

***Societas***

European society for research in ethics  
Europäische Forschungsgesellschaft für Ethik  
Société européenne de recherche en éthique

***Ethica***

## The Ethics of War and Peace

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51st Societas Ethica Annual Conference  
August 21st-24th 2014  
Institute Anton Martin Slomsek  
Maribor, Slovenia



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# Conference programme

## Thursday/Donnerstag 21 August 2014

- 13:00-17:00            Arrival/ Ankunft : Welcome of the participants & distribution of folders /Empfang der Teilnehmenden und Verteilung der Mappe
- 17:30-18:00            Press Conference / Pressekonferenz
- 18:00-19.30            Dinner / Abendessen
- 20:00-21:30            Welcome Address and thematic introduction by / Begrüßung und thematische Einführung durch Prof. Göran Collste, Linköping University, President of Societas Ethica & Prof. Ivan Štuhec, University of Ljubljana, Organizer
- Opening Speech by / Eröffnungsrede durch Dr. Valentin Inzko, High Representative for Bosnia and Herzegovina, OHR (Office of the High Representative), Österreich
- Keynote Session I / Plenarvortrag I:**  
Dr. Zorica Maros (Catholic Theological Faculty, Sarajevo) *From abuse of memory to revenge. (Im)possibility of forgiveness*  
Chair: PD Dr. Gotlind Ulshöfer
- Room: Velika dvorana
- 21:30                    Social Evening / geselliger Abend

## Friday / Freitag 22 August

- 7:30-9:00              Breakfast / Frühstück
- 9:00-10:30            **Keynote Session II / Plenarvortrag II:**  
Professor Peter Wallensteen (Uppsala University) *From War Termination to Quality Peace: Conditions for Perpetual Peace*
- Response / Kommentar: Dr. Ronnie Hjorth (Swedish National Defence College, Stockholm)  
Chair: Dr. H.W. Sneller
- Room: Velika dvorana
- 10:30-11:00            Coffee Break / Kaffeepause
- 11:00-11.30            Short Papers I / Kurzvorträge I  
parallel sessions / parallele Sitzungen
- 11:45-12.30            Invited Papers / Gastvorträge  
parallel sessions / parallele Sitzungen

- 12:45 Lunch / Mittagessen
- 14:00-16:00 Short Papers II-IV / Kurzvorträge II-IV  
parallel sessions / parallele Sitzungen
- 16:00-16:30 Coffee Break / Kaffeepause
- 16:30-18:00 **Parallel panel sessions / Forum**
- Panel I: *Die Wurzeln von Krieg und Frieden*  
Dr. Erwin Bader (Universität Wien, Österreich)  
MMMag. DDr. Paul R. Tarmann (Universität Wien, Österreich)  
Markus Mersits (Universität Wien, Österreich)  
Chair: Dr. H.W. Sneller
- Room: NGL
- Panel II: *The Role of Religions in Reconciliation and Peacebuilding*  
Dr. Anna King (University of Winchester, UK)  
Dr. Mark Owen (University of Winchester, UK)  
Chair: Prof. Dr. Neil Messer
- Room: Velinka dvorana
- 18:00-19:30 Dinner / Abendessen
- 19:30 Social Evening / geselliger Abend

### **Saturday / Samstag 23 August**

- 7:30-9:00 Breakfast / Frühstück
- 9:00-10:30 **Keynote Session III / Plenarvortrag III**  
Dr. Siddharth Mallavarapu (South Asian University) *The Responsibility to Protect: A Perspective from the Global South*
- Response / Kommentar: PD Dr. Gotlind Ulshöfer (Evangelische Akademie Frankfurt/Universität Tübingen)  
Chair: Dr. Jan Jans
- Room: Velika dvorana
- 10.30-11.00 Coffee Break / Kaffeepause
- 11:00-12.15 Short Papers V-VI / Kurzvorträge V-VI  
parallel sessions / parallele Sitzungen
- 12:45 Lunch / Mittagessen

- 14:00-16:00            General Assembly and concluding discussion  
/Mitgliederversammlung und Abschlussdiskussion
- Room: Velika dvorana
- 16:00-19:00            Excursion to a Winery / Ausflug zu einem Weingut
- 19:00                    Conference Dinner / Abendessen  
*including / einschließlich: Young paper Award Ceremony / Verleihung des  
Nachwuchspreises*

**Sunday / Sonntag 24 August**

- 7:30-9:00              Breakfast / Frühstück
- 9:30-11.00            **Keynote Session IV / Plenarvortrag IV**  
Professor Nigel Biggar (University of Oxford) *In Defence of Just War: the  
Christian tradition, Controversies, and Current Cases*
- Response / Kommentar : Prof. Dr. Göran Collste (Linköping  
University)
- Chair: Prof. Dr. Neil Messer
- Room: Velika dvorana
- 11.00-11.30            Discussion and Summary  
Chair : PD. Dr. habil. Arne Manzeschke
- 11.30                    Lunch / Mittagessen
- 12:30-                  Departure / Abfahrt

## Keynote speakers

**Prof. Dr. Nigel Biggar (University of Oxford, UK) *In Defence of Just War: the Christian tradition, Controversies, and Current Cases***

Nigel Biggar is Regius Professor of Moral and Pastoral Theology, and Director of the McDonald Centre for Theology, Ethics, and Public Life, at Oxford University. He is the author of *In Defence of War* (Oxford University Press, 2013), *Behaving in Public: How to Do Christian Ethics* (Eerdmans, 2011), and *Aiming to Kill: the Ethics of Suicide and Euthanasia* (Darton, Longman, & Todd, 2004); editor of *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Georgetown University Press, 2001, 2003); and co-editor of *Religious Voices in Public Places* (Oxford University Press, 2009). His most recent book, *Between Kin and Cosmopolis: An Ethic of the Nation* will be published by Wipf & Stock in 2014.

[www.theology.ox.ac.uk/people/staff-list/prof.-nigel-biggar.html](http://www.theology.ox.ac.uk/people/staff-list/prof.-nigel-biggar.html)

**Dr. Siddharth Mallavarapu (South Asian University, New Delhi, India) *The Responsibility to Protect: A Perspective from the Global South***

Siddharth Mallavarapu is currently Associate Professor and Chairperson, Dept. of International Relations, at South Asian University, New Delhi, India. His research interests include politics of knowledge; cognition, politics and well-being; global governance and systemic power transition theories; international relations theory; institutions; intellectual histories of the global south; and disciplinary histories of international relations. He has edited several books on international relations and is the author of *Banning the Bomb: The Politics of Norm Creation*, Pearson Longman (2007).

[www.southasianuniversity.org/index.php?option=com\\_content&view=article&id=51&Itemid=233&staff\\_id=54](http://www.southasianuniversity.org/index.php?option=com_content&view=article&id=51&Itemid=233&staff_id=54)

**Dr. Zorica Maros (Catholic Theological Faculty, Sarajevo, Bosnia and Herzegovina) *From abuse of memory to revenge. (Im)possibility of forgiveness***

Zorica Maros is teaching the sacrament of reconciliation at the Catholic Theological Faculty in Sarajevo, Bosnia and Herzegovina. She defended her doctoral dissertation at the Academia Alfonsiana in January 2013. The topic of her dissertation was *Dealing with violence in the ethnic conflict: Is it possible to speak of forgiveness as a moral obligation?*

[www.kbf.ba/page.php?id=248](http://www.kbf.ba/page.php?id=248)

**Prof. Dr. Peter Wallensteen (Uppsala University, Sweden) *From War Termination to Quality Peace: Conditions for Perpetual Peace***

Peter Wallensteen is Senior Professor in the Department of Peace and Conflict Research at Uppsala University, Sweden, and Richard G. Starmann Sr. Research Professor at the University of Notre Dame. His research covers a wide area in the field of peace studies. His current research is on conflict prevention and resolution, conflict trends, targeted sanctions, the UN system, mediation, and peace building. He is widely published and is the author of *Understanding Conflict Resolution: Peace, War, and the Global System* (SAGE publications, 2002; transl. into Arabic in 2006) and, *Peace Research: Theory and Practice* (Routledge 2011).

[www.pcr.uu.se/about/staff/wallensteen\\_p](http://www.pcr.uu.se/about/staff/wallensteen_p)



## Programme – Paper sessions

Friday / Freitag 21 August 2014 11.00-11.30 Session I / Kurzvorträge I		Room
<b>Channel 1: The roots of war</b> <i>Chair: Rico Sneller</i>	ROBERT PETKOVSEK: Apocalyptic Thinking In Girard's Mimetic Theory	Velika dvorana
<b>Channel 2: Theories of just war</b> <i>Chair: Göran Collste</i>	CONWAY WADDINGTON: Evaluating Ambiguities in the Contemporary Formulation of Aggression and Defence in the <i>Jus ad Bellum</i>	3a
<b>Channel 3: The rules of war</b> <i>Chair: Andrea Günter</i>	MARCUS AGNAFORS: The Right to Resist, Deceptive Tactics and the Primacy of the Right to First Identity	3b
<b>Channel 4: New forms of warfare</b> <i>Chair: Ivan Štuhec</i>	BJÖRN SCHÜTZ: Automatisierte Kriegsführung als Anfrage an die christliche Ethik am Beispiel des Einsatzes von UAV	3c
<b>Channel 6: Ending war</b> <i>Chair: Neil Messer</i>	JOHANNA OHLSSON: External Actors as Peacemakers? - Agency and Legitimation From Ethica Perspectives	3d
Friday / Freitag 22 August 2014 11.45-12.30 Invited papers / Gastvorträge		Room
<i>Chair: Arne Manzeschke</i>	ELENA NAMLI: Revolution of the other – between admiration and responsibility. A critical analysis of political violence in the Ukraine crisis	3a
<i>Chair: Andrea Günther</i>	WERNER WOLBERT: Targeted and non-targeted Killing	3b
<i>Chair: Jan Jans</i>	ELKE SCHWINGER: Der Europäische Traum: Ewiger Frieden, Kriegsunfähigkeit oder ein neuer Stil der Weltpolitik?	3c
Friday / Freitag 22 August 2014 14.00-14.30 Session II / Kurzvorträge II		Room
<b>Channel 1: The roots of war</b> <i>Chair: Marcus Agnafors</i>	JASNA ĆURKOVIĆ NIMAC: Towards an Ethics of Memory. Is memory the root cause of violence or a path to violence avoidance?	Velika dvorana
<b>Channel 2: Theories of just war</b> <i>Chair: Andrea Günter</i>	IVAN ŠTUHEC: Der Frieden setzt die Freiheit voraus	3a

<b>Channel 3: The rules of war</b> <i>Chair: Lars Reuter</i>	ROSS W. BELLABY: Torture and Torture-Lite. Is there an Ethical Difference?	3b
<b>Channel 4: New forms of warfare</b> <i>Chair: Arne Manzeschke</i>	AMY DEBAETS: The Moral Calculus of Automated Warfare: Reconceiving Responsibility	3c
<b>Channel 6: Ending war</b> <i>Chair: Neil Messer</i>	ALBERT W. MUSSCHENGA: War, Violence and Moral Progress	3d
<b>Friday / Freitag 22 August 2014</b> <b>14.45-15.15 Session III / Kurzvorträge III</b>		<b>Room</b>
<b>Channel 6: Ending war</b> <i>Chair: Marcus Agnafors</i>	VOJKO STRAHOVNIK: Shame and the Process of Reconciliation	Velika dvorana
<b>Channel 2: Theories of just war</b> <i>Chair: Ivan Štuhec</i>	DENNIS SCHÖNBERGER: „Si vis pacem, para pacem.“ Versöhnungs- und rechtsethische Impulse der Friedensethik Karl Barths im Blick auf die Legitimität Humanitärer Interventionen	3a
<b>Channel 3: The rules of war</b> <i>Chair: Lars Reuter</i>	BOB BRECHER: The Philosopher as Court Jester: How Irresponsible Arguments about Torture Fuel the “War on Terror”	3b
<b>Channel 4: New forms of warfare</b> <i>Chair: Rico Sneller</i>	MICHEL BOURBAN: The Ethics of Drone Warfare: Responses to Some Objections	3c
<b>Channel 6: Ending war</b> <i>Chair: Gotlind Ulshöfer</i>	GÖRAN COLLSTE: After the War	3d
<b>Friday / Freitag 22 August 2014</b> <b>15.30-16.00 Session IV/ Kurzvorträge IV</b>		<b>Room</b>
<b>Channel 6: Ending war</b> <i>Chair: Neil Messer</i>	DAVID WELLMAN: Engaging Islam as a Post-Christian Europe: The Ethics of Diplomacy, Peacebuilding and Reconciliation in the Foreign and Domestic Policies of a Religiously Diverse European Union	Velika dvorana
<b>Channel 2: Theories of just war</b> <i>Chair: Ivan Štuhec</i>	FREDERIKE VAN OORSCHOT: Realismus als friedensethische Kategorie?	3a

<b>Channel 3: The rules of war</b> <i>Chair: Lars Reuter</i>	FRIDERIK KLAMPFER: Innocence, Responsibility and Non-Combatant Immunity	3b
<b>Channel 8: Open channel</b> <i>Chair: Rico Sneller</i>	MADELENE PERSSON: Modern Racism - A Challenge For Human Rights?	3c
<b>Channel 6: Ending war</b> <i>Chair: Gotlind Ulshöfer</i>	KERSTIN SCHÖGL-FLIERL: Expandierende Militärforschung an deutschen Hochschulen – Manche Hochschulen setzen sich Zivilklauseln. Über die ethische Tragweite dieser hochschul- und wissenschaftspolitischen Selbstvergewisserung (The presentation will be in English)	3d
<b>Saturday / Sonnabend 23 August 2014</b> <b>11.00-11.30 Session V / Kurzvorträge V</b>		<b>Room</b>
<b>Channel 7: Pacificism</b> <i>Chair: Marcus Agnafors</i>	PETER ROŽIČ: When Passions Constitute Peace: Tocquevillian Equality as Political Ethics of Pacificism	Velika dvorana
<b>Channel 2: Theories of just war</b> <i>Chair: Arne Manzeschke</i>	RONNIE HJORTH: Intervention and Responsibility	3a
<b>Channel 3: The rules of war</b> <i>Chair: Gotlind Ulshöfer</i>	THOMASZ ZURADZKI: The Duty to Minimise a Total Number of Armed Conflicts' Casualties	3b
<b>Channel 8: Open channel</b> <i>Chair: Göran Collste</i>	HA JUNG LEE: Moving Away from Marginalization: Relocating Korean Comfort Women and <i>Yanggongju</i> through the Theological Lens of Dorothee Soelle	3c
<b>Channel 6: Ending war</b> <i>Chair: Jan Jans</i>	AYERAY MEDINA BUSTOS: Paths to Truth, Justice and Reconciliation in Argentina	3d
<b>Saturday / Sonnabend 23 August 2014</b> <b>11.45-12.15 Session VI / Kurzvorträge VI</b>		<b>Room</b>
<b>Channel 2: Theories of just war</b> <i>Chair: Arne Manzeschke</i>	PETER KIRCHSCHLÄGER: Wie kann eine "humanitäre intervion" begründet werden?	3a
<b>Channel 3: The rules of war</b> <i>Chair: Andrea Günter</i>	JAN JANS: Shot at Dawn. An Ethics of Desertation under Fire	3b

<p><b>Channel 8: Open channel</b> <i>Chair: Göran Collste</i></p>	<p>DICKSON KANAKULYA: Ethical Sustainability - Diffusing Outbreak of War Dissolving Victim Disaffection and Villain Encumbrance in East African Community</p>	<p>3c</p>
<p><b>Channel 6: Ending war</b> <i>Chair: Lars Reuter</i></p>	<p>DUBRAVKA PETROVIC STEFANAC: Humanness - New Name For Peace. Contribution of the Catholic Church to peace and reconciliation in Croatia (during and after the Homeland War) in 1990s</p>	<p>3d</p>

# Book of Abstracts

*Abstracts in alphabetic order by author's last name*



# The Right to Resist, Deceptive Tactics and the Primacy of the Right to First Identity

Dr. Marcus Agnafors, Linköping University, Sweden

Consider the following case:

[...] a platoon of [German] soldiers on a march through the French countryside during the years of the German occupation. They passed a group of young men, French peasants, or so it seemed, digging potatoes. But these were not in fact peasants; they were members of the Resistance. As the Germans marched by, the 'peasants' dropped their shovels, picked up guns hidden in the field, and opened fire.<sup>1</sup>

The actions of the Resistance just described are forbidden by the legal standards of *jus in bello*. The Geneva Convention clearly requires that combatants in war must "distinguish themselves from the civilian population", typically by wearing uniforms or clearly visible insignia when engaging in, or when in preparation for, aggressive action.<sup>2</sup> As the convention pertains to all parties in an inter-state war (aggressor and non-aggressor alike), it thus forbids armed resistance by the citizens, *qua* citizens, in an occupied country, if not wearing uniforms or appropriate insignia, or by otherwise distinguishing themselves from civilians. Moreover, a member of the armed resistance is, despite being a citizen in an occupied state, forbidden from undertaking violent action *disguised as* a civilian; e.g. wearing civilian clothes over the uniform or symbol of the resistance, as in the aforementioned case.

In this paper, I will argue that the Geneva Convention's prohibition is unwarranted when said to pertain to the citizens of an attacked state. My argument will proceed as follows:

First, I argue that every citizen has a moral right to retain her social identity; I will refer to this identity as "first identity". This includes retaining the right to use the requisites involved in performing one's social identity, such as clothes.

Second, I state, but do not argue extensively for, the plausible view that each citizen has a *prima facie* right to defend his person, property and social network (such as family, friends, and community) against aggressive action and oppression.

Third, it is argued that the aggressor, relying on the Geneva Convention, confronts the citizens of an invaded state with a dilemma: Insofar she wants to resist, she can *either* exercise the right to resist using force, but thereby forfeits her right to first identity; *or* she can exercise her right to first identity, but thereby forfeits her right to resist aggressive action. Both rights, it seems, cannot be exercised at the same time.

Fourth, it is noted that the dilemma imposed by the aggressor is the result of an unjust action. It is then argued that the citizen has a *prima facie* right to resist unjust actions that prevents her from exercising her rights.

Fifth, I argue that the right to resist actions that prevent a right-holder from legitimately exercise her right must be a *prior and separate* right to resistance, and unaffected by the rights violation inherent in the initial aggression. *If* the right to resist such action would be subsumed under the right to resistance mentioned earlier, the unacceptable result would be

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<sup>1</sup> Michael Walzer, *Just and Unjust Wars: An Argument with Historical Illustrations*, 3 ed. (New York: Basic Books, 1977), p. 176.

<sup>2</sup> The Geneva Convention; Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol 1), of 8 June 1977, III:2, § 44. Also, see III:1, § 37 and IV:1, § 48.

that the citizen is not allowed to defend herself against rights violations because she had her rights violated.

Seventh, such prior right justifies, *prima facie*, resorting to arms to eliminate the source of the rights violation inherent in the dilemma described above. As such right is *prior* to the dilemma, the dilemma is of no relevance to such right. Hence, the citizen of an invaded country have a *prima facie* right to remove the rights-violating dilemma by force, and are allowed to do so under her first identity.

The eighth part of the (complete) argument contains a defence against possible objections. A perceived weakness of the above argument is that it operates with a *prima facie* notion of rights. It can be objected that the Geneva Convention is motivated by the fact that there are good reasons that cause the *prima facie* rights to be overridden; consequentialist reasons stemming from what the practice of war would reasonably require.

Another possible objection is that rights violations by others certainly can alter someone else's moral rights and duties. I respond by comparing the above case with that of a rescue scenario in which the unjustified inactions of others increase my normative burden. The relevant dissimilarity between the two cases is, I argue, that in the rescue scenario, the situation itself is not brought about by the bystanders. Moreover, in the rescue scenario I would be entitled to use some force in order to elicit compliance.

The Geneva Convention. *Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol 1)*, of 8 June 1977. Available at: <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/> (Accessed Feb 6, 2014).

