective use of our intelligence and counterterrorism resources. [...] Rather, we conduct targeted strikes because they are necessary to mitigate an actual ongoing threat – to stop plots, prevent future attacks, and save American lives.” (Brennan 2012)

Another monument text is a speech by US President Barack Obama, at the National Defense University 23 May 2013 in which he outlined the US drone strike policy in some detail (Obama 2013). He begins the part of the speech on drone strikes with claiming a preference for detention and prosecution, while making clear at the same time that this often is not possible. He then describes the strikes as effective and as legal. While the effectiveness was argued for by referring to intelligence found at the compound where Osama bin Laden was killed, the legality of these strikes was argued for by reference to just war criteria: proportionality, last resort, and self-defence (Obama 2013). Obama positioned those targeted as terrorists, guilty not of past actions, but constituting an imminent threat. Obama claims, “we are choosing the course of action least likely to result in the loss of

innocent life.” (Obama 2013) Furthermore, while he acknowledges civilian casualties, he positions those against the actual, and possible number of civilian casualties should the terrorists be able to continue (Obama 2013). This positioning constructs a justification of the targeted killing of those individual human beings thought to be guilty of posing a threat, while positioning those protected from this future threat as innocent individual human beings. It has been noted that the rules outlined in 2013 have been applied inconsistently from the beginning, with exceptions and waivers granted for certain battlefields, for example in Pakistan and Yemen (Timm 2015). The position Obama takes is based on the understanding that drones lead to a distinction between those who need to be protected and those who need to be killed in order to protect (Allinson 2015, 117).

What we see in these general statements and documents is the positioning of individual human beings in the discourse on targeted killing as *legitimate targets* based on assertions of threat and guilt (Blum 2014, 73; Shah 2015, 185). This positioning takes place at times with reference to the law, at times with reference to ethics, and at times with reference to strategy. While the discussion above was situated on a more general level, the following turns to the analysis of specific strikes and strike types. The literature and documents available allow identifying three strike types: direct strikes, signatures strikes, and follow-up strikes. Each of the three strike types will be discussed and a positioning analysis provided.

‘Direct strikes’

Direct strikes are targeted killing operations directed at one specific individual human being. These strikes are sometimes referred to as strikes against, “‘high value’ targets” (Schmitt 2013, 100). A leaked CIA document defined high-value targeting, “as focused operations against specific individuals or networks whose removal or marginalization should disproportionately degrade an insurgent group's effectiveness” (CIA 2009, 1). It has been reported that the number of low-level targets is much higher than the number of high-level targets (Barrinha/da Vinha 2015, 23; Wilcox 2015, 155). As Michael Schmitt explains, “this classification [as a high value target, SG] requires that identity, function, and importance be established in advance [...]” (Schmitt 2013, 100) Because of their nature they have also been termed ‘named killings’ (Gross 2006, 324) or ‘personalised strikes’ (Williams 2015, 96f.).

The selection process of those individuals is secret, but what is known is that so-called ‘kill lists’ are maintained and updated with the input of various agencies and government bodies (Martin 2015, 159). The drone strikes themselves are then conducted through a procedure called ‘kill chain’. As Lauren Wilcox explains, “[T]he kill chain consists of target identification, dispatching forces or weapons to the target, the decision and order to attack the target, and finally the destruction of the target.” (Wilcox 2015, 139f.) The process of target definition for such high-value targets is rather complex, as it, “involves weekly secure video teleconferences managed by the Pentagon

in which over 100 government officials analyse the biographies of suspected terrorists and subsequently submit a list of targets to the President.” (Barrinha/da Vinha 2015, 24)

Having provided a general definition of these kinds of strikes, the following provides an in-depth analysis of a direct strike targeted killing, which is unusually well documented. This is largely due to the fact of the availability of the so-called ‘drone memo’. The drone memo is a memo written on a specific targeted killing of a US citizen named Anwar al-Awlaki through a CIA operation (Chesney 2010; Mazetti/Savage/Shane 2013, 1). The analysis of the drone memo shows, that the justification to kill al-Awlaki was based on the Justice Department’s assessment of him as a ‘legitimate target’ (Office of the Assistant Attorney General 2010, 20f.). Because al-Awlaki was a US citizen certain legal questions had to be discussed (Office of the Assistant Attorney General 2010, 22). There was even a lawsuit brought against the US in order to stop a possible killing of al-Awlaki, but it was dismissed “with the court saying that it lacked authority to override the decisions of the Executive branch in an armed conflict.” (Crawford 2013, 405)

