

Democracy in Danger

S3E4 Red Pill Pt4 – Drones of Combat

Roberto Armengol [00:00:00] Hey, democracy in danger, listeners, we wanted to let you know that this week's episode is sponsored by the podcast Tokens with Lee C. Camp. Tokens dares to do theology in public. Do you care about matters of faith and the traditions that shape people's lives? Are you looking for more conversations that go beyond partisan bickering? Join Tokens for enlightening interviews on science and religion, music and poetry, and the pursuit of human flourishing wherever you listen to podcasts and on TokensShow.com.

Will Hitchcock [00:00:33] Hello, I'm Will Hitchcock

Siva Vaidhyanathan [00:00:34] And I'm Siva Vaidhyanathan

Will Hitchcock [00:00:36] And from the University of Virginia's Deliberative Media Lab. This is Democracy in Danger

Reporter [00:00:42] In one of the final acts of its 20 year war in Afghanistan, the United States fired a missile from a drone at a car in Kabul. It was parked in the courtyard of a home. And the explosion killed 10 people.

Siva Vaidhyanathan [00:00:56] Earlier this month, U.S. military commanders acknowledged that a drone strike on Kabul, Afghanistan, on August 29th went terribly wrong. The operation was meant to take out a suicide bomber.

Reporter [00:01:08] The Pentagon claimed that Ahmadi was a facilitator for the Islamic State.

Siva Vaidhyanathan [00:01:12] But the man targeted wasn't a terrorist at all. He was an aid worker. The 10 people killed, had nothing to do with the Islamic State.

U.S. Official [00:01:20] The procedures were correctly followed and it was a righteous strike.

Siva Vaidhyanathan [00:01:23] They were civilians, and seven of them were children.

Will Hitchcock [00:01:27] Lloyd Austin, the U.S. defense secretary, released a statement apologizing for the attack. We will endeavor to learn from this horrible mistake, he said. Well Siva, I'm honestly not sure what that means. We've been using drones to kill people for well over a decade, and this isn't the first ghastly error. And I'm pretty sure it won't be the last.

Siva Vaidhyanathan [00:01:49] Yeah, the ground war may be over in Afghanistan, but the U.S. military and the CIA will continue to use drones and special forces in Afghanistan, in Pakistan and around the world. Look for presidents who want to keep troops out of battle, drones are a pretty tempting tool. President Obama escalated the use of drones. 324 civilians were killed in targeted airstrikes, including U.S. citizens. Donald Trump continued to expand such strikes, but of course, he made it harder to track the numbers so we know even less about the program.

Will Hitchcock [00:02:28] Perhaps we're just stuck with forever wars, and I guess you could argue, I think this argument has been made by many in the Pentagon, that a limited war using high technology weapons is a much better thing than the indiscriminate carpet bombing of cities. But the truth is that we remain as a society, deeply troubled and ashamed as we should be. When our high tech drones kill a carload of children, so is even limited warfare fundamentally immoral?

Siva Vaidhyanathan [00:02:57] That's exactly the paradox that our guest today explores in his provocative new book. We have Samuel Moyn with us today from Yale University, where he's a professor of law and history. He's the author most recently of *Humane: How the United States Abandoned Peace and Reinvented War*. Sam, welcome to *Democracy in Danger*.

Sam Moyn [00:03:17] Thanks so much for having me.

Will Hitchcock [00:03:19] Sam, well, let me let me try to grapple with the sort of central axes of this astonishing and powerful book. You've got two lines of argument, at least in here. One is that as wars have become more technological, America's wars anyway become more technological, they have become more ubiquitous. They have become, in a sense, endless war, forever wars. But then the second part, and this is the really provocative part that perhaps predictably and I think importantly has generated a lot of heat, is that people who would try to ameliorate or cushion the results of war are, in your view, abetting the endless war. And there are a lot of good people, quote-on-quote in your book who come in for some criticism, starting with Henry Dunant who founded the Red Cross. And I mean, you really are taking, if you'll forgive the expression, taking no prisoners here. Henry Dunant is a hero of the humanitarian movement, of international humanitarian law. Why take him down a peg?

