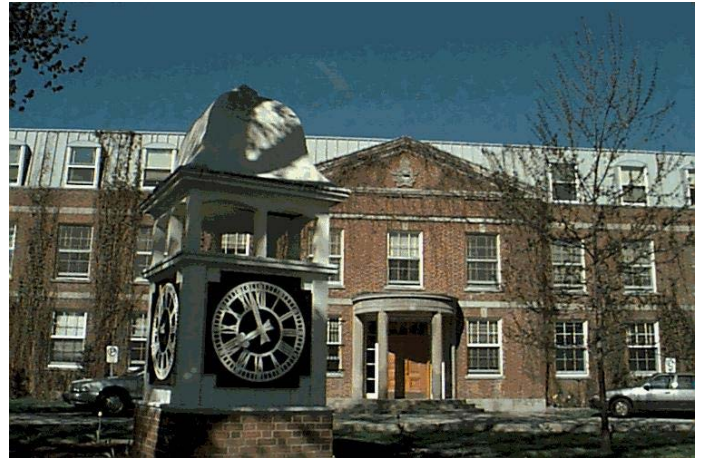


Canadian
Forces
College

Collège
des
Forces
Canadiennes



WASHINGTON'S DRONE WAR: AN INSTITUTIONAL ANALYSIS

Major Nickolas Roby

JCSP 40

Exercise Solo Flight

Disclaimer

Opinions expressed remain those of the author and do not represent Department of National Defence or Canadian Forces policy. This paper may not be used without written permission.

© Her Majesty the Queen in Right of Canada, as represented by the Minister of National Defence, 2014.

PCEMI 40

Exercice Solo Flight

Avertissement

Les opinions exprimées n'engagent que leurs auteurs et ne reflètent aucunement des politiques du Ministère de la Défense nationale ou des Forces canadiennes. Ce papier ne peut être reproduit sans autorisation écrite.

© Sa Majesté la Reine du Chef du Canada, représentée par le ministre de la Défense nationale, 2014.

CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES
JCSP 40 / PCEMI 40

WASHINGTON'S DRONE WAR: AN INSTITUTIONAL ANALYSIS

By: Major Nickolas Roby

5 May 2014

This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions, which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied, except with the express permission of the Canadian Department of National Defence.

La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale.

Word Count: 4722

Compte de mots: 4722

INTRODUCTION

Following the 11 September 2001 terrorist attacks on the United States (US) and recognizing the emergence of terrorist groups such as Al-Qaeda (AQ), the US implemented a preventive war strategy. This included the implementation of the Authorization to Use Military Force (AUMF) legislation approved by the US Congress, which permitted the use of US military forces against those who were responsible for the 9/11 attacks.¹ As part of this policy, the authorization for the employment of unilateral military force to address emerging and potential threats was adopted based on the necessity to maintain and promote national security. Highlighted in the 2002 *National Security Strategy*, President George W. Bush outlined this policy- “defending the United States, the American people, and our interests at home . . . we will not hesitate to act alone, if necessary, to exercise our right of self-defence by acting pre-emptively against such terrorists.”²

This strategy has since been developed by President Obama, who has continued to implement this approach resulting in the conduct of targeted killings via Unmanned Aerial Vehicles (UAVs) throughout the Middle East and other parts of the world. Under the Obama administration, the US has expanded the use of UAVs in these types of engagements, and has arguably become “the centrepiece of the administration’s counterterrorism policy.”³ From January 2009 to February 2013, President Obama

¹United States- 107th Congress. “S.J.Res. 23 (107th): Authorization for Use of Military Force” (Washington, DC: The White House, September 18 2002). Last accessed 25 April 2014. <https://www.govtrack.us/congress/bills/107/sjres23/text>.

² United States. The Office of the President. *National Security Strategy* (Washington, DC: The White House, September 2002), 6.

authorized approximately 307 UAV strikes extending their usage in Afghanistan, Pakistan, Yemen, Iraq, and parts of Africa.⁴

Contested by Americans and the international community, the use of UAVs dubbed as drones for targeted killings against extremist individuals, and groups has continued to be challenged. Discussions surrounding the legitimacy of drone attacks have polarized policymakers, citizens, and military leaders alike. Legal and moral aspects related to the use of drones continue to mar the US policy on the employment of such technology in the fight to defeat terrorism. As asserted by the President in 2013;

Al Qaeda and its affiliates try to gain foothold in some of the most distant and unforgiving places on earth . . . They hide in caves and walled compounds. So it is in this context that the United States has taken lethal, targeted action against al Qaeda and its associated forces, including with remotely piloted aircraft commonly referred to as drones.⁵

Regardless of the criticisms and ongoing debates, it is apparent that targeted killings through drone strikes will continue to be conducted in support of the attainment of US national objectives. The American government has been able to continue to legitimize and justify the use of drones in targeted killings against non-state asymmetric actors, even though both legal and moral questions have surfaced. This paper will explore the various facets of the US' justification, and ability to promote a consensus that the employment of drones is a legitimate means of waging war on terrorism.

