Big Ideas

December 2, 2016
Bradley J. Strawser

Defense Analysis

The New Ethics of War
The arc of civilian death in war – and technology’s role
Ancient Principle of Just War: Spare Noncombatants
Combatants liable to harm
Noncombatants immune from harm
Shielded from harm
Of course, war crimes have always occurred.
Intentional harm, that is...
1. Primary Effect must be good.

2. Secondary effect can be foreseen, but must be unintended.

3. Secondary effect cannot be the means to the good effect.

4. Good effect must outweigh the bad.
Across long arc of just war, this binary principle of distinction persists
However, warfare changed...
Military technology changed...
... and tactics changed
The result: devastating for noncombatants
Today: population centric, insurgency warfare... puts civilians in center of fight

Civilian fatalities in wartime climbed from 5 per cent at the turn of the century, to 15 per cent during World War I, to 65 per cent by the end of World War II, to more than 90 per cent in many of the wars of the past several decades.
The trend for civilians in war... looks bleak

Rise of Airpower

Urban Warfare

Population Centric Tactics

Side effect losses extreme

Distinction without a difference
However, military technology continues to change...
Ever more discriminate technological capabilities enable ever greater noncombatant distinction

- More precise targeting technology
- Smaller Yield Weapons
- Tighter delivery mechanisms
- Ever greater ISR capabilities
- Targeted Killing ever more “targeted”
- Allows for ever more restrictive CD ROEs
Emerging & future military tech can enable us to be ever more discriminate
We can have more fine grained understanding of our adversaries’ liability.
We do better. We can move *beyond* the simple binary principle of distinction.
The arc can (and is) being reversed

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Distinction without a difference

Stricter ROEs

Continually pushing greater fine grained distinctions

More precise technology and capabilities
The development of new tech broke the principle, now it allows for its restoration... and moving beyond
Indeed, future military technology will give us distinction capabilities previously unimaginable.
Ethical Norms can drive Technological Innovation – and reverse
The future is bright for our ability to conduct warfare more ethically – *jus in bello*
Yet future warfare raises new ethical challenges – *jus ad bellum*
Until swords are beaten into plowshares.