

Suggested Topics for Short Discussion Paper Due March 11

1. The 1984 movie, "Red Dawn," imagines a surprise Soviet-Cuban invasion of the United States that is far more successful than one might have thought plausible. The US military is overwhelmed and, at least for a long time and in large parts of the US, incapable of mounting effective resistance. A puppet government is established over large parts of the United States. A teenager, Jed, played by a very young Patrick Swayze, organizes a guerrilla band that hides out in the mountains, slips in and out of town always in civilian clothing, fights with hunting rifles, bows and arrows, and captured munitions, and proves amazingly adept at fighting the occupying forces. Working with LOAC as you now understand it, analyze this conflict and present an argument regarding the status that should be accorded to Swayze's band of partisans. In particular, compare their situation to that of the Taliban in Afghanistan or al Qaeda in Iraq. Independently of current LOAC, how, in your opinion, should such partisans be treated. You might also compare the "Red Dawn" partisans to Yugoslavian partisans fighting the Germans during WWII, the Viet Cong, or some other examples of your choosing.

2. During WWII and after, there was considerable debate about the legality and morality of the allies strategic bombing campaign in Europe. Especially controversial was the mainly British program of night-time area bombing of German cities, as opposed to the dominant US strategy of daylight precision bombing of war-related manufacturing sites, transportation hubs, etc. In part, the different British and American approaches to strategic bombing were driven by technology, it being thought by many that the American bomber force was better capable of defending itself against German fighter and anti-aircraft defenses, making daylight bombing less risky. Assess the morality and legality of both the British and American strategic bombing programs.

3. In his January 1, 2006 message for the World Day of Peace, Pope Benedict XVI wrote:

"What can be said, too, about those governments which count on nuclear arms as a means of ensuring the security of their countries? Along with countless persons of good will, one can state that this point of view is not only baneful but also completely fallacious. In a nuclear war there would be no victors, only victims. The truth of peace requires that all - whether those governments which openly or secretly possess nuclear arms, or those planning to acquire them - agree to change their course by clear and firm decisions, and strive for a progressive and concerted nuclear disarmament. The resources which would be saved could then be employed in projects of development capable of benefiting all their people, especially the poor."

Benedict joined every Pope since Pius XII in condemning nuclear weapons as inherently immoral because the nature of the technology is such that nuclear weapons inherently violates the principles of distinction and proportionality, which are fundamental to Catholic just war theory.

But opinion among Catholics is divided on the question of the morality of nuclear weapons. There is also no clear body of judicial precedent and no consensus rising to the level of customary

law respecting nuclear weapons. One helpful distinction might be that between the use of such weapons for offensive purposes and the maintenance of a nuclear arsenal for defensive purposes. What is your own view about the morality and legality of nuclear weapons?

4. A major controversy has developed over disputed allegations that the United States used white phosphorus as an anti-personnel weapon during the first battle of Fallujah in Iraq in April of 2004. Such use of white phosphorus, if it occurred, would fall under the category of banned incendiary anti-personnel weapons and hence, perhaps, constitute a war crime by ordinary LOAC standards. This case is much like that of the exploding bullets banned by the 1868 St. Petersburg Declaration. The law seems reasonably clear in such cases, but how would you assess the ethical considerations upon which the law is based?

5. Imagine that you are a computer programmer in the employ of a software company contracted by DoD to develop – in a real hurry! – a worm that is successfully deployed to take down Libyan air defense capabilities as a prelude to the imposition of a NATO-sanctioned “no-fly” zone over Libya. Would you, then, and should you have the status of a combatant who would be a legitimate target of attack? Assume (this is fiction, to be sure) that a uniformed Libyan army officer in the US as part of a training program is tasked by the Libyan government with seeking out you and other employees of your firm for killing. That officer succeeds in one or two cases, but is then captured. What status would he or she have according to LOAC?

6. Assume that the US Air Force deploys a new generation of armed drones equipped with advanced artificial intelligence that is capable of discriminating friend from foe, combatant from civilian, with an accuracy rate of, say, 95%, and that the system is fully autonomous, with no human operators in the decision loop for launching munitions. This means that, almost certainly, in 5% of the cases, non-combatants will be targeted. Would this be morally acceptable? What if the error rate were only 2% or 1%? Bear in mind that humans, when they make such decisions, also make mistakes.