The memo, however, indicates that al-Awlaki can be killed legitimately because the killing takes place as part of an ongoing armed conflict and it constitutes an act of self-defence (Mazetti/Savage/Shane 2013, 3). Here it becomes obvious that the memo combines justifications for lethal force available in *different legal regimes*. The legal distinction between combatants and civilians in IHL becomes irrelevant in the memo at the point where al-Awlaki is positioned as a target; in that moment, it does not matter anymore whether he is a civilian or a combatant. Following Garbett’s notion of a, “civilian as an ‘agentic’ category of persons” (Garbett 2015, 158), combatants can also be understood as having agency. Contrary to this, targets, however, are not agentic anymore as they are the object of action by others. Al-Awlaki is positioned as a target and hence his killing is legitimized. In this context, Susanne Krasmann has pointed to the phenomenological understanding, “that an object is always also constructed in the eye of the observer.” (Krasmann 2014, 33, my translation)

The situation becomes even more complex when one takes into account the description of the situation immediately prior to the strike, as described in the *New York Times*,

“[A] group of men who had just finished breakfast scrambled to get to their trucks. One was Anwar al-Awlaki, the firebrand preacher, born in New Mexico, who had evolved from a peddler of Internet hatred to a senior operative in Al Qaeda’s branch in Yemen. Another was Samir Khan, another American citizen who had moved to Yemen from North Carolina and was the creative force behind Inspire, the militant group’s English-language Internet magazine.” (Mazetti/Savage/Shane 2013, 1)

Al-Awlaki had become the target of an attack without being aware of it. Given the description, al-Awlaki was not actively involved in hostilities. Some have argued that it is doubtful that al-Awlaki could be classified as

a combatant, as his main tasks were rather focussed on propaganda and not on combat (Finkelstein 2012b, 159), while others have claimed that as a member of an armed group his killing could be legitimated (Maxwell 2012, 58f.). If he is seen as a combatant, he can, of course, be killed, nevertheless, as he is a civilian, his killing was unlawful, given the legal framework discussed above. The same is true for Samir Kahn. Without wanting to provide a full legal analysis (Heller 2014 provides such a full legal analysis), I briefly want to elaborate on two central legal aspects. The case of al-Awlaki is an excellent example of the difficulties in upholding the distinction made between civilians and combatants in IHL. Furthermore, the so-called ‘revolving door’ effect is at play here. This effect describes the fact that ‘terrorists’ are able to switch between combatant and civilian status at will, making a legal attack on them extremely difficult (Sanders 2014, 523). Another legal aspect which comes to the fore here is the issue of self-defence, which was used by the US Administration as a legitimization for killing al-Awlaki. This, however, means that two distinct legal regimes *ius in bello* and *ius ad bellum* are conflated. As an effect of this conflation, the distinction between combatants and civilians becomes even more blurred (Gross 2006, 328).

Finally, this new method of warfare constitutes a massive asymmetrical relation between attackers and attacked. Those who are attacked are positioned as targets without knowledge. Furthermore, the death of additional, innocent individual human beings is accepted, often amounting to clear violations of principles of proportionality when applying an IHL framework and potentially arbitrary killing when targeted killings take place outside the context of armed conflicts, falling under regulations of International Human Rights Law (Wagner 2015, 12–13).

