# Ethics VS Intelligence. In Bello and Ad Bellum.

Does military ethics keep pace with changing character of war? There is a certain deficiency in asking so. Why not the other way around? Does war keep pace with military ethics? The most ambitious project would be to ask this kind of question. There is a broader problem about catching up and it is related to Modernity in general terms. The problem was expressed by Dostoyevsky.

Don’t talk to me about your prosperity, your riches, the rarity of famine

The rapidity of the means of transport! There is more of riches, but less of force.

The idea uniting heart and soul to heart and soul exists no more.

All is loose, soft, limp – we are all of us limp…

Dostoyevsky. The Idiot.

I will address the problem of limpness. What keeps us limp when it comes to putting constraint on war? The key problem here might be the problem of value and not only moral value but the problem of rationality, law and tradition as well. Ethics in more genera terms is supposed to deal with all of these, but, again, the key factor is the combination of rationality and morality.

Artificial intelligence poses perhaps the most vital predicament when it comes to major problem of our conference. In what follows, I will try to address the problem in most general terms without going into the depths of either ethics or rationality. There are several issues of importance to contemplate.

1. **Intelligence is natural**. When I say that intelligence is natural, I mean first and foremost that it is a product of natural evolutionary development. At least some basic prerequisites of intelligence may be found not only with the higher animals but also in the nature of thing at large. War also is a product of nature and it is rational, although it may go irrational as well. If left alone in the state of nature people tend to clash “Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called warre, as is for every man, against every man.” (Hobbes). Intelligence thus tend to deteriorate the dire straits of human natural condition and the limitation on “warre” cannot stem from the intelligence per se. On the contrary it is the intelligence, which provokes war. Since human insatiable desires are no match to the needs of other animals, who may live in harmony with the environment. According to Hume intelligence or reason, or understanding in itself only provides means to the goals. Since goals alone are the product of moral thinking, "Tis not unreasonable for me to prefer the destruction of the whole world to the scratching of my finger." (Hume). The clear example of this kind of thinking was demonstrated by Putin’s war on Ukraine. The war is reasonable, but it is reasonable for the power holders. It is reasonable since the eliminating of the rising threat to the personal power is worth destroying both Russia and Ukraine.
2. **Ethics is artificial**. Both Bentham and Kant considered ethics to be the very opposite to nature. It is something to be implemented artificially to change the nature of things. Strictly speaking there are two possibilities related to the project of ethics. One is based on moral reason, another on altruistic feelings. Kantian project of eternal peace is not the product of ethics but the product of non-moral reason, stemming from mutual benefit. It is reasonable, but hardly sustainable, without the mediation of ethics. War for Kant remains the natural product of basic human condition and cannot be eliminated. Ethical projects of early modernity simply constituted the supernatural force, which was very similar to God, who was also above and beyond nature. But if ethics is artificial and understanding is natural, they display, so to say, different weight classes and cannot compete on equal terms, if we eliminate the believe in God, or in moral reason, or in utilitarian altruism.
3. **Artificial intelligence is in a way a contradiction in terms**. It is artificial in the same way as fire arms or ballistic missiles are artificial. Artificial intelligence is simply an algorithm. I kind of rubber stamp, which we use instead of tiresome writing. It is also the product of natural development of the basic natural prerequisites and is stemming from the same basic desire related to the scratch of a finger at the expense of the whole world. In this regard AI is simply as dangerous as a nuclear power may be dangerous and does not constitute anything principally new in comparison to other dangers to human existence, which were elaborated by the human craft. It is more dangerous in only one way. If left to its own devices it may eliminate exactly what natural reasoning regards as human weakness, namely feelings and superficial moral reason from which ethics draws. It could mean the elimination of the morals from its last refuge. It may mean the total and complete surrender of ethics in social and political life. I may refer here to the Caribbean missile crisis in 1962. The nuclear Holocaust was prevented than by human weakness not by proper reasoning. Both Kennedy and Khrushchev were participants in the second world war and Christians to the very core. Human sufferings was something which mattered to both of them. They were not in this regard calculating machines. If they were, one of them or both of them would have followed the advice of their more reasonable consultants and had pressed the button. I doubt this capacity from the side of Putin now. But he is not alone. There is every indication that the faceless bureaucrats, who constitute now the leadership of the European Union, are not much better in this regard. If the decision making is endowed to these people or to the machines, working on basic parameters of gain and loss calculation, we are doomed. Human weakness saved humanity once. I doubt it can save us again.
4. **Ethics should go natural**. In a way of paradox thus, we have little choice. Ethics should become natural. It is not a descriptive statement, but a prescriptive statement. It may sound strange, but the most adequate response to the brewing danger may be formulated as the project of naturalization of ethics. It is not the project of naturalization of ethics is completely new. It terms of meta ethical theory it is an ongoing project. But here I mean not only theoretical, but practical naturalization. Ethics must become natural as a practical not theoretical necessity. What we need for that is a united universal will of the humankind. I stress that it is a will. I put the stress on the moral will, but not in Kantian meaning of the term, rather in terms of American pragmatism of William James and John Dewey. Ethics may become natural not as a result of theoretical findings, and not as a result of kantian moral contemplation but as a result of pragmatic will of united humankind. Mostly by means of democratic procedures, international law and communicative action. Well, it is true, as I mentioned above, there are many ethical projects, which are promoting the idea of natural ethics, but they are one sided as any theoretical project necessary is. I may refer to some if theoretical constructions constituting the project of theoretical naturalization of ethics.