Walzer, Michael. 1977. *Just and Unjust Wars: An Argument with Historical Illustrations*, 3 ed. New York: Basic Books.



## **Panel / Forum**

### Die Wurzel von Krieg und Frieden

*Ao. Univ.-Prof. Dr. Erwin Bader, Universität Wien, Österreich*

Clausewitz schrieb: "Der Krieg ist also ein Akt der Gewalt, um einen Gegner zur Erfüllung unseres Willens zu zwingen." Jeder meint demnach, er könne einen Krieg beginnen, wann immer er will - und er werde erfolgreich sein. Sigmund Freud erklärt: "Die Tötung des Feindes befriedigt eine triebhafte Neigung." Hat Thomas Hobbes also recht, dass der Mensch von Natur aus „des Menschen Wolf“ ist und am Anfang ein „Krieg aller gegen alle“ geherrscht hat? Oder Augustinus, der lehrte, nicht der Krieg, sondern der Friede sei der eigentliche Naturzustand?

Häufig meinten die Dichter und Denker der Antike, Raub sei das wichtigste Motiv des Krieges, aber der Krieg sei unabschaffbar, schon weil der Krieg in der Antike auch zur Beschaffung von Sklaven diene, auf die man nicht verzichten wollte.

In Platons Staat steht zu lesen, wenn es je auch nur einen einzigen wahrhaft Gerechten geben werde, so werde dieser „gefoltert“ und zuletzt „gekreuzigt“ werden. Jesus erlitt zwar dieses Schicksal, und doch zeigte er den Weg zum Frieden. Die Schüler Jesu mieden die Kriegsteilnahme - und sie wurden verfolgt. Augustinus betonte noch, Gerechtigkeit sei der Weg zum Frieden. Doch seit Konstantin und dem darauffolgenden Bündnis von Kirche und Staat war das Christentum gezwungen, den "Gerechten Krieg" pragmatisch zu akzeptieren.

Dieses Bündnis von Kirche und Staat ist der Säkularisierung gewichen, aber der Krieg wurde nicht abgeschafft, sondern erreichte im 20. Jahrhundert die höchste Steigerung. Die Antikriegs-Gesinnung der Nachkriegszeit ist wieder vorbei - und gegenwärtig gibt es zur gleichen Zeit so viele Kriege, wie noch nie seit dem Ende des Zweiten Weltkriegs. Heute herrscht zudem nach Meinung vieler Kritiker auch ein Krieg gegen die Natur. Nur durch den gemeinsamen Blick auf die Wurzeln von Krieg und Frieden lässt sich die gegenwärtige Krise überwinden.

## Torture and Torture-Lite. Is there an Ethical Difference?

Dr. Ross Bellaby, University of Sheffield, UK

The debate on torture is well known. The terrorist attacks on 9/11 and 7/7 raised the question of whether there are future instances where the potential devastation is such that it can justify the use of torture. Indeed, Cofer Black, State Department Coordinator for Counterterrorism, reported that, "there was a before 9/11 and there was an after 9/11... and after 9/11 the gloves come off".<sup>3</sup> Furthermore, abuse at Abu Ghraib and Guantanamo Bay and the increasing reports of extraordinary rendition programs have brought to the fore the type of actions being implemented by intelligence actors in the hope of gaining information.<sup>4</sup> Clearly the question of what and when certain actions are appropriate is highly pertinent. In addition to this, the very definition of torture is being reassessed. How torture is defined is vital in understanding what particular actions are allowed and by redefining the boundaries it is possible to include or exclude various activities.<sup>5</sup> The idea of 'torture-lite' has thus recently found its debut as terms such as 'stress and duress' or 'enhanced interrogation' are being used with greater frequency.<sup>6</sup> The argument is that by using various techniques deemed as softer versions of full torture, the intelligence community can gain the required information without breaking international law. However, torture-lite is still stronger than mere interrogation. It therefore exists in a grey area between the two positions. The question is, whether or not this new grey area is more ethically permissible or not. That is, while agreeing that torture is prohibited, if a less extreme version can be used, given the reduced harm caused, it is justifiable? What I plan on discussing is how torture-proper is defined, how this then has created a new form of torture-lite, whether there are any practical and ethical differences, and how these differences alter the question of if and when torture is ethically justified.

Bush, G. W. 'Notice: Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism' *White House*, November 13 2001, Federal Register Vol.22 No.2 pp.57831-57836 available in *The Torture Papers: The Road to Abu Ghraib* edited Greenberg, K. J. And Dratel, J. L. (Cambridge: Cambridge University Press, 2005) pp.25-28.

Campbell, Duncan. 'US Interrogators Turn to "Torture-Lite"' *The Guardian* January 25 2003

Gellman, B. and Priest, D. 'U.S. Decries Abuse but Defends Interrogation' *Washington Post* December 26<sup>th</sup> (2002)

Green, D., Rasmussen, A. and Rosenfeld, B. 'Defining Torture: A Review of 40 Years of Health Science Research' *Journal of Traumatic Stress*, Vol. 23, No. 4, August 2010, pp. 528-531

Pincus, W. 'Silence of 4 Terror Probe Suspects Poses Dilemma' *Washington Post* October 21<sup>st</sup> (2001) A06

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<sup>3</sup> Gellman, B. and Priest, D. 'U.S. Decries Abuse but Defends Interrogation' *Washington Post* December 26<sup>th</sup> (2002); Pincus, W. 'Silence of 4 Terror Probe Suspects Poses Dilemma' *Washington Post* October 21<sup>st</sup> (2001) A06.

<sup>4</sup> Taguba, A. *Article 15-6 Investigation of the 800th Military Police Brigade [The Taguba Report]* (2004) p.16 §6 Retrieved from [http://www.npr.org/iraq/2004/prison\\_abuse\\_report.pdf](http://www.npr.org/iraq/2004/prison_abuse_report.pdf) on 1st May 2007; Reprieve 'Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses involving the UK Overseas Territories' (2007). Online Access: <http://www.statewatch.org/news/2008/feb/uk-usa-reprieve-submission-FASC.pdf>. p.4

<sup>5</sup> Bush, G. W. 'Notice: Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism' *White House*, November 13 2001, Federal Register Vol.22 No.2 pp.57831-57836 available in *The Torture Papers: The Road to Abu Ghraib* edited Greenberg, K. J. And Dratel, J. L. (Cambridge: Cambridge University Press, 2005) pp.25-28

<sup>6</sup> Campbell, Duncan. 'US Interrogators Turn to "Torture-Lite"' *The Guardian* January 25 2003.

Posner, E. A. and Vermeule, A. 'Should Coercive Interrogation Be Legal?' *Michigan Law Review* Vol.104 No.4 (2006) pp.671-707 p672-673

Reprieve 'Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses involving the UK Overseas Territories' (2007). Online Access:  
<http://www.statewatch.org/news/2008/feb/uk-usa-reprieve-submission-FASC.pdf>. p.4

Sullivan, A. "Torture by any other name is just as vile," *The Sunday Times* (London), September 26, 2006.

Sussman, D. 'Torture Lite: A Response' *Ethics and International Affairs* Vol.23 No.1 (2009) pp.63-67

Taguba, A. *Article 15-6 Investigation of the 800th Military Police Brigade [The Taguba Report]* (2004) p.16 §6 Retrieved from [http://www.npr.org/iraq/2004/prison\\_abuse\\_report.pdf](http://www.npr.org/iraq/2004/prison_abuse_report.pdf) on 1st May 2007

Wolfendale, J. 'The Myth of Torture Lite' *Ethics and International Affairs* Vol.32 No.1 (2009) pp.47-61

**Keynote lecture****In Defence of Just War: the Christian tradition, Controversies, and Current Cases**

*Prof. Dr. Nigel Biggar, University of Oxford, UK*

There are various 'just war' traditions, whose differences are sometimes important. This lecture will begin by outlining the main features of the Christian tradition. It will then proceed to discuss several controversial issues that it raises: natural morality and international law; just war as punitive; the elasticity of proportionality; and the morality of national interest. Finally, it will comment in Christian just war terms on the following conflicts: Britain's entry into the First World War; NATO's 2011 intervention in Libya; the present civil war in Syria; and the 2014 conflict between Israel and Palestinian Gaza.

# The Ethics of Drone Warfare: Responses to Some Objections

Michel Bourban, Université de Lausanne, Suisse

For better or for worse, the robotics revolution in military affairs has begun and is deeply transforming warfare. There are many forms of military robots: here I wish to focus on the ethical questions raised by the use of military unmanned aerial vehicles (UAVs). My aim is to expose three of the most important philosophical objections to drone warfare and develop, for each objection, responses to explain why this weapon is not necessarily unethical. I focus on the struggle against terrorism and draw on *jus in bello* and *jus ad vim* to explain why, under specific conditions, drones can be legitimately used from the point of view of just war theory.

1. To begin with, I ask if the right to kill justifies the use of drones. Is it permissible to kill without taking the risk of dying or being ready to be killed? The right to kill is based on the mutual threat that combatants on both sides represent for each other. I explain why the interpretation of this right as a criterion implying necessarily a hand-to-hand combat is flawed, and how it can instead lead to the following principle: any weapon or strategy reducing deaths and injuries in one camp without increasing the risks for civilians belonging to the other camp is morally preferable.

If drone operators have the licence to kill in war, if they are not assassins but soldiers practicing legal targeted killings, this does not however mean that they are traditional combatants. They lack the combatant's moral code and can therefore be considered as post-heroic soldiers. From the deontological point of view of the right to kill, the objection is unconvincing; but from the point of view of virtue ethics, it is correct to say that drone operators are less virtuous than other soldiers. But that does not make them immoral.

2. I move then to the discrimination principle and ask whether drones respect this fundamental *jus in bello* criterion. I explain why, at least in theory, UAVs represent the weapon most likely to respect non-combatants immunity. UAVs' two main advantages are their ability to observe meticulously the field (most drones are used to gather intelligence rather than to fire missiles) and to target with a metric precision (and therefore to kill terrorists by minimizing collateral damages). Even if drones do not always avoid collateral damages, they are more discriminating than other weapons thanks to their ability to reduce the number of non-combatants harmed or killed. To complete the principle I have mentioned above: any weapon or strategy reducing deaths and injuries in a camp without increasing the risks for civilians belonging to the other camp is morally preferable, especially if these risks are reduced.

But armed drones respect the discrimination principle only if they are used correctly: their use must be limited by strict ethical constraints and rigorous legal codifications. Three minimal demands are: the targeted person must represent a significant danger for local or foreign population (she must enter into the category of "terrorist"); the information establishing this point must be sound (intelligence services must give good information to drone operators); and the strike must be done at a place and at a time that minimizes collateral damages (drone operators must reduce as much as possible risks for civilians: precision does not necessarily mean discrimination).

3. Finally, I respond to a third common objection against the use of military drones: the threshold argument. I begin by distinguishing between the strong version of this argument, according to which UAVs make *war too easy*, and the weaker version, stating that UAVs make *the use of military force easier*, and explain why only the latter is accurate. I move in this section from *jus in bello* to *jus ad vim*, that is, from actual warfare (Iraq and Afghanistan) to

measures short of war (Pakistan and Yemen): is it possible to justify the right to kill by drone strikes in such circumstances? I explain how it might theoretically be the case, but also how the actual use of measures short of war by the US is too permissive to respect the demanding criteria of *jus ad vim*.

I conclude with some thoughts on the future of drone warfare, especially by emphasizing the immorality of the use of autonomous armed drones.

The most important point I make is that drones are not intrinsically immoral: contrary to the anti-terrorist strategy used by the Bush administration (torture), the strategy used by the Obama administration can be morally acceptable, but only if it follows strict moral and legal principles and if drones remain remotely piloted, for only humans can respect ethical principles.

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## The Philosopher as Court Jester: How Irresponsible Arguments about Torture Fuel the “War on Terror”

*Prof. Dr. Bob Brecher, University of Brighton, UK*

Slavoy Zizek argues that ‘essays ... which do not advocate torture outright, [but] simply introduce it as a legitimate topic of debate, are even more dangerous than an explicit endorsement of torture’ (Zizek, 103). Much though I sympathise with this view, I think we have to get our hands dirty by talking about it. In this discussion, though, my target is what might seem a side-issue compared to the substantive debate. I am concerned here, not with interrogational torture *per se*, but with the irresponsibly poor arguments offered by philosophers – often well-known philosophers – in favour of interrogational torture as a necessary “weapon” against “the ticking bomb” in the so-called war on terror. Far from being a side-issue, these arguments matter. For in insidiously dictating the terms of the substantive debate, they are as ideologically powerful as they are wildly irresponsible.

Building on my analysis of interrogational torture in [ANONYMISED] and elsewhere, I argue that the “ticking bomb” scenario fundamentally misrepresents the situation it purports to describe. I focus on four especially important misrepresentations at work in that scenario:

1. the question, ‘What would you do in a “ticking bomb” situation?’;
2. known unknowns concerning ‘the ticking bomb’;
3. the question of who tortures; and
4. the question of what torture is.

I argue that in each case, the thought-experiment on the basis of which advocates of interrogational torture argue is critically flawed, whether substantively, procedurally or both.

The question that then arises, of course, is how such thinkers are able to argue so badly and – arguably even more importantly – so irresponsibly. While leaving to one side considerations about the intentions and/or the competence of the particular thinkers in question, I focus rather on two more general lessons about the practice of philosophy and its relation to the world that emerge from this exercise in intellectual and political irresponsibility. First, I consider the question of the proper and the improper role of thought-experiments in political philosophy, arguing that while such examples may illuminate metaethical issues, they have no place in shaping public policy. Second, I argue that the all too easy deformation of the philosophical profession that such arguments exemplify should lead us to re-think both the substance and the interplay between intellectuals’ academic and public responsibilities.

Omitted for anonymity

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## After the War

*Prof. Dr. Göran Collste, Linköping University, Sweden*

What should happen after war, colonial occupation, dictatorship, genocide, or other political evils? Sometimes nothing happens, like in Spain after Franco's death or when colonial powers left their colonies. But to bury the past might lead to future problems, the wounds are not healed and conflicts remain under the surface.

How, then, could conflicts be resolved and justice done? The answer is dependent on historical and contextual circumstances and we find in recent history different ways to handle legacies of wars and oppression. However, this is also a matter of principle.

In my paper I discuss and compare three possible paths: rectificatory justice, forgiveness and reconciliation. They represent optional ways to go forward after an injustice, but they also overlap and are complementary. For the sake of argument I assume that there are clear roles between on the one hand perpetrator and on the other victims.

### **Rectificatory justice**

Rectificatory justice can have different facets. It includes for example public apologies, truth commissions, policies of affirmative actions, foundations of museums and setting up of memorials for remembering and commemorating past injustices, and of course monetary compensation to the victims (Barkan 2000, Torpey 2003, Brophy 2006). The aim is to overcome the past, achieve reconciliation and enable conflicting groups to cooperate in the future. More precisely, rectification implies the following: after an injustice (war, occupation etc.), the perpetrator acknowledges the harm done, apologizes and appropriately compensates the victims. When this happens, justice is achieved.

### **Forgiveness**

Typically, forgiveness is something that belongs to individual ethics. Someone is harmed and the response could be revenge or forgiveness. However, forgiveness has also recently become an alternative path for conflict resolution in social and political ethics, illustrated most vividly by the South African Truth and Reconciliation Commission.

Forgiveness contains two parts: first, the victim is aware of a wrong done, and second, in light of this awareness, overcomes any responses to the offence that involve hard feelings towards the perpetrator or any attempts to take revenge (Garrard and McNaughton 2010, p. 90). An unpaid debt is remitted. Thus, forgiving is a performativity; something happens when forgiveness is offered (Swinburne 1969, 85).

For a perpetrator who wishes to be forgiven, apology is the first step. The perpetrator apologizes for the harmful act and hopes for forgiveness. Is forgiveness unconditional or does it presuppose some kind of penance from the perpetrator? In principle both options are possible and in the real world we find both unconditional and conditional forgiveness (Walker 2006). However, normally forgiveness requires that a perpetrator fulfills certain demands. The perpetrator should acknowledge the harm, apologize, and repent. Repentance means that the perpetrator regrets what was done, is conscious of the harm and suffering caused and assures that the deed will not be repeated (Griswold 2007, 63-64).

## Reconciliation

The South African reconciliation process – or at least the idea behind it developed by Bishop Desmond Tutu – can be seen as paradigmatic for reconciliation (Tutu 2000). Reconciliation is forward-looking. The aim of reconciliation is that former enemies should be able to coexist and cooperate and the process can be described in the following way:

- 1) There is a conflict between A and B and the reason behind the conflict is that one part A has harmed another part B.
- 2) Both A and B have the intentions to overcome the conflict and establish harmonious relations.
- 3) By exploring what happened in the past, A and B will get similar views of the history and the reasons behind the conflict, a “fusion of horizons” (Hans-Georg Gadamer) will appear. Reconciliation is a “...process of mutual accommodation...”, as Thompson writes (Thompson 2002, 52) or, with Villa-Vicencio’s words, the aim is “...to discover, understand and acknowledge common ground” (Villa-Vicencio 2009, p.54).
- 4) In a situation where the relation between the parties is asymmetrical (A is dominant and B is subordinate), reconciliation would also presuppose efforts to achieve symmetry, i.e. equality.
- 5) Finally, to achieve reconciliation, ideally, part A should make all possible efforts to compensate B for what A did to B in the past, although much compensation would amount to symbolic gestures.

### How is rectificatory justice related to forgiveness and reconciliation?

First one can notice that the three concepts cover a similar conceptual realm, i.e. how to deal with harms done in the past. Rectificatory justice implies that the victims of harm and injustice have rights, and vice versa, the perpetrators have duties. Precisely what a victim has a right to, and the perpetrator has a duty to do, is dependent on what kind of harm is done in the past. In contrast, forgiveness is a gift from the victim to the perpetrator, sometimes offered unconditional and sometimes as a response to an apology. Reconciliation entails elements of both forgiveness and justice, but the emphasis is on the relational aspects of redress; how to achieve dialogue and mutual understanding between victim and perpetrator in order to establish harmonious future relations.

Rectificatory justice, forgiveness and reconciliation can sometimes be complementary and sometimes alternatives, and in this paper I will discuss reasons for and against the different alternative paths.

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## The Moral Calculus of Automated Warfare: Reconceiving Responsibility

*Dr. Amy DeBaets, Kansas City University of Medicine and Bioscience, USA*

Human actors are increasingly marginalized on the modern battlefield, with more operations being performed by robots, drones, and other automated systems. This paper will examine three areas in which ethical changes take place in the automation of warfare: 1) increased willingness of nations to go to war where one side has fewer human lives at stake because of the availability of automated weapons systems; 2) a reconceived understanding of moral / ethical responsibility for decision-making in war that takes place outside of immediate human control; and 3) the potential for both greater or fewer war crimes with the use of automated / robotic fighters.

First, the use of automated weaponry in place of human soldiers can encourage a highly-developed nation considering the possibility of war to choose going to war over other options. Having the lives of fewer of “our” men and women at stake, and seeing fewer casualties, injuries, and long tours of duty can make the overall “cost” of war seem lower, and thus, make the leaders and citizens of a nation more likely to accept war. This was seen clearly in the 2003 and ongoing US incursion into Iraq, for which the stated rationale for war did not hold up under scrutiny, but many in the country accepted war anyway, despite the heavy toll that war took on the Iraqi populace.

Second, with the advent of automated weapons systems, which operate under a set of rules but outside direct human control, who is responsible for the decisions that are made by those systems? The systems themselves are programmed to follow specific guidelines and rules, to learn to assess situations based upon prior experience, and to distinguish threats, but these systems can fail. A drone may mistake a civilian building for a military one, and a robot soldier may see a gesture of protest as a threat. When these errors happen, the machine itself is not to blame (at least, at the present time); the humans behind the machine are. But whose responsibility is it to ensure the appropriate functioning of these machines? Those giving the immediate orders, those who determine the rules of engagement the robot must follow, and those who designed and programmed the robot are all responsible in different ways. In the case of a war crime committed by a robot, who should stand trial? In some cases, these questions of responsibility may even preclude the lawful use of robotic soldiers.