³ Ofek Hillel. "The Tortured Logic of Obama's Drone War," *Current* no. 524 (July 2010). Last accessed 3 April 2014. <http://search.proquest.com/docview/748847529?accountid=9867>.

⁴ Spencer Ackerman, "Fewer Deaths from Drone Strikes in 2013 after Obama Policy Change," *The Guardian*, 31 December 2013. Last accessed 7 April 2014. <http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>.

⁵ United States. President Barack Obama Speech, (National Defense University, Washington, DC, 23 May 2013). Last accessed 7 April 2014. <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

The Employment of Institutional Analysis as a Framework

Developed by Sociologist Richard Scott, *institutional analysis* accounts for the regulative, normative, and cultural-cognitive elements that define institutional structures.⁶ Scott's framework will be employed to assess the various dimensions that have legitimized the employment of UAVs in targeted killings authorised by the Obama administration. The decisions related to the consistent use of drones will be analysed using this framework commencing with an overview of the regulative pillar, or the system of formal and informal rules that regulate drone practices and policies. An assessment of the role of implicit societal values and norms, or the normative dimension, on decision-making will then be completed.⁷ Shared beliefs and thought patterns, referred to as the cognitive dimension, will be examined in the final part of the paper. The various aspects of *institutional analysis* will provide a comprehensive methodology for understanding the decision-making processes related to the conduct of UAV borne targeted killings, which have influenced Washington, and the Armed Forces.

Targeted Killings and Legitimacy Defined

Important to the debate related to this type of targeting is the definition of targeted killings, as the definition is as contested as the actual conduct of drone strikes. For the purpose of this paper targeted killing(s) will be defined as the killing(s) of a singled out individual(s) by state actors in both times of war and peace.⁸

⁶ Richard Scott. *Institutions and Organization*, Chapter 3(Thousand Oaks: Sage, 2008), 49.

⁷ Eric Ouellet and Pierre Pahlavi. "Institutional Analysis and Irregular Warfare: A Case Study of the French Army in Algeria 1954-1960," *Journal of Strategic Studies* 24, no. 6 (2011), 801.

⁸ Stephanie Carvin, "The Trouble with Targeted Killings," *Security Studies* 21, (2012), 1-3.

Sociologist and political economist, Max Weber, explained that the state was an “entity which possesses a delegatable monopoly on the legitimate use of physical force.”⁹ Violence and the use of force must be legitimately applied in order to conserve the integrity of the military institution and the state, while representing the values of a specific society. Therefore, legitimacy must reflect established standard, principles, and laws that have been accepted by members of a state. Politicians and military commanders within democratic states often face more challenges associated with legitimacy, as they are bound by moral and legal obligations that other types of states do not need to contend with.¹⁰ Legitimacy is a key component of institutional decision-making processes, and has been a factor that has impacted the manner in which the US employs UAVs in targeted killings.

REGULATIVE DIMENSION

The regulative dimension of *institutional analysis* includes the more authoritative aspect of the decision-making process as it involves both formal and informal rules, regulations, and associated sanctions. This aspect is defined by the notion of explicit regulatory requirements involving rule setting, monitoring and applying sanctions as necessary.¹¹ According to Scott, the regulative dimension is the most “overt, explicit, and conscious of the three pillars,”¹² as it represents some of the more formal manners in

“As many studies on targeted killing note, there is no consensus as to what the term actually means or how it should be defined. Targeted killing will be understood broadly as the planned direct killing of an individual because of their perceived membership, and often perceived leadership of a terrorist movement.”

⁹ Daniel Warner. *An Ethic of Responsibility in International Relations* (Boulder, CO: L. Rienner, 1991), 9-10.

¹⁰ “Institutional Analysis and Irregular Warfare” . . . , 802.

¹¹ *Institutions and Organization* . . . , 52.

¹² *Ibid.*, 50.

which decisions are controlled, and subsequently authorized. Specific formal regulations have substantiated, and controlled the employment of UAVs as part of the US approach to counter-terrorism.

Authority and the Use of UAVs in Targeted Killings

Since 9/11, US foreign policy has been marked by the inherent requirement to protect its national interests at home and abroad with a particular emphasis placed on domestic defence from terrorism. This has resulted in the adoption of a number of legislations and directives that continue to authorize the employment of military force in a view of defending America. Principles of *jus ad bellum*, the laws governing when a nation may resort to war, and *jus in bello*, the laws governing how a nation must conduct itself during war, continue to direct Washington's use of force. Technology and the development of the manner in which warfare is now conducted continues to challenge these principles, as critics argue that these codes do not address the requirement of nations to employ physical force against non-state actors, who use terrorism as their main instrument to wage violence. The aim of this paper is not to discuss whether these principles are responsive enough to continue to direct physical force, but the writer acknowledges that they are foundations that continue to guide the manner in which the US and the international community legally apply military force.¹³

¹³ Kenneth Anderson, "Efficiency In Bello and Ad Bellum: Making the Use of Force Too Easy," in *Targeted Killings: Law and Morality in an Asymmetric World* (n.p.: Oxford, 2012), 383-389. Anderson views the use of drones as making it too easy for states to resort to force. He refines the principles of *jus ad bellum* as "a set of criteria that are to be consulted before engaging in war, in order to determine whether entering into war is permissible; that is, whether it is a just war", and *jus in bello* or the limits to acceptable wartime conduct.