The line of Aristotle and Aquinas. Human beings are not exclusively rational but also moral by nature. What makes them unique is not natural rationality but natural morality and the capacity to strive to true telos. The only problem with such an approach is the vagueness of what is regarded as telos. It is next to impossible to adequately comprehend much less to perceive it as a common and uniting goal for humankind. Evidently, the human beings tend to disagree about the proper terms of supreme goals for humankind and probably the majority of wars were caused exactly by this kind of disagreement.

The line of communication ethics. Ethics may go natural if and only if the proper skills of communication of human beings will reach the necessary summit. The project of Modernity itself is thus not yet finished. It should be completed. The evident problem which arise here, are the basic prerequisites, which are democracy, human rights and liberal institutions. The latest developments, especially in Russia make me skeptical about this scenario. Liberal institutions may never be established, but even if they are established, they may be corrupted.

The line of ethical descriptivism, especially the line of neuroethics. The basic claim of this line of thought is that the natural evolution is not yet over. It continues and our language itself is also part of this development. If so, what we call intelligence in narrow sense of the term, should be regarded as only the most archaic foundation for the true intelligence, which is the product of much broader social as well as natural development.

The line of social choice ethics. This line of course, stemming from rational choice theory often borders with amoralism, but the very broad normative scope of the rational choice itself, adopts many characteristics of what we traditionally referred to as morality or justice. If so our very rationality will be able to face the problems related to the narrow limits of the traditional idea of rationality, with its traditional methodological individualism and the humanity will be able to deal with the so called straight forward maximizers and will transfer to what is called constrained maximization.

There may be some other ethical conceptions brewing the idea of naturalization of ethics, but so far there are no decisive break through in terms of the constraint posed by our own intelligence. Now let us try to approach the problem in a little bit different perspective. I will not refer to it in terms of the traditional moral constraints of Jus ad Bellum and Jus in Bello.

1. **Ad Bellum Constraints on War**. Of course ad Bellum Constraints should not be regarded simply as a bunch of vague principles, which is often the case. We often have to use violence. A certain kind of this violence is called war. Evidently we need some rules. And it may be the time that the so called artificial intelligence is entrusted with the right to determine what constitutes casus belli. What kind of norms may be implemented for this decision-making? It cannot be militarism, because it is too irrational. It cannot be pacifism for the same reason. It can be either realism or just war theory. I doubt very much that just war theory is capable to do the job. Simply because it is in reality nothing else but a middle ground between militarism and pacifism and as such it is in fact as irrational as both of them. It can be both and it can be any. It is human weakness which keeps us from harms way. Putin’s invasion in Ukraine was wrapped, for the first time in Russian history in the terminology and ideology of the just war theory. You may agree or disagree, but you cannot prove anything to those who claim that Russia had a just cause, that it was the case of supreme emergency, or it was proportional, not to mention last resort and all the rest of the principles. There is no way to prove what really stems from the Jus in Bello principles. Principles constitute an inner regulator, they are part of human identity. They are the articles of faith. I think we are much better off with the good old realism, when it comes to Ad Bellum constraints. The basic motives to wage war are still the same, as those which where known Thucydides: honor, standing, interest and security. It is not vicious spite, it is not hybris, greed or fear. As such they are moral motives and as moral motives they succumb to the virtue ethics regulations. In any case I believe that ICRC is absolutely right rejecting just war theory as its methodology.
2. **In Bello Constraints on War**. Here we have to rely on the principles of moral necessity, proportionality and distinction. Luckily, there is no contradiction between them. According to Clausewitz, there are two basic laws of rational warfare, which constitute necessity. Economy of force and efficiency. If you wage a war you want to deliver the most efficient blow in the shortest possible time frame to incapacitate the enemy. You may also try to avoid the same destiny to yourself. Ideally you would want a short and casualty free war. It would be even better if the strikes are as precise as possible and thus distinctive. It would be even better if the no unnecessary damage is caused. The only problem here is that the ideally rational as well as ideally moral, from the point of just war theory war is a terror war. Terrorism is the only way to provide discrimination, distinction, efficiency and economy of force at the same time. War, if it is entrusted to artificial intelligence or solely to rationality would be a terror war. The ideal of this kind of war is already reached in drone warfare. Of course, the complication here is constituted by the fact of different technical capacity of the sides engaged in the war. As a result, a casualty free terrorism of the top dogs will be supplemented by a straight forward terrorism of the underdogs. The most rational war will tend to degenerate into a universal terror war. It does not mean that it will be necessary too bloody. It may be even more humane in terms of general losses and even better in terms of the principles of both proportionality and discrimination, but it will be still a terror war. The problem with terrorism is not that its lack proportionality or discrimination but an excess of humiliation of the enemy. We should not humiliate even the enemy. We should regard the enemy as honorable enemy, even if we do not really believe that. Otherwise, the very distinction between war and peace will be entirely lost and it is exactly what is going on. The world may turn out to remind the Hobbesian state of nature writ large.