

Nonhuman Killers: Just War and How Military Robotics Delegitimize Authority

Erik Smith

First Year Seminar 100-17: Terminator vs. Astro-Boy: Robots in Society and Fantasy

Prof. Bender

December 6, 2019

Resolved: The military use of robots and drones is unethical.

As technology has advanced, the capacity and methods for waging war have changed. Meanwhile, societies worldwide have grown more and more centralized around powerful governments which sanction and direct these conflicts. As a result, it is necessary to consider the ethical implications of these governments' actions, including both their decisions to go to war and their conduct within war. In particular, the development of drones, with which people can carry out military operations from across the globe, and the prospect of autonomous robots that are capable of killing in military scenarios raise novel ethical concerns. These concerns are complicated by the asymmetric nature of modern warfare, in which most militaries do not have access to the same technology. Therefore, citizens must scrutinize whether their government is acting acceptably in conducting military operations, specifically regarding the use of drones and lethal autonomous robots. While ethical concerns primarily involve how these operations are carried out, the authority and decision-making process through which they are ordered in the first place is also affected by the involvement of these new technologies. The lethal military use of robots and drones against a party incapable of fielding equivalent technology is unethical because it separates those responsible for waging and supporting the war from combat on an unprecedented level, delegitimizing war itself.

With violence as a core element of their purpose, militaries are ripe for abuse, and as a result, philosophers have given much consideration to what guidelines can be implemented to ensure they are being used ethically. Modern just war theory centers around a distinction between *jus ad bellum* (whether or not the decision to go to war is ethical) and *jus in bello* (whether or not the war is being conducted ethically by combatants), each with its own

constituent criteria (Parry 2015: 176). So far, most discussion regarding the ethics of using robotic technology in war has centered around *jus in bello* principles, treating the subject simply as a new type of weapon and recommending regulations for its use. Usually, proponents recommend a simple ban based on the argument that a robot cannot be held accountable for violent actions as easily as a human (Simpson 2011: 326). However, the distinction between *jus in bello* and *jus ad bellum* is not as absolute as it may seem at first glance. In particular, one *jus ad bellum* requirement – that which stipulates war must be waged by a legitimate authority – “plays the role of setting the jurisdictional scope of *in bello* norms: In order for acts of harming to fall within the scope of *jus in bello*, they must be carried by individuals fighting on behalf of an entity which satisfies the authority criterion” (Parry 2015: 184). Thus, the legitimacy of the authority in whose name military robotics are employed is a necessity in determining whether or not their use is ethical.

The origin of such legitimacy and the implications of this origin are therefore also necessary to consider. In terms of human rights, world leaders have decided that “The will of the people shall be the basis of the authority of government” (United Nations General Assembly 1948). Even if they are not strictly democracies, then, in order to be legitimate and thus ethical conductors of military operations, a modern government should be responsible to and embody the will of its people. Based on this interpretation, wars waged by autocracies are inherently unjust – after all, people are sent to die for a leader that has no concern for them. And because such consent must, by nature, be informed, “public consent for war depends upon the manifest and meaningful accountability of legitimate authority” (Adams and Barry 2013: 253). Therefore, this accountability is a key element for determining if a war is ethical, both in nature and conduct. Such accountability involves the ability of the people to know what their military is

doing and to influence how these operations are conducted, and is directly threatened by the use of military robotics.

The fact that lethal drones can be employed by bureaucratic agents that are not directly accountable to the people, due to the ease with which they can kill, immediately raises a threat to their accountability (Adams and Barry 2013: 253-254). Without adequate transparency, accountability is impossible to ensure. This transparency is easy enough to obtain when soldiers are citizens with family and connections back in the country who know their whereabouts and mission, but much harder to attain when they conduct their operations under a veil of secrecy from within the homeland, or if the “soldiers” themselves are robots that can be deployed anywhere, anytime, without the notification of anyone outside of their mission. Therefore, the new possibilities that drones and lethal autonomous robots create for countries to act covertly and autonomously threaten the *jus ad bellum* legitimacy of their authority and thus the ethics of their conduct, regardless of how the technology is used with regards to *jus in bello*. While this is a significant concern, strict oversight and regulations could hypothetically eliminate it, meaning that this problem alone does not yet invalidate the military use of robotics on ethical grounds, only its expected application. However, this is not the only way that such technology alters the people’s connection to their conflicts in concerning ways.

In addition to reducing the people’s ability to hold their government accountable, drones and autonomous robots reduce the personal connection that the people have to the war effort. Enthusiasm for war is directly tied to how much of the war effort must be borne by the citizenry, due to the impact it has on their lives; this is evidenced by a significant drop of 17% as a result of the institution of mass conscription based on random surveys of modern American citizens, and the fact that “this shift is driven by self-interest: support falls most sharply among those who

would most directly shoulder the burden of a draft (the young, who would themselves be drafted, and parents, who would see their children drafted)” (Horowitz and Levendusky 2011: 525).