Supported by the US Congress, President George W. Bush enacted the AUMF granting him authority to use “appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”¹⁴ This joint resolution was adopted in a view of preventing any future acts of international terrorism factions against the US and its citizens. The authorized use of force was directed at those who bore responsibility for the 9/11 attacks, identified as members of AQ and the Taliban, eventually leading to the deployment of the US and the international community to Afghanistan. Within the parameters of the AUMF, America has been able to use this authority to conduct targeted killings through the employment of UAVs against suspected terrorist individuals and groups. Moreover, under the auspices of the AUMF, the US has continued to target terrorists in what the US government asserts as being an armed conflict with terrorist groups that are not geographically limited.¹⁵ The AUMF has allowed the Obama administration to continue to defend their authorization to use drones outside of designated areas of operations. The government contends that the targeting of terrorism must be extended over borders, and that the AUMF respects the legality of targeting as it was originally developed in September 2001.¹⁶ The AUMF has thus continued to be the principal source of authority for US military operations, and targeted killing operations outside of designated areas of operations.

¹⁴ “S.J.Res. 23 (107th): Authorization for Use of Military Force.”

¹⁵ Ben Lerner. “UAVs and Force: Current Debates and Future Trends in Technology, Policy and the Law,” Centre for Security Policy (October 2013), 6.

¹⁶ *Ibid.*, 7.

Some critics argue that while the American government has authorized targeted killings beyond regions of armed conflict, it is clear that the conduct of such operations has violated the terms of which the AUMF was originally founded upon. Established to deter and prevent further terrorist acts against the US, the AUMF has recently been used to target groups that may or may not be associated with those groups that were responsible for the 9/11 attacks. These same critics assert that drone attacks have fallen outside of the legal framework that the AUMF envisioned.¹⁷ As such, those opposed to these strikes contend that some drone attacks have been illegal, based on the fact that they have not adhered to the US domestic laws governing the conduct of such operations abroad. Although some of these observations have certain validity, the employment of drones by the US is justified through the AUMF.

It is recognized that the AUMF must now be reviewed in order to ensure that it continues to meet the situations that it was originally founded to address. Establishing a Congressional committee that would authorize the use of force as per the War Powers Resolution for drone attacks that fall outside of the current AUMF “target audience” would alleviate many of the issues that those opposed to the drone program continue to highlight.¹⁸ This would also ensure that the process of targeting is more transparent promoting the collective buy-in that would further develop the legitimacy of drone attacks.

¹⁷ “UAVs and Force: Current Debates and Future Trends in Technology,” . . . , 7.

¹⁸ *Ibid.*, 6-8. “The Constitution of the United States divides the war powers of the federal government between the executive and legislative branches: the President is the Commander in Chief of the armed forces, while Congress has the power to make declarations of war, and to raise and support the armed forces.” More information on this resolution or act can be found at <http://www.loc.gov/law/help/war-powers.php>.

Accountability and Legitimacy

As part of President Barack Obama's promise to make the government more accountable, a Presidential policy directive related to the standards and procedures for the use of force in counterterrorism operations was established in May 2013. Developing the guidelines in which drone operations were to be conducted, this directive outlines the basis for which targeted killings are permitted:

Lethal force will be used only to prevent or stop attacks against US persons, and even then, only when capture is not feasible and no other reasonable alternatives exist to address the threat effectively. In particular, lethal force will be used outside areas of active hostilities only when the following preconditions are met: . . . legal basis has been met, . . . will use lethal force only against a target that poses a continuing, imminent threat to US persons, [and] . . . near certainty that the terrorist target is present [while] near certainty that non-combatants will not be injured or killed.¹⁹

This is further evidence that the Obama administration recognizes the fact that the AUMF must be developed in order to enhance accountability, and legitimize the overall decision-making process linked with using such weapons. This will continue to enable the government to justify the use of drones in the eyes of the American public, and international community that has continued to criticize the US' use of drones. Most notably, this has been debated within the United Nations (UN) in October 2013, when the US defended its use of UAVs as being "necessary, legal and just" in the presence of critical nations, who criticized the Obama administration for its intensive use of drone strikes.²⁰ At the center of the debate was the legality of drone operations and ongoing UN

¹⁹ United States. "U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities." Last accessed 27 April 2014. <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism>.

investigations into lethal extra-territorial counter-terrorism operations that are known to have caused civilian casualties, appearing to have violated international law. UN expert, Ben Emmerson, the special rapporteur on human rights and counter-terrorism highlighted the “lack of clarity under which it is lawful to deploy lethal force by drone.”²¹

Acknowledging this opposition, President Obama's addressed some of the challenges that are implicit with the use of drones in his 2014 State of the Union Address. He affirmed that the US must “impose prudent limits on the use of drones - for we will not be safer if people abroad believe we strike within their countries without regard for the consequences . . . depends on public confidence, here and abroad.”²² Highlighting the requirement to remain legitimate in the eyes of the American public and the world, he referred to the many regulative aspects that must be used to control drone attacks.