‘Signature strikes’

Signature strikes are different from direct strikes insofar as the targeted person is not selected and clearly identified, but rather chosen based on specific characteristics, known as ‘signatures’ (Casey-Maslen 2014, 393). The majority of strikes conducted by the US fall, at least within Pakistan, under this category (Jahn-Koch/Koch 2014, 297; Sanders 2014, 523). Part of the signature strikes is to use a so-called ‘pattern-of-life’ analysis (Peron 2011, 90f.; Casey-Maslen 2014, 393). Certain patterns or signatures then legitimize someone as a target. As Christian Enemark notes, “[I]n the words of one senior U.S. official (speaking anonymously): ‘We might not always have their names but . . . these are people whose actions over time have made it obvious that they are a threat.’” (Enemark 2014, 373) Put differently, the specific identity of those killed is not known beforehand (Martin 2015, 160). Some have argued that signature strikes could lower the risk of misidentification, as it allows targeting via membership of a group like Al-Qaida which is being targeted (Buchanan/Keohane 2015, 22). And Christine Gray claims that such signature strikes *as such* would be within the realms of the law, when taking place in an armed conflict and all necessary

conditions under IHL are complied with (Gray 2013, 100). But, “[S]ignature strikes outside a hot battlefield seem to go far beyond targeted killing of identified targets, and are difficult to bring into a war on Al-Qaeda.” (100)

Williams points directly to the problematic core of such pattern-of-life based strikes, “[f]allible human beings from thousands of miles away can – by ‘pattern of life’ assessments through surveillance – decide that someone (or someones) are legitimate targets for extrajudicial execution.” (Williams 2011, 12) And Susanne Krasmann reveals the dehumanizing effect of such signature strikes, highlighting the use of algorithm-based decisions, referring to it as, ‘numerically codified biological life’ (Krasmann 2014, 39, my translation). She argues that such procedures make the targeted person ‘faceless’ (Krasmann 2014, 40). Furthermore scholars have argued that such strikes carry a greater risk of leading to civilian casualties by falsely identifying targets, and that it may violate the principle of distinction and proportionality (Boyle 2015, 114f.).

One example of such a signature strike is the attack on a group of civilians travelling together for reasons of safety (Gregory 2015). The signatures ‘large group of people travelling together in cars’ was interpreted by the analyst as signalling a combatant group (Hall 2014, 68). As Derek Gregory rightly observes, “[T]he crew of the Predator interpreted more or less everything they saw on their screens as indicative of hostile intent” (Gregory 2015). An example of this was how a possible presence of children was discussed. A disclosed conversation (Allinson 2015, 122) of the drone crew showed, “[T]he suggestion that there might be children present was then quickly reinterpreted as being evidence of possible adolescents. That in turn morphed into ‘possibly military age males.’” (Martin 2015, 164) Another example of such a strike gone wrong occurred in February of 2002 when three men were killed near the city of Kost in Afghanistan. It was believed at the time of attack that these were three Taliban, one of them possibly Osama bin Laden (due to his height). It turned out that these were three civilians (Benjamin 2013, 91–94; Heller 2013, 89f.; Martin 2015, 145). In a press conference, a week later the following conversation between two spokespersons and a reporter took place:

Reporter: You said you don’t know who is killed in the attack, whether civilians or Taliban?

Pentagon spokesperson 1: No [inaudible] I am sorry.

Pentagon spokesperson 2: We don’t know exactly who it was.

Pentagon spokesperson 1: We don’t know the identity of the individuals involved

Reporter: But you are convinced they are Taliban?

Pentagon spokesperson 1: Now we are convinced that uhm [pauses, looks up, breathes heavily].

Pentagon spokesperson 2: We are convinced it was an appropriate target – based on the observation based on the information that it was an appropriate target. We do not know yet who exactly who it was. (C-SPAN 2002, transcript by author)

This short extract illustrates that despite the complexity of military decision making and the amount of individuals involved in a single strike there is an eerie simplicity to it when those strikes do get reported. The killings are based on a few selected signatures that are being assigned. Concerning the signatures the US uses, Heller offers an analysis of the signatures used by the US in these strikes and comes to the conclusion that, “many of the signatures on which the United States relies are legally suspect.” (Heller 2013, 92) In his assessment, four of the signatures provide no legal base:

- (a) Military-age male in area of known terrorist activity [...]
- (b) Consorting with known militants' [...]
- (c) Armed men travelling in trucks in Al-Qaeda in the Arabian Peninsula-controlled area [...]
- (d) 'Suspicious' camp in AQ-controlled area [...].

