

Just War Tradition

Jus ad Bellum

Traditional Criteria- St. Thomas Aquinas-
Secunda Secundae (Second Part of the
Second Part).

Question 40: Of War- “Whether It Is
Always Sinful to Wage War?”

Source:

<https://www.gutenberg.org/cache/epub/18755/pg18755-images.html>

Just Cause

“a just cause is required, namely that those
who are attacked, should be attacked
because they deserve it on account of some
fault.”

Proper Authority

“the authority of the sovereign by whose
command the war is to be waged. For it is
not the business of a private individual to
declare war, because he can seek for redress
of his rights from the tribunal of his
superior.”

Right Intention

“it is necessary that the belligerents should
have a rightful intention, so that they intend
the advancement of good, or the avoidance
of evil.”

“Modern” Additions- definitions from *The
Morality of War*, by Brian Orend

Last Resort

“It seems much more plausible to contend
not that war be literal last resort—after all
other imaginable means have been totally
exhausted—but, rather, that states ought not
to be hasty in their resort to force” (60).

Probability of Success

“... it remains important that communities
contemplating war in response to aggression
still consider whether such an extreme
measure has any reasonable probability of
success” (61).

Proportionality

“It mandates that a state considering a just
war must weigh the expected universal (not
just selfish national) benefits of doing so
against the expected universal costs. Only if
the projected benefits, in terms of securing
the just cause, are at least equal to, and
preferably greater than, such costs as
casualties may the war action proceed” (62).

Jus in Bello

Definitions from *Just and Unjust Wars* by
Michael Walzer

Proportionality

“... we are to weigh the “mischief done,”
which presumably means not only the
immediate harm to individuals but also any
injury to the permanent interests of
mankind, against the contribution that
mischief makes to the end of victory” (129).

Military Necessity/ Utility

Quoting Sidgwick “In the conduct of
hostilities, it is not permissible to do “any
mischief which does not tend materially to
the end [of victory], nor any mischief of
which the conduciveness to the end is slight
in comparison with the amount of the
mischief” (129).

Discrimination/Distinction/Noncombatant -Immunity

“... to set certain classes of people outside
the permissible range of warfare, so that
killing any of their members is not a
legitimate act of war but a crime” (42).

Jus Post Bellum (various sources)

Reconstruction

The general requirement of the victor to
reconstruct, to some extent, the defeated
nation

- See: "Skepticism about Jus Post Bellum" by Seth Lazar

Reconciliation

The need to correct both the political and personal disagreements that led to the war.

- See: "*Jus Post Bellum* and Political Reconciliation" by Colleen Murphy and Linda Radzik

Restitution

Compensation for wrongs endured during the war.

- See: "*Jus Post Belum: The Perspective of a Just-War Theorist*" by Brian Orend

Jus ex Bello

When should the war be ended?

Has the war become unwinnable according to the original just causes?

How should the war be ended?

All due haste

Moral Cost Minimization

Injustice Mitigation

- See: "Two Doctrines of Jus Ex Bello" by Darrel Mollendorf

Jus ad Vim

Proportionality

Military Necessity/Utility

Discrimination/Distinction

Likelihood of Escalation

- See: "From Jus ad Bellum to Jus ad Vim: Recalibrating Our Understanding of the Moral Use of Force"- By Daniel Brunstetter and Megan Braun

Competing interpretations of the Just War Tradition

Classic Interpretation

- The distinction between Jus ad Bellum and Jus in Bello rests on the

legitimacy of the "Moral Equivalent of Soldiers."

- Moral Equivalent of Soldiers: "We draw a line between the war itself, for which the soldiers are not responsible [jus ad bellum], and the conduct of the war [jus in bello], for which they are responsible, at least within their own sphere of activity" (Walzer, 39).

- See: *Just and Unjust Wars* by Michael Walzer

Revisionist Interpretation

- Reject the basic premise of the separation of jus ad bellum and jus in bello.
- If a war is begun unjustly, then soldiers, no matter how "well" they fight, they can never fight justly.
- There is no Moral Equivalence of Soldiers.
 - o Unjust soldiers are the only one liable to be harmed.
 - o Just soldiers may not be harmed as a "normal act of war."
- See: *Killing in War* by Jeff McMahan

Autonomous Weapon Systems and their Ethical Implications for the JWT

- What is an autonomous weapon system?