These regulative aspects have been key considerations that have beleaguered the US President, policymakers, and military commanders. The authorization to conduct targeted killings with UAVs has been substantiated through the AUMF, maintaining the legitimacy of the decision to conduct targeted killings via drones. While the UN continues to argue the US should instead focus on the key factors that contribute to extremism and terrorism, like authoritarianism and poverty, the US continues to employ the relatively low risk manner of targeting terrorist safe havens in remote parts of the world while

²⁰ Ed Pilkington and Ryan Devereaux. “US defends drone strikes as 'necessary and just' in face of UN criticism,” *The Guardian*, 25 October 2013. Last accessed 27 April 2014. <http://www.theguardian.com/world/2013/oct/25/un-drones-us-policy-debate>.

²¹ *Ibid.*

²² United States. President Barack Obama's State of the Union Address, 28 January 2014. Last accessed 27 April 2014. <http://www.whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address>.

minimizing collateral damage and casualties.²³ The fact that Washington has employed formal regulative measures to justify their use of drones, has allowed them to continue conduct targeted killings with minimal domestic and international opposition. The opposition that has surfaced is insignificant, as coalition partners and countries that are more powerful have stayed out of the debate.

NORMATIVE DIMENSION

Shared assumptions related to social norms and values or the normative dimension of *institutional analysis* influences policymakers and military commanders, as their decision-making practices are often constrained to reflect larger societal acceptance. Institutions and their members are influenced by implicit societal values that obligate them to act in a specific manner that will allow the organization to remain legitimate and just in the eyes of the people. This dimension also accounts for the social constraints that are self-imposed on officials and military members all in a view of the desire to conform to perceived expectations.²⁴ These assumptions have played a role in the decision to use drones as part of US foreign strategy.

Casualty count and Normative Assumptions

American society and in turn the government has been haunted by the “Vietnam War Syndrome,” and the perceived issues surrounding the counter insurgency operations

²³ Daniel Byman. “Why Drones Work: The Case for Washington’s Weapon of Choice,” *Foreign Affairs* 92, no. 4 (July/August 2013), 1-3.

²⁴ Michael Gunder and Jean Hillier. “Conforming to the Expectations of the Profession: A Lacanian Perspective on Planning Practice, Norms and Values,” *Planning Theory & Practice* 5, no. 2 (June 2004), 218.

conducted during the second Iraq War. Fear of unnecessary and excessive casualties compounded by the 9/11 attacks whereby asymmetric non-state actors were able to conduct devastating unconventional attacks on US soil have continued to influence foreign strategy. French psychoanalyst and psychiatrist, Jacques Lacan, developed his theory of psychoanalysis which assists in explaining some of the unsaid biases that are relevant to the decision-making process of institutions. Lacan established that central to most cultures is the emphasis that we place on fear of political and physical loss. The significance of fear of loss of life and the casualty count is an influence that has been constant throughout the planning and actual conduct of wars.²⁵

The means or tactics that Americans have adopted to pre-empt and defeat terrorist groups have continued to be affected by the widely shared value and societal necessity that US casualties be minimized. The President and policymakers have recognized this requirement, which has affected the approach that has been assumed by the government to US national interests. Acknowledged as being just as important of deterring future attacks, maintaining public support has been primary in the methods that conflicts are waged by American forces.²⁶ By minimizing the “boots on the ground” and the deployment of military personnel in instable regions, Washington has been able to maintain public support while promoting the legitimacy of the decision to use violence. The employment of drones has reduced the necessity of deploying forces and the number

²⁵ “Conforming to the Expectations of the Profession” . . . , 224-225.

²⁶ Adam J. Berinsky. “Assuming the Costs of War: Events, Elites, and American Public Support for Military Conflict,” *Journal of Politics* 69, no. 4 (November 2007), 975-976.

of casualties, which has resulted in an increase in the freedom of political and military commanders to employ drones throughout the world.²⁷

Public Support and Legitimacy

Political Scientists, Dr.'s Gartner and Segura, have developed a theory on casualties and public opinion, contending that increasing casualties and rising casualty trends lead to decreased public support.²⁸ Analyzing data from a number of post conflicts, their study demonstrates that wars “tend to start popularly, with a rally around the flag effect, but become increasingly unpopular as human costs rise.”²⁹ Gartner further examines the notion that increasing recent casualty trends like those in Iraq and Afghanistan have led to decreased societal support of the armed forces. This has resulted in influencing leaders and their decision-making processes as they adopt various means of waging violence, such as employing UAVs to target terrorism, and espouse public support. US society has been polarized over the American involvement in various conflicts that have proven to be costly in human resources.

Recently, mounting American casualties in Iraq led to the decline in public support, and the perceived legitimacy of the armed forces and government.³⁰ Thus, the

²⁷ James Igoe Walsh. “The Effectiveness of Drone Strikes in Counterinsurgency and Counterterrorism Operations,” Strategic Studies Institute and US Army War College (September 2013), 8. Last accessed 3 May 2014. <http://www.cfr.org/united-states/lawfare-effectiveness-drone-strikes-counterinsurgency-counterterrorism-campaigns/p31701>.