Third, automated weapons systems, including robotic soldiers, are likely to behave differently in warfare than human soldiers. On the one hand, they may be more likely to misjudge certain interpersonal situations, such as mistaking a child’s toy for a gun, or interpreting a loud, but peaceful, demonstration as potentially violent. These systems (currently) lack the faculties of nuanced judgment human beings have, tending to miss crucial factors of body language in determining threats. On the other hand, they are less likely to commit many of the war crimes that have been carried out by human soldiers, such as rape and pillaging. They can be programmed to always follow the laws of war and rules of engagement, yet the question of responsibility remains.

PW Singer, *Wired for War*

Ronald Arkin, *Governing Lethal Behavior in Autonomous Robots*

Patrick Lin, Maxwell Mehlman, and Keith Abney, *Enhanced Warfighters: Risk, Ethics, and Policy*

Patrick Lin, “Drone Ethics Briefing: What a Leading Robot Expert Told the CIA”

## Intervention and Responsibility

*Dr. Ronnie Hjorth, National Defence College, Sweden*

This paper reviews the moral aspects of intervention in modern international society. It is argued that considerations about the autonomy of states have occupied a too central role in the literature. In order to be legitimate and morally credible interventions should be justified on account of a global ethics of responsibility. Especially this is so in the case of humanitarian intervention. The following arguments are central:

First, the acceptance of intervention is essentially a normative issue but it is implicated in a political context and hence a contested practice. Since the eighteenth century intervention has been viewed as a legitimate conduct when carried out by the Great Powers for the preservation of international order while at the same time criticised for being inconsistent with the principle of non-intervention. It is feared that intervention, even in rare and exceptional cases, risks undermining order in international society. And there is a moral argument of autonomy of states supporting non-intervention (Jackson). The crux is that an international society of independent states risks being unstable unless some element hierarchy is accepted and intervention along with it. This caused Bull to formulate a paradox of the balance of power. However, the perceived paradox can be solved when dealt with as a normative problem so that intervention is only permitted in situations where other concerns override non-intervention (Hjorth).

Second, as for humanitarian intervention the autonomy of states should not be a *prima facie* principle. Humanitarian intervention is justified by the universal commitment to human rights. Having accepted universal human rights no responsible state should be content with securing such rights only for its citizens (Vincent). The degree to which different states can realistically assist varies but the general commitment is the same for all. Much of the literature focuses on the justification of intervention according to Just War theory (Fisher). The two traditional areas of justification are the just reasons for going to war (*jus ad bellum*) and the just conduct of war (*jus in bello*). Walzer separates the two areas basically claiming that the issue of just cause has nothing to do with just conduct and vice versa. Fabre criticises this when adopting a cosmopolitan outlook on just war theory and when claiming that war should not be understood as fought between communities but essentially between individual moral persons. A cosmopolitan approach, she argues, 'must ascribe pre-eminence to individuals and not conceive of groups as having independent moral status' and 'must not make individuals' basic entitlements dependent on their membership in a political community' (p. 8). She claims that it matters whether a justly waged war is also justly fought. If the cause of intervention is a humanitarian one, the conduct of the war ought to be humanitarian too.

Defenders of the autonomy of states present two main arguments against humanitarian intervention, (i) that there are often mixed motives so that interventions will mainly be carried out in situations where there are other goals to be achieved by the intervening party and, (ii) that there is inconsequence in application so that the conduct of intervention is selective. Wheeler rejects both arguments and claims that the presence of mixed motives is not important as long as the humanitarian goals are achieved, and that inconsequence should not preclude attempts to assist particular peoples. Thus, there may be other motives but as long as there is a good humanitarian outcome this overrides other concerns. The rights of individuals are prior to the rights of states and the good of peoples prior to the good of ruling elites.

Third, the debate on justification often fails to adequately deal with the ethical implications of interventions. From the viewpoint of those involved it may mean a great deal if there are

mixed motives so that the reasons for coming to assistance are not really about helping out. The conduct of intervention has to be morally responsible. As Biggar claims, 'it is better to be inconsistently responsible than consistently irresponsible' (p. 233). The reaction of the strangers saved will most likely be negative when it becomes clear that other than humanitarian concerns have had priority. Just like individual moral persons are able to cultivate their moral personality when interacting, communities are able to develop moral norms through relations with other communities and through the acceptance of a common 'domain of discourse' (Frost). Hence, the actions of international society and its members cause moral reaction to different degrees, whether positive such as gratitude, or negative, such as resentment, condemnation or disapproval, because as Strawson argues, moral intuitions appear in social relations within a moral community. If intervention flows from the wrong motives or comes about arbitrarily the reactions are likely to be more negative than when morally responsible motives are justified within the framework of a moral community of peoples.

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## Shot at Dawn. An Ethics of Desertation under Fire

*Dr. Jan Jans, Tilburg University, The Netherlands*

When in 1957, the movie *Paths of Glory* (directed by Stanley Kubrick) was released, it sparked a lot of controversy because of the way it portrayed the criminal background of some of the executions that happened by French troops on their own soldiers. However, as far as I have been able to retrieve, this controversy did not lead to effective questions about a possible rehabilitation of those shot soldiers by overturning the decisions of the then court-martials.

Today, 100 years after the beginning of *La grande guerre* - as was the most common name for what was called World War I after 1945 - voices in France are explicitly addressing this issue and grand-grand children and other relatives of those executed, request with great force and not without political support that the cases are re-opened and justice can finally be seen done by granting pardon. They also take inspiration from the fact that in 2007, the British Ministry of Defence granted posthumous pardons to the vast majority of the executed soldiers who were fighting for the British Empire.

In the brief first section, the paper looks at the reasons that are today invoked for these pleas of 'rehabilitation', including doubt about the proper course of justice during these trials, the legitimacy of having your own soldiers shot in order to maintain 'morale' of the troops and the fact that the names of those executed are still not in the official records or on memorial monuments.

In the longer second section, the paper will develop a more differentiated view on the issue by asking for the ethical relevance of the various reasons or causes of so-called insubordination, namely 'last man standing', 'friendly fire', 'shell shock' and 'desertion'. In this way, insight is gained into what could be described as an *ethics of desertion under fire*.

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## Ethical Sustainability - Diffusing Outbreak of War Dissolving Victim Disaffection and Villain Encumbrance in East African Community

*Dickson Kanakulya, University of Makerere, Kampala, Uganda*

The East African community and the even the African great-lakes region has been and is still host of various wars and armed conflicts; the most memorable was the 1994 Rwanda genocide. Other significant conflicts include the multiple resource-driven struggles in the Democratic Republic of Congo, the Somalia conflict, the recent Kenyan election violence, street riots in Uganda, and recently the South-Sudan political conflict that degenerated into ethnic violence. This paper postulates that these conflicts indicate the unsustainability of the governance situation in the region; and it proposes the inclusion of the ethical dimension of sustainability discourse in order to diffuse the catalysts of conflict. The paper is a result of doctoral research investigating the sustainability of the governance and development in the East African Community; it combines ethical and governance theory and uses qualitative methodology. The findings indicate that the unjust twin-conditions of 'victim-disaffection' and 'villain-encumbrance' present pre-conditions of conflict; and if we are to resolve them, we need to dissolve those conditions.

An institutional and behavioral analysis of the collapse of the earlier East African Community reveals the inherent unsustainability of the regional bloc because the institutional framework and political character of both the colonialist and the post-colonial African leaders in the member states perpetuated injustice in form of *victim-disaffection* and *villain-encumbrance*. A metagovernance analysis also shows that the domestic policies of the ruling regimes in the three core countries of the EAC (Kenya, Tanzania and Uganda) are divergent and not geared towards sustaining the EAC. These conditions rendered the region's governance and development unsustainable and still contribute to wars and conflicts in the region. To resolve the outbreak of conflict this paper proposes a focus on *ethical sustainability* as a key aspect of sustainability discourse in order to render the region's governance and development sustainable and just. The goal is to ensure that the fate of collapsing that befell EAC-1 does not befall the current EAC-2 project. The notion of *ethical sustainability* is a scheme of four principles (namely, justice, capabilities, ubuntu and integrity) and the author thinks that it would contribute to dissolving the conditions that catalyze conflicts and wars in the region.

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## Wie kann eine "humanitäre intervion" begründet werden?

PD Dr. Peter G. Kirchschräger, Universität Freiburg, Schweiz

„Millions of people remain at the mercy of civil wars, insurgencies, state repression and state collapse. This is a stark and undeniable reality (...) What is at stake here is not making the world safe for big powers, or trampling over the sovereignty of small ones, but delivering practical protection for ordinary people, at risk of their lives, because their states are unwilling or unable to protect them.“<sup>7</sup> Angesichts von Leid und Schrecken, das beispielsweise von einer Regierung der eigenen Bevölkerung bzw. Teilen der eigenen Bevölkerung angetan wird, kommt aus einer aussenstehenden Perspektive zum Einen das Verlangen auf, diesem Treiben ein Ende zu setzen. Dabei steht man vor der Herausforderung, ob vor dem Hintergrund der Souveränität eines Staates ein Recht auf Intervention besteht. Beispielsweise hält das Übereinkommen über die Verhütung und Bestrafung von Völkermord von 1948 fest, dass die internationale Gemeinschaft vereinbart, das Prinzip der Verhütung und Bestrafung von Völkermord über die Souveränität eines Landes zu stellen.

Zum Anderen stellt sich zudem die Frage, ob man als aussenstehende Beobachter nicht sogar in der Pflicht steht, zur Beendigung und zur Verhinderung von Leid und Schrecken von anderen Menschen so weit wie nur möglich beizutragen, wenn man selbst für sich beansprucht, nicht Opfer von Leid und Schrecken zu werden. Eine solche „Verantwortung, zu schützen“ umfasst die Schutzpflicht jedes Staates, seine Bevölkerung vor Genozid, Kriegsverbrechen, ethnischer Säuberung und Verbrechen gegen die Menschlichkeit zu schützen und die Pflicht der internationalen Gemeinschaft, diesen Schutz zu gewährleisten, wenn ein Staat diesen Schutz nicht leistet.<sup>8</sup> Dabei soll dieser Schutz nicht nur eine Reaktion, sondern auch Prävention und Wiederaufbau beinhalten.<sup>9</sup>

Anderen Staaten bzw. der internationalen Gemeinschaft stehen verschiedene Instrumente zur Verfügung, Gewalt ein Ende zu setzen und diese in Zukunft zu verunmöglichen. Neben verschiedenen Formen politischer und wirtschaftlicher Sanktionen zählt dazu auch als letzte Option – wenn sich die friedlichen Massnahmen als inadäquat erweisen – die Anwendung von Gewalt, um Frieden zu wahren oder wiederherzustellen.<sup>10</sup> Zu Letzteren zählen auch „humanitäre Interventionen“ – ein gewaltvolles Eingreifen in einen Konflikt, um Menschen zu schützen und somit ein humanitäres Anliegen zu verfolgen. Diese gezielte Gewaltanwendung soll als Mittel dem Zweck dienen, das Leiden und Sterben von Menschen zu verhindern.

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<sup>7</sup> International Commission on Intervention and State Sovereignty (ICISS), Responsibility 11.

<sup>8</sup> „138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.“ (UN, World Summit Outcome Document 2005, para. 138-139).

<sup>9</sup> Vgl. dazu Bajoria/McMahon, Dilemma.

<sup>10</sup> Vgl. dazu Kapitel VII der UN-Charta von 1945; vgl. dazu auch UN Resolution 46/182.

Aus einer ethischen Perspektive ergibt sich *erstens* die Herausforderung, dass das Mittel der „humanitären Intervention“ zwar dem Zweck dient, Leiden und Sterben von Menschen zu beenden und zu verunmöglichen, gleichzeitig als Mittel menschliche Verletzungen und Verluste mitsichbringen kann.

*Zweitens* besteht bei „humanitären Interventionen“ die Gefahr, dass diese für andere Zwecke instrumentalisiert werden. So kann es soweit kommen, dass unter dem „Deckmantel“ von „humanitären Interventionen“ Macht-, Territorial- und Ressourcenansprüche mit Gewalt verfolgt werden.

*Drittens* stellen sich die Fragen, ob – und falls ja – wie eine „humanitäre Intervention“ begründet werden kann. Beide Fragen können auf einer politischen und auf einer rechtlichen Ebene begründet werden. Politische Begründungen besitzen die Stärke des Konsenscharakters. Gleichzeitig weisen sie aber die Schwäche auf, dass sie die Meinung einer – wie auch immer definierten (absolute Mehrheit, Zweidrittel-Mehrheit, ...) – Mehrheit repräsentieren, was die legitimen Interessen einer Minderheit vernachlässigen kann.

Rechtliche Begründungen kennen den Vorteil eines prozedural definierten und geregelten Meinungsbildungs- und Entscheidungsfindungsprozesses. Zugleich weisen sie jedoch hinsichtlich ihrer Relevanz die Grenzen des nationalen Rechtssystems auf.

Aus einer ethischen Perspektive erweisen sich daher rechtliche und politische Begründungen als nicht hinreichend, weil aus ethischer Sicht eine Begründung einem Universalitätsanspruch gerecht werden muss, was auf die Notwendigkeit und die Beschaffenheit einer moralischen Begründung hinweist: „Eine *rationale oder kritische Moral* ist eine, die für ihre Grundsätze den Anspruch *rationaler Begründbarkeit* erhebt. Moralische Grundsätze sind rational begründet, wenn sie *allgemein zustimmungsfähig* sind, d. h. annehmbar für alle betroffenen Personen unter der Voraussetzung ihrer vollkommenen Gleichberechtigung und Selbstbestimmungsfähigkeit.“<sup>11</sup>

Ein moralischer Begründungsversuch von „humanitären Interventionen“ müsste nicht nur das legitimierende Fundament für Letztere legen, sondern müsste auch die Begründung der Auswahl bzw. Definition der Kriterien umfassen, die eine Intervention als „humanitäre Intervention“ gelten lassen, um als Begründung umfassend zu sein.<sup>12</sup> Andernfalls wäre zwar eine Legitimation von „humanitären Interventionen“ geleistet, ihr Verständnis würde jedoch offen bleiben, was die Geltung ihrer Begründung insofern untergraben könnte, als das „Zu-Begründende“ nicht klar umrissen wäre.

Des Weiteren muss geklärt werden, ob sich im Falle einer moralischen Legitimität von „humanitären Interventionen“ Verpflichtungen ergeben. Solche Verpflichtungen müssten dann im Zuge eines Begründungsversuchs von „humanitären Interventionen“ zugeordnet (Subjekt, Objekt und Umfang der Verpflichtung) und ebenfalls begründet werden.

Im Zuge eines Begründungsversuchs von „humanitären Interventionen“ auf einer moralischen Ebene könnte sich als erschwerend erweisen, dass das „Zu-Begründende“ das „Begründende“ nicht immer respektieren könnte, da mögliche Bezugsgrößen für die Begründung – wie z. B. das Recht auf Leben, ... – im Zuge von „humanitären Interventionen“ verletzt werden können.

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<sup>11</sup> Koller P., Begründung 75.

<sup>12</sup> Zu denken wäre hier beispielsweise an die Menschenrechte als sozialetischer Referenzpunkt (vgl. dazu P. G. Kirchschräger, Menschenrechte).

Mein Beitrag setzt sich mit diesen Fragestellungen auseinander und versucht, mit einer konstruktiven Diskussion der Begründungsfrage von „humanitären Interventionen“ zu ihrer Klärung beizutragen.

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# Innocence, Responsibility and Non-Combatant Immunity

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## 1. Introduction

The idea that in times of war (all) civilians, or non-combatants, are entitled to full protection against direct military attacks, while at the same time soldiers, or combatants, on both warring sides are all equally legitimate targets of such attacks, has been one of the cornerstones of just war theory since its inception in the Middle Ages (as well as current international law).

This so-called principle of non-combatant immunity (PNCI) has recently attracted some sharp criticism, however. Two main lines of objections have been raised against it, one challenging its traditional rationale (and, consequently, scope) and the other questioning its normative force. So, while some critics (most notably, Jeff McMahan and Lionel McPherson) find the principle both too permissive and restrictive and argue for the exclusion, from the class of legitimate targets of direct military attacks, of those fighting for a just cause, others (for example, Michael Walzer and Igor Primoratz) would like to see the prohibition on the deliberate targeting of non-combatants lifted at least in circumstances of supreme emergencies when such tactics may be necessary to avert some grievous moral catastrophe.

Can the PNCI withstand these and similar criticisms? Well, in principle, it can, but the required modifications may come at too high a price, or so I'd like to argue.

## 2. Desiderata

As with any other candidate for a valid moral principle, we should expect any plausible version of the principle of discrimination (PD), PNCI included, to

- (i) be grounded both firmly (preferably in another well-grounded or self-evident principle) and in relevant moral facts (preferably in facts about what individuals (choose to) do);
- (ii) have the right scope (provide direct, and not merely indirect, protection to most, if not all, non-combatants, while excluding from it most, if not all, combatants); and
- (iii) be applicable (if not easy, then at least possible to apply in real life circumstances).

## 3. Traditional justificatory accounts of PNCI

Let's accept, at the outset, the following widely shared assumption: the philosophical puzzle is not how, or in virtue of what, one acquires immunity against direct military attacks, it is how one loses it. So, what a proponent of the PNCI needs to provide is a positive account of the basis of liability to killing (= didn't deserve to die, yet is not wronged by being killed). Which, within the rights-based framework that most of them share, means explaining what those liable to attacks must have done to forfeit their right not to be harmed. Whatever it may be that combatants are or do that renders them liable to being killed in war, non-combatants should turn out not to share that feature if we are to preserve the correct (»all and only«) scope of PNCI.

Three basic strategies are available to advocates of intentional killing in war. They can justify killing combatants as (a) punitive killing or the killing of those who are guilty or responsible and hence deserving of punishment; (b) defensive killing or the killing of those threatening,

endangering or putting others' lives at risk; or (c) consensual killing or the killing of those who have consented to being killed.

All (and only) civilians are then illegitimate targets of (direct) military attacks, according to the traditional story, because nothing they have either done in the past or are doing at present makes them deserving of death, threatening to others or consenting to being killed.

#### **4. McMahan's revisionist account of liability to direct military attack**

Jeff McMahan has recently criticized this and similar 'collectivist' justifications of PNCI and advanced his own, 'individualist' alternative. He proposes to ground liability to direct military attacks in the individual's responsibility for the wrong that the given just war is set to amend instead. According to his Responsibility Account, *whether* and *to what* a person is liable is a function of, *inter alia*, the following elements: (i) The expected wrongful harm that will occur unless the person is harmed. (ii) The degree of the person's causal contribution to the harm. (iii) Whether the harm is foreseeable and, if so, whether the person contributes to its occurrence intentionally, recklessly, or negligently. (iv) If the person meets the necessary conditions of responsibility for the harm, whether and to what extent excusing conditions mitigate the degree of that responsibility. (v) Whether there are others who are *more* responsible for the harm and if so by how much. (vi) The extent to which the expected harm can be expected to be reduced by harming the person.

I find McMahan's account of liability to attack in terms of the levels of individual moral responsibility for wrongful harm a significant improvement on the traditional doctrine. Individual responsibility for wrongful harm provides firmer ground to liability to those military attacks necessary for preventing or correcting the wrongs of war than the traditional criteria mentioned above. Furthermore, it better accommodates the fact that the contributions of non-combatants to the military pursuit of unjust causes often overshadow that of many combatants. Unfortunately, it also makes legitimate targets of military attacks much more difficult to identify. We are left wondering about how these various elements work together in determining the liability not just of unjust combatants, but also of unjust non-combatants, as both will typically vary in the degree of their causal contribution to the threats posed by their country, in whether and to what extent they satisfy conditions of individual responsibility for that threat, in the exculpatory circumstances that may reduce their level of personal responsibility, and so on. Hence, while McMahan's criteria of liability are calibrated to better track morally relevant features of individual participants in war efforts, this comes at the price of feasibility.