(Heller 2013, 97–100)

The military-age male signature is an interesting one from a gender aspect. As Charli Carpenter discusses in the context of protecting civilians, ‘women and children’ are traditionally framed as ‘innocent’ and ‘vulnerable’, while adult men are not. This, however, is problematic, as this includes neither female combatants and child soldiers nor civilian males (Carpenter 2005, 296). Hence men are constructed as ‘killable combatants’ and women as ‘accidental killings’ as they are seen as civilians (Wilcox 2015, 160).

A set of five signatures are deemed ‘possible adequate’ by Heller, depending on context and application on a case-by-case basis:

- (a) Groups of armed men travelling towards conflict [...]
- (b) Operating an AQ training camp [...]
- (c) Training to join AQ [...]
- (d) ‘Facilitators’ [...]
- (e) Rest areas

(Heller 2013, 100–103).

Hence, the legal assessment provided by Heller, assuming *arguendo* that those strikes are at least in principal legal, demonstrates that the reliance on signatures can be illegal in some cases where signatures do not comply with the norms of targeting according to IHL. In other cases, the killing might have been legal though only if the assigned signatures hold up to be true, which is not always the case, as the examples discussed demonstrate. . As Heller argues, in absence of evidence signature strikes cannot be conducted as, “the attacker must presume that the target is a civilian.” (Heller 2013, 103) Others, like Heyns, however, refute the principal assumption that those strikes could be legal if IHL principals are upheld (which they are often not, as the analysis offered by Heller shows). He points out that, “[I]nsofar as the term ‘signature strikes’ refers to targeting without sufficient information to make the necessary determination [whether someone is a combatant], it is clearly unlawful.” (Heyns 2013, 15) In a nutshell, signature strikes raise a range of legal issues that cannot and are not resolved within IHL (Heller 2013, 119). Recently a signature strike lead to the clearly unintended killing

of two hostages of the Taliban. This is a sad illustration for the limits of such strikes and the margin of error that the nature of these strikes inherently has (Boone/Kirchgaessner 2015; Richter 2015). To conclude, signature strikes are conducted within the same complex commando structure and with a large number of actors involved, as in other strikes (Gregory 2015). Nonetheless, at times the decision to kill is based on information and data which is simply interpreted wrongly or even flawed to begin with. The third and final type of strike is the so-called 'follow-up' or 'double-tap' strikes.

'Follow-up strikes'

'Follow-up', or 'double-tap' strikes (Benjamin 2013, 134f.), constitute the third specific strike type. These strikes are conducted for example against mourners at a funeral or against people coming to a scene of recent drone strike to provide assistance to the wounded and recover the dead (Casey-Maslen 2014, 395; Council of Europe 2015, 4). Concerning the legality of such follow-up strikes Heyns is rather clear again, stating that, "[W]here one drone attack is followed up by another in order to target those who are wounded and hors de combat or medical personnel, it constitutes a war crime in armed conflict and a violation of the right to life, whether or not in armed conflict." (Heyns 2013, 15) Other scholars, however, are less critical of follow-up strikes (Williams 2013, 164–168). As the *Bureau of Investigative Journalism* notes in one of its reports, "[A] three month investigation including eye witness reports has found evidence that at least 50 civilians were killed in follow-up strikes when they had gone to help victims. More than 20 civilians have also been attacked in deliberate strikes on funerals and mourners. The tactics have been condemned by leading legal experts." (Woods/Lamb 2012) The following describes such an attack on a funeral. It was conducted in 2009 aiming to kill Baitullah Mehsud (Williams 2013, 2–10).

The CIA had killed Khwaz Wali Mehsud 23 June 2009 with a drone strike. In order to target Baitullah Mehsud they decided to target Khwaz Whali Mesud's funeral, "[T]hey planned to use his [Khwaz Whali Mesud's] body 'as bait' to target Baitullah Mehsud, who was expected to attend Khwaz Wali Mehsud funeral. [...] US drones struck again, killing up to eighty-three people." (Casey-Maslen 2014, 397) As Williams points out, he was not killed then but at yet another attack on 5 August 2009, killing another 12 people, including family members and bodyguards (Williams 2011, 11). What we can see here in this short description of this follow-up strike is a positioning of one individual human being, Khwaz Wali Mehsud, first as a target, and then, after being killed, as 'bait' in order to attract yet another individual human being Baitullah Mehsud, to the funeral in order to kill him. The dead body of Khwaz Wali Mehsud thus becomes fully dehumanized, he is no longer a target, as he is dead, but he now becomes something different, a dead body used as 'bait' in order to kill another individual human being. Having provided a positioning analysis of the discourse on targeted killing via drones, section 4 discusses the results of this analysis and returns to the

tension between individualized war and dehumanization pointed to at the beginning of this article.