²⁸ Scott Sigmund Gartner and Gary M. Segura. “War, Casualties, and Public Opinion,” *Journal of Conflict Resolution* (1998), 278-280. Also, see Scott Sigmund Gartner “Iraq and Afghanistan through the Lens of American Military Casualties,” *Small Wars Journal* (April 2013). Last accessed 3 May 2014. <http://smallwarsjournal.com/jrnl/art/iraq-and-afghanistan-through-the-lens-of-american-military-casualties>. “Casualties represent the common currency of war and a critical measure of strategic assessment.”

²⁹ “War, Casualties, and Public Opinion” . . . , 295.

³⁰ “The Effectiveness of Drone Strikes in Counterinsurgency” . . . , 8-10.

fear of casualties has had a major impact on the US' decision to employ drones, as decision makers are constrained by their perceptions of social, normative expectations. This also speaks to the risk tolerance of commanders and policymakers who have shown averseness to risk which has been influenced by the very public nature of modern warfare. Domestic and international community members have ready access to media presenting front line operations, and often sensationalizing the casualty count. AS American leaders have not been able to control the images that are transmitted throughout the world, they have been more required to minimize fatalities. As a normative supposition, the US' fear of jeopardizing political objectives and suffering casualties has led to the adaptation of the methods to protect national interests. These methods have included but not limited to more unconventional means facilitated through technological advancements. Additionally, public resistance to armed conflict resulting in civilian casualties has also emerged, influencing the necessity to adopt more precise targeting techniques in order to limit collateral damage. The use of drones has been characterized by procedural and technological developments that have ensured that these weapons continue to evolve and promote precision.³¹

Arguably, the legitimacy of the US has been brought into question and criticized domestically as the issue surrounding civilian casualties has surfaced. Reports in 2011 indicated that as much as 146 civilians or non-combatants were killed as part of the drone program within that given year.³² Even though a number of accounts allege that the US has caused a civilian casualties, government officials in Pakistan have supported drone

³¹ "UAVs and Force: Current Debates and Future Trends in Technology," . . . , 20.

³² Peter Bergen and Katherine Tiedeman. "Washington's Phantom War," *Foreign Affairs* 90, no. 4 (July/August 2011), 4-5.

targeted killings proven by their hosting of UAV facilities, while requesting that America target “common enemies.” Beyond the public eye, Pakistani officials have supported drone attacks even though they have occasionally protested publically. Former Pakistan Prime Minister, Yousaf Raza Gillani, was a supporter of UAV killings and stated “I do not care if they [the Americans] do it as long as they get the right people.”³³ Furthermore, it was reported by *The Washington Post* that CIA documents containing proof that “top officials in Pakistan’s government had for years secretly endorsed the program” had been uncovered.³⁴ These same documents include evidence that these same officials were privy to routine classified briefings on strikes and casualty counts.³⁵

Despite civilian casualty allegations, the US has been able to justify their use of remote piloted weapons by indicating that the use of drones has allowed for more precision than other conventional tactics, like putting “boots on the ground” that would fight in large scale type warfare exposing more civilians to the risks associated with more conventional means.³⁶ President Obama has further attempted to maintain public support for his decisions associated with using UAVs, as he has re-enforced the concept that the US applies *jus in bello* principles of necessity and proportionality when conducting strikes. This was demonstrated in his National Defence University speech; “the use of drones is heavily constrained . . . before any strike is taken, there must be near-certainty

³³ “Washington’s Phantom War,” . . . , 5.

³⁴ Greg Miller and Bob Woodward. “Secret Memos Reveal Explicit Nature of US, Pakistan Agreement on Drones,” *The Washington Post*, 23 October 2013. Last accessed 3 May 2014. http://www.washingtonpost.com/world/national-security/top-pakistani-leaders-secretly-backed-cia-drone-campaign-secret-documents-show/2013/10/23/15e6b0d8-3beb-11e3-b6a9-da62c264f40e_story.html.

³⁵ *Ibid.*

³⁶ “Washington’s Phantom War,” . . . , 2-5.

that no civilians will be killed or injured- the highest standard we can set.”³⁷ The decision to conduct targeted killings by drone strikes have been influenced by the recognition that American public support is a necessity and that the application of physical violence is a founded on social values such as the fear of friendly force, and non-combatant casualties. Closely linked with these socially constructed norms are the implicit preconceived notions like American exceptionalism that influence decisions like the employment of UAVs to conduct attacks in sovereign states.

COGNITIVE DIMENSION

Scott’s *institutional analysis* methodology describes institutions as being influenced by shared beliefs, conceptions, and thought patterns that account for sense-making.³⁸ In other words, an institution’s beliefs and principles are used to guide the stewards of the specific institution by assisting them in determining appropriate behaviours and actions, which they subjectively interpret. To Scott, the cultural-cognitive aspect of institutional analysis is the most unconscious of the dimensions as it is socially constructed, and is taken for granted affecting compliance without any effort to do so.