Therefore, the less commitment citizens must have to the military, the more they support it, since they may enjoy the benefits of its victories without the consequences of its failures. While the draft carries its own moral controversies, the implication for robots and drones in the military is even more clear. If wars can be conducted from the homeland, with no one needing to leave their home and family to risk their life, it follows that support for war will skyrocket, as no citizen will bear any consequences directly. Although it is ideal and in fact vital to just war theory to protect civilians from bodily harm, if a war is being fought to benefit them, some contribution to the war effort, such as higher taxes or rationing, is a reasonable and common demand. This in turn would delegitimize the authority of those declaring and conducting the war, since citizens could be easily misled or caused to ignore the actual costs it would take, such as the heavy weight of the machines on the national budget or the deaths they would cause to foreigners. If these undesirable consequences were to be truly minimized by the new technologies, this argument would be weakened, so their impact on the costs of military operations must be evaluated.

In the case of modern conflicts, the lack of actual military personnel conducting operations will actually draw out the war and thus increase costs. Since such conflicts, such as the recent war in Afghanistan, are typically asymmetrical, with one party holding far superior military strength, the weaker party often resorts to concealing their ranks among civilians, resulting in a “war among the people” in which the trust of the local population must be won in order to truly claim victory (Simpson 2011: 330-331). Drones and any currently conceivable military robots are unable to gain people’s trust because of their inability to empathize and act out of motive instead of programming. Furthermore, any robot that could fulfill these functions

would be so similar to a human that using it for military means over a human would provide no ethical benefits (Simpson 2011: 332-333). Therefore, using robotics in modern asymmetric conflicts can draw them out indefinitely or even make them unwinnable, racking up costs on an unaware populous while also invalidating the *jus ad bellum* principle that a war should be reasonably expected to be winnable (Parry 2015: 176). Increasing such costs while reducing direct involvement in the war would allow support for war to increase while actual benefits for civilians would decrease on the side using robots and drones. This reflects a lack of involvement of the people on whose behalf the technology is used, and thus a lack of accountability of authority, delegitimizing it according to modern interpretations of just war theory. This does apply primarily to asymmetric conflicts, though, and it is not apparent that the same would be true in a conflict between more equal parties.

To some, drones and autonomous military robots are just another new weapon, and in some contexts, this argument could make their use permissible. After all, “In the fourteenth century, French knights railed against the immorality of the English long bow, which allowed a commoner to knock a knight off his horse at over 100 yards” (Mockaitis 2017). Such an unprecedented increase in range and power seems to offer an ironic historical parallel and case study to the question of robotics’ usage, until one considers how accessible the technology was. With a little basic knowledge, a longbow could easily be replicated; a drone is more complicated. While many countries have or are developing some sort of drone, few have the global range and lethal capacity of American models; there is thus significant inequality in ability to wage robotic war (Fuhrmann, Horowitz, and Kreps 2016: 12). If every country did have access to equivalent military robotics, then operators, developers, and military officers anywhere could be targeted, levelling the playing field of war, putting soldiers in danger, and, ironically, making their use

ethical. However, for the foreseeable future (and likely longer, as powerful countries seek to maintain their power by developing new drones), this does not seem to be the case and robotic weapons remain unethical.

Although some may say that anything goes in war, there is a moral obligation to consider the ethics of certain practices whether militaries listen or not, so that right can be distinguished from wrong. The use of drones and robots by militaries is unethical because of the disconnect it creates between the authority waging a war and the people on whose behalf it is being waged. This disconnect is due to the lack of direct emotional repercussions military operations will have on citizens if soldiers are replaced by robotics in the line of fire. The increased length and cost of modern asymmetric wars that would result from such a shift further solidifies the illegitimacy of the authority in such a situation. However, if all militaries were to have comparable access to the technologies, this would put soldiers back in danger. Despite how unfortunate and currently inconceivable it would seem, this would restore the accountability of the military to authority and the people and thus the ethics of such wars. While any violence stands on thin ethical grounds already, violence via the proxy of drones and robots is entirely unjustifiable.

Bibliography

- Adams, Richard, and Chris Barrie. 2013. "The Bureaucratization of War: Moral Challenges Exemplified by the Covert Lethal Drone." *Ethics & Global Politics* 6(4).
- Horowitz, Michael C., Sarah E. Kreps and Matthew Fuhrmann. 2016. "Separating Fact from Fiction in the Debate Over Drone Proliferation." *International Security* 41(2):7-42.
- Horowitz, Michael C., and Matthew S. Levendusky. 2011. "Drafting Support for War: Conscription and Mass Support for Warfare." *The Journal of Politics* 73(2):524-534.
- Mockaitis, Tom. 2016. "Drones and the Ethics of War." *HuffPost*, -01-12, . Retrieved Nov 12, 2019 (https://www.huffpost.com/entry/drones-and-the-ethics-of_b_8961510).
- Parry, J. 2015. "Just War Theory, Legitimate Authority, and Irregular Belligerency." *Philosophia; Philosophia* 43(1):175-196.
- Simpson, Thomas. 2011. "Robots, Trust and War." *Philosophy & Technology* 24(3):325-337.
- United Nations General Assembly. 1948. "Universal Declaration of Human Rights.", Retrieved Nov 13, 2019. (<https://www.un.org/en/universal-declaration-human-rights/>).