Sam Moyn [00:04:15] Well, you know, I'll just think that the self-defense provided me by one of my other characters who wasn't the first Nobel prize for peace like, Dunant who shared it in 1901, but the fifth who was, I think, one of the great peace activists of all time. An Austrian noble-woman named Berta Von Suttner; totally forgotten. But she actually gave Alfred Nobel the idea of starting the peace prize. And when she found out that Dunant the prize for peace, she was apoplectic because it wasn't supposed to be a prize about making war more humane and possibly entrenching it. She was caustic about the project of making war potentially last longer because it was made more tolerable not just to audiences but to victims.

Siva Vaidhyanathan [00:05:10] Even short of the question of should we have wars? Let's assume we have wars. Let's assume that wars come to us. The question is whether making warfare more humane is even doable or even feasible. And if it is, does it mask the costs of war to the U.S. public? Does it deny us a sense of. The total cost, does it deny us a sense of democratic accountability on the war and thus both make wars more likely and more frequent, but also longer?

Sam Moyn [00:05:45] So here's the way I put it at my most responsible. We don't know if, if making war humane has all these costs, you know, maybe we'd leave more brutal and we still wouldn't stop wars. Are they'd last even longer since in the 20th century, we know a lot of vicious wars that just seem to drag on. But we do know we can say that there is a risk. If you make war more humane, you dodge the hard questions, you don't have, the more fundamental debate. You don't take responsibility as a democracy, which we still are. You know, thanks to your podcast, in part

Will Hitchcock [00:06:24] We are trying to save democracy.

Sam Moyn [00:06:25] For controlling, for controlling force. So, you know, my, my my take is, you know, why is it that from the beginning of the war on terror, the main debates have been about how we fight it? Should we torture? Did too many people die in Kabul? Not, are drones illegal as part of an illegal war? As such, not did they strike the wrong people? Did too many civilians die when they did? And if we don't kind of go back to like the most basic question which Americans really cared about at one point, should we allow war? Are there aggressors that we need to control? Then I think we have missed our moral responsibility and humane war increases the risk that we have.

Siva Vaidhyanathan [00:07:10] Well, there was, I mean, overwhelming consensus in favor of responding with military action to al Qaeda, right, right after 9/11, 2001. And it was also widely discussed, debated and agreed upon by most of our leaders that taking action against the Taliban government of Afghanistan was an appropriate action. Now, lots of debate followed about when we should declare victory or, or how limited or expansive that action should be. We ended up going with expansive and long and almost endless. And we ended up in a low-level boiling involvement that has lasted 20 years, to the point where some serving in Afghanistan weren't alive on 9/11, 2001. So was the instigation of the last 20 years of military action legally justified? I mean, the Constitution says Congress is supposed to declare war. Congress hasn't declared war since 1941, right. What, what sort of legal situation are we in now when it comes to democratic accountability for warfare?

Sam Moyn [00:08:23] So I think it's a great question, but I'll start my answer kind of in a different place, which is, you know, I'm coming up on 50 years old, every war my country's fought in my lifetime has made the world worse. And maybe that's why my country had a lot to do with making rules prohibiting states from going to war without legal authorization, which is supposed to be hard, not easy. Now, of course, you're totally right that the Afghan intervention, days after 9/11, was approved by Congress. But there's the other box you have to check in theory in the modern world, unless you have a veto on the Security Council, which is that you need UN Security Council authorization or a credible claim of self-defense. Now, maybe there was one in the Afghan situation, although there, as I talk about in the book, there are pretty intricate legal issues there. You know, can you attack a non-state actor? Is your right to self-defense under the U.N. charter triggered by them? What do you do if there is a state that has some murky relationship to that non-state actor? Because it's their state and their territory. Is that legal? So it's not like I think we should fetishize the law at all. I do think it's interesting that we've just ignored that law and order to focus on the Geneva Conventions and the laws controlling how we fight. But ultimately, it's a moral question. And what I like about the rules that are supposed to be taken seriously constraining force is they're supposed to stop us before we make a mistake, at least get us to pause. Don't we regret what happened in 2001? Even the seemingly just Afghan intervention has made the world worse, including our country. And maybe that's why there were rules in the first place, and we should have taken them more seriously at the time.