American Exceptionalism and Drones

As a culture, Americans view themselves as qualitatively different from other societies citing that their superiority is based on the value that they place on the protection of liberties, equality, and individualism.³⁹

³⁷ President Barack Obama Speech to National Defense University.

³⁸ *Institutions and Organization* . . . , 57.

Alexis de Tocqueville, a French political thinker, is credited for having coined this term as he described “the position of the Americans is ... quite exceptional, and it may be believed that no democratic people will ever be placed in a similar one.”⁴⁰ This sense of superiority, often traced back to the Manifest Destiny, has transcended American history influencing decisions related to political and military intervention in regions throughout the world. As such, many US foreign strategy practices and related decisions have been influenced by this sense. This has been repeatedly demonstrated by past and the current President. In a speech associated to interventionism, President Barack Obama highlights what many Americans continue to believe; “our ideals and principles, as well as our national security . . . along with our leadership . . . we should act . . . That's what makes America different. That's what makes us exceptional.”⁴¹

This perception of exceptionalism has led to the political and military view that the US has a responsibility as a world power and a superior culture to intervene in various regions. This intervention has been the cost of defending national interest at home and abroad. This sense of superiority often morally obliges US interventionism principles, but has also been a source of authority to apply specific means to achieve collective ends. This cognitively constructed shared belief and sense of obligation has also transpired in America’s justification in their continual use of drones to deter and defeat terrorism. Historically, exceptionalism has also had the effect of promoting a sense of belonging,

³⁹ John McCormick. “American Exceptionalism: The Implications for Europe,” *Journal of Transatlantic Studies* 3, no. 2 (Autumn 2005), 199-201.

⁴⁰ “American Exceptionalism: The Implications for Europe,” . . . , 201.

⁴¹ Washington Post Staff. “Full Transcript: President Obama’s 10 September 2013 Speech on Syria,” *The Washington Post*, 10 September 2013. Last accessed 4 May 2014.
http://www.washingtonpost.com/politics/running-transcript-president-obamas-sept-10-speech-on-syria/2013/09/10/a8826aa6-1a2e-11e3-8685-5021e0c41964_story.html.

enforcing social bonds, and a common idea. This was most appropriately displayed following the 9/11 attacks, as it allowed Americans to rally together while maintaining their resolve.

Those critical of the notion of exceptionalism argue that the sense in which Americans sometimes view themselves qualitatively different from other nations has occasionally transcribed into the disregard for international norms, rules and laws. Former CIA analyst and fervent critic of the US government, David MacMichael, asserts that the drone program has breached international law by causing civilian casualties, which officials have been able to justify through exceptionalism. He points out that the same sense of superiority, which resulted in transgressions in Vietnam has also led to deadly drone strikes rooted in exceptionalism.⁴²

Nevertheless, policymakers have been relatively effective in defending its use of drones by substantiating that it is a necessary evil with the view of protecting citizens at home, maintaining that drones have “devastated AQ and have done so with little financial cost, at no risk to US forces, and with fewer civilians casualties that many alternative methods would have caused.”⁴³ Exploiting exceptionalism, Washington has been able to garner public support, and maintain it for longer periods of time. Closely associated with the normative aspects of decision-making processes, the cognitive-cultural notion of exceptionalism has also supported the US governments’ necessity to promote what

⁴² David MacMichael. “US Exceptionalism is Main Cause of Deadly US Drone Strikes: Analyst,” PressTV. Last accessed 4 May 2014. <http://www.presstv.com/detail/2012/06/08/245200/us-exceptionalism-cause-of-drone-attacks/>.

⁴³ “Why Drones Work: The Case for Washington’s Weapon of Choice” . . . , 1.

Gartner defined as the “rally around the flag effect.”⁴⁴ Bounding US citizens together, this sense of superiority has also had the beneficial impact of promoting a sense of belonging resulting in the government’s ability to develop consensus, and a collective view. This social support has developed, and upheld the legitimacy of the practice of targeted killings by UAVs, regardless of the various criticisms that have defined the policy.

Exceptionalism and Unilateralism

The domestic public support that Washington has been able to maintain has also allowed the US to apply its drone policy unilaterally, with the minimal necessity to garner the backing of alliance members. This has led to the effective conduct of these types of operation without diplomatic and political interference from outside sources.

Exceptionalism has resulted in unilateralism, whereby the US has been able to develop its drone program with efficiency, as it has not been required to cooperate with any other coalition member. Although some countries and organizations such as the UN continue to publically criticize drone practices, opposition has been insignificant and inconsequential, as countries that are the most impacted by the attacks secretly support the US approach. A number of sources have reported this phenomenon, as countries like Pakistan also benefit from the killings of terrorist leaders, and continue to support drone strikes.⁴⁵ The efficiency, or perception thereof, of targeted killings has resulted in the legitimacy of the

⁴⁴ “War, Casualties, and Public Opinion” . . . , 295.