#### **5. Conclusion**

Proponents of PNCI (or some similar version of PD) face the following dilemma: they can provide criteria of liability to direct military attack such that the resulting line between legitimate and illegitimate targets will be clearly drawn and easily identifiable, but at the expense of depriving these criteria of their true moral importance; or, alternatively, they can list conditions of liability that are clearly morally relevant, but at the cost of rendering the principle difficult, if not impossible, to apply. The unfavourable choice we are left with, then, seem to be between a principle which provides relatively clear guidance, but is at best a rough approximation to the moral truth, and a principle which expresses the latter correctly, but will leave us clueless in most real-life situations.

Just war theory stands and falls with the idea that war can be fought in accordance with the demands of justice. And yet, as we've seen, the kinds of distinctions we are expected to

respect may be impossible to draw. Where does this leave us? I'd like to conclude on an optimistic note. Given that the demand for a firm grounding of PD is hard, if not impossible, to reconcile with the demand for its appropriate, i.e. intuitively plausible and realistically identifiable, scope, we should perhaps revise our traditionally unfavourable verdict on (contingent) pacifism in light of this failure.

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## Moving Away from Marginalization: Relocating Korean Comfort Women and *Yanggongju* through the Theological Lens of Dorothee Soelle

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I will focus on the topic of Korean comfort women and *yanggongju* within the context of 21<sup>st</sup> century Korea. Militarism and a patriarchal social structure have cultivated the atrocities faced by Korean comfort women and military prostitutes. About 200,000 Korean Comfort women were forced into sexual slavery by the Japanese military during World War II. They were confined in brothels and raped by Japanese soldiers 10 to 40 times a day during the wars. *Yanggongju* are Korean military prostitutes for the U.S. military in South Korea, working for military sex businesses institutionalized by the Korean government and U.S. military officials. *Yanggongju* became a means to maintain friendly relations between the two nations, yet they are located in a marginalized “clash zone,” where American military culture and Korean ethnic shame about military prostitutes overlap. Koreans have stigmatized these women under Confucian virtues of chastity, alienating them from Korea society. Black-skinned children of *yanggongju*, in particular, have been severely marginalized as an “untouchable” class from childhood. These children belong neither to Korea, nor to America. Korean Comfort women, *yanggongju*, and the children of *yanggongju* have been cast to the fringes of Korean society. Exploration of the topic will trace the history of Korean comfort women and *yanggongju*. These case studies will expose trauma healing process of these marginalized Korean women. I will offer suggestions on how Korean citizens can resist institutionalized violence against women and how to help Korean comfort women and *yanggongju*, and the children of *yanggongju* to be reintegrated into Korean society. In this paper, I will recognize the responsibility of Christians to reintegrate these women through Dorothee Soelle’s theological lens. Soelle extensively explores the complexity of human suffering and acknowledges the detrimental consequence of institutionalized violence. Under Soelle’s theology suffering from structural violence that marginalize innocents is not a source of divine spiritual enrichment. She strongly calls for resistance of marginalization in political context. I will argue that Soelle’s holistic understanding of the structural violence and suffering can be practically used to analyze the traumatic suffering of these marginalized Korean women. I will assert that Soelle’s feminist approach in her understanding of God can be helpful for these Korean women to embrace God. Lastly, I will seek praxis on how Christians should respond to the suffering of victimized Korean women as a result of war and militarism.

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## **Keynote lecture**

### **The Responsibility to Protect: A Perspective from the Global South**

*Dr. Siddharth Mallavarapu, South Asian University, India*

Why do apparently benign constructs like the Responsibility to Protect (RtoP) have a more complicated life in the real world? How do historical legacies of inegalitarian political subject formation find articulation in contemporary political arrangements? How does context impact political critique? What are the principal sources of criticism of the RtoP from the perspective of the global south? Is there a way out of the current political impasse? An engagement with these sensibilities shall frame my effort to appraise the life and times of the RtoP. I shall argue that RtoP cannot be disassociated from a prior and longer lineage of interventionism in international affairs by the major powers of the day. Further, while power has many manifestations, RtoP too needs a thoroughgoing scrutiny of both its material and discursive facets if we are to arrive at a more holistic account of the doctrine and its practice as it stands today.

## Keynote lecture

### From Abuse of Memory to Revenge: The (Im)Possibility of Forgiveness

*Dr. Zorica Maros, Catholic Theological Faculty, Sarajevo, Bosnia and Herzegovina*

Analyzing mechanisms of violence that had a devastating impact during the war in Bosnia and Herzegovina (BiH) this contribution points to the depressing fact that this devastation was caused by the same mechanisms (*mutatis mutandis*) that created the reality of Auschwitz. The article highlights the hypothesis that the historical moral imperative, *Never again!*, which contains within it a moral obligation to remember (in fact a “prohibition of forgetfulness”), can have tragic consequences if it leads to memory that filtrates history, rather than memory that can be used critically. From this point of view the article shows how the (im)possibility of forgiveness is significantly conditioned by types of filtrated memory. It shows how a forgiveness itself can propagate forgetfulness; but it is not forgetfulness of what has been done but forgetfulness of the destructive contemporary impact of what has been done. Starting from this “conflict ethos”, the article emphasizes the “hyperbolic ethics” of forgiveness, arguing that between two extremes, the evil extreme and the forgiveness extreme, the abuse of memory is a key aspect of violence and forgiveness. In accordance with this thesis, the article is divided into three parts.

The first part deals with the “conflict ethos”, the categories that build a social belief system and which account for the apparent ease with which “normal” human beings can become criminals, taking part in the most horrific and cruel acts. According to Psychology Professor Daniel Bar-Tal there are eight categories that “psychologically and mentally empower” individuals or groups to kill. These categories build up the system of belief, which not only constitutes a mechanism of conflict but which continues to act long time after the cessation of direct violence, becoming in time part of the collective memory, memory that is transmitted to future generations. Investigating the causes of the war in BiH, the author shows how these categories are contextualized in certain social phenomena that contributed to the destructive dimension of the war in BiH. The instrumentation of the past (which includes Bar-Tal’s further categories: justified action of the self, security, and patriotism) and with history tightly connected to the phenomena of victimization, prejudgment and ethnic identity (which includes the categories: positive self-image, enemy dehumanization, sentiment of belonging and the concept of a desirable peace), shows how the evil of violence is a social construct and explains how individuals, otherwise regarded as “normal and non-violent” human beings, became criminals capable of unimaginable evil.

The second part of the article supports Professor Bar Tal’s theory by showing how the categories of a “conflict ethos” have become part of the collective memory of today’s BiH society, a memory that is in fact a myth history which corrodes every pore of social life in BiH. The cult of the past, which was one of the causes of the war, continues today and creates new myths, becoming a political tool to distract attention from actual problems. In BiH society the past has been reconstructed by comparing it to the present: remembering the past is used as a defense mechanism in the face of actual political events. On one side the BiH past is sacralized through “shehid (martyr) culture”, and on the other those who died in the war are commemorated as having died for the “Holy Cross and precious liberty”. Because of this, BiH has no agreed “state history”. Instead there is the memory of individual ethnic groups with reference to the particular burden of emotional memory, which continuously causes greater division in society. BiH society is locked in the past, in a strictly controlled condition, with a significant dose of half-truths and obscured facts.

The final part of the article discusses forgiveness as a possible way out of this kind of past, illuminating the unclear concepts that tend to be part of the every talk about forgiveness, its

possibility and morality or immorality. A key source of confusion in regard to forgiveness is the connection between forgiveness and memory, and the connection between forgiveness and justice, the latter particularly significant in in BiH society: in the BiH society a dominant axiom is: first justice, then forgiveness. Invoking the Christian vision of memory and justice, this part of the article shows how forgiveness does not mean forgetfulness or erasing the past. It stresses the function of critical memory that favors the reconstruction of historical truth; not truth that is self-serving but truth that supports "liberation from vengefulness". Furthermore, this part of the article shows how forgiveness is not an alternative to justice but a way of achieving justice, because in societies marked by ethnic conflict justice is not only subjective, it may also be unattainable and unfeasible. This is not a matter of risky and ethically questionable backtracking but a matter of stressing the fact that in certain situations the aspiration to "strict justice" can become unjust, because justice in a society where criminals are heroes and heroes are criminals is not simply unobtainable it is also impotent and unproductive.

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## Paths to Truth, Justice and Reconciliation in Argentina

*Dr. Ayeray Medina Bustos, Ministry of Justice, Centre for the Protection of Victims' Rights, Argentina*

Argentina has been following different paths to deal with its past repression after the dictatorship that ended in 1983. Attempts at truth and justice were the creation of the CONADEP (National Commission on the Disappearance of Persons) in 1983 and the condemnation of nine Argentine junta members. However, three amnesty laws were afterwards created: Full Stop, Due Obedience and Pardon ('Indulto') laws. As stated by Webb and others (2010) "the former military leaders called for amnesty whereas almost all the victims believe that reconciliation and justice can only be achieved through punishment of the perpetrators" (pp.26-27). The creation of those Laws caused negative reactions among most parts of the Argentinean society.

After 37 years Argentina succeed in prosecuting its worst perpetrators, as an institutional response to repression and public trials are contested in many cities of the country. This paper will argue that public trials might contribute to truth, justice and reconciliation, at national and personal levels. Nevertheless, "individual healing and closure is different from political reconciliation at national level" (Skaar Elin and others, 2005, p. 21). In addition, Mark Freeman and Priscilla Hayner (2003) argue that truth is an important element to pursuit reconciliation.

The repression's main characteristics during the dictatorship were: illegal detention, torture, 'disappearances', forcing of people into exile and disappearance of children, this last one unfortunately unique in Argentina, constituting all severe forms of gross human rights violations.

Malamud-Goti (1996) argues that in the period of transition from dictatorship to democracy, trials of human rights abusers are fundamental. Trials can bring a sense of justice in society being regarded as the way of combating impunity. However, we also need society's recognition of facts and victims; it is only after recognition that we can talk about symbolic justice. The remaining painful wounds from that obscure period in Argentina need to be healed through justice, truth, memory and good human rights practice; otherwise they will continue hurting people and disrupting society.

According to retributive justice theories, the pain and experiences of victims can be compensated by punishing perpetrators for their crimes. This theory of justice states that the suffering of victims may be recognized in their communities as well as the responsibility of the accused for the harm caused. Many scholars, such as Fletcher and Weinstein (2002, p.586) hold that retribution contributes to the alleviation of the pain that victims experienced, and additionally, they believe that by punishing perpetrators it is possible to eradicate the potential threat of having a new military regime thereby preventing future abuses. According to those scholars, trials embrace one, if not all of the following goals: 1. to discover and publicize the truth of past atrocities; 2. to punish perpetrators; 3. to respond to the needs of victims; 4. to promote the rule of law in emerging democracies; 5. to promote reconciliation.

In Bahía Blanca, my home town, the trials of crimes against humanity commenced on June 28th 2011, a very important historical fact not only for the city but for the whole country in its recovery process. I work in those trials as a psychologist, assisting victims and eyewitnesses. Together with other psychologists, we support victims before they give their testimonies at court, during their declaration and afterwards, whenever it is required (memorial sites, human rights events, etc.). They also receive personal protection, some

financial support for transportation and accommodation when needed, among other things (Medina Bustos, 2012, p.74).

Assisting victims at the TOF Tribunal Oral Federal (Oral Federal Tribunal) in Bahía Blanca, as a psychologist has been a very rich experience not only personally but also professionally and it has been particularly challenging to be part of it. It has also been stimulating to work with lawyers and judges, the plaintiff and other colleagues throughout the process.

I strongly believe Argentina is on its way to heal its wounds. Justice is slow and in transition but it is still working and that the dream of a fair and equal society of those idealist young adults of the 1970s, including members of my family, is still in their hearts, alive and will remain as a motivation and inspiration for future generations.

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## War, Violence and Moral Progress

*Prof. Dr. Albert W. Musschenga, Vrije University, The Netherlands*

A variety of contemporary philosophers, such as Dale Jamieson, Philip Kitcher, Michelle Moody-Adams, Martha Nussbaum, Peter Singer and Thomas Scanlon believe that, in spite of all the natural and moral evil that occurs every day and everywhere, there is moral progress. Moral progress, they say, need not be overall and global, but can also only partial and local. That is, moral progress in some domains might go together with moral stagnation, or even regress, in other domains. And moral progress might occur in some parts of the world, but not in others. Examples of moral progress that are most frequently mentioned are abolition of slavery, equal rights regardless of race, ethnicity, and gender, and the inclusion of animals in the moral community. Recently, psychologist Steven Pinker has manifested himself as a strong believer in global moral progress in *The Better Angels of our Nature. The Decline of Violence in History and its Causes* (2012). In that book he argues, on the basis of a wealth of evidence, that the number of wars and other violent conflicts, the number of deaths as a consequence of these conflicts, and also the number of homicides, is declining during the last centuries. Referring to the work of Norbert Elias, he speaks of a civilisation process, caused by exogenous factors such as the emergence of the state and the spread of 'doux commerce', but also of endogenous factors such as the growth of empathy and sympathy, of self-control and of the rational faculty of abstraction that usually goes hand in hand with self-control. He regards these factors as the 'better angels of our nature', which counteract our 'inner demons', our 'organs of violence': instrumental violence, dominance, revenge, and sadism. In my presentation, I will not go into the evidence Pinker provides for his thesis about the decline of violence, but restrict myself to discussing what Pinker says about the civilisation process and it causes.

### **Invited paper**

Revolution of the other – between admiration and responsibility.  
A critical analysis of political violence in the Ukraine crisis

*Prof. Dr. Elena Namli, Uppsala University, Sweden*

Since the late autumn 2013 Europe is witnessing a dramatic escalation of different forms of violence related to the political and economic crisis in Ukraine. This escalation includes Russia's annexation of Crimea, use of military violence by several actors in the Eastern parts of Ukraine, many violent confrontations between *Maidan* and anti-*Maidan* groups, but also discursive violence on behalf of almost every participant of the public discourse on the crises in Ukraine.

How to interpret this escalation? Could it be legitimized? This paper offers an analysis of the crises in Ukraine by means of ethical analysis of the discursive violence. This analysis will be applied to different forms of violence as they appear in the conflict. It will be argued that the ongoing crisis in Ukraine calls for a resolute rejection of the discursive legitimization of violence.

The argument of the paper is based on communicative ethics but it is also related to the heritage of the great Russian writer Lev Tolstoy (1828-1910). In his short novel "Hadji Murat", which for political reasons was first published several years after Tolstoy's death, he offers a strong criticism of Russian colonial violence as well as he depicts a dramatic dilemma of violent resistance.



## Towards an Ethics of Memory. Is memory the root cause of violence or a path to violence avoidance?

Dr. Jasna Ćurković Nimac, Institute of Social Sciences Ivo Pilar, Zagreb, Croatia

As we witness a growing popularity of so called *memory discourse* in the field of historical and cultural studies, there is an apparent lack of systematic insight into the ethical dimension of this subject. This omission of normative weight of memory has been recently mitigated by a few outstanding works in the fields of both philosophy and theology (A. Margalit, J. Blustein, P. Ricoeur, M. Volf). This paper attempts to alleviate the imbalance in the treatment of the subject. It consists of three parts.

In the first part the author offers some key insights into a phenomenology of natural memory. By indicating some essential elements of memory such as its volatile, dynamic and hence manipulable nature, the author shortly points to the abuses of memory at different levels (pathological-therapeutic; practical and ethico-political). Bearing in mind the fact that instead of creating solidarity and reinforcing social cohesion, memory can breed indifference and strengthen cycles of violence, bolster someone's false self-perceptions and unreasonable demands, this part also scrutinizes the relationship between memory and violence.

Given the moral fickleness and indeterminateness of memory, in the second part the author outlines the *ethics of memory* with the emphasis on the evaluative inquiry about memory and its relation with the notions of value and responsibility. Taking into account that memory is a good in itself, and therefore a value and an ingredient of a good life, the author establishes a certain criterion of memory and answers *how* we should remember and transmit memory. By placing memory between the extremes of "too much" and "too little", this paper also puts emphasis on the interaction between memory and forgetting. Considering the value of memory in our daily lives, the author also tries to define the moral responsibilities associated with memory (*why* and *what* individuals and groups have responsibilities to remember).

Finally, in the third part the author contrasts the polyvalent nature of memory and its propensity to hurt as well as to heal and the above-mentioned normative account of memory. The paper concludes by suggesting "the saving power of memory" and the ways in which memory, if reined in, can benefit our societies and guard them against further violence and injuries.

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# External Actors as Peacemakers? - Agency and Legitimation From Ethical Perspectives

*Johanna Ohlsson, Uppsala University, Sweden*

## *Introduction*

International peacemaking and peacebuilding is, almost by definition, a set of actions or initiatives that are closely supported and implemented by actors outside the country where the peace is supposed to be built. The peacebuilding activities of external actors rest on several ethical underpinnings that might clash with the local dimension of the peacebuilding process, which makes this external dimension problematic. The ethics of peacebuilding are closely connected to the paradox that outside engagement often is used to foster self-governance, even though the power the external actors exercise is inevitably intrusive, no matter how well intentioned the engagements may be.

The peacebuilding discourse is closely related to liberal values such as democracy, freedom of expression and market economy. Is it morally defensible for external actors to explicitly or implicitly impose norms and values into another society, which oftentimes is ripped apart due to the consequences of civil war? This is a moral question which could be connected to the discussion about interventions during war, a debate where several scholars have been involved over the years. My research questions relate to this moral dilemma, but my proposal focuses on finding criteria for sustainable legitimacy. The research question is 'how do external actors legitimise their agency within the peacemaking process?'

## *Originality and contribution*

The group of most influential countries on the international arena is undoubtedly the five permanent members of the United Nations Security Council (France, the United Kingdom, China, the United States, and Russia). In debates and research there has been a more explicit focus on the US, the UK, France and also a more recent interest for China. My contribution to this research debate will be to scrutinise the role of legitimacy for external actors in peacebuilding, focusing on how Russia views, acts and handles peacebuilding efforts. By investigating Russia as a peacemaker, I will search for criteria for sustainable legitimacy.

There are several reasons why it is valuable to focus on Russia as an actor. First, Russia is a key player in the international arena but, second, it is not the first country people associate with peacebuilding activities. A third reason is that Russia's role as an international actor has varied over time and across geographical space. Russia is also one of the BRICS countries<sup>13</sup>, a group of emerging national economies that claim (renewed) power on the international arena, which could bring thought-provoking nuances to the debate. A recent change in the Russian foreign policy rhetoric has shown an indicator for an increased Russian interest for more engagement in peacekeeping and peacebuilding missions. I aim to find explanations for Russia's recent broadened interest and will elaborate on how this could affect role of Russia as a peacebuilder.

I intend to investigate this through discourse analysis of official documents and guidelines. In addition, I will interview key stakeholders in order to access relevant information. The guiding documents and doctrines for Russia's foreign policy show several normative elements that could function as entry points into this debate. The doctrine "Concept of the Foreign Policy of the Russian Federation" provides statements that open up for discussions

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<sup>13</sup> BRICS stand for Brazil, Russia, India, China and South Africa.

on what the role of state sovereignty and the role of the UN is and ought to be, in regards to international assistance.

A preliminary hypothesis could be that the way the actors legitimise their actions mirrors how they will affect the peace process, which also could reflect the possibilities for sustainable peace. This is important to study in order to improve the contemporary peacebuilding activities and create better conditions for sustainable peace. An ethical approach on legitimization of external agency could improve existing theories and contribute towards the ideal peacebuilding strategy.

I will also explore whether there are any theological arguments and/or religious voices in this debate and what role these in that case play. Russia has also shown an increased interest for the discussion about religion and development in recent years. They are for example one of the observatory countries in the Organisation of Islamic Cooperation since 2005 and Russia has been active in the discussion about religious voices in peace and development. This also makes Russia an interesting actor to focus on, especially since previous research on this topic remains limited. An assessment of potential arguments will then serve as a point of departure for developing new theory.

