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978-1-107-06717-2 — Law, Science, Liberalism and the American Way of Warfare
Stephanie Carvin, Michael John Williams
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Law, Science, Liberalism and the American Way of Warfare

Founded and rooted in Enlightenment values, the United States is caught between two conflicting imperatives when it comes to war: achieving perfect security through the annihilation of threats; and a requirement to conduct itself in a liberal and humane manner. In order to reconcile these clashing requirements, the United States has often turned to its scientists and laboratories to find strategies and weapons that are both decisive and humane. In effect, a modern faith in science and technology to overcome life's problems has been utilized to create a distinctly "American way of warfare." Carvin and Williams provide a framework to understand the successes and failures of the United States in the wars it has fought since the days of the early republic through to the War on Terror. The first book of its kind to combine a study of technology, law and liberalism in American warfare, *Law, Science, Liberalism and the American Way of Warfare: The Quest for Humanity in Conflict* makes a unique interdisciplinary contribution to the study of contemporary American security policy.

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The Quest for Humanity in Conflict

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Prologue

In the dark of night the vehicle bumped along the uneven ground as it sped along in the outskirts of Khasaf in Northwestern Yemen. Small rocks and debris hit the undercarriage of the truck, making for an irregular beat against the steady hum of the engine. Al-Awlaki peered out the window, surveying the dark desert landscape. He cocked his head upwards, toward the sky – it was empty.

Al-Awlaki was pushed back in his seat, bouncing up and down as the truck raced over a large rut in the road. Next to him sat the young blogger Samir Khan, the co-editor the English-language Al Qaeda web magazine, *Inspire*. Traveling at night was often the best defense against observation and al-Awlaki had good reason to avoid detection. At 40, al-Awlaki, relatively unknown outside of intelligence and specialist circles, had become a household name after President Barack Obama placed him on the CIA capture or kill list in April 2010. As the head of Al Qaeda in the Arabian Peninsula he used his flawless English to inspire global jihadism against America and her allies and now he had become a major target for the United States.

It is not clear why the men decided to travel together, rather than separately, but it would prove a costly mistake. Al-Awlaki may have thought he was safe, having recently relocated within Yemen and basing himself in the tribal region outside Sana'a where the writ of the government was nearly non-existent at the best of times. Given that the Yemeni forces were focused on battling anti-government demonstrators he may have felt that his presence would go unnoticed. Al-Awlaki was likely aware that he was being tracked – after all he had escaped an attempt against his life earlier that year. Indeed, US intelligence assets and local informants had been tracking him day in and day out since the previous September. In the days leading up to the strike, locals had seen American “planes” patrolling Marib. It was only a matter of time before al-Awlaki would walk into an American strike.

The time would be the night of Friday, September 30. Far above al-Awlaki silent killers were on the hunt for the terrorist. The whirl from the propeller blades was deceptively quiet, more reminiscent of a child's toy plane than deadly multi-million dollar weapons. These "planes" looked, in the words of Peter Singer in *Wired for War* (2009), more like a "flying meat fork" with downward-sloping tail wings and bulbous head. At 27 feet long and weighing 1,130 pounds they are by far one of the more small-scale weapons in the US arsenal, but their size and design defy a deadly predilection.

Originally intended for observation – the front of the craft houses "the ball," which shields two variable aperture TV cameras for day and night vision as well as a synthetic aperture radar to allow the drone to see through clouds, dust, haze and smoke – the Predator drone is now fitted with laser-guided Hellfire missiles. Running on a remote-split system, the drone flies out of a military base that is physically close to the target, but the pilot and sensor operator are located some 7,500 miles away in the United States. Although the precise details of the system are classified, soldiers can supposedly read a license plate from 2 miles up in the air.

Fatefully, al-Awlaki, the man who tried to inspire "lone wolf" terrorism – the ideal of individual sacrifice as a suicide bomber for the wider jihad – was killed by an unmanned weapon system. With the short press of a button by an operator sitting safe and secure in the American southwest, the Hellfire missiles rocketed away from the underside of the drone in an enormous roar of smoke and noise. The missiles hurled themselves down with precision toward the "painted" target, the laser guidance from the Predator ensuring they reached their destination with accuracy that World War II bomber pilots could only dream about. Al-Awlaki and his associates may never have known what hit them.

The Predator is the embodiment of the scientific way of war – the Western and, undoubtedly, American attempt to make war ordered and predictable. It is a synthesis of Western attempts to deliver a decided, discriminate and quick victory on the field of battle with the latest in scientific and technological developments. In the ongoing campaign against radical Islamist terrorism in South Asia, parts of the Middle East and Africa, US drones are working with astonishing results and challenging implications. In the case of al-Awlaki, the technology was used to eliminate a terrorist suspect who espoused violent rhetoric but whose material role in supporting terrorism is questionable. Additionally al-Awlaki was also a US citizen, with the rights guaranteed to all US citizens, including

due process. And even if he was not an American citizen, given the self-proclaimed “universality” of American human rights, surely such acts are problematic for America’s liberal conscience. The al-Awlaki case, and the use of drones, which professionals know as unmanned aerial systems (UAS) or unmanned aerial vehicles (UAV), presents a rather problematic moral dilemma for the United States: What tactics may it legitimately employ against those individuals and objects it deems a threat? In a “war on terror” are those threats all legitimate targets, or is the United States obliged to employ a criminal law framework, where suspects are to be put on trial in a court of law?

If the United States were not a liberal country, if it were a dictatorship, these questions would not be of importance. But because the United States is a country rooted in the rule of law with a belief in inviolable human rights, this issue is of paramount importance deserving careful reflection and contemplation. The complications and challenges that arise from this current state of affairs are the subject of this book – why and how did the United States develop a uniquely American way of warfare that attempts to utilize science and law to wage war within the acceptable norms of liberalism? Why does this American way of warfare work resoundingly well in some conflicts, but fails terribly to secure victory in others?