⁴⁵ “Washington’s Phantom War,” . . . , 5. Also, see “Secret Memos Reveal Explicit Nature of US, Pakistan Agreement on Drones,” which highlights some of the proof of this- “Despite repeatedly denouncing the CIA’s drone campaign, top officials in Pakistan’s government have for years secretly endorsed the program and routinely received classified briefings on strikes and casualty counts, according to top-secret CIA documents and Pakistani diplomatic memos.”

employment of drones in the eyes of the American public, as their use supports the attainment of national objectives. Deeply rooted cultural-cognitive shared beliefs like exceptionalism, has influenced the President and military commanders, as inherent preconceived notions within American culture has impacted the methods by which counter-terrorism operations have been conducted.⁴⁶

Cultural-Cognitive Assumptions and Unconventional Tactics

Another important aspect related to the influence of the cognitive dimension in policy development, has been the experiences observed in Vietnam by US forces. The “Vietnam War Syndrome” affects the psyche of Americans, leading to changes, and the application of unconventional practices in order to achieve designated ends. Cultural-cognitive implicit thought patterns have constrained foreign policy practices as citizens expect that the US will only engage in intervention out of necessity. The public also expects that the US’ participation in wars be defined by low casualty rates, and the rapid withdrawal of US forces. The public has no appetite for protracted, costly operations. These constraints have been well recognized by officials, as foreign policy and the drone program has accounted for these limitations. The use of UAVs in targeted killings addresses the requisite expectation that national interests will be protected, while the risk to American personnel and military commitments abroad will be limited.⁴⁷ Just as the nature of warfare has changed, so has the US’ application of its own foreign policy through the introduction and adoption of unconventional methods. This has meant that less “boots are on the ground” ensuring that less members are at risk, further promoting

⁴⁶ Paul DiMaggio. “Culture and Cognition,” *Annual Review Of Sociology* 23, no. 1 (August 1997), 263.

⁴⁷ “Why Drones Work: The Case for Washington’s Weapon of Choice” . . . , 6.

the legitimacy of the US government and their decisions related to using drones. CIA director and assistant to President Obama for homeland security and counterterrorism, John Brennan, has made reference to the necessity to resort to unconventional methods; “our best offense won't always be deploying large armies abroad but delivering targeted, surgical pressure to the groups that threaten us.”⁴⁸ This illustrates the unique circumstances of unconventional warfare and the requirement to adapt to the contemporary operating environment, all the while addressing the cognitive shared beliefs that are related to the “Vietnam War Syndrome,” which are entrenched in American culture.

CONCLUSION

Regulative, normative, and cultural cognitive assumptions have all played significant roles in the decision-making process related to the US’ choice to employ drones as part of their counterterrorism strategy. The prominence, and the necessity to be perceived as a legitimate source of power amongst the American public has been influential, and will continue to define the nature in which war will be waged.

The current debate over the justification and legitimacy of the use of drones to deliver deadly force has focused on the various legal and authoritative frameworks that support the employment of this type of technology. As the backbone to the regulative aspect of the use of drones, the AUMF has justified the ongoing targeting of terrorism through lethal means. Policymakers have also developed, and adopted additional policy

⁴⁸ Micah Zenko. “9/11 Lessons: Unconventional Warfare,” Council on Foreign Relations, 26 August 2011. Last accessed 5 May 2014. <http://www.cfr.org/drones/911-lessons-unconventional-warfare/p25661>.

directives that further enhance the measures in place that direct drone strikes, justifying their use. Constrained by widely accepted normative expectations, decision makers have been swayed by societal demands like minimizing American armed forces personnel casualty rates, and limiting non-combatant victims. Entrenched in American and democratic cultures is the value that is placed on life, and the emphasis on the fear of loss of objectives. These normative constraints have been aggravated by the pervasive “Vietnam War Syndrome,” and the recent experience of the armed forces in countries like Iraq, where the level of casualty rates have led to major military and political decisions. The role of the media has been a catalyst to presenting the images of the destruction, death, and the eventual opposition by the US public to various conflicts. Meanwhile, leaders have been able to garner and maintain domestic support towards the drone program by importing the cultural-cognitive sense of exceptionalism. The sense of superiority that is shared and socialized amongst Americans transcends the culture, often defining the sense of responsibility and obligation that is felt by the US to intervene.

It is clear that the use of drones will continue to define the contemporary operating environment, as opponents to the western world resort to unconventional methods of targeting state, and non-state actors at home and abroad. This will result in conventional military forces adopting means that are not traditionally associated with such armed organizations. Technology has enabled the ability to access the remotest locations, strike and take out high value targets with a high degree of accuracy, causing fewer civilian

casualties, without US soldiers being deployed, and all the while promoting the legitimacy of the US government and armed forces.⁴⁹

⁴⁹ “Why Drones Work: The Case for Washington’s Weapon of Choice” . . . , 1-3.