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## Modern Racism - A Challenge For Human Rights?

*Madelene Persson, Uppsala University, Sweden*

Our history tells a sad story about racism and its consequences.

Looking back on what we know it could seem strange that racism once again is on the rise, if it ever ended. Some even foresee the history repeating itself all over again. It was not a more than 47 years ago when UN adopted the *Convention on the Elimination of all forms of Racial Discrimination* (CERD), which among other things states:

*Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.*<sup>14</sup>

All over the world though, Muslims, Jews, migrants, minorities and people of African descent tell another story. A story which has strong resemblances to Iris Marion Youngs five faces of oppression.<sup>15</sup> That is a testimony on violence, exploitation, marginalization, powerlessness and cultural imperialism. Needless to say, the issue of racism serves as a root for war, not least in those conflicts where the participants articulates the religious and/or ethnic identity of "The other" as a separating factor.

The concept of racism has been given different terminological content both within the scientific field as well as in society as a whole. The term racism has been used to describe everything from who is racist and who is not, to describe certain parts of our shared history, certain ideological content and various forms of structures and processes in our everyday life. Sociologist Robert Miles has traced this development to different ways of handling the scientific fact that developed after Second World War which stated that there are no different races within humankind - and hence, the idea of race have lost its place. Within the UN though, who experienced the atrocities of the apartheid system in South Africa and the segregation of the Jim Crow-laws in USA among other ethnically motivated systems, there were still an ambition of handling the social facts of racism. The understanding of different races had maybe lost its place in the scientific world, but the idea was well alive in the social world. Therefore racism as a concept still was relevant. According to Miles different understandings of racism started to develop. Some meant that the concept of racism after race were irrelevant, others filled the term with different connotations.<sup>16</sup> For example UNESCO released four statements on how to understand the concepts and relations of race and racism, thereby developing an idea of racism being an ideology where the biological component no more where central.<sup>17</sup>

Even though the system of human rights lacks a specific understanding of racism, yet it requires the state parties to tackle racism through all kinds of juridical, political and normative measures. But how should we look on racism and does it really matter what we call it? These issues are in focus in the paper I would like to present. In my paper I will argue that although racism is a concept that is extensively used in society, the fact that there is no coherent understanding of its meaning serves as a challenge for human rights. The different understandings of racism, I argue, is crucial for how racism is identified, articulated, addressed and countered. Since there is no coherent understanding of what racism is it follows that it is possible for states not taking appropriate measures tackling it. For example,

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<sup>14</sup> United Nations, *Convention on the Elimination of all forms of Racial Discrimination, Preamble*

<sup>15</sup> Iris Marion Young, *Justice and the politics of difference* (Princeton, N.J.: Princeton Univ. Press, 1990).

<sup>16</sup> Robert Miles, *Racism* (London: Routledge, 1989), 47.

<sup>17</sup> Robert Miles, *Racism* (London: Routledge, 1989), 47-49.

how to condemn propaganda from organizations who promotes racial hatred, as it is stated in the CERD, if there isn't a common understanding of just what racial hatred comprises?

The point I want to put forward is that it is neither possible nor desirable to use a specific definition of racism when analysing human rights violations since racism has proven to change its shape and focus depending on time and context. It is more reasonable to establish some form of analytical criteria that is sensitive to the shifting forms of racism. In my paper I will present a proposal for criterias that can serve as a basis for analysing racism through a human rights perspective. Finally, I will relate these criteria to some of the challenges the human rights system is facing today in regards of the racist discourse as a potential threat to peace and stability within Europe.

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## Apocalyptic Thinking In Girard's Mimetic Theory

Prof. Dr. Robert Petkovsek, University of Ljubljana, Slovenia

Our contribution aims at analyzing the recent book of René Girard entitled *Achever Clausewitz*, in which he reads Clausewitz's (1780–1831) treatise *Vom Krieg* (1832) from the viewpoint of mimetic theory.

Mimetic theory intends to be universal and radical interpretation of human cultural development. According to Girard, human culture is to be divided into archaic pre-Christic culture, and Christic culture based on the event of crucifixion of Jesus Christ. Like H. Arendt, J. Derrida, P. Ricœur or J. Caputo, Girard argues that contemporary globalized culture originates in the event of the cross, where Christ interrupted the cycle of mimetic violence driven by revenge, and offered a new, revolutionary model of human relationships based on the forgiveness. He believes that forgiveness cannot be understood from mimetic anthropological perspective. In the Christ's model, forgiveness substitutes for revenge, and archaic exclusive society gives way to a new inclusive society, which results in the modern globalized culture.

The event of the cross had a double effect. By setting the man free from the scapegoat mechanism, this mechanism lost the power that it had had over the man in archaic period. In archaic societies the scapegoat mechanism functioned as pacifying and reconciling element, which consisted of two phases: demonization and divinization of the innocent victim. In Christic culture, this whole broke down and demonization was not followed up by the divinization.

Christic culture didn't suspend the mimetism, which sustains cultural development as well as triggers mimetic violence. Mimetic violence creates innocent victims, and this danger has not been overpassed in Christian culture. However, this culture is the aware of the innocence of the victims and protects them. Consequently, scapegoat mechanism has lost its power, and has no longer been able to grant peace to community menaced by self-destruction. Thus, a new, apocalyptic awareness emerges, which has always been an essential part of Judeo-Christian tradition. In the 19<sup>th</sup> century Dostoevsky predicted this new spirit that took place in the 20<sup>th</sup> century. New situation demands a new "apocalyptic thinking" (Girard), trying to avoid self-destruction of the humankind.

Apocalyptic formula was formulated by Carl von Clausewitz as follows: "... zum Äußersten führen in der Wechselwirkung." In Clausewitz's time the nature of war radically changed from traditional, honor-based war, to a total war aiming at the total destruction of the enemy. War is duel on the largest scale, an act of violence, which aims at forcing the adversary to subdue himself to our will. Yet, the secret of the war is reciprocal mimetic desire. To understand the war is to understand this fundamental reciprocity, reflected in its many aspects, among others: relationship between the real war and the abstract war, between war and peace, between violence and its deferring, and finally shared responsibility for the violence given the fact that the victim, which is aggressed, may himself have provoked the aggression. The question of shared responsibility thus implies the question of the principle of polarity (*Si vis Pacem, para bellum*).

According to Clausewitz, Philanthropy is not a proper response to the threats of the war. Even though it may be desired, it is an error to be eliminated. "In a case concerning the war, the errors arising from the goodness of the soul are the worst of all things." (Clausewitz) Today, escalation of extreme violence is a real possibility. Even in the most civilized environments hatred does not stand still. "Most civilized nations can be carried away by the wildest hatred ... there is no limits to the bursting of violence."

According to Girard in the modern world the peace can only be granted by following the model revealed by Jesus Christ on the cross. This model consists in the conversion of mimetic desire. The forgiveness constitutes this model. Jesus renounced the mimetic desire and, in consequence, the *scandalon* that fuels the conflict. The model of forgiveness was later conceptualized in the philosophy under the term of *Gelassenheit* (Meister Eckhart, Heidegger, Caputo). Finally, the question to ask is how the conversion of mimetic desire can be institutionalized. According to James Smith, conversion of desire is institutionalized in a proper liturgy. This makes a new alternative anthropology of desire possible.

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## Humanness – New Name For Peace.

### Contribution of the Catholic Church to peace and reconciliation in Croatia (during and after the Homeland War) in 1990s

*Dr. Dubravka Petrović Štefanac, Center for the Promotion of the Social Teachings of the Church, Zagreb, Croatia*

Peace is the goal of life in society and path to peace leads through painful crises. Wind of war is definitely one of the most painful and most difficult crises in human history and presents one of the most explicit threats to the gift and task of peace. Having been aware that Christ's farewell message was the one of peace that can be lived out and proclaimed only by his peaceful disciples, Catholic Church – as a herald of peace, and in face of complexities, delicacies and dangers brought about by the stronger aggressor's attack against Croatia – responded with constant *diplomatic* efforts emphasizing protection of human lives and persistent commitment to peace. In the midst of Croatia's pondering into the mystery of the Cross, words and examples of both its shepherds, especially cardinal Franjo Kuharić, as well as concrete actions of its institutions towards peace and reconciliation (for instance Iustitia and Peace Commission of the Croatian Bishops' Conference, Caritas Croatia, Franciscan Peace Culture Institute etc.) Catholic Church in Croatia relentlessly pursued its public call for peace, prayer, fasting, advocacy, prudence, tolerance and co-existence of all people in Croatia thus opening space for God's intervention. In so doing, it has always given preference to God's love and value and dignity of every person created "in the image of God" (Gen 1,27). Starting off from the fact that it is the task, as well as the duty, of the Church to condemn every violation of freedom and life, democratic life included, which has after almost half a century just reappeared on the historic stage in Croatia, it had articulated a call to stop warfare and commit to fair negotiations which no one could ignore not corrupting its position in sight of God and humankind. In light of the daily war operations, the Church has grown in understanding that violence leads into more violence, and that continuing conflict – unless stopped – will inevitably open door to an irremediable catastrophe. Therefore the Church committed itself to its peacebuilding mandate applying peaceable attitude to its own efforts. The Church taught that true peace is made possible only through forgiveness and reconciliation. It is not easy to forgive when faced with the consequences of war and conflict because violence leaves a heavy burden of pain. This pain can only be eased by a deep, faithful and courageous reflection of all parties behind. This is a long and difficult process wherein mutual forgiveness must not eliminate the need for justice and still less block the path that leads to truth. On the contrary, justice and truth represent the concrete prerequisites for reconciliation. The Church was courageous enough to see that in all it did – as small and modest beginnings – it was hope alone that lightens our path towards peaceful, better world. Emphasizing education for peace and reconciliation as a part of its task, which authenticates its trustworthy mandate, the Church has exemplified how necessary it is to systematically care for building up persons who will be able to discern forces for reason and peace while developing confidence in the neighbour and his or her genuine desire for peace.

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## When Passions Constitute Peace: Tocquevillian Equality as Political Ethics of Pacifism

*Dr. Peter Rožič, S.J, Santa Clara University, USA*

What are the conditions under which political passions become constitutive of peace? Tocquevillian democracy, best characterized by “equality of conditions,” rests primarily on passions. However, the most important of passions, equality, can overwhelm liberty when the corrective mechanisms to egalitarianism’s internal threats, such as mild despotism or tyranny of the majority, are no longer guaranteed. Examining Tocqueville’s solutions to the potentially violent passion for equality, as seen in France’s revolutionary upheavals, this essay argues that a peaceful egalitarian democracy requires passions structured in a hierarchy that is established through equality as long as it maintains social ties without harming freedom.

The essay first finds that dispositions against war, and for peace, require a political system that consists of what Tocqueville calls “men of property who are lovers of peace.” As other modern philosophers, Tocqueville sees commerce, equality and freedom intertwined. However, for Tocqueville, a peaceful and commercial democracy can only function within a particular dialectic movement. This dialectic is a constant process between equality understood as passion and equality understood as socio-political state. Thirdly, a commercial and peaceful democracy requires an equality that is constantly corrected by freedom, which ultimately leads to socio-political participation. Finally, equality, consisting of egalitarianism and uniformity (social state) as well as of legislation (political state), orients “everyone” not only towards material wealth but towards the passion for equality, which is fundamentally a disposition to democracy. Equality, never fully realized, becomes the desired norm.

While in reality all democracies are unequal to a certain degree, their democratic spirit continues to foster the hope of realizing a society without established and inherited differences. Democracy offers not only various political forms, but above all a realistic belief in social and material equality for all, leading to peace and prosperity.

This analysis of Tocquevillian political ethics of pacifism sheds new light on how and why political passions become the key element of a peaceful political system. When seen as the norm and form of existence – in other words as a ‘dialectic’ – democracy becomes the interpretive and ethical key for understanding the source of a political system’s strength, stability and peace.

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## Expandierende Militärforschung an deutschen Hochschulen – Manche Hochschulen setzen sich Zivilklauseln. Über die ethische Tragweite dieser hochschul- und wissenschaftspolitischen Selbstvergewisserung

*Dr. Kerstin Schlögl-Flierl, Universität Regensburg, Deutschland*

Krieg und seine Begleiterscheinungen scheint es immer anderswo zu geben, aber nicht im eigenen Land, am eigenen Arbeitsplatz. Dass dies aber nicht so ist, auch in Deutschland mit seiner Vergangenheit, darauf macht hierzulande die ‚Zivilklausel-Bewegung‘ in politischer Hinsicht, in den meisten Fällen anfänglich von Studierenden getragen, aufmerksam. Sie wendet sich gegen jegliche Zusammenarbeit mit dem Militär und dessen Institutionen. Inwiefern an deutschen Hochschulen durchaus das Thema Krieg teilweise indirekt, d. h. in der Forschung, Lehre und Studium durch wehrmedizinische, -technische Studien oder Projekte im BMBF<sup>18</sup>-Programm „Forschung für die zivile Sicherheit“ präsent ist, soll in einem ersten Schritt die Sachanalyse zeigen. In einem zweiten wird die ethische Tragweite dieser Selbstvergewisserung – der im hochschuldemokratischen Prozess gegebenen Zivilklausel – mancher deutscher Hochschulen reflektiert.

Immer mehr Universitäten<sup>19</sup> in Deutschland verordnen sich eine Zivilklausel. In den letzten Jahren ist die Zahl der militärischen und damit verwandter Forschungsprojekte an deutschen Hochschulen gestiegen<sup>20</sup>, nicht zuletzt im Zuge der Drittmittelakquise und eines gewandelten Sicherheitsbegriffs. Alle Fächer können davon betroffen sein, von den Politikwissenschaften bis hin zu den medizinischen Fächern.

Bei der Zivilklausel handelt sich dabei um eine von innen gegebene Verpflichtung, im Gegensatz zu von außen auferlegten Vorgaben (wie von den Siegermächten nach dem Zweiten Weltkrieg), die die wissenschaftliche Arbeit auf zivile oder friedliche Zwecke verpflichtet.

Neben der rechtlichen, nicht geklärten Frage, ob eine normative Beschränkung der Forschung auf ‚friedliche‘ oder ‚nichtmilitärische‘ Zwecke – zumeist nicht in den jeweiligen Landeshochschulgesetzen verankert – angesichts der grundgesetzlichen Garantie der Freiheit der Wissenschaft (Art. 5 Abs. 3 GG) überhaupt rechtens ist, kommt es an manchen Hochschulen zu einem Meinungsbildungsprozess, der in ein rechtskräftiges Dokument mündet, d. h. in einen Senatsbeschluss oder eine entsprechende Passage in der Grundordnung der Universität. Konkret kann die Zivilklausel dann bedeuten, dass sich die Mitarbeiterinnen und Mitarbeiter einer Hochschule nicht an nationaler oder internationaler Forschung zu bestimmten Themen beteiligen, in bestimmten Bereichen keine Drittmittelanträge stellen oder keinen Kontakt zur Praxis oder Industrie halten dürfen.

Hier ergeben sich schon die ersten Schwierigkeiten: Ist der militärische Bereich das einzige Anwendungsgebiet einer bestimmten Forschung oder nur ein Anwendungsbereich unter vielen, auch zivilen. Wie ist in diesen Grenzfällen des ‚dual use‘ zu entscheiden? Auch ist die Umsetzung dieser Selbstvergewisserung sehr unklar. Bedürfte es nicht institutionalisierter Mechanismen, die eine praktische Umsetzung dieser Vorgaben evaluieren, also im Zweifelsfall auch die Einflussnahme auf problematische Entwicklungen in Forschung, Lehre oder Studium vorsehen? Es sei dahingestellt, ob nur ein Verbot sinnvoll ist, oder ob die Zivilklausel nicht eher als Gebot angegangen werden muss. Bei einem Verbot dürfte beispielsweise keine Verherrlichung des Krieges in den

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<sup>18</sup> Bundesministerium für Bildung und Forschung für Deutschland.

<sup>19</sup> Zum jetzigen Zeitpunkt sind das bereits zehn bzw. dreizehn (2013) von 89 Hochschulen in Deutschland. Vgl. Burmester, 107-110. In weiteren 23 deutschen Universitäten gibt es Bestrebungen. Vgl. Burmester, 95.

<sup>20</sup> Vgl. Bayer, 3.

Literaturwissenschaften Thema sein, bei einem Gebot wären vielmehr Aspekte von Frieden oder nachhaltiger Entwicklung als Traditionslinie für die Studierenden der Literaturwissenschaft aus den jeweiligen Texten zu erfassen.

Diese Problematisierung verweist schon auf den zweiten Schritt des Papers, die Erfassung der ethischen Tragweite dieses hochschul- und wissenschaftspolitischen Instruments. Es handelt sich dabei um eine sowohl wissenschafts- als auch technikethische<sup>21</sup> Fragestellung, welche die Universität, die Gesellschaft, den Staat betrifft. Zudem ist es eine sehr emotional geführte Debatte, da die grundsätzliche Zustimmung zum oder Ablehnung des Einsatzes von militärischen Mitteln im Hintergrund steht. Realpolitisch betrachtet beruhen doch alle Missionen der deutschen Bundeswehr auf Mandaten der Vereinten Nationen und auf Beschlüssen des Bundestages (vgl. Art. 24 Abs. 2 GG).

Umfang und Umsetzung der Zivilklausel oder auch der Umgang mit Grenzfällen, wenn z. B. ein Mitglied des verteidigungspolitischen Ausschusses als Referent in das Seminar eingeladen wird, sind zu diskutierende weiterführende Fragestellung. Für eine Ethik aber bleibt es notwendig, an dieser Stelle der Implementierung der Zivilklausel einen Kriterienkatalog zu deren Umsetzung und zur Beurteilung von Forschungsprojekten oder Seminarangeboten zu entwerfen. Genau dies soll in diesem Paper passieren.

Mit Hilfe der Zivilklausel wird freiwillig von Seiten der Hochschule Verantwortung übernommen und dem gesellschaftlichen Umfeld gegenüber eine gewisse normative Positionierung ausgedrückt. Die jeweilige Universität kann sich damit glaubhaft als friedenspolitische Akteurin profilieren. Sie übernimmt in einem Handlungsfeld, in dem es ihr möglich ist, mehr Verantwortung und in diesem Fall Verantwortung für den Frieden. Aber kann Friedensforschung wirklich trennscharf von jeglicher militärischen Forschung unterschieden werden?

AMMIGHT QUINN, REGINA/NAGENBORG. MICHAEL: Wissen, was man tut – Ethische Perspektiven auf Fragen ziviler Sicherheit und auf die Sicherheitsforschung in Deutschland, in: Nielebock, Thomas/Meisch, Simon/Harms, Volker (Hrsg.): Zivilklauseln für Forschung, Lehre und Studium. Hochschulen zum Frieden verpflichtet, Baden-Baden 2012, 255-269.

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<sup>21</sup> Umfang und Umsetzung der Zivilklausel oder auch der Umgang mit Grenzfällen, wenn z. B. ein Mitglied des verteidigungspolitischen Ausschusses als Referent in das Seminar eingeladen wird, sind zu diskutierende weiterführende Fragestellung. Für eine Ethik aber bleibt es notwendig, an dieser Stelle der Implementierung der Zivilklausel einen Kriterienkatalog zu deren Umsetzung und zur Beurteilung von Forschungsprojekten oder Seminarangeboten zu entwerfen. Genau dies soll in diesem Paper passieren. Mit Hilfe der Zivilklausel wird freiwillig von Seiten der Hochschule Verantwortung übernommen und dem gesellschaftlichen Umfeld gegenüber eine gewisse normative Positionierung ausgedrückt. Die jeweilige Universität kann sich damit glaubhaft als friedenspolitische Akteurin profilieren. Sie übernimmt in einem Handlungsfeld, in dem es ihr möglich ist, mehr Verantwortung und in diesem Fall Verantwortung für den Frieden. Aber kann Friedensforschung wirklich trennscharf von jeglicher militärischen Forschung unterschieden werden?

