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DRONE STRIKES IN THE WAR ON TERROR:
The Case of Post-Arab-Spring Yemen

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Abstract

The "War on Terror" being waged in the Middle East against Islamic extremists is based in large part on the use of sophisticated technology, including drones which can target and kill individuals in the most remote locations. This essay examines the history of drone use in Yemen and addresses the issue of measuring its success and the ethical implications of killing suspected terrorists and innocent civilians without recourse to a judicial system. It is argued that while the use of drones in Yemen and in Pakistan may eliminate a few major terrorist leaders, the sympathy created for victims serves as an effective recruiting tool for future terrorism and also creates a negative view of the United States. The author draws on his experience as an anthropologist working in Yemen since 1978 and following the current civil conflict in Yemen in which extremist groups have expanded their influence.

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Drone Strikes in the War on Terror: The Case of Post-Arab-Spring Yemen

Daniel Martin Varisco

In his justifiably famous essay "On Cannibals," the 16th century citizen-savant Michel de Montaigne penned a line that could easily serve as a mantra for my discipline of anthropology:

> *"I find nothing barbarous or savage in those people [the accused cannibals], from what I have been told, except that everyone calls what he is not accustomed to barbarity, as in truth it seems we have no other criterion for truth and reason than the example and idea of the opinions and the customs of the country we live in."*[1]

Four and a quarter centuries after these words were written, I cannot but wonder what Montaigne would conclude in writing a new essay entitled "On Drones." His images of New World "cannibals," which were created in large part to justify the slavery and genocide of expanding European empires, have been resurrected since 9/11 with the specter of the terrible, freedom-hating Islamic terrorist, exemplified by Bin Laden and his Al-Qaida network. To the extent that cannibalism ever existed as an act of war and revenge, it deserves to be labeled "barbaric," but, as Montaigne maintains, we often "surpass them in every sort of barbarism."[2] Who decides what is an act of terror and who deserves to be called a terrorist? If Portuguese muskets were more barbaric than native Brazilian arrows for Montaigne, what would he say today about the use of predator drones on civilian populations? Considering that the U.S. military predicts that by 2015 it would have more trained drone operators (still called "pilots") than bomber pilots, perhaps we should ask the question in his stead.[3]

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[1] Michel de Montaigne, Montaigne Selected Essays, translated by James B. Atkinson and David Sices (Indianapolis: Hackett Publishing, 2012), p. 90.

[2] Michel de Montaigne, Montaigne Selected Essays, p. 95.

[3] This estimate does not include drones operated by the CIA over Pakistan and Yemen; http://www.nytimes.com/2013/02/23/us/drone-pilots-found-to-get-stress-disorders-much-as-those-in-combat-do.html?_r=0

Terrorists do exist, always have and no doubt always will. The Islamic world had the original assassins, a secret organization of the 11th century that targeted fellow Muslims as well as the invading crusaders. The marauding Christian crusaders were "terrorists" to the Islamic caliphate and Jews they slaughtered in the name of Christ; the American rebels were "terrorists" to the British Crown; George Washington as "Town Destroyer" was a terrorist to the Iroquois Nation. The young men who hijacked civilian airplanes and crashed them into the Twin Towers were terrorists who took their own lives in the process. Two brothers who laid homemade bombs at the finishing line of the Boston Marathon were also terrorists, whose cowardly act brought an entire city to a standstill for twelve hours. Terrorists murdered the cartoonists at Charlie Hebdo and other terrorists killed thousands in Nigeria. As both a U.S. citizen and as a citizen of the world, I condemn all acts of bombing targeted to take innocent (or presumed guilty) life in order to make a political statement or to enforce an ideology. Yet, it is one thing to label an individual a "terrorist" responsible for a specific act, but quite a step further to define and target the fuzzy category of "suspected terrorists." The ongoing debate over the push-button U.S. government use of drones to take out suspected terrorists, especially in Yemen and Pakistan, goes to the crux of this moral issue.

The use of drones to target individuals suspected of belonging to a terrorist group has become a major thrust of counter terrorism by the United States abroad. In this essay I describe the context of drone use with a focus on attempts to reduce the influence of Al-Qaida, and more recently Ansar al-Shariah, in Yemen. The advantage of drones from a military perspective is obvious, since it avoids danger to pilots or commando teams, but the effectiveness in reducing the level of terrorist violence or ridding the world of major known terrorists is questionable. Many critics argue that the collateral damage from drone strikes serves as a recruiting tool for terrorist groups and creates sympathy for them as well as anger at the United States. Targeting individuals with drones raises ethical and legal objections in the United States given the likelihood of civilian casualties. The question remains if drones represent a "civilized" response to international terrorism or in a sense mirror one kind of barbarism with another.

About Drones

Let's start with the hard facts. In the military, drones, in the sense of unmanned aircraft systems (UAS) or unmanned aerial vehicles (UAV), have been in use for decades, but my concern here is primarily with drones created in order to target and deliver bombs by remote control.[4] The weapon of choice for the U.S. military so far has been the "Predator" series designed and built by General Atomics, an arms manufacturer based in California. Here is the company description of the product:

> *"Named by Smithsonian's Air & Space magazine as one of the top ten aircraft that changed the world, Predator is the most combat-proven Unmanned Aircraft System (UAS) in the world. Providing essential situational awareness for the warfighter, Predators continue to excel in combat missions focusing on Intelligence, Surveillance, and Reconnaissance (ISR), targeting, forward air control, laser designation, weapons delivery, and bomb damage assessment. First flown in 1994, Predator is the first-ever weaponized UAS and features precision air-to-ground weapons delivery capability."*[5]