[5] I am thankful to the anonymous reviewer for bringing this to my attention.

4. Three themes in the discourse on targeted killing via drones

Three recurring themes can be identified in the discourse analysed above: targets, bodies, and dehumanization. The following discusses these three themes separately from each other; however, it will become clear further below that they unfold their meaning in combination. As a result this section concludes that the individual human being is positioned and hence socially constructed in the discourse on targeted killing as a *dehumanized targeted body*.

Theme I: The language of the target

As Amos Guiora argues, the moment an individual is identified as a legitimate target, s/he “enters’ a category whereby chances of a targeted killing are significant.” (Guoira 2013, 54) The moment the individual human being ‘enters’ the category of a target, the prior status of the targeted individual human being becomes irrelevant. The term ‘target’ is omnipresent in the discourse on targeted killing via drones, but we also find it in related discourses. As Samuel Weber writes with reference to the ‘war on terror’, “[T]he enemy would have to be *identified and localized, named and depicted*, in order to be made into an accessible target, susceptible of destruction.” (Weber 2005, 4, emphasis in original) The term target also appears in the description of weapon systems used, “[T]he MQ-1 Predator [...] is employed [...] against *dynamic execution targets* [...]” (Casey-Maslen 2014, 385f., emphasis added) The language of the target also raises the issue of unlimited killing. Guiora argues that when ‘targets’ “are not narrowly defined [this] creates an operational environment whereby anyone killed – regardless whether intended or unintended – is considered a legitimate target.” (Guoira 2013, 6)

This demonstrates the blurring of the distinction between civilians and combatants. Furthermore, and this is especially true for (alleged) terrorists, killing takes place based on the idea that a terrorist who has been guilty of an attack in the past will also be guilty of future attacks which have to be prevented, or are guilty by posing an imminent threat, however stretched the notion of imminence may be (Gray 2013, 93). As Gross explains, naming someone as a target, however, “assigns guilt [...]. In doing so, named killing places war itself beyond convention” (Gross 2006, 326). Others disagree, claiming that targeting is based on status or conduct “without any determination of fault or culpability.” (Sassóli 2014, 332f.) However, as the analysis has shown, this is not necessarily the case with all those who are targeted.

While it can be argued that Gross’ argument is an ethical one and Sassóli’s is a legal one and that they hence are on different levels [5],

there is good reason for juxtaposing the ethical issues with the legal ones. Such juxtaposition demonstrates how neither a strict legal analysis nor a purely ethical analysis does justice to the complex reality that the practice of targeted killing via drone strikes constitutes. The mixed justificatory regime of drone strikes often visible in the discourse is evidence for a social construction of targets which are at times constructed with reference to categories and concept of IHL and at times with reference to IHRL, and at times with reference to ethical assessment of guilt and wrongdoing.

Ian Shawn and Majed Akther have aptly argued that “the drone is not an aberration—but the apex of an expanding targeting zeitgeist. In this age, ‘to be’ is to be locked within the cool certainty of a crosshair.” (Shaw/Akther 2012, 1496) This has been described as the soda straw effect, “meaning that operators tend to ‘zoom in’ to focus on an increasingly narrow area around the target, with a resulting loss of information regarding the surrounding context – particularly during the final stages prior to firing.” (Martin 2015, 158) Shaw and Akther speak in this context of, “human beings that are so often translated into statistical and *targeted* calculations.” (Shaw/Akther 2012, 1505, emphasis added) ‘Targets’, however, are only one theme in the discourse on targeted killing and drone strikes. Intertwined with the use of ‘targets’ in the discourse is the appearance of a language of bodies.