Will Hitchcock [00:10:17] Sam, you mentioned the Geneva Conventions of 1949, which I think a lot of us feel were kind of a remarkable breakthrough that you could have had. You know, the great powers of the world agree to widen the protections for civilians in particular, noncombatants, as well as protections for soldiers and sailors in harm's way. But is international humanitarian law, of which the Geneva Convention is the centerpiece, is this also part of the masking of the effects of war? The making humane of something

that is inhumane by nature is the legal regime around war basically part of a of an illusion? Is it a con?

Sam Moyn [00:10:56] No, of course not. I mean, one of my aspirations is to narrate the kind of history of what we now call since the sixties and seventies international humanitarian law from its origins with the Dunant in the 1860s to our time and kind of track when it was virtuous, when it incurred this vicious risk that we're talking about, that it could abet or, you know, at least mask the continuation of war. I think the Geneva Conventions have been, in a sense, over praised when we put them back in their 1940s context. We note first that most people cared a lot more about getting to a peaceful world, not a world of humane war. And the Geneva Conventions were an afterthought. Remember, the UN charter came first, the Nuremberg trials that same year, 1945 and in 1946, were about aggression first and foremost, not what happened within the wars that Adolf Hitler and his henchmen started, except secondarily. And then when we look carefully at the Geneva Conventions, they're incredibly permissive. It's true there are new protections for civilians, but not for targeting civilians and especially not for bombing them in air wars, which have been like the central scourge from the beginning of aerial bombardment down to Kabul the other day. The interesting thing is, when did states begin to say, alright, there ought to be constraints on bombing? And that's not in the forties. We know that because Korea comes just after Vietnam comes 15, 20 years after that, and the aerial bombardment is merciless and unlimited in both cases. And it's only kind of after the Vietnam War that we get this new syndrome. So I'm all for limiting the brutality and war just as long as we take seriously the kind of problem that we might get when we actually succeed in making more and more humane, which is the problem of our time.

Will Hitchcock [00:13:03] Let me just ask you one follow-up question on the Geneva Conventions because you say that they're permissive, but they also didn't have much teeth. And we discovered that the United States government in the early part of the Forever Wars in 2002, basically kind of swept them aside quite casually and said, well, really, the Geneva Conventions don't really apply to our war against Al Qaeda. We will respect them kind of here and there where it suits us, but it's not really relevant to us. What was your read of that legal reasoning and what were the consequences of that stance?

Sam Moyn [00:13:39] So that caused the central debate over the war in the early going, especially after spring 2004, when the Abu Ghraib photos were released. And like everyone else at the time, I was scandalized and remain so. However, there is a dark side, which is that instead of having a debate about the war itself, even just the Iraq War, let alone the war on terror, we had it, let's say, by means of this debate about brutality. For some people, it was just a debate about brutality. And the scary thing to me is that that debate led to the removal of the bug of inhumanity from what became an endless war. When Barack Obama entered office, he washed his hands of torture, but also washed his hands of the problem of detention just by not capturing any more people and sending drones and special forces to kill them instead. Even while advertising his humanity in doing so, because he, unlike Bush before-hand, rolled out legal rules or legal-ish rules that said, we will exercise this power over life and death humanely, notably by making sure not to strike when civilians were at risk in certain areas. And so that debate we had about brutality ended up being a source of legitimacy for those who pivoted to so-called humane war. And that's the thing that is endless and it survives the Afghan pullout. So there's this risk that making war humane is, you know, in general, a good thing, and I'm not against it. But there's this a risk that comes with it, that we lose sight of the control of force and that wars do get continued and legitimated as humane past their sell-by date.

Siva Vaidhyathan [00:15:30] So let me let me ask you the totally unfair question, alright.

Sam Moyn [00:15:34] Sure.

Siva Vaidhyathan [00:15:35] Let's assume for the sake of this argument that you and I support the existence of the State of Israel. 1967, it's pretty clear that armies and air forces of Syria and Jordan and Egypt are on the verge of attacking. 1967, Israel launches a preemptive strike on all three countries in what results in what is known as a six day war, right. And yet it's not a six-day war. It's a 50-year war, right. Because it's 50 years of occupation. It combined the shock and awe for a very short period of time, followed by this low-level surveillance and control of an indigenous population that demands constant violence, right. So it seems to me that if you look at that example, it's not only a false choice between brutal war and endless war, but it's no choice at all to, to control a population to defend one's territory against multifaceted, at least perceived enemies, almost demands all of the above.

