

Permissive Violence: The Legality and Legitimacy of Armed Drone Use

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In the age of the drone, the presentation of the use of force is of a sanitized, surgical, precision instrument which targets the malign tissue, without damaging the wider body politic. What is seen as a virtue by policy-makers is viewed elsewhere as a transgression of the legal boundaries surrounding when it is permissible for the state to kill. Instead, critics argue it is a form of execution that breaks existing international law despite attempts by governments to justify such uses of force in legal terms. Taking armed drone use as a site of enquiry, this roundtable proposes to interrogate the constitutive relationship between international law regulating the use of force and politics. Its discussion will be guided by an Open Society Foundation funded book project that we are working on at the Institute for Conflict, Cooperation and Security, to be published in 2020. The book argues that the legal framework regulating all uses of force is sufficiently flexible in interpretation that decision-makers can justify military actions as lawful that previously would have been considered breaches of the law. In making this argument the book conceptualises an understanding of international law as a framework that is intensely political, and seeks to understand international law as both enabling and constraining of state actions. At a time when international law faces significant challenges, this roundtable reflects on how states seek to reinterpret it and set new precedents and how the law may be used to justify – or condemn – states' use of force.

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