In the decade between 2000 and 2010 the sale of drones to the U.S. military accounted for 90% of a reported $2.4 billion in sales for General Atomics. The MQ-1B Predator, has a price tag for the U.S. government of $16.9 million, obviously considerably cheaper than even the most basic manned aircraft. By September 2013 the United States Air Force had an arsenal of 156 Predators.[6] The latest model deployed is the MQ-9 Reaper, which has a price tag of almost $14 million. This large drone is primarily an attack vehicle with a wingspan of some 66 feet and capable of flying at 276 miles per hour. Procurement by the Pentagon for this model reached more than $10 billion.[7] Israel has little need for

[5] http://www.ga-asi.com/products/aircraft/predator.php

[6] In April, 2012 the U.S. military had some 7,500 drones, 5% of which were capable of being armed, according to Micah Zenko, Reforming U.S. Drone Strike Policies (Washington. D.C.: Council on Foreign Relations, Center for Preventive Action, January 2013), p. 3

[7] MQ–1 Predator / MQ–9 Reaper. Electronic document, http://www.bga-aeroweb.com/Defense/MQ-1-Predator-MQ-9-Reaper.html.

U.S. drones, since it is the world's largest exporter of drones, selling more than 1,000 in 42 countries by 2011.[8]

The majority of drone strikes conducted by the United States since 2004 have been in Pakistan. These have been authorized through the secretive CIA "Special Activities Division"[9] (the ironic acronym of which, S.A.D., should not escape us) rather than a specific branch of the U.S. military, although this arrangement may be changing soon. Figures vary, but as of May, 2015, there was an estimated total of deaths as high as 3,962 due to drone attacks in Pakistan from over 360 separate strikes.[10] Of these, 175 were confirmed to be children, 535 were civilians and 2,348 have been classified as "other": the last category includes known members but also assumed combatants on the basis of being "of-age" males. If you thought "age groups" were only a quaint ethnographic concept for Africanists, think again. In Yemen, it has been estimated that between 897-1155 individuals as a result of 122 drone strike have been killed through October, 2015 as a result of confirmed or assumed drone strikes.[11]

Drone strikes in Yemen quadrupled in 2012 from those reported for 2011 and 44 more were reported in 2013-14, despite the initial success of the transitional government in retaking areas lost to extremists during the post-Arab-Spring civil strife. In 2015 at least 10 drone strikes were recorded with a death toll as high as 44, despite the fact that the al-Anid military used for the strikes was taken over by the Huthi/Salih alliance in March. Although there are limited on-the-ground reports about the casualties, it appears that the actual

[8] Medea Benjamin, Drone Warfare: Killing by Remote Control (New York: O/R Books, 2012), p. 51. In their report on Israeli use of drones, Mary Dobbing and Chris Cole (Israel and the Drone Wars, Oxford: Drone Wars UK, 2014, p. 32) note: "Indeed it could be said that if you scratch any drone you will likely find Israeli technology underneath."

[9] http://cia.americanspecialops.com/

[10] This figure is from The Bureau of Investigative Journalism. Electronic document, https://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/. For another resource on the drone strikes, see http://securitydata.newamerica.net/drones/yemen-analysis.html. For a report on the unreliability of reporting drone strikes, see the October, 2012 report issued by Columbia Law School (http://web.law.columbia.edu/human-rights-institute/counterterrorism/drone-strikes/counting-drone-strike-deaths)

[11] Figures of reported deaths vary. I have used the analysis from http://securitydata.newamerica.net/drones/yemen/analysis.

number of deaths is far greater, even though drone attacks are less destructive than missiles. For example, an American tomahawk missile strike in 2009 on a suspected terrorist camp in al-Majalah did not just kill "terrorists," as was initially reported, but also 41 civilians, including 23 children, according to a Yemeni government inquiry.[12] Farea al-Muslimi, a Yemeni activist from the Wassab area in Yemen, testified to the U.S. Congress about a drone attack that killed a suspected terrorist named Hamid al-Radmi along with four others riding in his vehicle. This happened only two days after the Boston Marathon bombing killed three Americans. It also occurred in al-Muslimi's home town, where al-Radmi was well-known and where al-Muslimi argues he could easily have been captured. As al-Muslimi observes:

> *"Drones have a tremendous psychological effect on those living in their shadows. Villagers say drones hovered over Wessab for three days before they struck. The ominous buzz of the drones terrorizes communities. Where will they strike? Will I be next? These are the questions youngsters now grow up asking. The "collateral damage" of drones cannot just be measured in corpses. Drones are traumatizing a generation and further alienating Yemenis from any cooperation with the West, or even with the Yemeni central government."*[14]

These are not the propaganda-prone pronouncements of an itinerant Islamist, but a passionate account by a Yemeni who came to the U.S. to study and returned to Yemen an advocate for the American dream. Multiply his testimony by the hundreds and you will find that we are in danger of turning against us the very people needed to build a democratic Yemen out of the rubble. For Islamophobes and the politically naive who think Yemen is mired in a medieval past, the way forward is hardly to force upon Yemenis the Big Brother drone policy that stops time at an Orwellian 1984.

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14 http://www.al-monitor.com/pulse/originals/2013/04/yemen-village-drone-attack-wessab.html#ixzz2R2f0QNwd. See also the assessment of Micah Zenko, Drone Warfare: Killing by Remote Control, p. 11: "Nevertheless, there appears to be a strong correlation in Yemen between increased targeted killings since December 2009 and heightened anger toward the United States and sympathy with or allegiance to AQAP."