Sam Moyn [00:16:41] I think it's a great example, and it's honestly not too far afield for just one little reason, I'll explain. Now again, I'll defend the right of people facing existential threats to defend themselves. It was a choice by Israel to then engage in endless occupation. And what that's meant down the road is that instead of giving it up, it's made it humane under law. And so where they have endless, humane occupation, America has endless humane war. And I think there is a connection because the United States condemned in spite of maybe feinting towards it once or twice the Israeli practice of targeted killings. Amazingly, George W. Bush scolded Israel the summer before 9-11 for doing so. But after 9-11, there's kind of a lessons learned from the Israeli experience and very directly, and their results have been similar. So Israelis have an expression where they have to mow the lawn every so often, which is to say, decapitate the latest version of Hamas, and we ended up doing the same. And that's a choice. Now, in the end, we'd have to debate, is it a necessary choice? Are we creating more terrorists than we're interdicting? Maybe the Israeli example points in a different direction. I'm pretty sure that our choices are mistaken. And so it's legitimate to say this, the debate over humanizing the endless war distract us from that truth.

Will Hitchcock [00:18:25] OK, so it's 9/12, Sam, and you've been called in to the NSC. What do you advise the president? How should we respond to 9/11? The public demands action. The national security apparatus is presenting us with a number of choices here. How might you have guided the course of the response to that terrorist attack and similar kinds of threats? So I guess I'm asking you another unfair question, which is because you're a historian and a scholar, not a policymaker, but how would you frame a policy response to terrorism that would both be effective but also might be wider or broader or more thoughtful than just, well, let's bomb the headquarters in Afghanistan or let's invade Iraq. What resources might be available to an executive to say, Well, we have to deal with terrorism as a problem that has a long history rather than just there's one bad guy out there we have to destroy.

Sam Moyn [00:19:24] You know, if, if, if, if I had a good answer to that question, I would have written that book. But let me just give two answers, because it's a totally fair question. First is about process. What happened is Americans declared a war on terror and continued it even when they gave up that label. And what they didn't seek is a kind of like world consensus about, you know, does terrorism allow for war? And what kind of rules do we want to have? Rather, America just decided to make its own rules. And I think that's

very scary just because, you know, America is not the last great power, and it's setting precedents for others which are building their drone armies, now, you know, designing their autonomous weapons systems that don't even require men with joysticks. And so to me, it's very scary that the shortcut was taken off, not saying if there's a new problem that requires violence across a big expanse of the Earth, maybe we ought to decide collectively what rules ought to apply. Not. Just rules that would make it humane, but that would allow it in some countries rather than others, or figure out what to do about places that have become a massive threat. So then that's the second point that it seems as are what we're really dealing with, is what in one rhetoric I really dislike is like state failure. There, there are places that have not become states that can control their territories and therefore become host to groups that are arming and possibly preparing for a terrorist strike. Now, I still would insist that those threats are probably much less than security forces have believed. But we do have to have an answer for what to do about those situations. What we've learned is that war sets that cause back, and we may have to tolerate some risk and figure out, you know, in good faith and on a kind of multilateral basis, what should we do about Afghanistan? Well, what we did was basically like get rid of the Taliban, only to have it take Afghanistan back. That was the success. Now you can say it prevented terrorist attacks in the United States for 20 years, and that's not nothing. But what about the next 20? What are we going to do this next time coming up that we perceive threat coming out of Afghanistan as it will? Well, hopefully we will try to think more broadly and not just an exclusively military terms.

Siva Vaidhyanathan [00:21:59] Right. So Sam, let's talk about democracy and endless war or war in general, because after all, this podcast is about democracy and the dangers that it faces. George McGovern might be the most notorious antiwar candidate in terms of his spectacular loss, but he wasn't the first, right. I mean, Woodrow Wilson ran as an anti-war candidate in 1916, and Richard Nixon ran as a I-will-end-the-war candidate in 1968. And then after expanding the war, he clobbered the anti-war candidate four years later, right. So what is this relationship between democracy and warfare? It seems like it's very difficult to discern patterns among the candidates who might voice an opposition to war or hesitancy toward war. Their actions once in office and whether or not they face any electoral blowback from not following through on their promises. You know, Obama did not get us out of the endless wars, even the endless wars that he opposed. In fact, he expanded the war in Afghanistan. Will can correct me, but I seem to remember Eisenhower saying I will go to Korea. The implied result being that he would settle it once and for all, one way or the other, which I think many people interpreted as get us out of there with some reasonable dignity, which actually, I guess he did, right,

Will Hitchcock [00:23:23] Though the Korean War hasn't been settled yet.