Theme II: The language of the body

Bodies are the second theme present in the discourse on targeted killing via drones. Bodies within IR Theory are often seen as purely biological, as Lauren Wilcox notes, here they, “are implicitly theorized as organisms that are exogenously determined – they are relevant to politics only as they live or die.” (Wilcox 2015, 2) Bodies have been a recurring theme in both feminist and constructivist literature (Wendt 1992, 402; Butler 1993; Fierke 2013; Onuf 2013, 82; Wilcox 2015). As Karin Fierke argues, “the body has increasingly become the target of political control, rationalization and discipline.” (Fierke 2013, 21f.) In addition, Alexandra Howson explains that, “[W]e do not simply have bodies that we do things with and to, but we *are* bodies, our sense of who we are is inseparable from our own body.” (Howson 2004, 12, emphasis in original) Finally, bodies, as Butler notes, “impl[y] [...] agency.” (Butler 2004, 26) Bodies are therefore not only understood in a biological or material sense. Therefore the language of the body within the discourse on targeted killing is to be understood as part of the social construction of those individual human beings targeted.

As Lauren Wilcox demonstrates, “[B]odies that are killed by drones are made killable by drones; that is, they exist as bodies to be killed only by virtue of their representation on the screens of the UAV assemblages.” (Wilcox 2015, 156) The body theme is visible in all three strike types. While in direct strikes the body is given an identity of a specific individual human being, follow-up strikes directed against mourners at a funeral use the body of the already killed as ‘bait’ in order to attack and kill others. Regarding signature strikes, target selection is not based on the identity of a specific

individual human being but on the behaviour and appearance of some *body*. The individual human body whose biological life is constituted by this body is irrelevant for the killing. The body is simply a carrier of certain signature. Individual human beings are therefore targeted bodies, as Wilcox rightly notes (Wilcox 2015, 151). The following and third theme, dehumanization, adds to this notion of ‘targeted bodies’ an important aspect that enables us to understand the simultaneous individualization and dehumanization of warfare.

Theme III: Dehumanization

Prima facie it may sound attractive that humans do not have to fight wars against each other, when robots can do it, putting less human lives at risk. But as Roger Berkowitz argues, “[W]ar may be hell, but war is deeply human.” (Berkowitz 2014, 166) There are two main reasons that speak against a dehumanized war. First, the growing use of robotic warfare and the lower risk for human soldiers as a result of this may lower the threshold of going to war (Sparrow 2012, 127). As Christian Enemark argues with reference to the risk of war that, “it is worth asking whether ‘war’ is going on at all” (Enemark 2014, 366). Second, Thomas Nagel has argued for the necessity of ‘interpersonal’ relationships in wartime (Nagel 1972, 136), claiming that “[H]ostility is a personal relation, and it must be suited to its target” (Nagel 1972, 133). As Sparrows outlines, Nagel, “argues that even during wartime it is essential that we acknowledge the personhood of those with whom we interact” (Sparrow 2012, 124).

Drones and the idea of targeted killing from a faraway location, however, challenge this necessity of ‘interpersonal’ relationships (Wagner 2014, 1410). Taken together with the technological and operational factors that such weapon systems create, Anderson and Waxman argue that the, “human role will be likely to slowly diminish” (Anderson/Waxman 2013, 2). I follow those who argue that drones have dehumanized war (Barrinha/da Vinha 2015, 25). Within legal discussion scholars have pointed out that IHL is becoming dehumanized (Wagner 2015). There are, however, others, like Bradley J. Strawser who argues against such a view, claiming “it’s unclear how trying to better protect one’s soldier, particularly those fighting for a just cause [...], can be intrinsically wrong to do.” (Strawser 2013, 11) The point here, however, is not to argue that protecting one’s soldier is wrong but that the means and methods chosen to do so are problematic, as outlined in detail in this article.

The long distance and the fact that individual human beings are viewed from above leads to further dehumanization (Finkelstein 2012b, 174; Sandvik/Lohne 2014, 155; Wagner 2014, 1410; Shah 2015, 209). A counter position of these arguments is raised by Michael J. Boyle (Boyle 2015, 106), who points to, “evidence that drone operators feel a surprising degree of intimacy with their targets because they monitor them for such long periods of time. Drone operators report relatively high rates of post-traumatic stress disorder (PTSD) in part because they are so acquainted with their target.”

