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Contemporary times - what did we learn from the past?

Moral and ethical challenges for the
future

New challenges – are there new challenges?

- still exists: nuclear weapons
- Cyberwarfare
- Targeted killings
- Private Military Contractors
- „New Wars“
- Unmanned Systems
- Information warfare
- War on Terror
- Autonomous warfare

War

- Armed conflicts have become less frequent and less bloody?
- A peaceful world since 1945?
- UN member states are to refrain from violence – a generally accepted and valued principle?

Realism, Pacifism, JWT

- Realism: moral concepts and legal regulations concerning war can be disregarded
- Pacifism: reject war in favour of peace
- Just War Theory: war can be permissible if certain conditions are met

Catholic Social Teaching

- war is “the failure of peace”
- states which suffer an attack have “the right and the duty to organize a defence even using the force of arms”
- the gravity of the decision for a legitimate defense calls for the conditions to require “rigorous consideration”

(Compendium of the Social Doctrine of the Church)

Just War Theory today

- duty not to kill vs. duty to defend the peace and protect the innocent

Just War Theory today

jus ad bellum criteria

- proper/legitimate authority
- just cause
- right intention
- last resort
- proportionality of the reaction
- probability of success that the actions will lead to peace

Just War Theory today

jus in bello criteria

- discrimination, immunity of innocents
- proportionality of the force used
- military necessity of the action

Just War Theory today

jus post bellum criteria

- Rights vindication
- Proportionality
- Publicity
- Discrimination
- Punishment
- Compensation
- Rehabilitation

Interpretations of War

- Three categories of war (Rapoport, 1968)
 - political
 - cataclysmic
 - eschatological

Statement Abp. Tomasi concerning drones and autonomous warfare

- Constant fear of attacks by drones
- Responsibility and accountability
- Legitimate targets and discrimination
- Decisions over life and death
- Lowering the threshold of war

Other Statements

- Contravene existing moral and legal codes
- The effect of drones on the goal of minimizing the amount of force used
- Focused narrowly on the just cause of protecting citizens
- What kind of people are we becoming by using armed drones?

Conclusion

- “Changing nature of war”
- Principles of Just War Theory as guidelines
- Legitimacy of the concepts of war

- *Meeting of the states parties to Convention on Certain Conventional Weapons (CCW), Geneva, 14-15 November 2013: Statement by Silvano M. Tomasi, Permanent Representative of the Holy See to the United Nations*
- “Lethal autonomous weapons and drones, although distinct, share much the same humanitarian implications and raise several questions of grave ethical concern. Most critical is the lack of ability for pre-programmed, automated technical systems to make moral judgments over life and death, to respect human rights, and to comply with the principle of humanity.”
 - ([http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/61FB8815D612B575C1257CE5004E4DC8/\\$file/HolySee_MSP+2013_statement.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/61FB8815D612B575C1257CE5004E4DC8/$file/HolySee_MSP+2013_statement.pdf))

- *CCW Meeting of Experts on Lethal Autonomous Weapons Systems, Geneva, 13-16 May 2014: Statement by Silvano M. Tomasi, Permanent Representative of the Holy See to the United Nations*
- “Can machines – well-programmed with highly sophisticated algorithms to make decisions on the battlefield which seek to comply with IHL – truly replace human decisions over life and death? The answer is no.”
 - ([http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/D51A968CB2A8D115C1257CD8002552F5/\\$file/Holy+See+MX+LAWS.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/D51A968CB2A8D115C1257CD8002552F5/$file/Holy+See+MX+LAWS.pdf))

- *The Use of Armed Aerial Vehicles (UAVs) – Drones. a comment from Pax Christi's British Section, January 2013*
- “Pax Christi is deeply concerned about the rapid growth in the development and use of armed unmanned aerial vehicles. In theory these might possibly be used in a way that conforms to Just War teaching (such as in a war declared by legitimate authority, with discrimination between combatants and civilians). But that is not how they are currently being used. In Pax Christi's judgement now is the time to challenge their development - before drones become enshrined as a 'legitimate' weapons system and play a deeper role in the tragedy of warfare. We believe that they contravene existing moral and legal codes that govern war and the conduct of war.”
 - (<http://paxchristi.org.uk/wp/wp-content/uploads/2013/11/Drones-final-edited.pdf>)

- *Gemeinsame Erklärung des Katholischen Militärbischofs Dr. Franz-Josef Overbeck und des Vorsitzenden der Deutschen Kommission Justitia et Pax, Bischof Dr. Stephan Ackermann, zur Drohnenkriegsführung, 5.2.2013*
- „Die ethische Kernfrage lautet: Wie wirkt sich diese neue Waffengattung auf das ethische Ziel der Gewaltminimierung aus? Der berechtigte Verweis auf die Minimierung der Gefährdung für die eigenen Streitkräfte sowie die militärtechnologischen Entwicklungen geben allein keine hinlängliche Antwort auf die im Raum stehenden Fragen. Wir sind uns dabei bewusst, dass der Einsatz von Drohnen das Risiko für die eigenen Soldaten im Rahmen einer vertretbaren Operationsführung verringern kann und dies für die politisch Verantwortlichen gegenüber den Soldaten und ihren Familien ein nicht zu unterschätzendes Argument darstellt.“
 - (http://www.justitia-et-pax.de/05022013_Drohnenkriegsfuehrung_Erklaerung.pdf)

- *Richard E. Pates (Chairman, Committee on International Justice and Peace), Letter to Mr. Thomas E. Donilon et al., May 17, 2013*
- “Even when viewed through the prism of just war principles, the use of unmanned aerial vehicles (UAVs) for targeted killings raises serious moral questions. The Administration seems to have focused narrowly on the just cause of protecting citizens, but other elements of the tradition pose significant questions, including discrimination, imminence of the threat, proportionality and probability of success.”
 - (<http://www.usccb.org/issues-and-action/human-life-and-dignity/war-and-peace/arms-trade/upload/letter-to-administration-congress-on-drones-2013-05-17.pdf>)

- *Conference of Major Superiors of Men, Armed Drones: Do They Make us Better People?, May 30, 2013*
- “Focusing on the ‘just war’ theory as the key frame of moral analysis for armed drones also fails to adequately engage our imagination for practices of nonviolent peacemaking. [...] But even more significant, ‘just war’ theory doesn't prioritize or illuminate a more important moral question about human habits. Therefore, by taking a longer-term view of building a justpeace, we recommend we shift the primary analysis of armed drones from law, ‘just war’ theory, and rights to the question, ‘what kind of people are we becoming [Hervorhebung im Original] by using armed drones?’”
 - (http://www.cmsm.org/documents/05-30-13_CMSM_Statement_Armed_Drones.pdf)