Before the Drones

> *"The resentment created by American use of unmanned strikes is much greater than the average American appreciates. They are hated on a visceral level, even by people who have never seen one or seen the effects of one."*
> *General Stanley McChristal*[15]

Before addressing the moral argument for or against the use of drones, there is a more pragmatic question: does the application of drone warfare in Yemen make the Yemenis or the citizens of the United States any safer? I speak now not just as a concerned citizen, but as an ethnographer who has worked in Yemen since 1978. I arrived to study the cultural ecology of traditional irrigation, water rights and agriculture in a rural, tribal setting.[16] At the time North Yemen (known formally as the Yemen Arab Republic and a separate state from the Peoples Democratic Republic in the south) was in full development mode. A protracted civil war after the fall of the traditional Zaydi imamate had ended only a decade before. Aid was pouring in from the United Nations, the United States, Germany, France, The Netherlands, Russia, mainland China and elsewhere as the country was in the throes of building itself up by its Japanese plastic shoestraps. Once settled in my field site, the beautiful spring-fed highland valley of al-Ahjur, I could not help but notice that just about everyone was armed, some with kalashnikovs. This was a self-defined tribal area, where the central government exercised little control, but I never felt safer in my life.

I felt safe because as a foreigner I was protected under tribal customary law and an honor code known locally as qabyala.[17] This was before any "Islamic" terrorism and it would have been considered a huge shame to harm a foreigner. At this time the United States was well liked, often in local contrast to the "atheist communists" of the Soviet Union who supported the socialist regime in South

15 http://www.theatlantic.com/technology/archive/2013/01/general-mcchrystal-on-drones-they-are-hated-on-a-visceral-level/266914/

16 This research informed my Anthropology Ph.D. dissertation, entitled The Adaptive Dynamics of Water Allocation in al-Ahjur, Yemen Arab Republic at the University of Pennsylvania in 1982.

17 For an overview of qabyala in Yemen society, see the work of Dr. Najwa Adra, some of which is archived online at http://www.najwaadra.net/Yemethn.html.

Yemen. In December, 1979, President Carter directed the CIA to support the Afghan mujahidin fighting the Soviets, which made Yemenis quite pleased with this aspect of American foreign policy[18] I completed my research shortly before the Iran hostage affair warped the image of America as the Great Satan but long before Al-Qaida. At that time Osama Bin Laden had just turned 21 and was still in college. In the tribal area where I lived, the local honor code required protection of unarmed guests, as it did women and children.[19] Even when a tribal group would take a foreigner or fellow Yemeni hostage, it was always a negotiating ploy and not to inflict harm on the hostage.

In 2004, on a return visit to the valley, I found myself in the difficult situation of explaining the recent U.S. invasion of Iraq. One of my Yemeni friends noted that he used to think that America was different, but now he believed that the U.S. president was as bad as his own, Ali Abdullah Salih. It hardly mattered that I myself did not agree with the invasion of Iraq any more than I supported the brutal policies of Saddam Hussein. There was no anger directed at me, as my friends in the valley knew full well that governments routinely did things that individuals were against. But the disappointment was that the United States, where thousands of Yemenis had worked before returning to collect their social security checks in their homeland, was now widely seen as just another international bully. As General McChrystal succinctly noted, the use of drones has greatly damaged the international reputation of the United States.This reputation had already been tarnished by the U.S. support for Israel and backing of Saudi policy in the region, but the drone policy has only made it worse. The current U.S. covert and overt assistance to the Saudi-led coalition bombing Yemen continues this downward spiral.

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[18] https://www.cia.gov/library/publications/additional-publications/devotion-to-duty/afghanistan.html

[19] For an analysis of tribal customary law and the local honor code, see Najwa Adra, "The Tribal concept in the Central Highlands of the Yemen Arab Republic. In Arab Society: Social Science Perspectives. N.S. Hopkins and S. E. Ibrahim, eds. 275-285, Cairo: The American University of Cairo Press, 1985; and Najwa Adra, "Tribal Mediation in Yemen and Its Implications to Development." AAS Working Papers in Social Anthropology, 19(1), 2011. Available online: http://epub.oeaw.ac.at/wpsainhalt?frames=yes

In our intellectual fog regarding the ground-up view of theorized globalist terrorism, it is common for the media and many academics to ignore the local cultural context. As an example, the notion that Yemen must be a haven for Muslim terrorists because it is tribal ignores the reality I saw in the field.[20] While an individual identified outside the tribe as a terrorist may be given temporary protection as a refugee (jâr),[21] this does not signal support for the methods used to harm others. A main function of tribal customary law in Yemen has been to protect the weak, especially women and children. To the extent that drones are indiscriminate in blowing women and children to pieces, this becomes what has historically been deemed the worst kind of violation, an 'ayb aswad ("black dishonor"). [22] Going against local sentiments about what kinds of actions are honorable is never in the long-term interests of either the national government in Yemen or the United States.[23]

This was the Yemen I knew, a society that in the north was held together by the resilience of tribal solidarity and ethics. Although suited to local governance and a safety net where there was a weak or non-existent central government, Yemeni tribalism has now been harmed by over four decades of a dictatorial power in the capital and a proxy war that draws battle lines across a politicized Sunni/Shi'a divide. The revolution that created the Republic of Yemen in 1962 was not fought along Sunni/Shi'a sectarian lines. The Saudis supported the deposed Zaydi Imam Badr against the revolutionary regime, which had the backing of Egypt's President Nasser. Some northern tribes supported the imam and others supported the new regime; this was a clear political context. After the civil war ended there was antagonism against the former political elite but Zaydi and Shafi', the two main Islamic legal traditions in the north, coexisted in harmony and followers of both would

[22] I follow the nuance of 'ayb in the Yemeni case as "dishonor," as suggested by Najwa Adra, Qabyala: The Tribal Concept in the Central Highlands of the Yemen Arab Republic, p. 162. An alternative translation is "disgrace," as given by R. B. Serjeant, "South Arabia," In C. van Niewenhuijza, editor, Commoners, Climbers and Notables, 228. Leiden: Brill, 1977.