(106)

While I do not refute the claim of high rates of PTSD, the fact remains that drone victims become ‘faceless’ (Mayer 2009; Carvin 2012, 553) and are often not visible in the discourse. As Shah notes, “this invisibility is a symptom of the conceptualization of drone victims as ‘inhuman’ and therefore unworthy of coverage.” (Shah 2015, 207) Often a drone victim’s identity is either not revealed or not known. The way decisions to kill an individual human being are made leads to further dehumanization of individual human beings (Shah 2015, 196), who are positioned as targets within the discourse, as the analysis in section 3 revealed.

IHL, as the body of law referred to by the US Administration as regulating the targeted killing via drones (Brennan 2012; Obama 2013), aims at ‘humanizing’ war, but this does, “presuppose that war’s protagonist – soldiers, military officers, civilian superiors and insurgents – are human.” (Saxon 2013, 2) Drone strikes and the way they are conducted may also have the effect that those who participate forget that real human beings are part of these strikes, both as attacker and victim (Williams 2011, 24). This development towards a dehumanized war is, however, not entirely new, as Stephanie Carvin and Michael J. Williams explain. In their view, “[T]he story of the Western way of warfare is the continued dehumanization of war.” (Carvin/Williams 2015, 208) Here again the question arises whether this is specific to drones. [6] As the quote by Carvin and Williams demonstrates, dehumanized war is not necessarily restricted to the use of drones. Yet, the technological possibilities that drones provide are unprecedented in military history and is therefore of great significance (Carpenter 2014, 21).

But dehumanization does not only appear in the more abstract discourse, it is also visible within specific strikes. Williams describes an image after a strike, “[A]s the smoke cleared, the CIA drone operators would have doubtless seen many ‘squirters’ (i.e. survivors fleeing the explosions) as well as numerous dead and dying people lying scattered around the detonation zone (known as ‘bugsplats’ in CIA parlance).” (Williams 2013, 6) Note that the terms ‘squirters’ and ‘bugsplats’ do not relate to individual human beings. [7] Others have argued that bugspat is actually a technical term, describing the shape of an exploding bomb (Pincus 2014). As McNeal explains, “bombs do not explode in a perfect circle but are flattened on one side, similar to the shape of a bug that hits a windshield. A ‘bug splat’ refers to the shape of the planning tool used as an overlay to predict a collateral effect radius” (McNeal 2012, 337). Contrary to this technical use, a Pakistani artist has employed the term in a project labelled #NotABugSplat (Shah 2015, 203). As a CNN article explains, “[A]ccording to one artist, who identified himself as R, the project is a reaction to the dehumanizing nature of drone warfare” (Saifi 2014). This obvious tension between the two uses of the term is revealing about the contested nature of the discourse on the dehumanization of drone strikes and targeted killing. [8]

[6] Again I am thankful to the anonymous reviewer for asking me to clarify this.

[7] ‘Squirters’ seems to derive from the verb ‘to squirt’, which is to ‘eject or spirt out water’ according to the Oxford English Dictionary. ‘Bugsplats’ makes an obvious reference to bugs, with splats meaning ‘to land with a sharp smacking sound, or with a sound as of slapping and splashing’ (Oxford English Dictionary). Both terms thus clearly refer not to actions usually ascribed to individual human beings.

[8] I owe the insight that contradictions within a discourse are telling of underlying contestations rather than a sign of a faulty analysis to Lauren Wilcox.

5. Conclusion

Following on from the analysis in section 3 and taking into account the three themes identified in the discourse we can now conclude that the individual human being is positioned in the discourse on targeted killing via drones as a targeted dehumanized body. Drone strikes, in whatever form they occur, and whether they can be legitimized via existing international law or whether new legal rules develop, socially construct the individual human being as a targeted dehumanized body in international relations. As Lauren Wilcox notes, “there are no civilians in precision war, there are only individuals who, by a variety of processes, have been targeted for death rained by above.” (Wilcox 2015, 160) With reference to Judith Butler’s work we can raise the question of who counts as human and who does not count as human (Butler 2004, 20).