Siva Vaidhyanathan [00:23:25] Maybe it's the longest war. So, so what do you make of this relationship between war and the populace, the demos?

Sam Moyn [00:23:33] I think it's a fantastic question, and I wish I had a better answer, but I'd just stick to a couple observations. First elites lately, since their recovery from Vietnam and the rise of liberal internationalism and neo-conservatism have wanted war and justified it on high principle more than most Americans, executives do face kind of contending incentives. There's that anti-war impulse that gets them elected, but they also know that Americans naively demand permanent security. And when terrible things happen in the world, they often demand action even when American security isn't at stake. So I think we have to, you know, as historians and in general and help politicians educate us. You know, it's true Nixon decisively won, but then he was nearly impeached. One of

the articles of impeachment that almost made it was for his illegal Cambodian bombings, and it's only fair to acknowledge that the disaster of Vietnam did set back US militarism for a while, and it only recovered in the 90s, which was utterly critical for understanding how 9/11 could unleash even more American war. So I think when you look back at this history, and we're in a great moment to do it given how far south the war on terror has gone by, general acknowledgment that executives can take the easy out of indulging the fantasy of permanent security, or they can play the long game and say, if I authorize force, I will almost certainly make the world worse. I really need to make sure that's not going to happen this time. And I know that, you know, the other party can win by coming out against the war I'm approving. So it seems. Like a bit more enlightenment, which historians and intellectuals can help provide about how easy it is for a war to go wrong and how far it can set the world back, including great political damage for those who authorize it. Whatever their short term incentives.

Siva Vaidhyanathan [00:25:51] Well, Samuel Moyn, thank you so much for joining us today on Democracy in Danger.

Sam Moyn [00:25:57] Thanks so much for having me.

Siva Vaidhyanathan [00:26:09] Samuel Moyn is a historian, and he's the Henry R. Luce professor of jurisprudence at Yale Law School. Moyn specializes in human rights law and European intellectual history. He writes frequently for popular publications including The Guardian, The Nation, and The New York Times. His latest book is Humane: How the United States Abandoned Peace and Reinvented War

Will Hitchcock [00:26:32] Democracy in Danger as part of the Democracy Group podcast network. Visit DemocracyGroup.org to find all our sister-shows. We'll be right back after this message from our friends.

Mark Simon (Advertisement) [00:26:45] Hi, I'm Mark Simon and my podcast, The Journalism Salute, we spotlight important and interesting journalism organizations and people. The goal of our show is to introduce you to different perspectives and different careers in the field. We talk to reporters, editors, publishers and professors. There are so many great groups to learn about. We're also here to show you that journalists are not the enemy of the people. That's the journalism salute available wherever you get your podcasts.

Will Hitchcock [00:27:20] Siva, the history lesson of today is the 1928 Kellogg-Briand pact.

Siva Vaidhyanathan [00:27:27] It is?

Will Hitchcock [00:27:27] Well, it should be.

Siva Vaidhyanathan [00:27:29] OK.

Will Hitchcock [00:27:29] Because, because about 100 years ago, in the wake of the First World War, the United States and some European powers got together and said, you know, we could actually ban war -- we could abolish it, we could make it illegal.

Siva Vaidhyanathan [00:27:41] Right.

Will Hitchcock [00:27:41] And we should do that. And the Secretary of State, Kellogg and the French Foreign Secretary, Briand, Aristide Briand, who was a great statesman, signed an agreement essentially abolishing war and many other states expressed their support for this. Of course, five years later, Adolf Hitler was in power in Berlin, and six years after that he was invading Poland, and we all know the rest of the story. So, fond expressions about banning war have gotten nowhere. On the other hand, Sam is asking us to try it again to try to reanimate those ideas, those themes that Americans actually have a long tradition to draw from of being opposed to war.