[23] A similar argument has been made about how drones violate the honor code in Pakistan; see Alia Robin Deri, "'Costless War': American and Pakistani Reactions to the U.S. Drone War," Intersect: The Stanford Journal of Science, Technology and Society, [S.l.], v. 5, May. 2012. Available at: <http://ojs.stanford.edu/ojs/index.php/intersect/article/view/367/167>.

even pray in the same mosque. The influx of Wahhabi/Salafi intolerance of the Zaydis and Muslim Brotherhood teachers in the 1980s brought about a sectarian divide that has now engulfed Yemen in a bitter and destructive civil war.[24] The rise of militant groups like al-Qaida, the Huthis, Ansar al-Shariah, ISIS and several factional groups has severely weakened the traditional tribal mediation process. Yemen's future, however, may very well depend on the principles of tribal mediation for state building.[25]

Yemen and the Arab Spring

> *"As the US continues to hold workshops to educate Yemenis in the capital on the rule of law — through its right hand USAID — it is killing them outside the law through its left hand, the drones' strikes."*
>
> *Farea al-Muslimi, 2013*[26]

Although I have not returned to Yemen in the past ten years, the situation there is always on my mind. The winds of the "Arab Spring" finally dislodged President Salih after three decades in power. During his presidential reign, Salih was fond of saying that he danced on the heads of snakes.[27] One of those snakes, becoming increasingly poisonous to the Yemeni people, was the United States, which provided massive military aid for Salih to fight Al-Qaida after the bombing of the U.S.S. Cole in Aden Harbor in 2000. [28] In 2010, while the Middle East was still in the winter of its dictatorial discontent, the U.S. doubled its overt military aid to Yemen to $155 million. Given that the CIA was dropping off bags of cash to Afghan's President Karzai at that time, I suspect that Salih benefited as well from

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[24] For a history of Salafism in Yemen, see Laurent Bonnefoy, Salafism in Yemen (Oxford: Oxford University Press, 2012).

[25] The potential for tribal mediation rebuilding Yemen is discussed by Najwa Adra, Can tribal institutions help rebuild Yemen? Insight on Conflict, May 12, 2015, Electronic document, http://www.insightonconflict.org/2015/05/can-tribal-institutions-help-rebuild-yemen/.

[26] http://www.al-monitor.com/pulse/originals/2013/04/yemen-village-drone-attack-wessab.html#ixzz2R1DB91XT

[27] For details on the lead-up to the end of Salih's rule, see my article "Dancing on the Heads of Snakes in Yemen," Society 48(4):301-303, 2011, as well as numerous blog posts on tabsir.net.

[28] The Bush administration gave Salih military aid totaling $400 million for training and counter terrorism. See Amrit Singh, Death by Drone: Civilian Harm Caused by U.S. Targeted Killings in Yemen. New York: Open Society Justice Initiative, 2015, p. 15. Electronic document, http://www.opensocietyfoundations.org/reports/death-drone/

the laundering largesse of our unaccountable intelligence agencies. The United Nations reports that Salih skimmed off as much as $60 billion for himself and his cronies during his 33 year rule.[29] By all accounts Salih's dance was self-serving, a rather obvious two-step to anyone who knew something about Yemeni politics. It was to his advantage to chase and capture a few Al-Qaida suspects, but not to go all-out against them and risk losing the sizable military aid package. Salih, as we learned from the WikiLeaks documents, allowed the U.S. to operate drones to kill suspected Al-Qaida members and even took the blame when necessary.[30] Ironically, the U.S. military support to Salih, in that it was co-opted to strengthen his own regime, served to create sympathy for those few extremists who initially had little internal support for their international terrorist agenda. As historian Gregory Johnsen argues in a perceptive account of the role of Al-Qaida in Yemen, the fact that the U.S. was dependent entirely on Salih without any on-the-ground intelligence was "a serious flaw."[31]

Like his fellow lifelong "elected" dictators Ben Ali and Hosni Mubarak, Ali Abdullah Salih was finally forced to resign in February, 2012. Unlike these others or even Libya's corpse-defaced Qaddafi, Salih at this writing is still active in Yemeni politics behind the scenes and through loyalists from his former government and military. Indeed, the man "elected" to see Yemen through a transition and help draft a new constitution, Abd Rabbuh Mansur Hadi, had been Salih's hand-picked Vice-President since 1994. The transitional government of President Hadi at first benefited from renewed military assistance to continue the fight against terrorists. In fiscal year 2012 Yemen received $46 million from the Department of State for security assistance and $112 million from the Department of Defense for programs "to train and equip the Yemeni security forces to conduct counterterrorism operations."[32] These figures do not include what the CIA has been spending on drone attacks.

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29 See http://untribune.com/yemens-saleh-worth-60-billion-says-un-sanctions-committee/.

30 http://www.guardian.co.uk/world/2010/dec/03/wikileaks-yemen-us-attack-al-qaida

31 Gregory P. Johnsen, The Last Refuge: Yemen, Al-Qaida , and America's War in Arabia (N.Y.: Norton, 2012), p. 265.

32 http://www.state.gov/r/pa/prs/ps/2013/03/205816.htm

In 2012 Yemeni armed forces liberated sections of the south, especially around Abyan, that had been taken over due to regional insecurity by extremists calling themselves Ansar al-Shariah, who were targeted by the Huthis, known as Ansar Allah. Although the U.S. Government lumps the home-grown insurgency of Ansar al-Shariah as a re-branding of AQAP (Al-Qaida in the Arabian Peninsula),[33] the grievances of this group on the ground are often local. Resentment against Salih's regime smoldered since the 1994 civil war that drove the former socialist PDRY President into exile and established unmitigated hegemony of the north over the southern part of Yemen. Calls for secession have escalated after Salih's demise, or assumed demise.