BIBLIOGRAPHY

- Ackerman, Spencer. "Fewer Deaths from Drone Strikes in 2013 after Obama Policy Change," *The Guardian*, 31 December 2013. Last accessed 7 April 2014.
<http://www.theguardian.com/world/2013/dec/31/deaths-drone-strikes-obama-policy-change>.
- Anderson, Kenneth. "Efficiency In Bello and Ad Bellum: Making the Use of Force Too Easy," in *Targeted Killings: Law and Morality in an Asymmetric World*. N.p.: Oxford, 2012.
- Bergen, Peter and Tiedeman, Katherine. "Washington's Phantom War," *Foreign Affairs* 90, no. 4 (July/August 2011): 1-8.
- Berinsky, Adam J. "Assuming the Costs of War: Events, Elites, and American Public Support for Military Conflict," *Journal of Politics* 69, no. 4 (November 2007): 975-996.
- Buzan, Barry and Weaver, Ole. "The Middle East and Africa." *In Regions and Powers: The Structure of International Security*. Cambridge, UK: Cambridge University Press, 2003.
- Byman, Daniel. "Why Drones Work: The Case for Washington's Weapon of Choice." *Foreign Affairs* 92, no. 4 (July/August 2013): 32-43.
- Carvin, Stephanie. "The Trouble with Targeted Killings," *Security Studies* 21, (Fall 2012): 1-22.
- DiMaggio, Paul. "Culture and Cognition," *Annual Review of Sociology* 23, no. 1 (August 1997): 263-287.
- Gartner, Scott Sigmund. "Iraq and Afghanistan through the Lens of American Military Casualties," *Small Wars Journal* (April 2013). Last accessed 3 May 2014.
<http://smallwarsjournal.com/jrnl/art/iraq-and-afghanistan-through-the-lens-of-american-military-casualties>.
- Gartner, Scott Sigmund and Segura, Gary M. "War, Casualties, and Public Opinion," *Journal of Conflict Resolution* (1998): 278-300.
- Hillel, Ofek. "The Tortured Logic of Obama's Drone War," *Current* no. 524 (July 2010). Last accessed 3 April 2014.
<http://search.proquest.com/docview/748847529?accountid=9867>.
- Kodmani, Bassma. "The Imported, Supported, and Homegrown Security of the Arab World." *In Rewiring Regional Security in a Fragmented World*, edited by Chester A.

- Crocker, Fen Osler Hampson, and Pamela Aall. Washington, DC: US Institute of Peace, 2011.
- Lerner, Ben. "UAVs and Force: Current Debates and Future Trends in Technology, Policy and the Law," Centre for Security Policy (October 2013): 1-95.
- MacMichael, David. "US Exceptionalism is Main Cause of Deadly US Drone Strikes: Analyst." PressTV. Last accessed 4 May 2014.
<http://www.presstv.com/detail/2012/06/08/245200/us-exceptionalism-cause-of-drone-attacks/>.
- McCormick, John. "American Exceptionalism: The Implications for Europe." *Journal of Transatlantic Studies* 3, no. 2 (Autumn 2005): 199-214.
- Otto, Roland. *Targeted Killings and International Law*. Germany: Springer, 2010.
- Ouellet, Eric and Pahlavi, Pierre. "Institutional Analysis and Irregular Warfare: A case study of the French Army in Algeria 1954-1960." *Journal of Strategic Studies* 24, no. 6 (Autumn 2011): 48-54.
- Pilkington, Ed and Devereaux, Ryan. "US defends drone strikes as 'necessary and just' in face of UN criticism." *The Guardian*, 25 October 2013. Last accessed 27 April 2014.
<http://www.theguardian.com/world/2013/oct/25/un-drones-us-policy-debate>.
- Scott, Richard. *Institutions and Organizations* (Chapter 3). Thousand Oaks: Sage, 2008.
- United States. "S.J.Res. 23 (107th): Authorization for Use of Military Force." Washington, DC: The White House, September 18 2002. Last accessed 25 April 2014. <https://www.govtrack.us/congress/bills/107/sjres23/text>.
- United States. President Barack Obama Speech to National Defense University. Washington, DC: The White House, 23 May 2013. Last accessed 7 April 2014.
<http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.
- United States. President Barack Obama's State of the Union Address. Washington, DC: The White House, 28 January 2014. Last accessed 27 April 2014.
<http://www.whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address>.
- United States. "U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities." Washington, DC: The White House. Last accessed 27 April 2014.
<http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism>.

United States. The Office of the President. *National Security Strategy*. Washington, DC: The White House, September 2002.

Walsh, James Igoe. "The Effectiveness of Drone Strikes in Counterinsurgency and Counterterrorism Operations." Last accessed 3 May 2014. <http://www.cfr.org/united-states/lawfare-effectiveness-drone-strikes-counterinsurgency-counterterrorism-campaigns/p31701>.

Warner, Daniel. *An ethic of Responsibility in International Relations* (Boulder, CO: L. Rienner, 1991).

Washington Post Staff. "Full Transcript: President Obama's 10 September 2013 Speech on Syria," *The Washington Post*, 10 September 2013. Last accessed 4 May 2014. http://www.washingtonpost.com/politics/running-transcript-president-obamas-sept-10-speech-on-syria/2013/09/10/a8826aa6-1a2e-11e3-8685-5021e0c41964_story.html.

Zenko, Micah. "9/11 Lessons: Unconventional Warfare," Council on Foreign Relations, 26 August 2011. Last accessed 5 May 2014. <http://www.cfr.org/drones/911-lessons-unconventional-warfare/p25661>.