Fully autonomous vs semi-autonomous- US Department of Defense definitions:

- **Fully AWS:** A weapon system that, once activated, can select, and engage targets without further intervention by a human operator. This includes human-supervised autonomous weapon systems that are designed to allow human operators

to override operation of the weapon system but can select and engage targets without further human input after activation (DODD 3000.09, 2012).

- **Semi-AWS:** Semi-autonomous weapon systems that employ autonomy for engagement-related functions including, but not limited to, acquiring, tracking, and identifying potential targets; cueing potential targets to human operators; prioritizing selected targets; timing of when to fire; or providing terminal guidance to home in on selected targets, provided that human control is retained over the decision to select individual targets and specific target groups for engagement (DODD 3000.09, 2012).
- See: Department of Defense Directive 3000.09, 2012- Autonomy in Weapon Systems.

Common Ethical Concerns of AWS

- Loss of Human agency at the point of kill
 - o “Kill Chain”
 - o Mercy and the ability to do otherwise
 - See: “What’s So Bad about Killer Robots” by Alex Leveringhaus
- The “Responsibility Gap”
 - o Designer/Programmer
 - o Robot itself
 - o Commander
 - See: “Killer Robots” by Robert Sparrow
- Loss of Defensive Harm claims
 - o Increased probability of unnecessary wars
 - See: "Lethal Autonomous Weapons and Jus ad

Bellum

Proportionality” by

Heather Roff

- Potential Violation of both jus ad bellum and jus in bello proportionality calculations
 - o See: "Lethal Autonomous Weapons and Jus ad Bellum Proportionality” by Heather Roff
 - o See: “How Just Could a Robot War Be?” by Peter Asaro

Possible Ethical Upshots of AWS

- Ability to refuse immoral or illegal orders
 - o Ethical Disobedience
 - How might a programmed AWS respond to a manifestly illegal order?
 - See: “Framework for Mercy Killing on the Battlefield” by Jean-François Caron
- Auditable decision-making processes
 - o See: *Governing Lethal Behavior in Autonomous Robots* by Ronald Arkin
- Defense of Rights of Non-Combatants
 - o See: “Autonomous Weapon Systems and the Claim-Rights of Innocents on the Battlefield” by Hunter Cantrell
- Increased defensive capabilities of smaller states to deter the aggression of larger states.
 - o See (contra): "Lethal Autonomous Weapons and

Symposium on the Ethics of Autonomous Weapon Systems- Hosted by Merlin CCC

Helena, Montana 27 February 2022

By Hunter Cantrell- Instructor of Philosophy, United States Military Academy

- Jus ad Bellum Proportionality” by Heather Roff
- Significance of death by human and death by machine?
 - o See: “Autonomous Weapon Systems and the Moral Equality of Combatants” by Michael Sherker, Duncan Purves, and Ryan Jenkins.
 - o See also: *Army of None: Autonomous Weapons and the Future of Warfare* by Paul Scharre.

Consolidated Resources

Just War Theory

- Summa Theologica, Secunda Secundae by St Thomas Aquinas <https://www.gutenberg.org/cache/epub/18755/pg18755-images.html>
- *The Morality of War*, by Brian Orend
- *Just and Unjust Wars* by Michael Walzer
- *Killing in War* by Jeff McMahan
- “*Jus Post Bellum* and Political Reconciliation” by Colleen Murphy and Linda Radzik
- “*Jus Post Belum: The Perspective of a Just-War Theorist*” by Brian Orend
- “Two Doctrines of Jus Ex Bello” by Darrel Mollendorf
- “Skepticism about Jus Post Bellum” by Seth Lazar

- “From Jus ad Bellum to Jus ad Vim: Recalibrating Our Understanding of the Moral Use of Force”- By Daniel Brunstetter and Megan Braun

Autonomous Weapon Systems

- Department of Defense Directive 3000.09, 2012- Autonomy in Weapon Systems.
- “What’s So Bad about Killer Robots” by Alex Leveringhaus
- “Killer Robots” by Robert Sparrow
- “Lethal Autonomous Weapons and Jus ad Bellum Proportionality” by Heather Roff
- “How Just Could a Robot War Be?” by Peter Asaro
- “Framework for Mercy Killing on the Battlefield” by Jean-François Caron
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