In September 2014 the Huthis, a thorn in the side of Salih for a decade, succeeded in gaining control of the capital Sanaa.[34] Most observers were surprised that a small regional break-away group could manage to effectively bring down the interim government that followed the GCC-brokered agreement replacing Salih. In 2004 Salih had arranged for the killing of Husayn al-Huthi, a former parliamentarian and open critic of both the Salih regime and the United States. As a Zaydi, and as a scholar who had spent time in Iran and was influenced by both Iranian Shi'a views and Hezbollah in Lebanon, Husayn al-Huthi was reacting to the conservative Saudi-inspired Salafism that had been imported into Yemen and denigrated the Zaydi sect. Several incursions by the Yemeni military failed to subdue the Huthis and generated a wider tribal conflict.

By the end of 2014 the Huthis were able to topple the weak interim government of Hadi and place him under house arrest. In fact the Huthis would never have been able to advance so far without the behind-the-scenes support of Salih and the army units that were still loyal to him. Although media attention

33 http://www.state.gov/r/pa/prs/ps/2012/10/198659.htm

34 For analysis of the Huthi rebellion and the Saudi-led coalition response, see Marieke Brandt, The Hidden Realities behind Saudi Arabia's Operation Decisive Storm in Yemen, FocaalBlog, May 15, 2015, Electronic document, http://www.focaalblog.com/2015/05/15/marieke-brandt-the-hidden-realities-behind-saudi-arabias-operation-decisive-storm-in-yemen/; Charles Schmitz, Unrest in Yemen, C-Span, March 29, 2015, Electronic document, http://www.c-span.org/video/?325068-5/washington-journal-charles-schmitz-unrest-yemen; Daniel Martin Varisco, Proxy Morons: The Demolition of Yemen, MENA Tidningen, March 27, 2015. Electronic document, http://www.menatidningen.se/english/proxy-morons-the-demolition-of-yemen

initially focused only on the Huthis as an Iranian-backed insurgency, it was the Faustian bargain between the Huthi leadership and former President Salih that led to their success. Nevertheless, the Huthis appealed to the Yemeni frustration with the long-standing corruption of the government and were seen by many as providing a populist revolt. When Hadi escaped to Aden in February, all hell broke loose. The Huthi/Salih alliance attempted to stretch their control southward through Dhamar, Taiz and a desperate attempt to take Aden. This was followed by the Saudi-led bombing campaign entitled "Operation Decisive Storm" in March. After seven months of this campaign, despite hundreds of forays by fighter jets, massive destruction of Yemen's military capacity, growing numbers of civilian deaths and an unprecedented humanitarian crisis, the Huthi/Salih coalition has not been defeated. Allied against them is a bizarre coalition that includes Islah, the Yemeni Muslim Brother organization Islah that the Saudis recently considered terrorists, a few troops still loyal to Hadi, an expanded influence of Ansar al-Shariah, formerly known as Al-Qaida, and a local version of ISIS or Daesh.

The drone policy against Al-Qaida in Yemen was presented by the Obama administration as late as September 2014 as a major success story.[35] The American public largely believes this claim, since a Pew Research Center poll conducted in 2015 found that 58% agreed with the policy and only 38% disagreed.[36] Measuring this success has proved elusive. Most of the victims have been labeled as suspected terrorists with only a few major figures identified, including the American Anwar al-Awlaki, Abu Ali al-Harithi, Ibrahim al-Rubaish and Nasr bin Ali al-Ansi. The main figures of AQAP and Ansar al-Shariah have not been eliminated by drones. Two statistical analyses conducted on drone attacks in Pakistan and Afghanistan suggest that drone attacks do not reduce the level of terrorist violence.[37] In addition to taking the life of innocent civilians,

35 President Obama's speech, September 10, 2014. Electronic document, https://www.whitehouse.gov/the-press-office/2014/09/10/statement-president-isil-1

36 Pew Research Center, Public Continues to Back U.S. Drone Attacks, May 28, 2015. Electronic document, http://www.people-press.org/2015/05/28/public-continues-to-back-u-s-drone-attacks/

37 James Igoe Walsh, The Effectiveness of Drone Strikes in Counterinsurgency and Counterterrorism Campaigns. U.S. Army War College Press, 2013, p. 38.

one drone attack in May 2010 killed the deputy governor of the Marib Provice, Jabir al-Shabwani, who was at the time mediating between the militants and the Yemeni government. This led to violent confrontations between the local tribes and the government. Ironically, the Saudi campaign against the Huthis has allowed Ansar al-Shariah to make major gains in southern Yemen, outweighing any short-term benefit from the previous decade of drone strikes.

With negotiations stalled as late as October, 2015, Yemen is still embroiled in a devastating civil war in which the major cities of Sanaa, Taiz, Aden and Sa'da have received extensive damage and even heritage sites have been destroyed. While there are deep divisions within Yemen, these have been fueled by outside players, especially the Saudis. The trauma created by the Saudi campaign, which has brought the country to an economic standstill and left many Yemenis without adequate food, water or medical care, is a deep wound that is not likely to be healed soon. Yemen is beset with seemingly insurmountable problems that extend beyond politics: years of government corruption, economic stagnation, increasing poverty and malnutrition, dwindling water supplies, a stream of refugees from East Africa, and the prospect of fewer oil revenues in the near future. The conflict on the ground will be resolved one way or the other, but it is doubtful that bombing alone will yield anything but a pyrrhic victory for the rash bombing campaign. Once again Yemen is poised at a critical moment for development, although this time the global implications of local politics would seem to overshadow the previous hope for progress I witnessed firsthand in the late 1970s and early 1980s.

[38] For an account of the conflict in Yemen thus far, see Daniel Martin Varisco, Sato-Kan Hiroshi and Junji Kawashima, The Sectarian Crisis in Yemen: Damage from a Divisive Storm, Middle East Institute Online, September 29, 2015. Electronic document: http://www.mei.edu/content/map/sectarian-crisis-yemen-damage-divisive-storm.