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STÜMKE, VOLKER/GILLNER, MATTHIAS (Hrsg.): Friedensethik im 20. Jahrhundert (Theologie und Frieden 42), Stuttgart 2011.

The presentation will be in English

## Automatisierte Kriegsführung als Anfrage an die christliche Ethik am Beispiel des Einsatzes von UAV

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Der zunehmende Einsatz von bewaffneten UAV („Unmanned Aerial Vehicles“), umgangssprachlich „Drohnen“, stellt besondere Anforderungen an eine christliche Friedensethik. Ihr Konzept der Automatisierung und Enthumanisierung von Kriegsführung verbindet in bisher ungekanntem Ausmaß die Verwendung von Algorithmen und Maschinen mit der Tötung von Menschen. Dieser Vorgang der Entmenschlichung von Gewaltakten, in welchem der Andere nicht mehr als Mensch wahrgenommen wird, wirkt unmittelbar auf das Verständnis des Menschen an sich zurück.

Die vorliegende Untersuchung will versuchen, die Konsequenzen dieses Prozesses im Hinblick auf ihre Bewertung aus christlicher Perspektive darzulegen, um so zum einen eine Qualifizierung des Einsatzes von UAV im Sinne des Konzepts des „gerechten Friedens“ vorzunehmen und zum anderen die Frage nach dem aus christlicher Sicht zu Grunde gelegten Menschenbild zu beantworten.

Der Einsatz von UAV hat in den letzten Jahren insbesondere im Hinblick auf die gezielte Tötung von Einzelpersonen („targeted killing“) an politischer und militärischer Relevanz gewonnen. Daneben ist allerdings auch eine zunehmende Verwendung der Systeme im militärischen Operationsgebiet festzustellen. Dieser Trend wird sich in absehbarer Zeit durch die unausgeschöpften militärischen Potenziale und die Möglichkeiten der technischen Effektivitäts- und Effizienzsteigerung dieser Systeme weiter verstärken.<sup>22</sup>

Als limitierend stellen sich momentan zwei Faktoren dar: 1. Die mangelnde Kommunikationsinfrastruktur zwischen Drohne und Pilot und 2. Die unzureichende kognitive Fähigkeit der Crew, die übermittelten Daten im Sinne des Auftrags auszuwerten. Beide Faktoren begründen Automatisierungsprozesse hinsichtlich der Interpretation der erfassten Daten, um die Menge des übertragenden und auszuwertenden Materials zu senken. Eine erste Folge der Automatisierungsprozesse bilden die so genannten „signature strikes“, bei denen dem Piloten eine durch Algorithmen vorgefertigte Auswahl an potentiellen Zielen präsentiert wird. Der Waffeneinsatz bleibt dem Piloten vorbehalten („man *in* the loop“). Eine Perspektive der Entwicklung zielt allerdings auf den durch das System selbstständig getroffenen Waffeneinsatz. Der Mensch ist in dieser Entwicklung lediglich Beobachter („man *on* the loop“). Dieses Szenario ist momentan insbesondere für den Einsatz in umkämpften Lufträumen von Interesse, da hier ohne entsprechende Automatisierung die Reaktionszeiten des Piloten zu groß wären. Potenziell denkbar wäre ein automatisierter Waffengebrauch auch auf dem Hintergrund einer sachgerechteren Einschätzung der Lage durch Algorithmen.

Im Phänomen des UAV treten zwei eigentümliche Merkmale hervor: Zum einen die durch die denkbar engste Verbindung von Mensch und Maschine gegebene Abhängigkeit des Piloten von der Technik und zum anderen die Entwicklung der zunehmenden Emanzipation der Maschine vom Menschen. Beide Merkmale sind im Sinne der Fragestellung der Untersuchung getrennt voneinander zu analysieren, da sie jeweils unterschiedliche Zielperspektiven haben: Die Abhängigkeit des Piloten von der Technik muss hinsichtlich ihrer Rückwirkung auf selbigen betrachtet werden, die Emanzipation der Maschine vom Menschen in Bezug auf ihre Wirkung auf den Menschen als Ziel.

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<sup>22</sup> Vgl. zu Drohnen generell: Singer, Peter: *Wired for War. The Robotics Revolution and Conflict in the 21st Century*, New York 2009. Zu der Entwicklung am Beispiel der USA: US Department of Defence (Hg.): *Unmanned Systems Integrated Roadmap FY2013-2038*.

Die räumliche Trennung der Person des Piloten von seinem scheinbar unmittelbaren Wirken, welche erst die Ersetzung seiner Wahrnehmung durch die Optiken und Algorithmen des Systems möglich machte, begründet die Abhängigkeit des Piloten von der Maschine: Sie ermöglicht dem Piloten seine Teleexistenz. Diese Abhängigkeit ist daher total, so dass sie ein neues Verhältnis des Menschen zur Welt schafft. Dieses neue Verhältnis ist bestimmt durch die Vermischung von Anschauung und Virtualität und der Erfahrung des Verlusts von Raum, von Nähe und Ferne und Bewegung in dem Raum und damit sinnlicher Erfahrung des Piloten.<sup>23</sup>

Die Automatisierung der Maschinen hat – durch den Einfluss der Optik – zwar auch Auswirkungen auf den Piloten, ändert aber in letzter Entwicklung, d.h. in der Unabhängigkeit der Maschine vom Menschen, grundlegend das Verhältnis der Beziehung von Mensch zu Mensch auch und gerade in Gewaltsituationen: Ohne die Automatisierung erregt das Ziel des Systems immer noch die Aufmerksamkeit eines anderen Menschen (unabhängig von dessen Wahrnehmung des Menschen als Menschen, s.o.), indem es ihn zur Beobachtung und Entscheidungsfindung zwingt und ihn damit zu einem Gegenüber macht. Im Falle der Automatisierung von Erfassung, Verarbeitung und Urteilsfindung ist dies nicht mehr möglich: Das Ziel kann sich nicht mehr als menschliches Gegenüber artikulieren, sondern wird anhand von Sensoren und Algorithmen vermessen, d.h. er wird zum Zweck der Ausführung eines Programms.

Diesen beiden den UAV eigentümlichen Merkmalen ist die Infragestellung des Menschen als Mensch gemein. Christliche Ethik erweist sich damit als in ihren anthropologischen Implikationen in fundamentaler Weise betroffen. Einen (Gegen-)Entwurf einer solchen Anthropologie, die das Beziehungsgeschehen des Menschen in seinen Mittelpunkt rückt, lieferte Karl Barth.<sup>24</sup> In seinen christologisch zentrierten Ausführungen wird auf der Grundlage der Humanität Jesu der Mensch, der sich über seinen Mitmenschen definiert, zum wirklichen Menschen. Der erste Schritt dieser Definition ist die Wahrnehmung des anderen als im selben Raum entgegenkommendes „Du“, welches überhaupt erst die Konstituierung eines „Ichs“ ermöglicht und damit eine Beziehung begründet, welche dem Menschen als Geschöpf zugeordnet ist. Ohne dieses Sehen des Menschen als Mitmenschen verkennt sich der Mensch selbst und lebt in Widerspruch zu seiner Geschöpflichkeit – in Selbstverabsolutierung und Einsamkeit als potenzieller Feind aller.

Der Einsatz von UAV verkennt daher die christliche Perspektive des Menschen grundlegend.

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<sup>23</sup> Vgl. Virilio, Paul: Fluchtgeschwindigkeit, Wien 1996; ders.: Krieg und Fernsehen, Frankfurt a.M. 1997.

<sup>24</sup> Vgl. Barth, Karl: KD III/2, Zürich 1948 und IV/2, Zürich 1955 sowie ders.: Das christliche Leben. Die KD IV/4, Fragmente aus dem Nachlaß. Vorlesungen 1959-1961, hg. v. Hans-Anton Drewes u. Eberhard Jüngel, Zürich 1976. Zu Barths Anthropologie: Price, Daniel: Karl Barth's Anthropology in light of modern thought, Grand Rapids 2002 sowie Zeindler, Matthias: Der wirkliche Mensch. Zur Aktualität von Karl Barths Anthropologie, in: Graf, Michael/Mathwig, Frank/Zeindler, Matthias (Hg.): „Was ist der Mensch?“ Theologische Anthropologie im interdisziplinären Kontext. Wolfgang Lienemann zum 60. Geburtstag, Stuttgart 2004, 257-275; Becker, Dominik A.: Sein in der Begegnung, hg. v. Georg Plasger, Ethik im Theologischen Diskurs 19, Berlin 2010.



## Invited paper

### Der Europäische Traum: Ewiger Frieden, Kriegsunfähigkeit oder ein neuer Stil der Weltpolitik?

*Prof. Dr. Elke Schwinger, Hochschule Coburg, Deutschland*

Der Vortrag widmet sich der systematischen Reflexion der Aktualität der Kantischen Schrift „Zum Ewigen Frieden“<sup>25</sup>, die in den letzten Jahrzehnten durch die Ausweitung und Verdichtung des föderalen Systems der Europäischen Union (EU) scheinbar eine Umsetzung in Form eines friedenssichernden Staatenbundes gefunden hat.

Kants Friedenskonzept, die Utopie eines Weltfriedensbunds<sup>26</sup>, wird aktuell durch die Politik Russlands gegenüber der Ukraine herausgefordert: Mit der Annexion der Krim auf der Basis eines Referendums der Bevölkerung (März 2014) hat Russland trotz beschwörender Warnungen die internationale Friedensordnung grob verletzt. Zwar hat das „(...) moderne Völkerrecht (...) den Krieg als Rechtszustand abgeschafft, legitime Gewalt ist nur mehr aus der Defensive oder zur Nothilfe für andere gestattet“<sup>27</sup>, doch stellt sich durchaus die Frage, ob die Ukraine in der momentanen Situation dieser Hilfestellung von Seiten der NATO-Mitglieder bedarf.

Zur Debatte steht hier nicht etwa Russlands historische oder geopolitische Motivlage, sondern eine Ursachenanalyse der moderaten Reaktion der westeuropäischen Staatenföderation auf diese Verletzung des Völkerrechts: Ist die Entscheidung für ein ökonomisches Embargo gegenüber Russland, das von Gesprächsangeboten an den russischen Regierungschef begleitet wird, als Zeichen eines grundlegenden Verzichts auf einen militärischen Konflikt zu deuten? Oder, so die 1. These des Beitrags, hat sich im Integrationsprozess des europäischen Staatenbundes sogar eine kollektive „Kriegsunfähigkeit“ entwickelt? Ist den Regierungen Westeuropas militärische Waffengewalt als äußerstes Mittel der Politik<sup>28</sup> evtl. gar nicht mehr zugänglich?

Diese 1. These knüpft an das sog. „Kantsche Theorem“<sup>29</sup> an, die These der geringen Wahrscheinlichkeit des Kriegseintritts einer Republik. Sie findet dadurch eine Erklärung, dass diejenigen, welche über den Eintritt in einen Krieg entscheiden müssten, auch diejenigen wären, welche aktiv die gewaltreiche Umsetzung zu leisten und die grausamen Folgen eines Krieges zu tragen hätten. Die Besonderheit des Selbstverständnisses der EU als auch seiner Bürger, eines neuen Stils der Weltpolitik, steht deshalb hier im Mittelpunkt.

Gemäß Kagan, wendet sich *„Europa (...) ab von der Macht, oder es bewegt sich, anders gesagt über diese hinaus. Es betritt eine in sich geschlossene Welt von Gesetzen und Regeln, transnationalen Verhandlungen und internationaler Kooperation, ein posthistorisches Paradies von Frieden und relativem Wohlstand, der der Verwirklichung von Kants ‚Ewigen Frieden‘ gleichkommt.“*<sup>30</sup> Auch Rifkin sieht durch die EU ein neues Politik-Verständnis der Verhandlungen, der ökonomisch-rechtlichen Kooperationsbündnisse im internationalen Gefüge: *„Im Gegensatz zu Staaten und Reichen der Vergangenheit, die ihre Wurzeln in Mythen oder heroischen Siegen*

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<sup>25</sup> Kant, Immanuel „Zum Ewigen Frieden. Ein philosophischer Entwurf“ (1795 in: „Kants Werke“ Akademie Ausgabe, Bd. VIII, Berlin/1968, S.341-386)

<sup>26</sup> Kant, Immanuel, ebda, Zweiter Definitivartikel, S.356. Mit Bezug auf die UNO: Arnold, Eckhart „Eine unvollendete Aufgabe: Die politische Philosophie von Kants Friedensschrift“, 2004 insb. S.14ff, [www.eckhartarnold.de/papers/2004\\_Kants\\_Friedensschrift/node12.html](http://www.eckhartarnold.de/papers/2004_Kants_Friedensschrift/node12.html) (29.03.2014)

<sup>27</sup> Etzersdorfer, Irene „Krieg - Eine Einführung in die Theorien bewaffneter Konflikte“ Weinheim/ 2007, S.25.

<sup>28</sup> Siehe Von Clausewitz, C. „Der Krieg ist eine bloße Fortsetzung der Politik mit anderen Mitteln“ in: ders. „Vom Kriege“, Berlin/ 1832, S.24. Abdruck in : <http://www.clausewitz.com/readings/VomKriege1832/TOC.htm#TOC> (29.03.2014)

<sup>29</sup> Siehe Czempiel, Ernst-Otto „Kants Theorem“ in: Zeitschrift für Internationale Beziehungen 1996, H.1, S.79ff. Siehe dazu auch mit Bezug auf den Serbien-Krieg der NATO: ders. „Weltpolitik im Umbruch“ München/ 2003, S.201.

<sup>30</sup> Kagan, Robert „Macht und Ohnmacht: Amerika und Europa in der neuen Weltordnung“ Berlin/ 2003, S. 7

sahen, ist die EU die erste Mega-Regierungsinstitution der Geschichte, die aus der Asche auferstand. (...) Entschlossen, niemals wieder die Waffen gegeneinander zu erheben, suchten die europäischen Nationen nach einem Mechanismus, der sie zusammenbringen und die alten Rivalitäten überwinden würde.“<sup>31</sup>

Aber als erste postmoderne Regierungsinstitution könnte die EU nicht nur eine kriegsunwillige, sondern auch eine „kriegsunfähige“ Staatenföderation geworden sein. Doch „(...) die Vereinigten Staaten (und Russland bleiben, i.E. Schwinger) der Geschichte verhaftet und üben Macht in einer anarchistischen Hobbesschen Welt aus, in der auf internationale Regelungen und Völkerrecht kein Verlass ist und in der wahre Sicherheit sowie die Verteidigung und Förderung einer freiheitlichen Ordnung nach wie vor Besitz und Einsatz militärischer Macht ist“<sup>32</sup>.

Generell betrachtet ist zwar jede „(...) politische Gemeinschaft, um deren willen Krieg geführt wird, (...) keine natürlich organische Verbindung (...)“<sup>33</sup>, doch hier müsste sich die Gegenwehr der EU auf eine Identität als Europäisches Staatsvolk stützen können. Die EU erscheint ihren Bürgern jedoch eher als amorphes Gefüge wirtschaftlicher und politischer Netzwerke denn als „Supranationalstaat“, obwohl die Mitglieder von ihrer wirtschaftlichen Macht stark profitieren. Dieses Konstitutionsmerkmal führt uns zur naheliegenden 2. These: Der „kriegerische Wettstreit“ zwischen Amerika, Asien und Europa ist auf das globale Schlachtfeld der Ökonomie verlagert worden, wodurch auch die Schlagkraft eines Wirtschaftsembargos erklärt werden kann. Es stellt sich aber auch die Frage, ob die wahren Gewinner und Verlierer<sup>34</sup> dieses internationalen Systems noch einer Nationalstaatlichkeit zuzurechnen sind.

Vermeidet man nun gemäß der „(...) Idee, nach der die Menschheit zum Besseren hin fortschreitet, ebenso den engstirnigen Pessimismus des despotischen Politikers wie den unvorsichtigen Optimismus des Revolutionärs“<sup>35</sup>, gilt es genau zu prüfen: Sind wir als EU-Mitglieder nun glückliche Akteure der „weltpolitisch gesehen erfolgreichsten Nachkriegsvision“<sup>36</sup> oder vielleicht doch, ganz unvorhergesehen, in große Gefahr geraten?

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<sup>31</sup> Rifkin, Jeremy „Der Europäische Traum. Die Vision einer leisen Supermacht“ Frankfurt a.M./ 2004 ( S.219

<sup>32</sup> Kagan, R. ebda., S.7.

<sup>33</sup> Etzersdorfer, Irene „Krieg – Eine Einführung in die Theorien bewaffneter Konflikte“ Weinheim/2007, S.13

<sup>34</sup> Siehe dazu: Beck, Ulrich „Die Neuvermessung der Ungleichheit unter den Menschen“ Frankfurt a.M./2008

<sup>35</sup> Castillo, M. „Moral und Politik“ S.195ff in: Höffe,Otfried (ed.) „Zum Ewigen Frieden“ Berlin/1995, S.218f

<sup>36</sup> Höffe, Otfried „Ist die Demokratie zukunftsfähig?“ München/ 2009, S.194

## „Si vis pacem, para pacem.“ Versöhnungs- und rechtsethische Impulse der Friedensethik Karl Barths im Blick auf die Legitimität Humanitärer Interventionen

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Barths Friedensethik leitet die Maxime „*Si vis pacem, para pacem.*“ Krieg heißt für ihn Chaos – eine Überforderung aller Beteiligten geht damit einher. Barth intendiert not-wendige Gewissenschärfungen: an der Kriegsfrage entscheide sich, wer unser Herr sei.

Dass die Kirche über Jahrhunderte Kriege bejahren konnte, hängt für Barth mit einer entarteten Eschatologie zusammen, die, statt sich der Parusie Christi zu erinnern, dem Staat hörig wurde: nicht Krieg, sondern Frieden sei das Normale. Barth geht es um eine Entmythologisierung des Verständnisses des Staates als eines kriegerischen Untieres; er sieht ihn als gute Ordnung Gottes, die dem Leben der Menschen dient (funktionales Staatsverständnis). Frieden ist der Ernstfall, der Frieden also, in dem eine gerechte Lebensordnung *cura prior* ist. Barths rechtsethisch gestaltete und christologisch fundierte Friedensethik kann damit dem Paradigma der *pax iusta* zugeordnet werden: es geht ihm um ein prinzipielles Ja zum Frieden.

Krieg ist der Grenzfall, der Fall, der sein Maß an Gottes Gebot, Christus, hat – er ist ein *casus christologicus*, der in seiner Bezogenheit auf die Inkarnation den *ultima ratio*-Charakter militärischer Gewalt verschärft. Barth räumt der *bellum iustum*-Kriteriologie eine relative Berechtigung ein: als heuristische Hilfsmittel dienen die Kriterien zur Identifikation des Willens und Gebotes Gottes. Sie haben Orientierungsfunktion, ihr funktionaler Charakter wehrt einer Vereinnahmung des Willens und Gebotes Gottes.

Barth hält den Krieg nur dann für geboten, wenn es um die Verteidigung gegen einen Aggressor, der Rechtsstaatlichkeit mit Füßen tritt, geht, oder wenn der Fall eintritt, einem angegriffenen Staat zu Hilfe zu kommen. Beides sind äußerste Notstände, denen ein eng gefasstes Notwehrrecht zugrunde liegt, das von der Überzeugung ausgeht, dass der Wille zum Krieg nur als Akt des Gehorsams gerecht, nur als Akt des Glaubens kräftig sein kann: den Krieg der Alliierten gegen Nazi-Deutschland beurteilt Barth als erforderliche Polizeimaßnahme.