Siva Vaidhyanathan [00:28:22] But remember, in the Kellogg-Briand pact and most of those conversations about war, good or bad, war was defined as armed conflict between established nation states which are experiencing some sort of tension over interests. But that doesn't necessarily describe the world then or now, right. Because as Sam writes in his book, back then, armies were active constantly in suppressing independence movements and other efforts by colonized people around the world. So, all of those treaties, all of those discussions were about whether Germany and France should fight another war. They weren't about whether Italy should slaughter people in Ethiopia or whether England should slaughter people in Kenya or put them in concentration camps. All of that was seen as fine, right. The American incursions into Native American territory and the subsequent genocide or near genocide in North America was never on the table in these discussions. So, even our high-minded discussions about war, good or bad, back then were couched in terms of these fairly rare conflicts between mature nation states or established nation states. And even today, when we look at the Afghanistan war, we did launch a war against a government that controlled Kabul and Afghanistan. But once we got rid of that government, the war continued in an effort to stamp out non-state actors. In that case, the Taliban was a non-state actor, and Al Qaeda had always been a non-state actor. So, you know, wars and wars and wars, they mean different things. And remember, all of that was in reaction to a brutal attack by a non-state actor. So, sometimes I worry that our discussion about war, what is it good for/or war? Or war, yes or no? Rests on an archaic notion of what war is, or at least an ahistorical notion of what war was. And what we've seen, of course, is what Americans seem to want is warfare, where most of us don't have to serve and most of us don't have to sacrifice. And almost as importantly, we don't want to watch cities burn our cities or anybody else's cities. We don't want to see images of children running down the road with their skin burning from napalm. That seems to be the limit of democratic accountability at this point.

Will Hitchcock [00:30:56] Well, and another thing that Americans don't seem to want is to have to make the choice whether to wage war or not. I mean, we have a body called the Congress that is supposed to make decisions about when and where Americans use force around the world.

Siva Vaidhyanathan [00:31:10] So, Will, does that mean that we should severely constrain executive power when it comes to military action? I mean, should we not default to this commander in chief image? Should we restore the power to declare war that is in the Constitution and yet Congress has failed to exercise since 1941?

Will Hitchcock [00:31:29] Yes, we should demand of our presidents that they go to Congress and ask for a vote for the deployment of the use of force. That is the president's requirement. And it is the Congress's role. Now, Congress is a profoundly partisan, profoundly politicized body. But guess what, it always has been. And the most outrageous development of the last 20 years has been the ability and the desire of Congress to dodge accountability. We've got to have the Congress on the record. Do they agree or disagree

to use force in Country X or Y once we demand that of our representatives, they may actually be much more willing to restrain the use of force.

Siva Vaidhyanathan [00:32:11] And that would democratize the choice of whether to go to war.

Will Hitchcock [00:32:16] And that's something I think we all desperately feel we need after. Twenty years of a forever war.

Will Hitchcock [00:32:27] Well, that does it for today's show and for our series on the takeaways from 20 years of war and occupation in Afghanistan. We're going to take a short break and be back with you in October with a new miniseries, all about state politics in America.

Siva Vaidhyanathan [00:32:41] In the meantime, we'll drop a past episode or two in your feed, so be sure to catch up on anything you missed. And please stay in touch. You can tweet us at dindpodcast, that's @dindpodcast. Be sure to share this episode on social media.

Will Hitchcock [00:32:58] There's lots more to read and see on our web-page DinDanger.org. If you're a teacher, think about using our show and all the supporting material we've put together in your classroom.

Siva Vaidhyanathan [00:33:09] Democracy in Danger is produced by Robert Armengol with help from Jennifer Ludovici. Our interns are Denzel Mitchell, Jane Frankel and Elie Bashkow.

Will Hitchcock [00:33:20] Support comes from the University of Virginia's Democracy Initiative and from the College of Arts and Sciences. The show is a project of UVA's Deliberative Media Lab. We're distributed by the Virginia Audio Collective of WTJU Radio in Charlottesville. I'm Will Hitchcock

Siva Vaidhyanathan [00:33:36] And I'm Siva Vaidhyanathan. Until next time.