The Moral Issue Compounded

> *"Instead of the rigorous public debate one would expect from a democratic society faced with these complex ethical questions regarding remote-controlled killing, the media is silent, most religious leaders are silent, elected officials are silent. And the anti-war movement, so vocal and vibrant during the Bush years, lost its voice when Barack Obama became president."*
> *Medea Benjamin, 2012*[39]

In February, 2013, when I published a commentary about drones on the *Anthropology News* website,[40] it was mainly a few academics who were challenging the use of drones in Yemen. However, the nomination of John Brennan to head the CIA held up by an old-fashioned 13-hour filibuster on March 6 by Senator Rand Paul, the Tea Party resurrection of Davy Crockett from Kentucky, finally brought the issue of drone policy into media limelight. Not long after this a group of concerned scholars for The Atlantic Council wrote a letter to President Obama with the following observation:

> *"A growing body of research indicates that civilian casualties and material damage from drone strikes discredit the central government and engender resentment towards the United States. Where drone strikes have hit civilians, news reports and first–hand accounts increasingly indicate that affected families and villages are demonstrating and chanting against the Yemeni and U.S. government. This creates fertile ground for new recruits and sympathizers who might provide safe haven or direct support to AQAP and its local affiliate, Ansar al–Sharia. The collateral damage*

[39] Medea Benjamin, Drone Warfare: Killing by Remote Control, p. 209.

[40] http://www.anthropology-news.org/index.php/2013/01/11/drone-strikes/. This was later published in the March print edition of Anthropology News. By contrast, Arab media have been covering the ethical issues surrounding drone use, often with graphic photographs of mangled bodies from attacks; see Jack L. Amoureux, "Are U.S. Drones Ethical?," Christian Science Monitor, April 1, 2013. Online at http://www.csmonitor.com/Commentary/Opinion/2013/0401/Are-US-drones-ethical

> *produced by drone strikes, along with the political cost of alienating Yemenis, reduces the political space within which we can cooperate with and help strengthen the Yemeni government."*[41]

Beyond the ethical issue, the idea that the use of drones ultimately reduces "terrorism" is widely seen by a range of scholars and some politicians as short-sighted and counter productive in the long run.

Consider the case of the would-be bomber in Times Square in 2010. Faisal Shahzad told the judge at his arraignment that he wanted payback for the American wars in Iraq and Afghanistan and also for the drone killings in Pakistan. He later admitted that the main stimulus for his attempted bombing was to avenge the drone killing of Baitullah Mehsud, a Taliban leader.[42] It is hard to win the hearts and minds of Pakistanis when they see the bodies of people they know blown to bits by an unseen drone. This may be one story, easily dismissed as an anecdote, but we also have a detailed report from the Mwatana Organization for Human Rights, a Yemeni non-governmental organization, and the Open Society Justice Initiative on nine drone attacks conducted in Yemen between May 2012 and April 2014. The team interviewed 96 individuals, including survivors, relatives of those killed, community and government officials and medical workers. Based on the interviews it was clear that at least 26 civilians were killed and 13 others seriously injured. These included "the January 23, 2013 strike on a civilian house containing 19 civilians in Silat al-Jarraah village and the September 2, 2012 strike in which 12 civilians, including three children and a pregnant woman, were killed." [44]

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41 http://www.juancole.com/2013/03/president-instead-droning.html. A similar critique was provided earlier by Micah Zenko, Reforming U.S. Drone Strike Policies.

42 Michael J. Boyle, "The Costs and Consequences of Drone Warfare," International Affairs 89(1):1, 2013.

43 Amrit Singh, Death by Drone: Civilian Harm Caused by U.S. Targeted Killings in Yemen. New York: Open Society Justice Initiative, 2015. Electronic document, http://www.opensocietyfoundations.org/reports/death-drone/

44 Amrit Singh, Op. cit., p. 6.

The harm caused by the killing of innocent civilians, especially women and children, is exacerbated by the trauma inflicted on the local population by the drones, which are audible even when just collecting information. Some villagers were so afraid of the drones that they left their homes. "Survivors of the attacks continue to have nightmares of being killed in the next strike," confirmed those interviewed in Yemen. "Men go to their farms in fear. Children involuntarily urinate when they hear the sound of aircraft. They are afraid to go to school."[45] In at least one case, a Yemeni family brought a case to court in Germany against the American military base of Rammstein, which is a major transfer point for directing drone strikes in Yemen, although this was rejected.[46] On the ground reports suggest that drone fear is less a deterrent to terrorist acts than a stimulant of sympathy for those killed. In the case of a family where three members were killed by drones, one surviving member told a reporter for The Guardian: "Don't blame us because we sympathise with al-Qaida, because they were the only people who showed their faces to us, the government ignored us, the US ignored us and didn't compensate us. And we will go to court to prove this is wrong."[47]

Drones are assumed to be effective killers because they are unmanned and can remain airborne for over fourteen hours. From a military point of view it is better to occasionally lose a relatively affordable drone than a pilot or crew, especially since it is assumed that few drones actually crash or are shot down. Yet, there are documented flight mishaps, especially when drones crash in or near civilian airports or go rogue. A study by the *Washington Post* discovered that "at least 49 large drones have crashed during test or training flights near domestic bases since 2001."[48] I do not dispute the rationale of protecting American servicemen, but what about the value of innocent victims who die

45 Amrit Singh, Op. cit., p. 8.

46 Reported in The Guardian. Electronic document, http://www.theguardian.com/world/2015/may/27/court-dismisses-yemeni-claim-german-complicity-drone-killings

47 Reported in The Guardian. Electronic document, http://www.theguardian.com/world/2015/feb/10/drones-dream-yemeni-teenager-mohammed-tuaiman-death-cia-strike

48 http://www.washingtonpost.com/sf/investigative/2014/06/22/crashes-mount-as-military-flies-more-drones-in-u-s/

in the drone's wake? Drone strikes invariably kill civilians from time to time, either due to faulty targeting or the fact that innocent people are often near the suspected terrorists, as was the case for four individuals blown away along with Hamid al-Radmi in Wassab. I do not find much comfort in the argument by Henry A. Crumpton, a former deputy chief of the C.I.A.'s counterterrorism center, that drones are a great improvement over the fire bombing of Dresden.[49] If Mr. Crumpton thinks Dresden is anything like a rural town in Wassab, Yemen, he needs a refresher course in World War II history. Every time a family mourns the loss of a victim, there is a potential recruiting tool for yet more terrorists.