Barths friedensethische Erwägungen sind von erstaunlicher Aktualität für die theologische Reflexion der völkerrechtlich umstrittenen Legitimität der Humanitären Intervention. Indem Barth einen Friedensbegriff favorisiert, der Frieden und Gerechtigkeit verknüpft und am Frieden Gottes orientiert ist, überwindet er bellizistische/pazifistische Prinzipialismen und schärft damit die ethische Urteilsbildung hinsichtlich der Frage Humanitärer Intervention. Das Paper entwickelt deren Legitimität ausgehend von Barths Überlegungen in folgenden Thesen:

- (1) Die Frage nach der Rechtmäßigkeit Humanitärer Intervention lässt sich nicht an der Frage, unter welchen Bedingungen Krieg legitim ist, sondern nur an der Frage, unter welchen Bedingungen Frieden möglich wird, entscheiden und dazu bedarf es einer sozialen, rechtsstaatlichen Demokratie, die eine Rechts-, Freiheits- und Friedensordnung inkludiert.
- (2) Vornehmlich ist es Aufgabe des Staates, für eine gerechte Lebensordnung Sorge zu tragen. Ein Staat ist dann souverän, wenn er für Frieden nach innen und außen eintritt, somit darf das Argument des Schutzes der staatlichen Souveränität nicht als Vorwand für Unrechtstaten erhalten: Humanitäre Interventionen benötigen die Mandatierung durch den UN-Sicherheitsrat.

(3) Das Argument, dass die Humanitäre Intervention angesichts massiver Menschenrechtsverletzungen legitim sei, übersieht, dass Menschenrechte verschieden ausgelegt, mitunter ideologisch vereinnahmt werden. Gefordert sind langfristige interkulturelle Verständigungsprozesse, was Barth zufolge eine zivilgesellschaftliche Aufgabe ist, für die der interreligiöse und interkulturelle Dialog von hoher Bedeutung ist: die Humanitäre Intervention ist nicht an abstrakten Normen, sondern am Frieden Gottes, der höher ist als alle Vernunft, zu orientieren – darum ist Gottes Menschwerdung das Maß, an dem Menschenrechte zu messen sind.

(4) Wo die *bellum iustum*-Kriterien in Beziehung gesetzt werden zu Christus, unsrem Frieden, bilden Humanitäre Interventionen den Grenzfall ab, der für Barth stets äußerster Notstand ist, und der neben der Möglichkeit der Schuldannahme folgendes hoch anzusetzendes Schwellenkriterium evoziert: nur wenn ein Staat seine primäre Aufgabe (Lebensschutz der Bevölkerung, Aufrechterhaltung minimaler Rechte) nicht mehr erfüllt, ist eine Ausnahme vom Prinzip des Gewaltverbots des Völkerrechts erlaubt; Rückfälle in Despotie rechtfertigen nicht automatisch Humanitäre Intervention, da Hilfe von außen nicht das Ringen um Frieden im Inneren ersetzt.

(5) Als Subjekt ethischer Urteilsbildung richtet die Kirche ein klares Friedenszeugnis an Staat und Gesellschaft aus. Sie deutet den Frieden als Frucht der Gerechtigkeit, da Gott Recht liebt: die Liebe zu Recht und Gerechtigkeit verbindet sich in ekklesialer Perspektive mit dem Wissen um die Wirklichkeit der in Christus geschehenen Versöhnung: die Kirche dient dem Frieden, indem sie diese Wirklichkeit benennt und mit der Versöhnungsbitte bezeugt, dass Frieden da verstanden ist, wo verstanden ist, dass Gott als Versöhner handeln darf.

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## Shame and the Process of Reconciliation

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The paper addresses some of the key characteristics of guilt and shame as moral attitudes and presents their importance in the processes of reconciliation. Both guilt and shame uncover very important aspects of morality (Lotter 2012), even though modern moral thought centres more on guilt than on shame. The main aim of the paper is to shed light on our understanding of guilt and shame in a way that rehabilitates shame (Deonna et al, 2012) as an important and productive moral emotion, and on this basis further show what is the role of shame in the process of reconciliation. In the paper I defend an understanding of moral shame as an emotional response or attitude that bases its relevance on the criterion of humanity, which lies within us as a standard in a way that the criterion of humanity cannot merely be understood on the level of damage that others (i.e. victims) had suffered, but in a deeper sense, as the breach of humanity and overlooking the humanity in those others. Such recognition of humanity enables genuine resolution and reconciliation.

Both guilt and shame are essentially related to our moral lives; they can be characterized as moral emotions or moral attitudes that arise in relation to our past or present actions. Shame is closely related to our sense of excessive exposure and being powerless in relation to other(s) and further to the sense of the loss of status (Williams 1993). Moral shame can be understood as such uncoveredness, a sense of weakness and powerlessness that we feel when we are truly aware of our moral wrongdoing, weakness or defects of our characters. Within the horizon of modernity (highly marked with a notion of guilt) we often feel that there is no real place in morality for the notion of shame, and from our modern perspective ancient Greek ethics and culture could be legitimately described as being marked with "*culture of shame*" (Williams 1993: 94-95).

Guilt is our response to the realization that our action was morally wrong and that we are responsible for the consequences of this action. Guilt could be understood as a painful response to the moral wrongness of my action and its consequences (Gaita 2002). Guilt usually focuses on the moral wrongness of our acts (guilt is *act-centred*), while shame is closely related with vices and moral deficiencies of our character or ourselves (shame is *agent-centred*). Guilt emerges with our wrongful act to which others may respond to with anger, resentment, indignation or demand for compensation or apology. Shame is usually accompanied with contempt, ridicule or avoidance by others. Guilt is directed to the other, it concerns the damage we have caused, and requires its correction, apology, reparation or retribution. Shame focuses on ourselves; it calls for confrontation with ourselves, for improvement and for moral progress. Shame is essentially *restitutive* (it requires a change in ourselves, to restore the ideal), while guilt is *retributive* (it requires punishment, retribution or apology). Shame is based on the standard of humanity, which is positioned within ourselves (Williams 1993) and this criterion should not be seen only pertaining to the damage suffered by the victims, but more deeply, as a violation of humanity, as an overlooking of humanity in the other (Gaita 2002). Shame also establishes a relationship between us and the other(s).

Guilt and shame can also be understood at the level of groups or communities. National and other social groups have their own histories, which determine the present emotional experiences of members of these groups, including that of pride, guilt, shame or a desire to correct things. Collective guilt can be seen as a response of the members of the community to the immoral acts; as such it could thus lead to reparation and apology for the acts and events in the past. Shame as a restitutive/restorative moral stance on the other hand enables us not

only to remedy the injustices done to victims, but also eliminate the attitude towards them, which is at the basis of acts committed. Shame can therefore be felt in the context of the community either by perpetrators, persons associated with them or by mere observers of fact that the ideal or standard of humanity has not been respected and still is not satisfied. In some cases an attitude of (restorative) cultivation of shame rather than retributive guilt and retaliation is more productive for reconciliation. Shame enables us to look beyond the inflicted damages and directs our attention to the standard of humanity. Shame also allows us to establish a basis in a community to avoid such practices of political, judicial or other state institutions in the future that could encourage or set an example to members of the community to foster such indifference towards suffering of those who are victimized, excluded or marginalized.

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## Der Frieden setzt die Freiheit voraus

*Prof. Dr. Ivan Štuhec, University of Ljubljana, Slovenia*

Der weltbekannte Theologe und Autor der Idee vom „Weltethos“ Hans Küng versuchte am Symposium in Osnabrück (20.-23. Oktober 2010) mit dem Titel *Religionen und Weltfrieden* in seiner einleitenden Vorlesung *Religion als Friedensmacht. Herausforderungen zu Beginn des 21. Jahrhunderts* an die Frage „Warum herrscht bis heute keine gemeinsame Friedensvision auf dem Balkan?“ zu beantworten. Als Antwort an diese Frage bietet der Autor die These an, dass die Politik (mit drei fatalen Fehlern) und die Kirchen (katholische und orthodoxe), die nicht in der Richtung der Aussöhnung nach dem Ende des Zweiten Weltkriegs wirkten, versagten. Auch sonst kommt in der Literatur die These vor, dass es in den letzten bewaffneten Auseinandersetzungen auf dem Balkan um religiös motivierte Kriege ging.

Mit unserem Beitrag wollen wir an dieselbe Frage beantworten, die sie sich Hans Küng stellte. Dabei werden wir zuerst den historischen Kontext darstellen, in den verschiedene südslawische Völker nach dem Zerfall von Österreichisch-Ungarischer Monarchie gerieten, die nach dem Ersten Weltkrieg im gemeinsamen SHS-Staat, später im Königreich Jugoslawien, vereinigt waren. Während des Zweiten Weltkriegs unterschied sich die Lage der einzelnen Völker stark, sowohl in Hinsicht auf die Besetzung seitens der nazifaschistischen Besatzer auf einer Seite als auch hinsichtlich des Bürgerkriegs auf der anderen Seite. Ohne den historischen Kontext ist jede Interpretation der letzten militärischen Auseinandersetzungen partiell oder sogar verfehlt.

Anschließend werden wir die letzten militärischen Konflikte auf dem Territorium des ehemaligen Jugoslawiens im ethischen Kontext reflektieren. Hierzu werden wir zuerst drei Schlüsselbegriffe aus moraltheologischer Tradition beleuchten, die uns ein entsprechendes Instrumentarium für die Beurteilung von konkreten historischen Beispielen anbieten werden.

Zuerst geht es um die Frage des Verständnisses des bekannten Begriffs „gerechter Krieg“, der aus dem römischen rechtlichen Erbe der *Terminus technicus* der katholischen moralisch-theologischen Tradition bis zum zweiten Vatikanischen Konzil geworden ist. In der neueren Zeit spricht man über dem Recht auf Selbstverteidigung und über der humanitären Intervention. Worum ging es also in den ehemaligen jugoslawischen Republiken?

Des Weiteren stellt sich die Frage des Krieges und des Friedens dringend im politischen Kontext, was bedeutet, dass wir mit einem „moralischen Kompromiss“ zu tun haben, den die Theologen als einen neuen Begriff in den letzten Jahrzehnten einführten. So stellt sich die Frage, ob es vor dem Ausbruch des bewaffneten Konflikts ein moralischer Kompromiss möglich war und ob es sich alle betroffenen Parteien bemühten, um ihn zu erreichen.

Dritter für uns relevanter Aspekt ist mit der Frage der sog. sozialen beziehungsweise „strukturellen“ Sünde verbunden, die als ein *Terminus technicus* in der katholischen Theologie Johannes Paul II. in der Enzyklika *Sollicitudo rei socialis* einführte. In dieser Verbindung stellt sich die Frage, welche Entscheidungen in der Vergangenheit und in der Zeit vor dem Ausbruch der bewaffneten Konflikte schufen die Bedingungen der strukturellen Sünde.

Auf Grundlage dieser drei Begriffe und der aus ihnen resultierenden ethischen Kriterien werden wir im letzten Teil der Abhandlung an die bestellte Frage antworten und die Thesen, die oft als ein Stereotyp auftreten, wenn es um das Verständnis und die Bewältigung der Konflikte auf dem Territorium des ehemaligen Jugoslawiens geht, bestätigen oder widerlegen.

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## Realismus als friedensethische Kategorie?

*Dr. Frederike van Oorschot, Leibniz Universität Hannover, Deutschland*

Der in der theologischen Ethik selten umstrittene Vorrang des „gerechten Friedens“ vor dem „gerechten Krieg“ und die damit verbundene Option für einen theologischen Pazifismus wurden unlängst provokant herausgefordert. In seinem Band „In Defence of War“ widmet sich Nigel Biggar explizit nicht dem Frieden, sondern dem Krieg als Thema theologischer Ethik. Neben biographischen Gründen argumentiert Biggar, dass der verbreitete theologische Pazifismus in der Gefahr stehe „that it buys clarity at the expense of reality“ (4). Gegen einen intellektuell geglätteten optimistischen Pazifismus möchte Biggar die Orientierung an der Realität durch anthropologischen, ontologisch-moralischen und praktischen Realismus einholen. Explizit verortet er sich in der Tradition des politischen und theologischen Realismus und bringt so die in Politik und Medien unüberhörbare Kategorie des „Realismus“ angesichts von politischen Krisen und (drohenden) kriegerischen Auseinandersetzungen erneut in die theologische Ethik ein.

Anders als die breit aufgearbeitete pazifistische Tradition ist der theologische Realismus in den Debatten um internationale Beziehungen in Europa bislang wenig bearbeitet worden. Für die gegenwärtige Diskussion um Kriegs- oder Friedensethik in der Theologie ist diese Tradition jedoch von besonderem Interesse. Zum einen werden Verweise auf den Realismus trotz oder gerade wegen der hohen alltagsweltlichen Relevanz selten differenziert als Argumentationsform einer bestimmten Tradition wahrgenommen oder gekennzeichnet. Vielmehr führt der Verweis auf die „Realität“ im Sinne eines Sachzwanges häufig zum Abbruch von Debatten insbesondere in der wissenschaftlichen Ethik, wie es auch bei Biggar stellenweise zu beobachten ist. Zum anderen besteht in der Tradition des Realismus ein besonders enger Zusammenhang zwischen Politikwissenschaft und theologischer Ethik. So wird der klassische politische Realismus (E. H. Carr, H. Morgenthau) auch in den Politikwissenschaften in enger Verbindung zu dem US-Amerikanischen Theologen Reinhold Niebuhr verstanden. Während der politische Realismus in Deutschland in verschiedenen Ausprägungen des „Neo-Realismus“ aufgegriffen wird (z.B. W. Link, A. Siedschlag und C. Rohde), findet sich jedoch keine entsprechende Diskussion um den theologischen Realismus.

Das vorliegende Paper geht den genannten Desideraten nach, indem es im Rückgriff auf Reinhold Niebuhrs Überlegungen Grundlinien eines theologischen Realismus herausarbeitet und im Blick auf die gegenwärtige Debatte diskutiert. Dazu wird zunächst Niebuhrs Begriff des „theologischen Realismus“ im Kontext seiner zeitgeschichtlichen Herausforderungen und seines theologischen Profils analysiert. Niebuhrs anthropologische Fundierung kommt dabei ebenso in den Blick wie seine Beschreibung der Nationalstaaten und ihrer systemischen Wechselwirkungen. Diese spezifische Verbindung ist insbesondere in Bezug auf die Debatte zwischen dem klassischen politischen Realismus und dem strukturellen (Neo-)Realismus richtungweisend. Ausgehend von Niebuhrs Überlegungen wird sodann die Leistungskraft eines theologischen Realismus als ethische Begründungskategorie diskutiert. Dazu sollen sowohl die von Biggar ausgelöste Debatte in den Blick genommen werden als auch die Versuche in der US-Amerikanischen Theologie, Niebuhrs Relevanz für International Relations Studies aufzuarbeiten (z.B. Carlson, Dávila, MacKeogh, Okey). Auf dieser Grundlage wird abschließend die Leistungskraft eines im Anschluss an Niebuhr entwickelten theologischen Realismus als Kategorie ethischer Urteilsbildung für die Friedensethik bewertet.

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## Evaluating Ambiguities in the Contemporary Formulation of Aggression and Defence in the *Jus ad Bellum*

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Just War Theory faces several contemporary challenges in both descriptive and prescriptive application. This paper suggests that there is a theme of ambiguity present in the *jus ad bellum*. It is that ambiguity which leads to difficulties in credibly or consistently rationalising conflict phenomena. Because Just War Theory serves as a language for coherent and reasoned discussion of morality and war, clarifying uncertainty and dispelling ambiguity is an important task.

This paper argues that ambiguity in the *jus ad bellum* in particular, is inherent to the current paradigm of Just War Theory. This contemporary formulation of the Just War tradition, when viewed the context of 20<sup>th</sup> Century history and the advent of modern international law, has emphasised aspects of the Just Cause criteria, particularly in terms of aggression and defence. Pre-emptive and preventative justifications for anticipatory self-defence are among other phenomena that exploit ambiguities in this binary relationship.

Broadly speaking, this paper will be structured according to the following key arguments:

- *JWT need to be conceptually flexible while maintaining consistency.*
- *A contextual approach to JWT reveals its paradigmatic nature.*
- *The contemporary JWT paradigm emphasises a dichotomy of aggression and defence in the jus ad bellum that is vulnerable to ambiguity.*
- *Dispelling those ambiguities is vital to maintaining the credible and practical value of JWT.*

This paper seeks to explore three areas of ambiguity in particular. First, by addressing the question of whether and under what conditions, preventative use of force can be justified. Second, the question of the justifiability of military responses to 'non-military acts of aggression' (if such a thing exists). Third, the particular meaning of defence in the context of military force, and what specifically merits the use of such defensive actions.

Michael Walzer holds that Just War Theory is essentially defined through its function as a language for the discussion of war (1977). In order to balance philosophical credibility with practical value, Just War Theory is therefore required to be conceptually flexible to account for unusual or emergent phenomena relating to war and warfare. However, an overly contingent moral theory is open to charges of relativism. Christopher Coker offers a useful explanation of that flexibility by suggesting that a Richard Rorty-esque pragmatism is at work behind Just War Theory's evolution (2008). That particular pragmatism calls for moral theories to be open to updates based on changing realities, allowing for modification to aspects of the Just War tradition.

In line with notion of an evolving Just War tradition, Steven P. Lee (2012) suggests that Just War Theory experiences paradigm shifts. These paradigms highlight relationships between *jus ad bellum* and *jus in bello*, based on the proposed symmetry or asymmetry of participants in a given war. Crucially for Lee, this relationship has changed according to the prevailing Just War Theory paradigm: be it the 'just war paradigm', the 'real war paradigm', or the contemporary 'national defence paradigm'. Under that latter paradigm, the only justifying cause for the employment of military force is self-defence (Lee, 2012: 73). As evidence of this, Lee points to Article 4, section 2; and Article 51 of the UN Charter (Lee, 2012: 75).

In this regard, the modern incarnation of the *jus ad bellum* is heavily influenced by the role of the post-WW2 Nuremberg Trials. Here, the notion of war as a legal infraction requires that specific elements of culpability and causation needed definition on a legally satisfactory level. As a result, the notions of aggression and defence are polarised in order to clearly distinguish between legal and non-legal uses of military force. However, problems exist with this formulation of Just Cause, specifically in terms of applying the priority principle, according to which the aggressor is identified as the one who struck first. Lee notes a 'sufficiency problem' and a 'time lag problem' in defining and attributing aggressor and defender roles.

This paper suggests that the contemporary Just Cause paradigm rests on outdated conceptions of military force. The notion of aggression as a purely military act, is conceptually weighted to accommodate a binary relationship with the notion of defence that borders on false dichotomy. It is apparent that justification of the use of force against acts of aggression must, in order to preserve the moral credibility of the theory, take into account the realities of non-military acts of aggression: the strategic, political and humanitarian harms resulting from an act of military aggression can be achieved through non-military means. Moreover, preventative use of force appears to be a practical necessity in the modern international political and military arena. Just War Theory must be able to credibly accommodate this reality in order to remain relevant.

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## **Keynote lecture**

### **From War Termination to Quality Peace: Conditions for Perpetual Peace**

*Prof. Dr. Peter Wallensteen, Uppsala University, Sweden*

Much thinking and research has concentrated on a conception of peace that deals with ending wars. Peace becomes the same as the conditions once a war has terminated. There are war that were there 'to end all wars'. However, there is a need to question if such an absence of war is sufficient to characterize a situation of what Kant may have called Perpetual Peace. In this presentation Professor Wallensteen explores the notion of Quality Peace, which means asking which qualities have to be present in a relationship to make peace a lasting condition. By surveying research frontiers, with respect to wars between and within states, as well as big power relations, he suggests some key elements in Quality Peace.

## Engaging Islam as a Post-Christian Europe: The Ethics of Diplomacy, Peacebuilding and Reconciliation in the Foreign and Domestic Policies of a Religiously Diverse European Union

*Dr. David Wellman, DePaul University, Chicago, USA*

Although recent events unfolding in Ukraine have served to remind Europeans of the abiding geopolitical influence of the Cold War, the time has come for a new appraisal of a more recent set of lines that have been drawn across Europe, which demark the contours of a different conflict with both domestic and international dimensions. While many would characterize the challenges an increasing number of Muslim citizens and immigrants living in the EU present as a purely domestic economic or social question, this phenomenon is directly linked to a series of foreign policy choices made by the EU and its individual member states. This paper will examine these choices and argue that they have profound and long-term implications for the moral and geopolitical integrity of the European Union, as well as the future of its relationship with nation-states across the Maghreb and with Turkey – choices that merit serious ethical reflection.