By engaging with Butler’s question, we are able to reconstruct an element of rehumanization, albeit *ex post*. This takes place when a drone target becomes a drone victim, a process that requires the, “*drone target* [...] to go through a series of recategorizations in order to become a fully grievable drone *victim*.” (Shah 2015, 201, emphasis in original) As Shah explains, “[I]n order to become a ‘full human’ whose death is fully grieved, a drone victim located in FATA [Federal Administered Tribal Areas] has to overcome a twofold obstacle. First, the victim has to achieve the status of a ‘legal person’ under the Constitution, and second, the victim has to achieve ‘grievable’ status, in order to be treated as a human whose death can cause moral outrage.” (Shah 2015, 202f.) Becoming a *victim* is a process of social construction (Shah 2015, 199). There are some attempts by Non-Governmental Organizations and to go to court over civilians killed in targeted killing operations via drones (Craig 2014; Brühl 2015). The attempts to legally recognize victims of drone strikes then constitute an attempt of (self-)representation (Butler 2004, 141). It can also be understood as a form of political resistance both on an individual level and a collective level against the practice of targeted killing via drones. [9]

Drone strikes dehumanize warfare and individual human beings alike. Individual human beings become dehumanized. This takes place both on the individual level and on a more collective level when groups of individuals are attacked based on certain signatures. That drone operators develop close feelings for their targets is part of the individualized and personalized war pointed out at the beginning of this article. This, however, is not a counterargument to the discursive dehumanization of the *targeted individual human beings* of drone warfare. In processes of constructing humans we also produce the inhuman (Butler 1993, 8; Fierke 2013, 85). The selection of individual human beings as ‘targets’ and the focus on ‘signatures’, the fact that at times it is only known that ‘somebody’ was killed, but the identity of that individual human being remains unknown is all part of the dehumanization through the practice of targeted killing via drones.

[9] I owe this insight to Anna Leander.

Once constructed as a target for a drone strike, individual human

beings no longer enjoy the same protection of international humanitarian law. Some general principles concerning superfluous injury and attacks using ABC weapons remain in place, of course. **[10]** Targeted killing of individual human beings via drones also places the individual outside of the law (Crosston 2014, 6). Certain individuals are ‘acceptable’ targets within this discourse (Allinson 2015, 120), and while this is not necessarily the case within the drone discourse alone, but takes places within manifold discourses on war (Allinson 2015, 117), but usually here it is combatants who are turned into ‘enemies’ and not individual human beings who are turned into targets.

Targeted killing via drone strikes is here to stay. How it is currently conducted, however, raises political, legal, and ethical issues, but law and morality alone do not suffice to understand drone strikes. As the study *Living under the Drones* showed, “US drone strike policies cause considerable and under-accounted-for harm to the daily lives of ordinary civilians, beyond death and physical injury.” (International Human Rights and Conflict Resolution Clinic at Stanford Law School/Global Justice Clinic at NYU School of Law 2012) As Brunstetter and Jimenez-Barcardi note, “[T]o further complicate matters, while one can count civilian casualties and the numbers of buildings or weapons destroyed, the psychological impact of living under drones does not neatly fit into the standard legal definitions or normative ideals.” (Brunstetter/Jimenez-Barcardi 2015, 190) They also speak of a, “trauma that comes from the constant threat of a strike ‘out of the blue’ made possible by drones’ constant presence in the skies.” (Brunstetter/Jimenez-Barcardi 2015, 191) Focusing on these effects also allows one to study the disruptions to everyday civil life the drone strikes have caused (Boyle 2015, 116; Crawford 2015, 43).

This article has focused on warfare that is increasingly individualized war and seemingly more and more dehumanized at the same time. Making the argument that the individual human being in the discourse on targeted killing via drones is socially constructed as a targeted dehumanized body allows understanding the simultaneous individualization and dehumanization of drone warfare. At the same time this simultaneous individualization and dehumanization is made analytically accessible by providing an illustration of a fruitful method capable of assessing the discourse on targeted killing via drones.

[10] A fact that the anonymous reviewer rightly pointed out.

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