Whether or not it is reasonable to expect that every identifiable terrorist can be taken out by a no-end-in-sight drone strategy, the moral issue concerns loss of life without access to a fair trial or simply due to what is euphemistically explained away as "collateral damage." A reported term used in the military and by the CIA for counting collateral damage is "bug splat," a telling reminder that enemies are not only targeted by weapons but by those who send them. This term is particularly egregious, given that Hitler in *Mein Kampf* labeled Jews as vermin (*Volksungeziefer*) and parasites (*Volksschädling*)[50]. A study conducted by clinics at Stanford and NYU law schools documented the trauma caused in Pakistan by "living under drones."[51] Parents are afraid to send their children to schools, people are afraid to attend a wedding or a funeral. The very fabric of social life is disrupted by the whirl of the drone engines as a constant in daily life. In this case it is not Gregor Samsa, but a man named Hussein or Ahmad who wakes up in the Swat Valley to find "himself changed in his bed into a monstrous vermin."[52] As far as Pakistanis are concerned, Franz Kafka, not Thomas Jefferson, is dictating the current U.S. drone policy.

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49 http://www.nytimes.com/2012/07/15/sunday-review/the-moral-case-for-drones.html?_r=0

50 http://www.aljazeera.com/indepth/opinion/2011/11/201111278839153400.html. It appears that the military usage of "bug splat" began in the 2003 Iraq War. The term "bug splat" is also used in IT to refer to analysis of computer crash; see http://www.bugsplatsoftware.com.

51 http://www.livingunderdrones.org/wp-content/uploads/2012/09/Stanford_NYU_LIVING_UNDER_DRONES.pdf

52 Franz Kafka, The Metamorphosis, Translated by Stanley Corngold, N.Y.: Bantam, 2004, p. 3.

Opinion polls in Pakistan indicate that less than 10% of the population has a favorable view of the United States. There is clearly no popular support there for our drone policy, although there is plenty of popular opposition. A case in point is the song Qismet Apney Haath Mein" released in 2009 by the Pakistan rock musician Shahzad Roy.[53] In the music video, Roy is among the prisoners being abused and beaten by guards in Guantanamo, including a Abu-Ghraib-like female officer who beats Roy with her bully club as he beats the drums back in the studio. When Roy is about to be electrocuted, there is a power breakdown and he escapes in the confusion. As he starts to enjoy his freedom just outside the prison walls, a CIA type laughs, saying that everything is going to plan. In the next instant, a drone attack blows the cinematic Roy to bits and the only thing left on the screen is a burning shoe. It is not just the drone policy that horrifies Pakistani citizens, but the perception that America's "War on Terror" just might be another way of trying to make war on Islam.

This process of dehumanization, so prevalent in the rhetoric of war, is a two-edged ethical sword. It not only cuts down the person targeted, but can become a self-inflicted psychological wound as well. And, as the philosophers David O'Hara and John Kaag ask, "What happens to a soldier who is asked to kill more and more anonymously?" [54] A Pentagon study conducted in late 2011 reported that 30% of Air Force drone "pilots" suffer "burn-out" and 19% are classified as being "clinically distressed," meaning their ability to work effectively is compromised."[55] The Air Force colonel co-author of the Pentagon study observed: "When they have to kill someone, or where they are involved in missions and then they either kill them or watch them killed, it does cause them to rethink aspects of their life." I suggest that watching the results of a drone attack that scatters the blood-soaked limbs of children's and women's bodies should call for more than a rethinking of the value of their own life.

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53 http://www.youtube.com/watch?v=uEpYxCAAwhI

54 David O'Hara and John Kaag, "In the Shadow of Drones," The Chronicle Review, March 11, 2013.

55 http://www.npr.org/2011/12/19/143926857/report-high-levels-of-burnout-in-u-s-drone-pilots

The first serious media attention paid to the ethical problem in the use of drones came after the successful killing of two American citizens, Anwar al-Awlaqi and Samir Khan on September 30, 2011. Both individuals were self-proclaimed members of AQAP and incited terrorist acts against the United States, approving the mass murder perpetrated by Major Nidal Hasan on November 5, 2009. Yes, they advocated terrorism, but they were also American citizens who in theory should have been entitled to a trial before being summarily executed on foreign soil. The case of al-Awlaqi briefly raised the contentious issue of what right an American citizen has to a trial before being killed, even if living abroad, by the state; however, it does not address the wider issue of America's right to target and kill basically anyone it deems a "terrorist." It is as though the argument of the neatness of precision bombing justifies use of a weapon which is not in fact failsafe, even if handled properly by the remote controller. The collateral damage here is not simply loss of vehicles and houses, but, more importantly, human bodies are incinerated simply on the suspicion that these individuals are said to be age-specific terrorists or that they had the bad luck to be near targeted terrorists. If killing terrorists serves as a rallying cry for recruiting new terrorists, then those who hate America are quite happy if we drone on, perhaps getting something from small battles but ultimately not doing much to win an overall misdirected, as well as mislabeled, "War on Terror." At the same time, the opinion of U.S. allies, as well as those Islamic majority countries we are trying to win the hearts of, is mostly overwhelmingly against our use of drones against suspected terrorists.[56]

The legality of using drones to kill suspected terrorists has been challenged according to existing human rights laws and protocols. In the case of Yemen the drone attacks were conducted while there was no state of war and also with the compliance of a dictatorial regime that had targeted political rivals. As noted by the Open Society Justice Initiative, "under international human rights law, the use of lethal force is legal only if it is strictly necessary and proportionate, required to protect life, and there is no other means, such as

[56] Micah Zenko, Reforming U.S. Drone Strike Policies, p. 23.

capture or other forms of non-lethal incapacitation, of preventing that threat to life." [57] In many cases there have been civilian casualties, despite the fact that U.S. officials at times assume that any male in a certain age group is a potential militant. Even if an individual has sympathy for or belongs to an organization like Al-Qaida, this is hardly grounds for killing. According to the guidelines laid out by President Obama in 2013, there would have to be near-certainty that non-combatants will not be harmed and that there is no other way to address a direct threat to U.S. citizens. [58] It does not appear that these guidelines have been rigorously followed in the case of Yemen.