The fact that populations identified with Islamic and Christian religious cultures have recently found themselves on opposing sides of armed conflict in Europe is apparent to all. Bosnia, Kosovo and Chechnya have all served to show that the possibility of such “hot” conflicts across lines of religio-cultural difference remains in play. Yet it is arguable that the ostensibly “cold” conflicts that are being played out between the EU and its neighboring states identified with Islam may well have more profoundly negative long-term implications. At the same time, the domestic results of not adequately addressing the fear of or antipathy toward the Muslim “Other” among many EU citizens can arguably be connected to impressive electoral gains for far right parties favoring the dissolution of the EU.

These circumstances suggest two key questions: 1. To what degree has a lack of religious literacy among European diplomats served to diminish the possibility of peacebuilding between the EU and its neighboring states whose cultures are linked to Islam, and what are the moral dimensions of addressing this problem? What are some of the most ethically credible approaches to engaging the themes of *religion* and *difference*, which could serve to promote understanding and cooperation between an increasingly secularized EU population and its growing number of Muslim neighbours?

The *realpolitik* approach that still dominates much of the construction of 21<sup>st</sup> century foreign policy is characterized by its assumption that international actors who matter make their calculations out of a purely secular worldview. The shortfalls of this approach have been amply demonstrated in Afghanistan, Iraq, and Iran. Nonetheless, a *realpolitik* strategy has characterized the foreign policies of EU member states in engaging Morocco, Algeria, Tunisia, Libya, Egypt and Turkey. At the same time an increasingly secular European population, whose citizens see themselves as more and more distanced from their own historically Christian cultures, are presented with an unusual set of challenges in their efforts to understand, let alone embrace, those who practice or are perceived to practice Islam.

To what extent have prejudices often associated with traditional Christian cultures continued to influence the perceptions, choices and actions of secular Europeans with regards to Muslims and Islam? Conversely, could normative Christian moral claims regarding welcoming the stranger or honoring one’s neighbor still resonate and be credibly applied to promoting better relationships among secular, Muslim and Christian people

living in the EU? Furthermore, how might these same Christian moral claims be drawn on by European political progressives, in an effort to broaden a theo-ethical discourse often dominated by conservatives?

This paper will draw on a variety of sources in crafting its constructive proposals, including modern diplomatic studies on EU-Maghrebi and EU-Turkish relations, works in Christian and Islamic theological and political ethics, and a selection of historical and modern examples of European individuals whose work reflects a moral commitment to peacebuilding and reconciliation among Europeans associated with different religious cultures.

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## **Invited paper**

### **Targeted and non-targeted Killing**

*Prof. Dr. Werner Wolbert, Universität Salzburg, Österreich*

Die Tötung Osamas bin Ladens war (ist) die spektakulärste einer Reihe von gezielten Tötungen Maßnahmen vor allem durch die USA, über deren ethische Bewertung noch einige Unsicherheit bestehen dürfte. Ausgehend von einer Präsomtion gegen solche Tötungen fragt das Papier nach möglichen Rechtfertigungen. Eine entscheidende Frage dürfte die nach dem passenden Paradigma sein: Todesstrafe, Krieg, Notwehr, internationale Polizeiaktion?

The killing of Osama bin Laden was (or is) the most spectacular of a series of targeted killings practised especially by the USA the ethical evaluation of which is a problem still to be solved. Starting from a presumption against this kind of killing the paper looks for possible justifications. A decisive question is about the appropriate paradigm: death penalty, war, self-defence, international police action?



## The Duty to Minimise a Total Number of Armed Conflicts' Casualties

*Thomasz Zuradzki, Jagiellonian University, Krakow, Poland*

There is less and less violence – in time of peace as well as during armed conflicts. In this paper through references to real examples, I will point out a number of obstacles which hinder further reduction of violence during armed conflicts. These obstacles are results of the current international law and moral judgements of violence application in individual cases. Analysing three recent conflicts I will consider whether the powers that be should always conduct military operations in such a way as to minimise the total number of casualties.

The thesis proclaiming that there is less and less violence in the modern world has been excellently documented by Steven Pinker in a series of popular science articles and an over thousand pages *The Better Angels of Our Nature: Why Violence Has Declined*. He claims that “we may be living in the most peaceful time in our specie’s existence”. His thesis pertains to violence in times of peace as well as during armed conflicts. In this text I will not contemplate on psychological or political mechanisms which underlie the facts that on one hand, there is less and less violence, but on the other there is a rather common belief that we live in dangerous times. Instead, I would like to show that there exist serious obstacles for minimising casualties of armed conflicts. What is more, I will point out that at least in certain cases, violence minimisation in armed conflicts would be unwelcome due to the established norms of the international law as well as commonly shared moral convictions.

Modern armed conflicts are different from the traditional wars, during which regular armies faced each other. Therefore, the authors discussing today the normative issues connected with waging an armed conflict often balance between norms of the law of armed conflict incongruous with present conditions, and the moral rules concerned with the acceptability of violence in self-defence. This is what I am going to do in this paper, in which I analyse three real cases. I will start each of them by discussing real situations in which, most probably, it would be possible – if a given armed conflict was abandoned or conducted in a different way – to reduce the total number of casualties. Next, I will analyse the reasons for which reduction of the total casualty number would be problematic in some of these cases.

I will start with the example of the conflict in the Persian Gulf in 1991 and demonstrate that war is sometimes a just war, even if it can lead to more casualties than there would be if the conflict did not happen. I will argue that there is no difference in the evaluation of the acceptability of the Gulf War, regardless of which paradigm is adopted (just war tradition vs. the ethics of war based on the acceptability of violence in self-defence). In both cases it is sometimes acceptable to wage war even when the expected total losses (measured, for example, in the number of casualties) will exceed gains.

Next, I will discuss the NATO intervention in Kosovo in 1999 and analyse the argument saying that professional soldiers are not always obliged to conduct a humanitarian intervention in such a way as to minimise the total casualty number among civilians. The evaluation of the way of conducting the fight depends mostly on the special obligations that are attributed to soldiers in relation with their professional role. If this obligation would be defined broadly enough and assumed no to be dependent on the borders of the countries the soldiers come from, one can draw conclusions that today the role of commanding officers is to plan the armed actions in such a way that they minimise the overall number of victims, even if it would cost taking more risk by the soldiers.

At the end I will use an example of the Israel’s intervention in the Gaza Strip between 2008 and 2009, to consider if soldiers are allowed to differentiate the way of conducting military

operations depending on whether they are fighting among “their own” or foreign civilians (so called soldier’s live priority rule, which limits the special professional obligations of soldiers to the fellow citizens exclusively). I will note that the applicaiton of this rule leads to an increase of causalities, also in a longer perspective, since it enhances the erosion of the well-established requirement of recognising those who do and do not fight.

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# Call for papers

DE ETHICA. A JOURNAL OF PHILOSOPHICAL, THEOLOGICAL AND APPLIED ETHICS

## *Special Issue: "The Ethics of War and Peace"*

*De Ethica* is a new journal seeking to publish scholarly works at the intersections of philosophical, theological and applied ethics. It is a fully peer-reviewed, open-access publication hosted by Linköping University Electronic Press. We are committed to making papers of high academic quality accessible to a wide audience.

*De Ethica* is published in cooperation with Societas Ethica, the European Society for Research in Ethics. Societas Ethica was founded in Basel, Switzerland in 1964; today it has more than 200 members from more than 20 countries, representing a variety of theological and philosophical traditions. The annual conferences of Societas Ethica draw speakers from across the globe and provide a lively forum for intellectual exchange. Like Societas Ethica, *De Ethica* aims to create dialogue across national, political, and religious boundaries.

The first issue in the 2015 volume will be devoted to the theme of this year's Societas Ethica Annual Conference: "The Ethics of War and Peace."

- A non-exhaustive list of possible topics includes:
- The roots of war (human aggression, religious and ideological motivations, etc.)
- Theories of just war (jus as bellum, jus in bello; religious and philosophical perspectives, including questions about humanitarian intervention)
- The rules of war (the treatment of prisoners, child soldiers, the arms trade, etc.)
- New forms of warfare (cyber war, the use of drones, etc.)
- War and profit (the privatization of war, arms exports, etc.)
- Ending war (peace-making and reconciliation including religious and secular contributions, war tribunals)
- Pacifism

The deadline for the thematic issue is November 15, 2014. All submissions will be subjected to rigorous blind review. Submissions should be between 4,000 and 6,000 words in length. All submissions must be appropriately anonymized and should be accompanied by a separate file containing an abstract of 150 to 200 words and all relevant author information. For more information about layout, style, and the submission and review process, please see the Instructions for Authors:

[http://www.de-ethica.com/instructions\\_for\\_authors/default.asp](http://www.de-ethica.com/instructions_for_authors/default.asp)

*De Ethica* is committed to a speedy and author-friendly review process; in most cases, the editors will notify the authors of their decision within three months.

Please send submissions only to our assistant editor, Heidi Jokinen (submissions@de-ethica.com). General comments and enquiries about the journal should be directed to Marcus Agnafors (executive.editor@de-ethica.com) or Maren Behrensen (associate.editor@de-ethica.com).

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Download a pdf version of the call for papers: <http://www.de-ethica.com/docs/CfP%20De%20Ethica%20War%20and%20Peace.pdf>

# About Societas Ethica

SOCIETAS ETHICA, the European Society for Research in Ethics, was founded in 1964 on the initiative of the theologian Hendrik von Oyen in Basle (Switzerland). Among those who shaped the society in the early years were well-known theologians such as Franz Böckle, Arthur Rich, Dietrich Ritschl, Niels Hansen Søe and Gustav Wingren. Today SOCIETAS ETHICA has more than 270 members from more than 20 countries, from both theological and philosophical backgrounds. While at first the character of the society was shaped by the dialogue between Catholic and Protestant moral theology, today moral philosophy has equal standing alongside the theological tradition.

SOCIETAS ETHICA is a platform that bridges the gap between the different philosophical and theological traditions. We facilitate academic contacts across political, ideological and religious boundaries. Both research in the analytical tradition and research in the traditions of continental philosophy have an intellectual home within the society.

SOCIETAS ETHICA is bilingual: English and German are the official languages for conferences and publications. French is welcome, but it is not understood as widely as English and German.

Each year SOCIETAS ETHICA organises a conference, usually at the end of August. This year marks the 50<sup>th</sup> anniversary of these annual conferences, and we are proud to have assembled such a large number of excellent scholars to discuss a topic of profound contemporary relevance: Climate Change, Sustainability, and an Ethics of an Open Future.

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Scriba: PhD Student Johanna Romare  
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## WEBSITE:

[www.societasethica.info](http://www.societasethica.info)

# Agenda: Societas Ethica General Assembly/ Mittgliederversammlung

Maribor 14.00-16.00, August 23, 2014

Room: Velika dvorana

1. Begrüßung/Welcome
2. Tagesordnung/Agenda
3. Genehmigung des Protokolls der MV 2013/Approval of the minutes of the 2013 general assembly
4. Bericht des Präsidenten/The President's report
5. Bericht des Scriba/The Scriba's report
6. Finanzbericht des Quaestors/The Quaestor's financial report
7. Bericht der Kassenprüfer/The accountants' report
8. Wahl der Wahlleiter/Election of election accountants
9. Wahlen zum Vorstand/Election of the board members
10. De Ethica. Information and discussion/Information und Diskussion
11. Folgende Jahrestagungen/Subsequent annual meetings
12. Varia

# Societas Ethica - Satzung

## § 1 Name

Die Forschungsgesellschaft trägt den Namen Societas Ethica. Sie ist ein Verein gemäß dem Schweizerischen Zivilgesetzbuch, Art. 60ff.

## § 2 Zweck

Die Forschungsgesellschaft hat die Aufgabe, regelmäßige Zusammenkünfte der Dozentinnen und Dozenten sowie der Forscherinnen und Forscher an Universitäten und Hochschulen zur Diskussion aktueller Fragen der Ethik herbeizuführen. Die Diskussion soll sich sowohl grundlegenden Problemen der philosophischen und theologischen Ethik als auch Fragen der angewandten Ethik zuwenden.

## § 3 Sitz

Sitz der Forschungsgesellschaft ist Basel/Schweiz.

## § 4 Mitgliedschaft

Mitglieder können Dozenten/innen und Forscher/innen für Ethik und verwandte Disziplinen werden. Über die Aufnahme entscheidet der Vorstand im Einvernehmen mit dem Praeses.

Die Mitgliedschaft kann unter Einhaltung einer sechsmonatigen Frist jeweils zum Ende des laufenden Kalenderjahres gekündigt werden.

Mitglieder, die drei Jahre ihren Beitrag trotz wiederholter Mahnung nicht entrichtet haben, können ausgeschlossen werden.

## § 5 Organisation

Die Organe des Vereines sind:

1. Die Mitgliederversammlung
2. Der Vorstand
3. Das Präsidium

## § 6. Mitgliederversammlung

Oberstes Organ des Vereins ist die Mitgliederversammlung.

Die Mitgliederversammlung wird in der Regel jährlich zusammengerufen sowie dann, wenn mindestens ein Fünftel der Mitglieder es verlangt.

Die Mitgliederversammlung genehmigt den Jahresbericht und die Jahresrechnung, entscheidet über Satzungsänderungen sowie über Anträge des Vorstandes und einzelner Mitglieder und setzt den Jahresbeitrag fest.

Die Mitgliederversammlung wählt den Vorstand und die Rechnungsprüfer/innen.

Jedes Mitglied ist berechtigt, Mitglieder zur Wahl in den Vorstand vorzuschlagen. Die Begründung der Vorschläge soll das Kriterium der »angemessenen Repräsentation der Mitgliedschaft« im Vorstand (§7) berücksichtigen.

Die Vorschläge sind dem Vorstand schriftlich (bis spätestens 48 Stunden vor der Mitgliederversammlung) vorzulegen und vom Vorstand (spätestens 24 Stunden) vor der Mitgliederversammlung den Mitgliedern am jeweiligen Ort der Mitgliederversammlung durch Aushang bekanntzugeben.

In der Mitgliederversammlung entscheidet die einfache Mehrheit der gültig abgegebenen Stimmen. Wahlen regelt das Wahlreglement. Satzungsänderungen können nur mit einer Zweidrittel-Mehrheit der anwesenden Stimmberechtigten beschlossen werden.

#### *§ 7 Vorstand*

Der Vorstand besteht aus mindestens fünf und höchstens neun Mitgliedern. Bei der Wahl sollte auf eine angemessene Repräsentation der Mitgliedschaft, insbesondere der verschiedenen Regionen und der verschiedenen fachlichen Kompetenzen, geachtet werden. Die Vorstandsmitglieder werden für die Dauer von vier Jahren gewählt. Sie sind nur einmal wiederwählbar.

Den Vorsitz führt der Praeses.

#### *§ 8 Präsidium*

Der Praeses wird für die Dauer von vier Jahren gewählt. Er ist in der unmittelbar darauf folgenden Periode als Praeses nicht wiederwählbar.

Der Praeses und der Vorstand können gemeinsam einen Vicarius aus ihrer Mitte benennen.

Der Praeses führt die laufenden Geschäfte der Societas Ethica mit Hilfe des Scriba und des Quaestors, die auf Vorschlag des Praeses von der Mitgliederversammlung bestätigt werden.

Die drei bzw. vier bilden das Präsidium des Vereins.

#### *§ 9 Finanzen*

Die Einnahmen des Vereins bestehen aus Mitgliederbeiträgen, Subventionen und Spenden.

Das Rechnungsjahr ist das Kalenderjahr.

Eine Haftung der Mitglieder für Verbindlichkeiten des Vereins bleibt auf beschlossene, aber noch nicht eingezogene Mitgliedsbeiträge beschränkt.

#### *§ 10 Archiv*

Das Archiv des Vereins befindet sich im Staatsarchiv Basel. Zugang haben das Präsidium und mit einer Bewilligung des Praeses ausgestattete Personen.

#### *§ 11 Auflösung des Vereins*

Die Auflösung des Vereins kann nur mit Zweidrittel-Mehrheit aller anwesenden Stimmberechtigten beschlossen werden. Der Antrag auf Auflösung muss den Mitgliedern sechs Monate vorher zugegangen sein. Im Falle der Auflösung des Vereins soll das Vereinsvermögen der Studienabteilung des Ökumenischen Rates der Kirchen in Genf zufallen.

*Revidiert bei den Jahrestagungen 1976 (Balantonfüred), 1995 (Brixen), 1997 (Gdansk-Oliwa), 2004 (Ljubljana).*



# Societas Ethica - Statutes

*Please note: this translation is for reference only; the legally authoritative text is the German original.*

## § 1 Name

The name of the research society is Societas Ethica. It is a society according to the Swiss Civil Code of Law, Art. 60ff.

## § 2 Purpose

The purpose of the research society is to organise regular meetings of teachers and researchers at universities and higher education institutions in order to discuss contemporary ethical issues. The discussion should deal with fundamental problems in philosophical and theological ethics as well as with questions of applied ethics.

## § 3 Location

The research society is based in Basel, Switzerland.

## § 4 Membership

Membership is open to teachers and researchers in ethics and related disciplines. Membership is granted by the board with the approval of the President. Observing a six month term, membership can be terminated at the end of the current calendar year. Members who, notwithstanding repeated admonition, have not paid their subscriptions for three years can be excluded.

## § 5 Organisation

The bodies of the society are:

1. The General Assembly
2. The Board
3. The Praesidium

## § 6 The General Assembly

The General Assembly is the supreme body of the society. A meeting of the General Assembly is normally called annually and also whenever at least one fifth of the membership so demand. The General Assembly approves the annual report and the annual accounts, decides on changes of the statutes and also on proposals from the Board and individual members, and determines the amount of the annual subscription. The General Assembly elects the members of the Board and the auditors of the accounts. Each member is entitled to propose members for election to the Board. In making proposals, the criterion that the composition of the Board be representative of the membership (§7) should be taken into account. Proposals should be submitted to the Board in writing (at the latest 48 hours before the General Assembly) and announced by the Board to the members (at the latest 24 hours before the General Assembly) by means of a notice posted at the meeting place of the General Assembly. In the General Assembly, decisions are made by a simple majority of the valid votes cast. The voting procedure is regulated by the voting rules. Changes to the statutes can only be agreed by a two-thirds majority of the members present who are entitled to vote.

## § 7 Board

The Board consists of at least five and at most nine members. At the election, adequate representation of the membership should be taken into account, particularly with regards to the various regions and professional backgrounds. The members of the Board are elected for

a period of four years. They are eligible for re-election only once. The Board is chaired by the President.

#### § 8 Praesidium

The President is elected for a period of four years. S/he is not eligible for re-election as President for the period immediately following. The President and the Board together can elect a representative from among their number. The President runs the day-to-day activities of Societas Ethica with the assistance of the Scriba and the Quaestor, who are proposed by the President and confirmed by the General Assembly. These three, or four, constitute the Praesidium of the Society

#### § 9 Finances

The revenues of the Society consist of the membership subscriptions, subsidies and donations. The accounting year is the calendar year. The liability of the members with regard to the debts of the Society is limited to any membership subscriptions agreed upon but not yet collected.

#### § 10 Archive

The archive of the Society is located in the State Archive of Basel. Access to the archive is open to the Praesidium and persons who have been approved for access by the President.

#### § 11 Dissolution of the Society

Dissolution of the Society can only be decided upon by a two-thirds majority of all the members present entitled to vote. The proposal for dissolution must have been sent to the members six months beforehand. In the case of dissolution of the Society, the assets of the Society must be transferred to the research department of the ecumenical World Council of Churches in Geneva.

*Revised at the annual conferences of 1976 (Balantonfüred), 1995 (Brixen), 1997 (Gdansk-Oliwa), 2004 (Ljubljana).*

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