In his perceptive analysis "On Suicide Bombing," Talal Asad questions the readily made moral justifications for fighting the assumed "evil" of terrorism. "What seems to matter is not the killing and dehumanization as such but how one kills and with what motive," he observes.[59] Although he modestly suggests that his questioning arises from a curiosity rather than ethical concerns, it is impossible to read his analysis without a focus on the ethics regarding both the acts deemed "terrorism" and the countering responses to such "terrorism." The use of suicide bombers, now common in the Middle East, is a deplorable injustice and inevitably takes more than military lives. But does one kind of heinous act justify the use of another, even if it seems to be more impersonal and thus less "barbaric"? "To kill or not to kill" is surely as poignant an ethical dilemma to probe as "to be or not to be," no matter the mechanism.

Asad further notes, in the vein of Montaigne quoted at the start of this essay, that "war is not a neurosis but a collectively organized, legitimized, and moralized game of destruction that is played out more savagely by the civilized than the uncivilized." [60] Although he was not referring directly to the use of drones, I believe his point is well taken for the trumped up "War on Terror"

[57] Amrit Singh, Op. cit., p. 19.
[58] Amrit Singh, Op. cit., p. 29.
[59] Talal Asad, On Suicide Bombing (New York: Columbia University Press, 2007), p. 4.
[60] Talal Asad, On Suicide Bombing, p. 53.
[61] President Bush authorized 50 non-battlefield drone strikes and as of January, 2013 President Obama had given the go-ahead to 350 such strikes (Micah Zenko, Reforming U.S. Drone Strike Policies, p. 8.)

that started under President Bush and has matured under President Obama.[61] Since terrorist acts, like those of suicide bombers, often kill civilians, so drones are equally culpable in civilian deaths. If the moral issue is reduced to motive, then it is not simply who has the right to kill but what are the conditions that lead to such killing on all sides. I am not defending terrorist acts, nor am I eager to call the current use of drones a "war crime," since virtually everything I know about the history of warfare is criminal. My point is that neither a terrorist act nor a drone killing of a terrorist is "civilized" in any meaningful sense. Define "civilized" any way you wish, but there is no doubt that drone killings are anything but "civil."

Morality has a pragmatic side beyond the issue of human rights promoted as a mantra by the West. The use of drones to take out terrorists may kill a few individuals, but it also likely to create more individuals who hate the United States. Some will turn "terrorist" themselves but more will, not surprisingly, have sympathy for the victims, who are often seen as trying to liberate their land. The sympathy now seen in rural Yemen for militant Islamic groups is in large part a direct result of the American drone policy and not because of any natural affinity between local tribes and the terrorist agenda of al-Qaida or ISIS.[62] As Michael Boyle argues, "Over time, an excessive reliance on drones will deepen the reservoirs of anti-US sentiment, embolden America's enemies and provide other governments with a compelling public rationale to resist a US-led international order which is underwritten by sudden, blinding strikes from the sky."[63] Where will it end? Will drones be used to root out terrorists in France or Germany? Will drones soon be circling the skies in dangerous neighborhoods of American cities? The specter of 1984 has never been so real as today with more sophisticated killing machines.

It would be a much tidier world if humans really did follow the peace mantra of "turn the other cheek" or shared the Bonobo custom of displacing violence

[62] See the analysis by Jillian Schwedler in The Atlantic on September 28, 2015. Electronic document: http://www.theatlantic.com/international/archive/2015/09/drone-war-yemen-al-qaeda/407599/.

[63] Michael J. Boyle, "The Costs and Consequences of Drone Warfare," p. 29.

with sensuality, but we do not live in a Disneyesque world where good guys wear red-white-and-blue hats and bad guys are dressed in black and shout "Allahu Akbar." When it comes to taking any human life, I agree with Asad's warning that our attempts to distinguish morally good from morally evil "are beset with contradictions" that define our "modern subjectivity."[64] I would add that such contradictions have always been present in our species, despite dogmatic attempts to argue them away in religion and philosophy. I do not consider this a cultural relativist copout but rather a pragmatic realization that if at times killing is a necessary evil, it may also seem in someone else's view a necessary good. In such cases defining "terror" is not just in the eyes of the beholder, but may be in the whole body. Since I long ago stopped believing there is only one simple God's eye view of morality, I am left only with my experience and knowledge of the ways humans have attempted to justify killing "others" and continue to do so. Since I am not about to deify myself, nor do I expect such immaculate sanctification by my colleagues and friends, I have no desire to compound a moral dilemma that I still find confounds me the more I think about it. So for the time being, I can only offer without hesitation this take-away moral: drone killing, justified or not, simply does not work to reduce terrorism in Yemen, Pakistan or anywhere. So let the moralist take his or her cue from the pragmatist. Give Dewey his due but take your mantra from Montaigne.

Note: This talk was originally prepared for the Columbia University Seminar on Knowledge, Technology and Social Systems on Wednesday, May 15, 2013 and updated in October, 2015.

64 Talal Asad, On Suicide Bombing, p. 2.